

Housing Plan Element
and
Fair Share Plan

Chatham Township
Morris County

March 2016

Prepared by:
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INTRODUCTION

Chatham Township is an attractive suburban residential community at the eastern edge of Morris County with a rural character imparted, in large measure, by the expansive Great Swamp. Here land use, zoning, and building regulations support a varied inventory of housing, and an array of buildings supporting business, institutional, and educational activities as well as active and passive recreational activities. A limited supply of vacant or partially developed land will constrain housing growth within the sewer service area located in the Metropolitan Planning Area, an area designated for growth in the State Development and Redevelopment Plan.

In December of 2005, the Township prepared and submitted to the Council on Affordable Housing (COAH) the adopted 2005 Housing Element and Fair Share Plan. This plan fully satisfied Chatham Township's initial Third Round (2004 to 2014) affordable housing obligation and, after deducting the 95 COAH-certified credits, left a surplus of affordable housing credits toward future obligations. However, under the latest revised rules for the Third Round (January 1, 2004 to December 31, 2018), and after applying the 95 COAH-certified credits, the Township has a remaining obligation to rehabilitate 19 units and to provide, through zoning or other approved methods, for another 98 housing units affordable to moderate, low and very low income households.

As the COAH Third Round rules continued to change, the Township adopted and submitted to COAH the November 2008 Housing Element and Fair Share Plan. The 2008 plan addressed the 83-unit recalculated Prior Round obligation for Chatham Township and added the 110-unit growth share obligation and 19-unit rehabilitation need for a 212-unit affordable housing obligation through 2018. The 2008 Fair Share Plan compliance program also fully addressed the rehabilitation share, the Prior Round obligation and the 110-unit growth share obligation.

This Housing Element and Fair Share Plan details how Chatham Township is planning to provide for affordable housing in the wake of "Mt. Laurel IV", the New Jersey Supreme Court's decision In re N.J.A.C. 5:96 and 5:97, 221 N.J. (2015) decided on March 10, 2015. Here the Court determined that the delay in pursuing affordable housing due to a dysfunctional COAH would no longer be tolerated. The Court dissolved the exhaustion of administrative remedies requirement of the Fair Housing Act, returning to the trial courts the responsibility for determining whether municipal land use regulations address the constitutional affordable housing obligation and offer an "opportunity for producing a fair share of regional present and prospective need for housing low- and moderate-income families." Mt. Laurel IV, 221 N.J. at 3-4.

Chatham Township's prior affordable housing production has included the construction and occupancy of affordable housing units at Chatham Glen, the establishment of group homes in the Township and a Regional Contribution Agreement with the City of Newark. COAH has previously acknowledged that these efforts qualified for 95 units of credit toward the housing obligation.

This Fair Share Plan is designed to ensure the provision of the required affordable housing in the Township with a minimal impact on neighborhood character and community services. This plan will establish affordable housing initiatives to rehabilitate deficient units and convert market-rate apartment units to affordable units. Additionally, a major element of this compliance plan will be the extension of the controls on affordability on the existing affordable family units in Chatham Glen. This will retain a valuable affordable housing resource that is currently part of the fabric of the community.

To provide funding for these initiatives, Chatham Township will collect affordable housing development fees from new home construction and non-residential development, to the extent authorized by New Jersey laws and/or regulations. The Township will also explore rehabilitation and development of affordable units through partnership efforts to address its affordable housing obligations.

Statutory Affordable Housing Obligations

This Housing Plan Element has been prepared in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28b(3) to address Chatham Township's cumulative housing obligation for the period 1987- 2014. This Plan has also been prepared pursuant to N.J.S.A. 52:27D-310, which outlines the mandatory requirements for a housing plan element, including an inventory and projection of the municipal housing stock; an analysis of the demographic characteristics of the Township's residents; and, a discussion of municipal employment characteristics.

The Fair Housing Act requires municipalities that choose to enact and enforce a zoning ordinance to prepare a Housing Element as part of the community's Master Plan. The Fair Housing Act also established the Council on Affordable Housing (COAH) as the State agency to create rules and regulations to develop low- and moderate-housing in the State and administer municipal implementation of these plans.

COAH's Changing Rules and Mt. Laurel IV

Before March 2015, when the Supreme Court removed COAH from the affordable housing compliance process, COAH was the administrative agency created under the Fair Housing Act to calculate fair share obligations and administer the system whereby fair share plans could be certified as achieving constitutional compliance. Since 1987 COAH had established both procedural and substantive rules for a Compliance Plan to address the affordable housing obligation, based on a regional fair share allocation formula. COAH's failure to adopt Third Round rules consistent with the direction of the Court in 2014 resulted in Mt. Laurel IV, where the Court removed COAH from the process and returned the job of determining constitutional compliance to the trial courts.

According to the Fair Housing Act, municipal land development regulations are entitled to a ten-year presumption of validity against a builders remedy challenge where a local housing element/fair share plan has received either substantive certification from COAH or a Judgment

of Compliance and Repose approved by a Court. Since COAH is no longer in operation, only the trial court can determine constitutional compliance, a process that Chatham Township has invoked with the filing of a declaratory judgment action (DJA).

Under the current directive from the Supreme Court, the trial courts are to hold hearings to determine municipal fair share obligations and are subsequently to review the municipal housing plans submitted to the court for a judgment of compliance and repose. Municipalities cannot be called upon to demonstrate constitutional compliance before their obligation and related rules are clearly known, since, by definition, that would not be possible. Exclusionary zoning and builder's remedy actions are not permitted until the trial court assesses the fair share plan, finds it constitutionally non-compliant and the municipality thereafter fails to timely supplement the plan to correct the deficiencies. Mt. Laurel IV, supra, 221 N.J. at 28, 33.

Clearly, such challenges must be evaluated in light of the actual municipal fair share obligation, when the rules by which it must be satisfied are known. The Supreme Court endorsed the award of limited grants of immunity under the parameters established in In re COAH, provided municipalities are exercising good faith in addressing the obligation. Mount Laurel IV held that, as part of the court's review of a Third Round HPE&FSP,

“ . . .we authorize . . .a court to provide a town whose plan is under review immunity from subsequently filed challenges during the court's review proceedings, *even if supplementation of the plan is required during the proceedings.*” Id. at 24. “[T]he trial court may enter temporary periods of immunity prohibiting exclusionary zoning actions from proceeding pending the court's determination of the municipality's presumptive compliance with its affordable housing obligation.” Id. at 28. (italics added)

The Court established a procedure whereby municipalities could obtain temporary immunity from builder's remedy litigation while the courts established the fair share obligations and standards for municipal compliance and the municipalities formulated revised housing plans in response thereto. Favoring voluntary compliance, the Court directed the use of processes similar to those previously available through COAH, including conciliation, mediation, and when necessary, special masters. The Court also made clear that municipalities should be given sufficient opportunity to prepare and subsequently supplement fair share plans submitted to the Court.

Summary of Prior Round and Third Round Obligations

COAH originally calculated a cumulative obligation of 89 units for Chatham Township for the First (1987-1993 and Second (1993-1999) Rounds, which was later recalculated at 83 units. Affordable housing obligations assigned to municipalities have been recalculated from Prior Round estimates and forecast estimates, based on population and housing data from the 2000 Census and permit activity after 2004.

The failed Third Round rules used a “growth share” methodology, whereby the regional housing need was assigned to communities based on their projected growth. These rules were found lacking because they did not account for regional need assignments and local growth potential was within the control of the municipality, who could choose not to grow.

Both the Appellate Division and the Supreme Court found critical flaws in the Third Round regulations, and in Mt. Laurel IV the Court directed the trial courts to adjudicate the fair share obligation using a methodology “based upon” the Prior Round approach.

Until the trial courts adjudicate the actual fair share obligations, New Jersey municipalities must select a target number for the fair share plan. Chatham Township is part of the Municipal Consortium that has retained Econsult Solutions, Inc. to develop the methodology for fair share assignments. The Econsult December 30, 2015 report titled “New Jersey Affordable Housing Need and Obligations” assigns the Township a *new construction obligation of 312 affordable units* for the period 1987-2025 as follows:

Component of Need	Municipal Obligation
Present Need	56
1987-1999 Prior Round	83
1999-2015	none
2015-2025 Prospective Need	229

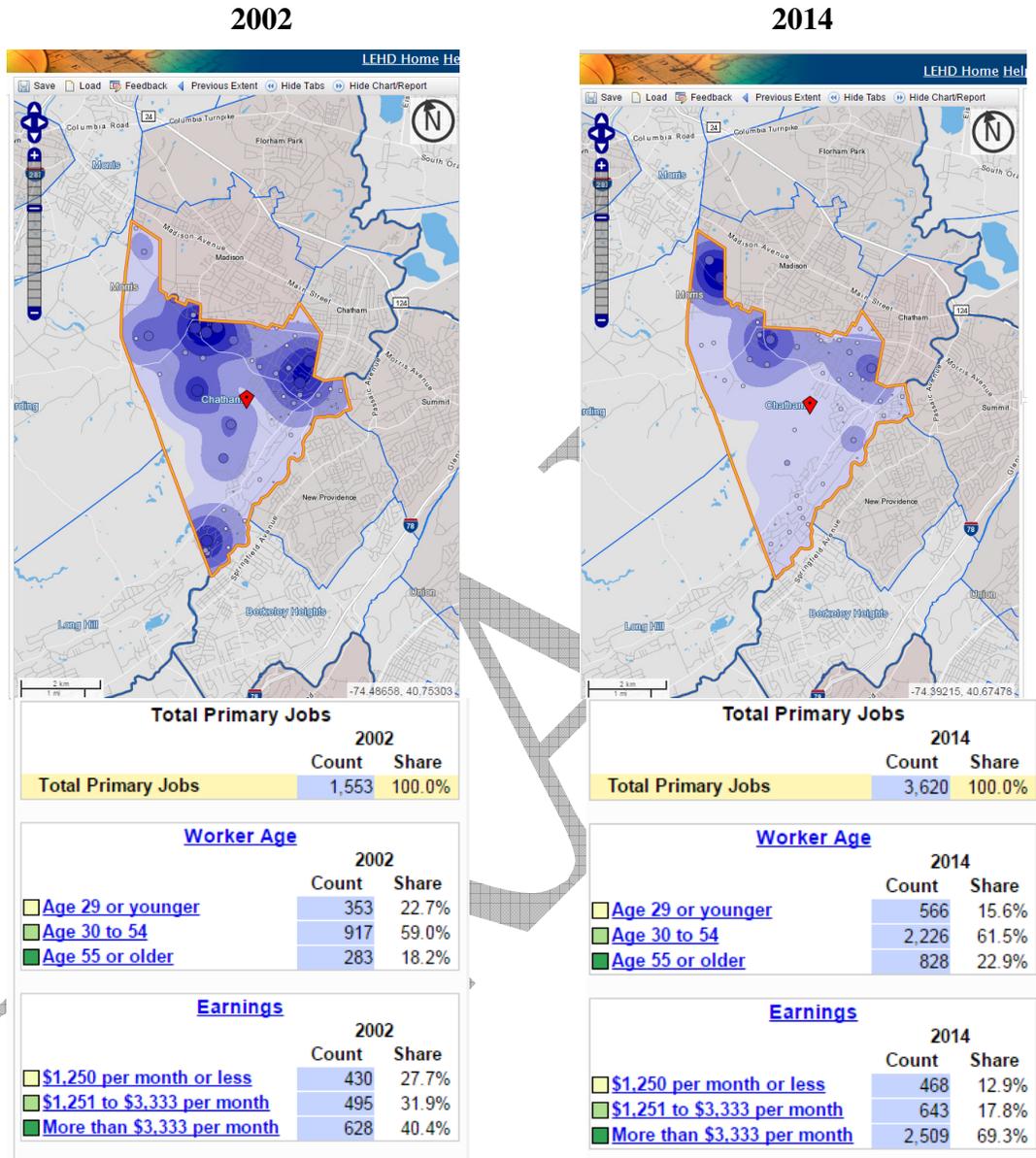
The Econsult allocation formula is “based on a combination of “responsibility” factors, which estimate the contribution of each municipality to regional need, and “capacity” factors, which estimate the ability of each municipality to absorb regional need”. The capacity factors include:

- Developable land in sewer service area
- Employment growth
- Income

According to N.J.A.C. 5:93, the present need total can be adjusted based on a housing survey that identifies likely rehabilitation targets. A preliminary survey revealed that there are fewer than 20 potential “present need” rehab units in the Township, not 56 as reported by Econsult. Developer fees can be applied to this portion of the obligation or the Township can participate in the County program.

Additionally, a review of Census data revealed that Chatham Township jobs are dramatically overestimated due to “geo-coding errors” in the data, which geographically mislocated jobs from outside the Township as being in Chatham Township. LEHD Origin-Destination Employment Statistics (LODES) shows only 1,553 primary jobs reported in the Township in 2002. Since there have been no new employers of consequence in the intervening years, there is no discernible reason that the reported jobs total should have more than doubled to 3,620 jobs by 2014 (the last year reported). The job density maps below, which reveal the locations of reported jobs in 2002 and 2014, clearly show shrinking indications in all parts of the Township except for

a new jobs node in the northernmost portion of the Township. This is not possible, since the area shown is the recently preserved Giralda Farms open space.



Source: LEHD Origin-Destination Employment Statistics (LODES)

This geo-coding error likely resulted from misapplication of new jobs in Madison, given the lack of any non-residential development in this area since 2002. Thus, it appears that a substantial reporting error resulted in an inflated regional fair share calculation due to job growth in Madison, as it appears that the error in geo-coding assigned Madison Borough jobs to Chatham Township.

When jobs totals are examined over the 2002-2013 period, the initial 1,553 jobs rose to 1,850 by 2008, before the effects of the recession were seen. This total dropped in 2009 to 1,737 jobs before the unexplained increases that saw a nearly 2,000 job increase in 4 years (2009-2013).

Work Area Profile Report

Total Primary Jobs

2013		2012		2011		2010		2009		2008		2007	
Count	Share												
3,690	100.0%	3,553	100.0%	3,339	100.0%	1,995	100.0%	1,737	100.0%	1,850	100.0%	1,842	100.0%
2006		2005		2004		2003		2002					
Count	Share												
1,584	100.0%	1,468	100.0%	1,432	100.0%	1,437	100.0%	1,553	100.0%				

Source: LEHD Origin-Destination Employment Statistics (LODES)

Based on this information, it is reasonable to assume that the true jobs total for 2013 was probably in the vicinity of 1,700-1,800 jobs, not 3,690. This reported total resulted in the biggest factor in the fair share allocation formula, assigning Chatham Township nearly 6% of the housing region's job growth.

NJ-MSSDA NEW JERSEY AFFORDABLE HOUSING NEED AND OBLIGATIONS DECEMBER 30, 2015								135
Municipality	County	Regional Prospective Need	Employ Level Share	Employ Change Share	Income Diff Share	Developable Land Share	Averaged Share	Allocated Prospective Need
Chatham township	Morris	8,531	0.67%	5.84%	1.94%	1.46%	2.48%	212

Source: New Jersey Affordable Housing Need and Obligations Econsult Solutions, Inc. December 30, 2015

Based on the calculation above, Econsult derived the following calculations of the affordable housing obligations for Chatham Township:

NJ-MSSDA NEW JERSEY AFFORDABLE HOUSING NEED AND OBLIGATIONS DECEMBER 30, 2015								176
Municipality	County	Reg.	Prior Rd (87-99) Initial Obligation (unadjusted)	Capped Present Need	Capped Prospective Need	Initial Summary Obligation ¹⁰⁶		
Chatham township	Morris	2	83	56	229	368		

Source: New Jersey Affordable Housing Need and Obligations Econsult Solutions, Inc. December 30, 2015

Using data that indicated that Chatham Township had witnessed nearly 6% job growth, Econsult determined that Chatham Township has a Third Round obligation of 229 units. However, it appears that there were about 1,800 township jobs in 2015, which reflects roughly 250 jobs gained over the period, not 1,800+.

As a result of this data correction, the Township's 5.84% employment change share would be replaced with a 0.81% share. Factoring this revised jobs total in the formula changes the Township's "averaged share" from the inflated 2.48% of the regional need to the actual share of 1.22%. When multiplied by the regional need of 8,531 affordable units, the 1.22% Township share amounts to 104 affordable units, not 229.

Chatham Township qualifies for a substantial compliance reduction according to N.J.A.C. 5:93-3.6 (a), which provides a 20% reduction of the 1987-1999 prior round obligation for a municipality that, within the period of substantive certification, actually created over 90% of the municipal 1987-1993 housing obligation within its borders. In Chatham Township, 81 units (98%) of the 83-unit prior round obligation were constructed within the municipality.

This 20% reduction will subtract 16.6 units from the 83-unit total for '87-'99, resulting in an adjusted prior round obligation of 67 units. As a result of these recalculations, this HE/FSP is planning to address the following fair share obligations:

- Present Need – 15
- Prior Round – 67
- Third Round - 104

This total includes a new construction obligation of 171 units for the period 1987-2025 and the need to rehabilitate 15 present need units.

Compliance Parameters

The compliance parameters recognized in Mt. Laurel IV and identified at N.J.A.C. 5:93-1 et seq. which have been utilized to demonstrate the Township's constitutional compliance are outlined below:

1. Round 3 Regulations invalidated by the Court are beyond the scope of applicability to evaluating Round 3 compliance as indicated in the Supreme Courts March 15, 2015 decision.
2. The Supreme Court directed that the Fair Housing Act and COAH's regulations and policies form the basis for the trial courts' measure of municipal compliance.
3. Family Rental Requirement – the trial courts should recognize the incentive bonuses established by COAH at N.J.A.C. 5:93-5.15, which sought to encourage and incentivize the creation of family rental housing. *No "family rental requirement" is embodied in COAH's regulations that have not been invalidated by the Court.*
4. Rental Requirements (171-unit new construction obligation x .25 = 43 units)
N.J.A.C. 5:93-5.15, Rental housing, subsection (a) requires that municipalities have an obligation to create an opportunity to construct rental units. For a municipality not receiving an adjustment pursuant to N.J.A.C. 5:93-4.2 (Lack of land), the rental obligation shall equal .25 (municipal precredited need - prior cycle credits - impact of the 20 percent cap - the impact of the 1,000 unit limitation pursuant to N.J.A.C. 5:93-14 - the rehabilitation component).

N.J.A.C. 5:93-5.15 (c) provides that: The municipal approach to addressing the rental obligation may include, but not necessarily be limited to, any combination of the following:

1. Creation of alternative living arrangements pursuant to N.J.A.C. 5:93-5.8;
 2. A municipally sponsored or non-profit sponsored rental development;
 3. Agreements with developers for the municipality to purchase low and moderate income units and maintain them as rental units;
 4. The creation of accessory apartments pursuant to N.J.A.C. 5:93-5.9;
 5. Permitting inclusionary sites to be developed as sales or rental housing with a density increase if the developer chooses to build rental housing. The Council shall presumptively require a minimum density of ten units per acre and a maximum set-aside of 15 percent for rental housing. Municipalities that choose a zoning response to all or part of the rental obligation shall permit such densities and set-asides on all inclusionary sites until the requirement for rental housing has been addressed;
 6. Agreements with developers to construct and administer low and moderate income rental units as part of an inclusionary development.
5. Rental Bonus Credits – to be provided pursuant to N.J.A.C. 5:93-5.15(d), as follows:
1. A municipality shall receive two units (2.0) of credit for rental units available to the general public up to the 25% rental obligation.
 2. A municipality shall receive one and one-third (1 .33) units of credit for age restricted rental units except that no more than 50 percent of the rental obligation shall receive a bonus for age restricted rental units unless:
 - i. The rental units have been constructed prior N.J.A.C. 5:93-to the effective date of this rule;
 - ii. The development has valid approval from the municipality and the developer remains committed to building rental housing as of June 1994; or
 - iii. The substantive certification time limit for constructing the rental units has not expired.
 3. No rental bonus shall be granted for rental units in excess of the rental obligation.
6. Age-restricted Housing Limits – Generally, 25% of the obligation as indicated in N.J.A.C. 5:93-5.14. Also, N.J.A.C. 5:93-5.15(d) 2. provides that:
“A municipality shall receive one and one-third (1 .33) units of credit for age restricted rental units” not to exceed 50% of the rental obligation unless the rental units were constructed prior to the effective date of this rule.
7. Very-low income units
- The 13% very low-income component required for Round 3 compliance pursuant to the FHA amendments of 2008 applies prospectively (i.e. Round 3), *not to the Prior Round*.
 - An allocation of a bonus credit to a municipality “for each unit that is affordable to the very poor, that is, a member of the general public earning thirty percent or less of the median income.” Citing 5:94-4.20(d): “Notwithstanding the provisions of N.J.A.C. 5:94-4.20(d), a municipality shall receive two units of credit for affordable units available to households of the general public earning 30 percent or less of median income by region.”
8. Redevelopment Area Credits – Not applicable in Chatham Township’s compliance plan.
9. Vacant Land Adjustments – Not applicable in Chatham Township’s compliance plan.

10. Substantial Compliance Reduction – Chatham Township is eligible for a 16.6-unit “Substantial Compliance Reduction”.
11. Smart Growth Bonus – Not applicable to Chatham Township’s obligations. No designated redevelopment area or rehabilitation area is included in the compliance plan.
12. Extension of Controls – Chatham Township utilizes the “Extension of Controls” pursuant to N.J.A.C. 5:94-4.16, authorized as eligible for credit if the affordability controls are extended.

Addressing the Fair Share Obligation

The substantial compliance-adjusted 67-unit new construction obligation for ’87-’99 was more than satisfied by the affordable housing provided in Chatham Township. The Township’s affordable housing compliance in the past includes the following:

Summary of Chatham Township’s Affordable Housing Completion Status

Chatham Glen (for sale)	75
RCA	8
Group Homes	9
+ rental bonuses	9
Total units and credits	101

When these 101 affordable housing units and bonuses are compared to the adjusted 67-unit prior round obligation, a 34-unit excess is available to carry forward to the Third Round, where the employment-adjusted Econsult estimate of Chatham Township’s obligation is 104 units.

Chatham Township’s 117-unit compliance plan exceeds the adjusted 104-unit Third Round obligation by 13 units, using the following components:

Third Round Compliance Strategy

Compliance Component	# Units/Credits
Excess from Prior Round	34
Market to affordable-existing apartments	5
Rental bonus on market to affordable	5
Extended Affordability Controls	73
Total affordable units and credits	117

The new construction compliance plan for the Third Round includes the extension of controls on existing affordable units and a market-to-affordable program that will deed-restrict apartments to be affordable by low and moderate income households.

The largest component of the 3rd Round compliance plan is the extension of expiring controls on affordable units at Chatham Glen. This technique, which provides credit for imposing new affordability restrictions for another 30-year period, will retain this valuable component of the local housing stock. Mt. Laurel IV endorsed the extension of controls on affordable units and Chatham Township will extend the controls on 73 units expiring in 2016 (Appendix B).

Two existing group homes in the Township are licensed by the Division of Developmental Disabilities and include a total of 9 bedrooms¹. These 9 bedrooms qualify for 9 rental bonuses, combining for a total of 18 units from group homes.

The Fair Share Plan compliance program will also address the rehabilitation share with a rehabilitation program in cooperation with Morris County.

The following summary confirms the status of compliance with the detailed requirements regarding rental and very low income units:

Rental Requirement - 24 units vs. 9 credits available (waiver needed for 15 units)
(171-unit '87-'25 obligation minus 75 prior cycle credits = $96 \times 0.25 = 24$ rentals)

Very-low income units – 13% of 104-unit Third Round = 14 units required vs. 9 units from group homes (waiver needed for 5 units)

The Fair Share Plan is intended to be flexible, in order to meet emerging needs and opportunities. With this compliance plan, Chatham Township has fully met and exceeded its 83-unit Prior Round obligation (as adjusted to 67 units), as well as meeting the adjusted 104-unit Third Round affordable housing obligation, but will require a waiver of the minimum rental and very low income requirements.

¹ According to Daniel Frade of the Northern Region Division of Developmental Disabilities, Community Development Vacancy Tracking, Chatham Township has two (2) licensed group homes with a total of 9 bedrooms.

APPENDIX A HOUSING AND DEMOGRAPHIC CHARACTERISTICS

Inventory of Municipal Housing Units

The primary sources of information for the inventory of the Township's housing stock are the 2010 U.S. Census Summary File 1 and the U. S. Census Bureau 2013 American Community Survey 5-Year Estimates (herein ACS). Many of the datasets used in this analysis reflect the traditional 2010 Census data, however as of 2010, certain data is no longer reported through the decennial census and is instead released through the American Community Survey 1-, 3- and 5-year estimates. These sets are used particularly for physical housing characteristics. Because of the new data reporting methods, some differences in table totals may occur.

Table 1 identifies the units in a structure by tenure; as used throughout this Plan Element, "tenure" refers to whether a unit is owner-occupied or renter-occupied. According to the ACS, Chatham Township had 4,188 housing units, of which 3,994 (95.4%) were occupied. While the Township largely consisted of one-family, detached dwellings (69.9% of the total), there were 1,259 units in attached or multi-family structures. The Township had a relatively low percentage of renter-occupied units, 15.4%, compared to 24.1% in Morris County and 34.4% in the State.

Table 1: Units in Structure by Tenure

Units in Structure	Total Units	Vacant Units	Occupied Units		
			Total	Owner	Renter
1, detached	2,929	107	2,822	2,746	76
1, attached	208	9	199	166	33
2	44	0	44	28	16
3 or 4	91	0	91	54	37
5+	916	78	838	384	454
Other	0	0	0	0	0
Mobile Home	0	0	0	0	0
Total	4,188	194	3,994	3,378	616

Source: 2013 ACS 5 year estimates DP-04 and B25032

Table 2 indicates the year housing units were built by tenure, while Table 3 compares the Township to Morris County and the State for the same data. 36.8% of the Township's housing stock was built between 1970 and 1989, with another 29.8% built between 1950 and 1969. While 10.6% of owner-occupied units were built between 1940 and 1949, no renter-occupied units were built during this period. 16.2% of renter-occupied units were built between 2000 and 2010, while only 5.9% of owner-occupied units were built during these years.

Table 2: Year Structure Built by Tenure

Year Built	Total Units	% of Total	Vacant Units	Occupied Units		
				Total	Owner	Renter
2010 or later	18	0.4	0	18	18	0
2000 - 2010	298	7.1	0	298	198	100
1990 – 1999	337	8.0	21	316	290	26
1980 – 1989	670	16.0	9	661	468	193
1970 – 1979	871	20.8	78	793	691	102
1960 – 1969	548	13.1	41	507	397	110
1950 – 1959	701	16.7	45	656	609	47
1940 – 1949	358	8.5	0	358	358	0
Pre-1940	387	9.2	0	387	349	38

Source: 2013 ACS 5 year estimates DP-04 and B25036

Table 3 compares the year of construction for all dwelling units in the Township to Morris County and the State. Chatham Township had a larger percentage of units built in the 1970s and 1980s than did the County or State and a smaller percentage of units built prior to 1940.

Table 3: Comparison of Year of Construction for Township, County, and State

Year Built	%		
	Chatham Township	Morris County	New Jersey
2010 or later	0.4	0.4	0.4
2000 – 2010	7.1	8.3	9.6
1990 – 1999	8.0	11.9	8.9
1980 – 1989	16.0	12.6	11.7
1970 – 1979	20.8	15.4	13.0
1960 – 1969	13.1	15.8	14.0
1940 – 1959	16.7	15.3	15.8
1940-1949	8.5	6.1	8.6
Pre-1940	9.2	14.1	18.0
Median Year	1971	1969	1965

Source: 2013 ACS 5 year estimates DP-04 and B25035

The 2010 Census documented household size in occupied housing units by tenure, and the number of bedrooms per unit by tenure; these data are reported in Tables 4 and 5, respectively. Table 4 indicates that renter-occupied units generally housed smaller households, with 80.7% of renter-occupied units having 2 persons or fewer compared to 49.7% of owner-occupied units.

Table 4: Household Size in Occupied Housing Units by Tenure

Household Size	Total Units	Owner-occupied Units	Renter-occupied Units
1 person	1,062	671	391
2 persons	1,105	923	182
3 persons	526	470	56
4 persons	732	681	51
5 persons	391	367	24
6 persons	85	79	6
7+ persons	14	14	0
Total	3,915	3,205	710

Source: 2010 U.S. Census, SF-1.

Table 5 indicates that the majority of the Township's housing units (54.3%) had 3 or 4 bedrooms, and that renter-occupied units generally had fewer bedrooms, with 68.8% having two bedrooms or fewer, compared to 12.4% of owner-occupied units.

Table 5: Number of Bedrooms per Unit by Tenure

Number of Bedrooms	Total Units	(%)	Occupied Units		
			Total	Owner	Renter
No bedroom	154	3.7	154	62	92
1 bedroom	767	18.3	689	357	332
2 bedrooms	403	9.6	394	293	101
3 bedrooms	808	19.3	763	706	57
4 bedrooms	1,465	35.0	1,430	1,369	34
5+ bedrooms	591	14.1	591	591	0

Source: 2013 ACS 5 year estimates DP-04 and B25042

Table 6 compares the Township's average household size for all occupied units, owner-occupied units, and renter-occupied units to those of the County and State. The Township's average household size for owner-occupied units was the same as that of the County, and the Township's average household size for renter-occupied was lower than that of the County and State.

Table 6: Average Household Size for Occupied Units for Township, County, and State

Jurisdiction	All Occupied Units	Owner-occupied units	Renter-occupied units
Chatham Township	2.64	2.83	1.81
Morris County	2.68	2.83	2.21
New Jersey	2.68	2.79	2.47

Source: 2010 U.S. Census, SF-1

The distribution of number of bedrooms per unit is shown in Table 7. The Township had considerably more units with 4 or more bedrooms and fewer units with 2 or 3 bedrooms than both the County and State.

Table 7: Percentage of All Units by Number of Bedrooms

Jurisdiction	None or one	Two or Three	Four or More
Chatham Township	22.0%	28.9%	49.1%
Morris County	15.2%	48.7%	36.1%
New Jersey	17.8%	58.0%	24.2%

Source: 2013 ACS 5 year estimates DP-04

In addition to data concerning occupancy characteristics, the 2010 Census includes a number of indicators, or surrogates, which relate to the condition of the housing stock. These indicators are used by the Council on Affordable Housing (COAH) in calculating a municipality's deteriorated units and indigenous need. The surrogates used to identify housing quality, in addition to age (Pre-1940 units in Table 2), are the following, as described in COAH's rules:

- Persons per Room 1.01 or more persons per room is an index of overcrowding.
- Plumbing Facilities Inadequate plumbing is indicated by either a lack of exclusive use of plumbing or incomplete plumbing facilities.
- Kitchen Facilities Inadequate kitchen facilities are indicated by shared use of a kitchen or the non-presence of a sink with piped water, a stove, or a refrigerator.

Table 8 compares the Township, County, and State for some of the above indicators of housing quality. The Township had more units with overcrowding than the County, but less than the State, and more units with inadequate kitchen facilities than both the County and the State. The Township had no units with inadequate plumbing facilities.

Table 8: Housing Quality for Township, County, and State

Condition	%		
	Chatham Township	Morris County	New Jersey
Overcrowding	1.9%	1.2%	3.5%
Inadequate plumbing	0.0%	0.4%	0.4%
Inadequate kitchen	2.2%	0.8%	0.8%

Note: The universe for this table is occupied housing units.

Source: 2013 ACS 5 year estimates DP-04

The last factors used to describe the municipal housing stock are the assessed housing values and gross rents for residential units. In 2009-2013, the median residential housing value was \$739,700 (Table 9) with most of the Township's housing stock valued at \$500,000 to \$1,000,000 or more.

Table 9: Value of Residential Units

Value	Number	%
Less than \$50,000	29	0.9
\$50,000 to \$99,999	18	0.5
\$100,000 to \$149,999	37	1.1
\$150,000 to \$199,999	23	0.7
\$200,000 to \$299,999	116	3.4
\$300,000 to \$499,999	696	20.6
\$500,000 to \$999,999	1,443	42.7
\$1,000,000 or more	1,016	30.1
Median (dollars)	\$739,700	

Source: 2013 ACS 5 year estimates DP-04

Table 10 indicates that in 2009-2013 the majority (82.5%) of renter-occupied units rented for more than \$1,500 per month.

Table 10: Gross Rents for Specified Renter-Occupied Housing Units

Contract Monthly Rent	Number	%
Less than \$200	0	0.0
\$200 to \$299	0	0.0
\$300 to \$499	23	3.7
\$500 to \$749	0	0.0
\$750 to \$999	27	4.4
\$1,000 to \$1,499	58	9.4
\$1,500 or more	508	82.5
No Cash Rent	0	--
Median (contract rent)	\$1,920	

Source: 2013 ACS 5 year estimates DP-04

The data in Table 11 indicate that 34.3% of renter households earned less than \$50,000, and 89.1% of these households were paying more than 35% of their income for rent. On the other end of the spectrum, 41.6% of renter households earned more than \$100,00 per year and all of these households were paying less than 35% of their income for rent. A figure of 35% is considered the limit of affordability for rental housing costs.

TABLE 11: Household Income by Gross Rent as a Percentage of Household Income

Income	Number of Households	Percentage of Household Income					
		0 – 19.99%	20 – 24.9%	25 – 29.9%	30 – 34.9%	35% +	Not computed
< \$10,000	11	0	0	0	0	11	0
\$10,000 – 19,999	75	0	0	23	0	52	0
\$20,000 – 34,999	83	0	0	0	0	83	0
\$35,000 -- 49,999	42	0	0	0	0	42	0
\$50,000-- 74,999	51	0	0	0	35	16	0
\$75,000 -- 99,999	98	0	8	60	8	22	0
\$100,000 or more	256	188	42	17	9	0	0

Source: 2013 ACS 5 year estimates B25074

Analysis of Demographic Characteristics

As with the inventory of the municipal housing stock, the primary sources of information for the analysis of the demographic characteristics of the Township's residents are the 2010 U.S. Census and the U.S. Census Bureau 2013 American Community Survey 5-year estimates. The data from these sources provide a wealth of information concerning the characteristics of the Township's population. The 2010 Census indicates that the Township had 10,452 residents, or 366 more residents than in 2000, representing a population increase of approximately 3.6%. The Township's 3.6% increase in the 2000's compares to a 4.7% increase in Morris County and a 4.5% increase in New Jersey. The age distribution of the Township's residents is shown in Table 12. There are more females than males in every age category.

Table 12: Population by Age and Sex

Age	Total Persons	Male	Female
0 – 4	587	291	296
5 – 19	2,591	1,288	1,303
20 – 34	846	394	452
35 – 54	3,531	1,678	1,853
55 – 69	1,766	836	930
70 +	1,131	439	692
Total	10,452	4,926	5,526

Source: 2010 U.S. Census, SF-1.

Table 13 compares the Township to the County and State by age categories. The principal difference among the Township, County, and State occurs in the 20-34 age category, where the Township had a smaller proportion than both the County and the State.

Table 13: Comparison of Age Distribution for Township, County, and State (% of persons)

Age	Chatham Township	Morris County	New Jersey
0 - 4	5.6%	5.6%	6.2%
5 – 19	24.8%	20.5%	19.9%

20 – 34	8.1%	15.3%	18.8%
35 – 54	33.8%	32.0%	29.8%
55 – 69	16.9%	16.9%	15.9%
70 +	10.8%	9.6%	9.5%
Median	43.3	41.3	39.0

Source: 2010 U.S. Census, SF-1.

Table 14 provides the Census data on household size for the Township, while Table 15 compares household sizes in the Township to those in Morris County and the State. The Township has a higher percentage of 1-person and 5-person households, and a lower percentage of 3-person households than the County and the State.

Table 14: Persons in Household

Household Size	Total Units
1 person	1,062
2 persons	1,105
3 persons	526
4 persons	732
5 persons	391
6 persons	85
7+ persons	14
Total	3,915

Source: 2010 U.S. Census, SF-1.

Table 15: Comparison of Persons in Household for Township, County, and State (% of households)

Household Size	Township	County	State
1 person	27.1	23.5	25.2
2 persons	28.2	30.6	29.8
3 persons	13.4	17.2	17.4
4 persons	18.7	17.6	15.7
5 persons	10.0	7.5	7.2
6 persons	2.2	2.3	2.7
7 or more persons	0.0	1.2	1.9
Persons per household	2.64	2.68	2.68

Source: 2010 U.S. Census, SF-1.

Table 16 presents a detailed breakdown of the Township's population by household type and relationship. There were 9,006 persons (86.2%) in family households in the Township and 1,339 persons (12.8%) in non-family households; a family household includes a householder living with one or more persons related to him or her by birth, marriage, or adoption, while a non-family household includes a householder living alone or with non-relatives only. 107 persons (1.0%) lived in group quarters.

Table 16: Persons by Household Type and Relationship

	Total
In family Households:	9,006
Spouse	2,476
Child	3,580

In Non-Family Households:	1,339
Male householder:	399
Living alone	334
Not living alone	65
Female householder:	796
Living alone	728
Not living alone	68
In group quarters:	107
Institutional	102
Non-institutional	5

Source: 2010 U.S. Census, SF-1.

Table 17 provides income data for the Township, County, and State. The Township's per capita and median incomes were higher than those of both the County and the State.

Table 17: Income for Township, County, and State

Jurisdiction	Per Capita Income	Median Income	
		Households	Families
Chatham Township	\$83,162	\$135,759	\$194,766
Morris County	\$48,814	\$98,633	\$117,683
New Jersey	\$36,027	\$71,629	\$87,347

Source: 2013 U.S. Census ACS 5 Year Estimates DP-03

Table 18 addresses the lower end of the income spectrum, providing data on poverty levels for persons and families. The determination of poverty status and the associated income levels is based on the 2013 cost of an economy food plan and ranged from an annual income of \$11,770 for a one-person family to \$40,898 for an eight-person family (three-person family is \$20,090). Many federal programs, including food stamps, use the economy food plan as the determining guideline. According to the data in Table 18, the Township had proportionately fewer persons qualifying for poverty status than the County and the State.

Table 18: Poverty Status for Persons and Families for Township, County, and State (% with 2009-2013 income below poverty)

Jurisdiction	Persons (%)	Families (%)
Chatham Township	3.9	1.5
Morris County	4.4	3.0
New Jersey	10.4	7.9

Source: 2013 ACS 5 year estimates DP-03

The ACS includes a vast array of additional demographic data that provide insights into an area's population. For example, Table 19 provides a comparison of the percent of households who moved into their current residence in 1999 or earlier; this is a surrogate measure of the mobility/stability of a population. The data indicate that the percentage of Township residents residing in the same house as in 1999 exceeds that of the County and State.

Table 19: Comparison of Place of Residence for Township, County, and State

Jurisdiction	Percent living in same house in 1999
--------------	--------------------------------------

Chatham Township	49.4%
Morris County	44.8%
New Jersey	40.2%

Source: 2013 ACS 5 year estimates DP-04

Table 20 compares the educational attainment for Township, County, and State residents over age 25. The data indicate that Chatham Township residents are highly educated, with a much higher percentage having achieved a bachelor's degree or higher than both the County and the State.

Table 20: Educational Attainment for Township, County, and State Residents

(Persons 25 years and over)

Jurisdiction	Percent (%) high school graduates or higher	Percent (%) with bachelor's degree or higher
Chatham Township	97.2	73.7
Morris County	93.5	50.0
New Jersey	88.1	35.8

Source: 2013 ACS 5 year estimates DP-02

The ACS also provides data on the means of transportation which people use to reach their place of work. Table 22 compares the Census data for the Township, County, and State relative to driving alone, carpooling, using public transit, and using other means of transportation. The Township had a relatively high percentage of workers who drive alone, and a relatively low percentage of workers who carpool or use public transit. Of the 11.3 % of workers who resided in the Township and used other means of transportation to reach work, 9.6% of workers worked from home.

Table 21: Means of Transportation to Work for Township, County and State Residents (Workers 16 years old and over)

Jurisdiction	Percent who drive alone	Percent in carpools	Percent using public transit	Percent using other means
Chatham Township	71.5	2.8	14.4	11.3
Morris County	79.3	8.2	4.6	8.0
New Jersey	71.9	8.4	10.8	8.9

Source: 2013 ACS 5 year estimates DP-03

The ACS also provided information on resident employment by industry (Table 22). Nearly 2/3 of Chatham Township residents are employed in just three (3) industry categories, with 24.5% in the field of finance and insurance, and real estate and rental and leasing 19.3% in educational services, health care and social assistance and 18.4% in professional, scientific, and management, and administrative and waste management service

Table 22: Employment by Industry

Industry	Persons	%
Civilian employed population 16 years and over	4,607	--
Agriculture, forestry, fishing and hunting, and mining	0	0.0
Construction	145	3.1

Manufacturing	461	10.0
Wholesale trade	145	3.1
Retail trade	297	6.4
Transportation and warehousing, and utilities	52	1.1
Information	256	5.6
Finance and insurance, and real estate and rental and leasing	1,130	24.5
Professional, scientific, and management, and administrative and waste management services	849	18.4
Educational services, and health care and social assistance	888	19.3
Arts, entertainment, and recreation, and accommodation and food services	186	4.0
Other services, except public administration	146	3.2
Public administration	52	1.1

Source: 2013 ACS 5 year estimates DP-03

According to the ACS, the percentage of Township residents in the labor force was lower than that of the County and State. The Township had a lower rate of unemployment than both the County and the State.

Table 23: Labor Force and Employment

Jurisdiction	Percent in Labor Force	Employed	Unemployed
Chatham Township	61.9	57.6	4.2
Morris County	69.2	64.1	5.1
New Jersey	66.6	59.7	6.7

Source: 2013 ACS 5 year estimates DP-03

Appendix B
Dates of Expiration of Deed-Restrictions on Chatham Glen Affordable Units

PROPERTY	DEED DATE	EXPIRATION DATE
1A Terrace Drive	1/19/1995	9/24/2016
2A Terrace Drive	1/15/2005	9/24/2016
3A Terrace Drive	8/27/1999	9/24/2016
4A Terrace Drive	6/17/2005	9/24/2016
5A Terrace Drive	2/21/2002	9/24/2016
6A Terrace Drive	9/1/2011	11/20/2016
1B Terrace Drive	10/31/1986	9/24/2016
2B Terrace Drive	12/10/2007	9/24/2016
3B Terrace Drive	2/11/1997	9/24/2016
4B Terrace Drive	2/14/2012	3/30/2018
5B Terrace Drive	11/17/1993	9/24/2016
6B Terrace Drive	7/12/1990	9/24/2016
1C Terrace Drive	6/17/2013	11/13/2016
2C Terrace Drive	10/26/2007	9/24/2016
3C Terrace Drive	6/8/2007	9/24/2016
4C Terrace Drive	3/9/1994	9/24/2016
5C Terrace Drive	11/17/1986	9/24/2016
6C Terrace Drive	6/14/2005	9/24/2016
1D Terrace Drive	10/29/2010	11/3/2016
2D Terrace Drive	4/13/1994	9/24/2016
3D Terrace Drive	8/28/2007	9/24/2016
4D Terrace Drive	8/5/2004	9/24/2016
5D Terrace Drive	12/30/2011	9/24/2016
6D Terrace Drive	6/23/2006	9/24/2016

1E Terrace Drive	4/4/1991	9/24/2016
2E Terrace Drive	1/5/1995	9/24/2016
3E Terrace Drive	3/31/1988	9/24/2016
4E Terrace Drive	3/30/1988	9/24/2016
5E Terrace Drive	11/17/1986	9/24/2016
6E Terrace Drive	12/22/1993	9/24/2016
1F Terrace Drive	12/2/1993	9/24/2016
2F Terrace Drive	10/30/1986	9/24/2016
3F Terrace Drive	4/7/2003	9/24/2016
4F Terrace Drive	1/26/1993	9/24/2016
5F Terrace Drive	11/18/1986	9/24/2016
6F Terrace Drive	6/15/2006	9/24/2016
1G Terrace Drive	8/15/2012	10/31/2016
2G Terrace Drive	11/5/1986	9/24/2016
3G Terrace Drive	8/4/2014	9/24/2016
4G Terrace Drive	11/30/1989	9/24/2016
5G Terrace Drive	10/26/1990	9/24/2016
6G Terrace Drive	12/14/2004	9/24/2016
1H Terrace Drive	8/19/2010	9/18/2016
2H Terrace Drive	8/21/2013	10/13/2016
3H Terrace Drive	8/3/1994	9/24/2016
4H Terrace Drive	4/4/88	9/24/2016
5H Terrace Drive	8/10/2007	9/24/2016
6H Terrace Drive	11/24/1986	9/24/2016
5I Terrace Drive	6/13/2001	9/24/2016

6I Terrace Drive	11/25/1986	9/24/2016
5J Terrace Drive	4/16/2013	11/21/2016
6J Terrace Drive	10/10/1996	9/24/2016
7A Vernon Lane	5/23/1988	9/24/2016
7B Vernon Lane	7/3/2002	9/24/2016
7C Vernon Lane	7/26/2011	5/9/2018
7D Vernon Lane	1/28/2000	9/24/2016
7E Vernon Lane	5/20/1988	9/24/2016
7F Vernon Lane	5/25/1988	9/24/2016
7G Vernon Lane	10/7/2008	9/24/2016
7H Vernon Lane	6/10/1988	9/24/2016
7I Vernon Lane		
7J Vernon Lane	4/7/2000	9/24/2016
8A Vernon Lane	5/23/1988	9/24/2016
8B Vernon Lane	2/15/1994	9/24/2016
8C Vernon Lane	12/6/1994	9/24/2016
8D Vernon Lane	1/3/2003	9/24/2016
8E Vernon Lane	11/20/2009	11/20/2039*
8F Vernon Lane	8/9/2011	5/20/2018
8G Vernon Lane	5/31/1988	9/24/2016
8H Vernon Lane	5/24/1988	9/24/2016
8I Vernon Lane	1/19/2001	9/24/2016
8J Vernon Lane	5/25/1988	9/24/2016
113 Riveredge Drive	8/26/2011	9/24/2016
Deeds without 95/5 are subject to the Township of Chatham's affordable housing rules and regulations.		
Units with 95/5 were restricted for 30 years from the date of the original transfer of title, except for ** which was extended 30 years from the current conveyance of title		



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April 1, 2016 – Via UPS Overnight Mail

Honorable Stephan C. Hansbury, P.J. General Equity
Superior Court of New Jersey
Morris County Court House
Washington & Court Streets
P.O. Box 910
Morristown, NJ 07963-0910

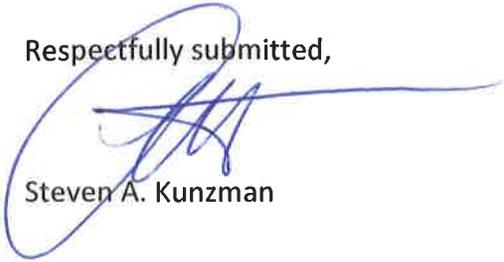
Re: MOUNT LAUREL - Township of Chatham, Docket No. MRS-L-1659-15

Dear Judge Hansbury:

In accordance with the Case Management Order of February 10, 2016 the Township of Chatham submits its draft updated Housing Element and Fair Share Plan ("HEFSP") prepared by the Township's planner, Frank Banisch. To determine its fair share obligation the Township has relied upon the expert report prepared by Econsult, subject to adjustments based upon jobs data as explained in the HEFSP at pages 5-8. The Township Committee and Planning Board have reviewed this HEFSP and are prepared to take the necessary actions to implement the plan if approved by the Court. A copy of the Resolution of the Planning Board endorsing the draft HEFSP is also attached. In accordance with Mount Laurel IV the Township is aware that revisions to the HEFSP may be necessary based upon a review by the court, as well as a decision by the court as to the methodology to be used to calculate the Township's fair share obligation and mechanisms to be employed for compliance.

We thank your consideration of this submission.

Respectfully submitted,



Steven A. Kunzman

SAK:kc
Encls

cc. All Parties on attached list (via e-mail) w/encls

RESOLUTION PB 2016-0012

CHATHAM TOWNSHIP PLANNING BOARD

WHEREAS, on March 10, 2015, the New Jersey Supreme Court in, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), found that the Council on Affordable Housing (“COAH”) administrative process, in which municipalities could elect to participate in order to establish a Housing Element and Fair Share Plan (“HEFSP”) that would satisfy their constitutional obligation to provide a realistic opportunity for the construction of their fair share of the regions’ low- and moderate-income needs, had become non-functioning, and, as a result, the Supreme Court returned primary jurisdiction over affordable housing matters from COAH to the trial courts; and

WHEREAS, on or about July 7, 2015, the Township of Chatham (the “Township”) commenced a declaratory judgment action entitled, “In the Matter of the Application of the Township of Chatham,” Docket No. MRS-L-1659-15 (the “DJ Action”), in which the Township sought, inter alia, an order declaring that the Township had fully discharged its constitutional affordable housing obligations and granting protection and repose against exclusionary zoning litigation, and the Township requested a period of time within which to prepare a constitutionally compliant HEFSP and continued immunity from third-party lawsuits during the pendency of the DJ Action; and

WHEREAS, by order dated February 10, 2016, the Honorable Stephan C. Hansbury, P.J., Ch. (“Judge Hansbury”), ordered, inter alia, that the Township shall

submit to the Court its HEFSP by April 4, 2016 and shall select the amount for its obligation based upon the expert it chooses (the "February 10 Order"); and

WHEREAS, by letter dated February 19, 2016, Judge Hansbury clarified the February 10 Order by informing the Township that the Township Planning Board did not have to formally adopt a HEFSP, but rather, it would be acceptable to the Court if the Township Planning Board adopted a "Resolution accepting the HEFSP with an indication that, if approved by the Court, the Planning Board would proceed to promptly adopt it as part of the Master Plan. Approval of the governing body would, of course, be required"; and

WHEREAS, the Township Planning Board has reviewed the draft HEFSP attached hereto and determined that same is acceptable to the Township Planning Board, and that, if the draft HEFSP is approved by the Court, the Township Planning Board would proceed to promptly adopt it as part of the Township Master Plan.

NOW THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Chatham, State of New Jersey, that the Township Planning Board hereby endorses the draft HEFSP for submission to the Court and indicates that, if same is approved by the Court, the Township Planning Board would proceed to promptly adopt it as part of the Master Plan.

ROLL CALL VOTE:



Karen Swartz, Secretary



Thomas Franko, Chair

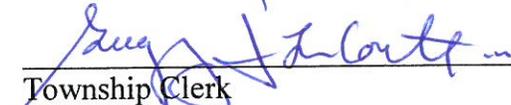
I, Karen Swartz, Secretary of the Planning Board of the Township of Chatham, Morris County, New Jersey, hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the said Board at a meeting held on March 21, 2016.



Karen Swartz, Secretary

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of a resolution adopted by the Planning Board of the Township of Chatham at a regular meeting held on March 21, 2016.

Date Issued: April 1, 2016



Township Clerk

SERVICE LIST continued

Parties from whom letters were received requesting notice be provided by Chatham Township pursuant to In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1, (M-392-14) (067126) Decided, March 10, 2015

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Service List

Parties required to be given notice and copies of the pleadings pursuant to In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1,(M-392-14) (067126) Decided, March 10, 2015.

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