

# **HOUSING ELEMENT and FAIR SHARE PLAN**

for the

## **BOROUGH OF RIVERTON BURLINGTON COUNTY, NEW JERSEY**

Prepared for  
The Riverton Planning Board

Prepared By:  
Tamara L. Lee, AICP, PP #4287

Written: August 15, 2019  
Adopted by the Riverton Planning Board: August 27, 2019  
Endorsed by the Riverton Borough Council: August 27, 2019

## Foreword

The New Jersey Municipal Land Use Law requires every municipal Master Plan to include a Housing Element in support of local land use regulations. A Housing Element typically describes the state of residential development and the residential experience in a community. Pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., a municipal Housing Element “...shall be designed to achieve the goal of providing [*a reasonable opportunity for*] affordable housing to meet present and prospective housing needs with particular attention to low and moderate income housing...” This Housing Element addresses the Third Round affordable housing obligation of Riverton Borough. That obligation covers the timeframe from 1999 to 2025. It also addresses the Borough’s prior round obligations. To begin, a short summary of Riverton’s recent efforts to craft a Round Three affordable housing plan is helpful.

The Borough of Riverton initially submitted a Round Three Housing Element and Fair Share Plan in December 2005. That Plan was developed in accordance with COAH’s 2004 Third Round Rules (Chapter 5:94). However, those Rules were overturned in 2007, which effectively invalidated Riverton’s proposed affordable housing plan.

Soon after, COAH adopted revised rules which became effective on June 2, 2008. Also in 2008, Riverton amended its Housing Element and Fair Share Plan and re-petitioned COAH accordingly. Subsequent legislative changes to COAH Rules altered the way non-residential development could be incorporated into affordable housing plans and that rendered Riverton’s 2008 Plan unworkable.

In December of 2009 the Borough submitted another revised Housing Element and Fair Share Plan, once again based on the newest State regulations. That Plan came close to being certified, but in May of 2010 an objection was filed against the Plan and subsequent mediation efforts were never initiated by COAH.

In June of 2012 Riverton submitted another Affordable Housing Plan along with a revised Spending Plan. Though the Borough requested an expedited review of this submission, COAH again took no action.

Finally, in 2015, after the New Jersey Supreme Court’s March 10<sup>th</sup> decision that relieved COAH of its responsibilities, the Borough Planning Board prepared and adopted its last Housing Element and Fair Share Plan in hopes that it would lead to a certified affordable housing plan under the new court-driven review process. Riverton filed for a Declaratory Judgment which led to numerous and lengthy Court supervised negotiations with the Fair Share Housing Center (FSHC). Those negotiations, mediated by a Court Master, resulted in a Settlement Agreement between the Borough and FSHC, which was approved by the Superior Court at a Fairness Hearing on April 22, 2019. A minor amendment to that Settlement Agreement is currently pending. The proposed amendment will replace the Borough’s Habitat for Humanity initiative

with an affordable assistance program designed to encourage the creation of affordable units for very low income family households.

This Housing Element and Fair Share Plan reflects the provisions of that Settlement Agreement with the proposed amendment. By adopting and implementing this Plan, all parties agree that the Borough of Riverton will have satisfied its affordable housing obligation for Round Three and all prior rounds as well.

# Table of Contents

Introduction.....	5
I. Background Information .....	8
Housing Characteristics.....	8
Demographic Characteristics.....	12
Employment Characteristics.....	16
II. Analysis of Impact of Existing Conditions on Affordable Housing Opportunities .....	18
Availability of Existing and Planned Infrastructure .....	18
Anticipated Demand of Types of Uses Permitted by Zoning.....	18
Anticipated Land Use Patterns .....	18
Municipal Economic Development Policies .....	18
Constraints on Development .....	18
Consideration of Land Most Appropriate for Low and Moderate Income Housing .....	19
Plan Endorsement.....	19
III. Fair Share Compliance Plan.....	20
Affordable Housing Obligation.....	20
A Summary of Riverton’s Past Effort to satisfy its Housing Obligation.....	20
A Summary of Riverton’s Current Plan to Satisfy its Housing Obligation.....	22
1.0 Rehabilitation.....	22
2.0 Mechanism for Addressing Prior Round Obligation .....	22
3.0 Mechanism for Addressing the Third Round Obligation.....	23
4.0 Unmet Need.....	28
5.0 Affordable Housing Administration and Affirmative Marketing .....	28
IV. Conclusion.....	30

# Introduction

## Affordable Housing in New Jersey, a Brief History

In 1975, in a case known as Mount Laurel I, the New Jersey Supreme Court ruled that municipalities have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate-income housing. In its 1983 Mt. Laurel II decision the Court expanded the Mt. Laurel doctrine, stating that all municipalities share in the obligation. In response, the Fair Housing Act (FHA) was enacted in July of 1985. The Act created the New Jersey Council on Affordable Housing, or COAH, as the administrative agency that would oversee affordable housing. This took the issue out of the courts.

COAH's primary responsibilities under the Fair Housing Act were to:

- establish Housing Regions for the State;
- estimate regional housing need; and
- provide guidelines for municipalities to use in addressing their fair share obligations.

Municipal responsibilities under the Fair Housing Act consist of:

- adopting a Housing Element and Fair Share Plan,
- implementing corresponding ordinances and
- administering local affordable housing programs.

The FHA directed COAH to prepare regulations to guide the process by which municipalities would generate comprehensive plans for developing a realistic opportunity for the creation of affordable housing. Once the plans were approved, local ordinances would be adopted to implement those comprehensive plans.

The new process worked through the early rounds of affordable housing until the State attempted to modify the way affordable housing obligations were calculated. Switching from the original model used under Rounds One and Two to a 'growth share' model during Round Three, the new model proved untenable and in 2008 in a decision commonly known as Mount Laurel III, the New Jersey Supreme Court voided any COAH rules based on the growth share model and ordered COAH to develop new, legally defensible rules. Unable to do that, COAH was ultimately relieved of its responsibilities in the March 10<sup>th</sup>, 2015 Supreme Court Decision now known as Mount Laurel IV. From that time to the present the responsibility for establishing criteria and guidelines as well as approving affordable housing plans has been in the hands of the trial courts. This current process, which includes Declaratory Judgments and Court-approved Settlement Agreements, is the process that Riverton has been working through since 2015.

### Housing Elements and Fair Share Plans

The backbone of any affordable housing plan is the municipality's Housing Element and Fair Share Plan. New Jersey Statute, C.52:27D-310, stipulates that a Housing Element shall contain at least:

- a. The 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;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next six years subsequent to the adoption of the Housing Element, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and future employment characteristics of the municipality;
- e. 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;
- f. 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.

Along with a Housing Element, a municipality's Fair Share Plan outlines the Borough's plan for satisfying its affordable housing obligation. An affordable housing obligation has three parts:

- any remaining obligation outstanding from prior rounds,
- a reasonable obligation associated with Round Three which spans the timeframe from 1999 through 2025 and
- the Municipality's rehabilitation share or 'present need'.

### Riverton's Affordable Housing Obligation

Riverton's first affordable housing plan was certified under Round Two. The Borough received a vacant land adjustment, which resulted in a prior round obligation consisting of a 2-unit RDP and a 13-unit unmet need. The Borough satisfied the RDP with inclusionary zoning and addressed its unmet need through inclusionary and overlay zoning. The Borough collaborated with the County and participated in a County housing rehabilitation program to address the Borough's present need. Despite these efforts, the affordable housing initiatives that were implemented did not result in the creation of new affordable housing in Riverton. Consequently, the Borough's current obligation requires a review and re-assessment of its prior round obligations and this Housing Plan and Fair Share Plan proposes some amendments to the Borough's earlier affordable housing zoning. The Borough hopes these zoning amendments will stimulate more interest in developing affordable housing than the previous plans did.

After the Borough's affordable housing plan was certified for Round Two, and while Riverton pursued certification for Round Three, the Borough entered into an agreement with Quality Management Associates (QMA), a non-profit organization, to subsidize the development of two local group homes. These facilities qualify as affordable housing, though they have not been part of the Borough's approved plans until now. This Housing Element and Fair Share Plan formally incorporates these group homes into Riverton affordable housing plan.

It should be noted that Riverton received a Vacant Land Adjustment under Round Two. The Adjustment acknowledges that the Borough is nearly completely developed and there is very little room for new growth. Even so, this Plan recognizes that there is some potential for redevelopment in Riverton and to the extent that redevelopment is possible, the Borough's affordable housing plan for Round Three seeks to integrate affordable housing into future redevelopment projects that might occur.

In short, this affordable housing plan strives to improve upon the plans for prior round obligations, respect the reality that there is little opportunity for new growth in Riverton and yet capitalize on potential redevelopment opportunities that might be initiated in the future.

# I. Background Information

The Borough of Riverton consists of a land area of 0.70 square miles or approximately 448 acres and is located in southern New Jersey, in Burlington County. The Borough is bound by the Delaware River to the north, the Township of Cinnaminson to the south and east and the Borough of Palmyra to the west. Historically it is a suburban, bedroom community for commuters working in the cities of Camden, Trenton and Philadelphia. With the exception of a few infill lots, the Borough is fully built out.

## HOUSING CHARACTERISTICS

### Age of Housing

Riverton has only 1,101 housing units and a fairly old, historic housing stock. In fact, more than half of Riverton's units (66.82%) were built prior to 1940 making the median year for structure construction 1939. The Borough has not kept pace with construction of new units. Only 119 new units were added to its housing stock since 1960. Housing construction has been declining since the 50's and there has been no new housing construction since 2010, further demonstrating a lack of capacity within the Borough for new housing.

<b>Years Built</b>	<b>No. of Units</b>	<b>% Units</b>
2014 or later	0	0.0
2010 to 2013	0	0.0
2000 to 2009	5	0.5
1990 to 1999	19	1.7
1980 to 1989	25	2.3
1970 to 1979	31	2.8
1960 to 1969	39	3.5
1950 to 1959	179	16.3
1940 to 1949	67	6.1
1939 or earlier	736	66.8
Total	1,101	100.0

Source: 2012-2016 American Community Survey (ACS)



## Condition of Housing

Current census data shows that the occupied housing stock is well maintained with no units lacking plumbing or kitchen facilities and there is no over-crowding. A few units, 1.4%, lack phone service, though this may reflect more of a popular trend among homeowners to depend on mobile phone service rather than landlines. The vast majority (73.6%) of occupied housing units have heating systems that are fueled by public utility gas service. Fuel oil, kerosene and other liquid fuel is the second most popular type of heating system, servicing 15.5% of the occupied units.

<b>Item</b>	<b>No (Not Lacking)</b>	<b>Yes (Lacking)</b>	<b>% (Lacking)</b>	<b>Total Units</b>
Lacking Complete Plumbing Facilities	1,043	0	0.0%	1,043
Lacking Complete Kitchen Facilities	1,043	0	0.0%	1,043
No Telephone Service	15	1,028	1.4%	1,043

Source: 2012-2016 American Community Survey (ACS)

<b>Item</b>	<b>Riverton Actual No.</b>	<b>Riverton %</b>	<b>Burlington Co. Actual No.</b>	<b>Burlington Co. %</b>
1.00 or less Occupants/Room	1,043	100.0	162,276	98.6
1.01 to 1.50 Occupants/Room	0	0.0	1,769	1.1
1.51 or more Occupants/Room	0	0.0	578	0.4

Source: 2012-2016 American Community Survey (ACS)

<b>Type of Heating Fuel Used</b>	<b>Number of Units</b>	<b>% of Total Units</b>
Utility gas	768	73.6
Bottled, Tank, or LP gas	5	0.5
Electricity	99	9.5
Fuel oil, kerosene, etc.	162	15.5
Coal or coke	0	0.0
Wood	4	0.4
Solar	0	0.0
Other fuel	0	0.0
No fuel used	5	0.5
<b>Total</b>	<b>1,043</b>	<b>100.0</b>

Source: 2012-2016 American Community Survey (ACS)

Purchase and Rental Value of Housing

The median value of homes in Riverton is \$279,000 while the median value of housing units in the County is somewhat lower, \$245,000. Therefore, the median value of owner-occupied housing in Riverton is about 14% higher than in the County in general. Nonetheless, 18.6% of owner-occupied housing in Riverton is valued below \$200,000. More than 70% of the Borough's rental units rent for between \$500 and \$1,500. It's noteworthy that the median rent in Riverton is about 15% lower than the median rent in the County overall; \$1,037 in the Borough versus \$1,219 in the County. This suggests that rental opportunities in the Borough are more accessible to households of lesser economic means than elsewhere in the County.

<b>TABLE 4 – HOUSING UNIT PURCHASE VALUE</b>		
<b>Median Value of Units: \$279,000</b>		
<i>(Median Value of Units in Burlington County :\$245,000)</i>		
<b>Value</b>	<b>Number of Units</b>	<b>% of Total Units</b>
< \$50,000	24	2.9
\$50,000 to \$99,999	5	0.6
\$100,000 to \$149,999	27	3.3
\$150,000 to \$199,999	98	11.8
\$200,000 to \$299,999	320	38.6
\$300,000 to \$499,999	318	38.4
\$500,000 to \$999,999	36	4.3
\$1,000,000 or more	0	0.0
<b>Total (owner-occupied units)</b>	<b>828</b>	<b>100.0</b>

Source: 2012-2016 American Community Survey (ACS)

<b>TABLE 5 – Housing Unit Rental Cost</b>		
<b>Median Gross Rent : \$1,037</b>		
<i>(Median Rent for Units in Burlington County :\$1,219)</i>		
<b>Rent</b>	<b>Number of Units</b>	<b>% of Total Units</b>
< \$500	23	11.9
\$500 to \$999	66	34.0
\$1,000 to \$1,499	74	38.1
\$1,500 to \$1,999	31	16.0
\$2,000 to \$2,499	0	0.0
\$2,500 to \$2,999	0	0.0
\$3,000 or more	0	0.0
No Rent Paid	(21)	--
<b>Total Units Paying Rent</b>	<b>194</b>	<b>100.0</b>

Source: 2012-2016 American Community Survey (ACS)

### Occupancy Characteristics

The percentage of vacant units in Riverton is 5.3%. Almost 80% of occupied housing in Riverton is owner-occupied. Rental units make up about 20% of the housing stock.

<b>TABLE 6 - Occupancy</b>			
<b>Occupancy</b>	<b>No. of Units</b>	<b>% of Total Units (vacant and occupied)</b>	<b>% of Occupied Units</b>
Owner-Occupied Units	828	75.2	79.4
Renter-Occupied Units	215	19.5	20.6
Total Occupied Units	1,043	(94.7)	100.0
Vacant Units	58	5.3	--
<i>Vacant Units in County</i>	<i>(13,000)</i>	<i>(7.3)</i>	--
Total Units	1,101	100.0	--

Source: 2012-2016 American Community Survey (ACS)

### Housing Units

About 65% of housing units in Riverton are single-family detached units. There are a significant number of multi-family and attached units in town. Several of the large, historic homes within the existing housing stock have been divided up into multiple apartments, preserving the historic appearance of the Borough, while also providing economical housing for the community with reasonable rents as compared to broader County figures, as already noted.

<b>TABLE 7 – Types of Housing Units</b>		
<b>Type</b>	<b>No. of Units</b>	<b>% Units</b>
1 unit, detached	717	65.1
1 unit, attached	144	13.1
2 units	92	8.4
3 or 4	54	4.9
5 to 9	73	6.6
10 to 19	21	1.9
20 or more units	0	0.0
Mobile home or trailer	0	0.0
Boat, RV, Van, etc.	0	0.0
Total	1,101	100.0

Source: 2012-2016 American Community Survey (ACS)

### Future Projection of Housing Stock

Based on the lack of any new housing construction since 2010 and the noted lack of capacity within the Borough to accommodate new housing, Riverton anticipates that fewer than ten (10) new units will be constructed between now and 2030.

## Affordable to Low-and-Moderate Income Household Qualifications

The COAH regulations define low-income households (those earning up to 50% of the median household income) and moderate-income households (those earning from more than 50% to 80% of the median household income). The figures are adjusted for household size and the municipality's housing region. Riverton is part of Region Five, which includes Burlington, Camden and Gloucester Counties. The following is a breakdown of the maximum 2018 income figures by household size as prepared by Affordable Housing Professionals of New Jersey. This schedule is used to determine affordability and regional income limits for Region Five. The maximum increase for rents is 2.2% and the maximum increase for sales is 5.05%. In addition, the Regional Asset Limit, or the limit of non-interest earning assets, such as real estate equity, shall not exceed \$161,977.

Family Size	1	1.5	2	3	4	4.5	5	6	7	8+
Median Income	\$61,180	\$65,550	\$69,920	\$78,660	\$87,400	\$90,896	\$94,392	\$101,384	\$108,376	\$115,368
Moderate Income	\$48,944	\$52,440	\$55,936	\$62,928	\$69,920	\$72,717	\$75,514	\$81,107	\$86,701	\$92,294
Low Income	\$30,590	\$32,775	\$34,960	\$39,330	\$43,700	\$45,448	\$47,196	\$50,692	\$54,188	\$57,684
Very Low Income	\$18,354	\$19,665	\$20,976	\$23,598	\$26,220	\$27,269	\$28,318	\$30,415	\$32,513	\$34,610

Source: Affordable Housing Professionals of New Jersey; April, 2018

## **DEMOGRAPHIC CHARACTERISTICS**

### Population Trends

The population of Riverton declined from 1980 to 2000 and it has only exhibited a very slight increase, less than 1%, since then. The Delaware Valley Regional Planning Commission continues to anticipate less than 1% growth for Riverton through 2040; more evidence of the limited capacity of Riverton to manage additional or new growth. In contrast, Burlington County has seen an increase in population growth, between 6% and 9% during the last few decades, and more growth is anticipated through 2040.

Year	Riverton Borough	Absolute Increase	Percent Change	<i>Burlington County</i>	<i>Percent Change</i>
1980	3,068	--	--	362,542	--
1990	2,775	-293	- 9.5%	395,066	9.0%
2000	2,760	-15	- <1.0%	423,397	7.2%
2010	2,779	19	<1.0%	448,734	6.0%
2020	2,781 (est.)	2	<1.0%	457,126	1.9%
2030	2,789 (est.)	7	<1.0%	486,343	6.4%
2040	2,791 (est.)	2	<1.0%	494,732	1.7%

Source: 1980,1990, 2000 US Census and Delaware Regional Planning Commission 2040 Municipal Population Forecast

### Household Size and Type

The average household size in Riverton is 2.62 persons and this has not changed much since 2000. The total population and number of households has decreased slightly. In contrast, the population of Burlington County and the number of households within the County has grown by more than 6%. More than 70% of the households in Riverton are family households, reinforcing that Riverton is a family-oriented community as noted in the local Master Plan. Of that, 79% of family households are married couple families. Riverton is comparable to the County in terms of the percentage of households that are considered ‘non-family’ units, those with people living alone or with members not related to the principle householder; 28.6% in Riverton and 30.4% in the County.

	Riverton 2000	Riverton 2016	Riverton’s % Change	<i>Burlington County 2000</i>	<i>Burlington County 2016</i>	<i>Burlington County % Change</i>
Total Population	2,759	2,736	-0.8%	423,394	450,236	6.3%
Total Households	1,066	1,043	-2.2%	154,371	164,623	6.6%
Persons per Household	2.59	2.62	1.1%	2.65	2.73	3.0%

Source: 2012-2016 American Community Survey (ACS) and 2000 US Census

	Riverton 2016	Riverton % of Total	<i>Burlington County</i>	<i>Burlington County % of Total</i>
Total Households	1,043	100%	164,623	100%
Family Households	745	71.4%	114,578	69.6%
Married Households	587	56.3%	88,403	53.7%
Female-headed Households	128	12.3%	18,932	11.5%
Male-headed Households	30	2.9%	7,243	4.4%
Non-family households *	298	28.6%	50,045	30.4%

\* Non-family households include people living alone and households which do not have any members related to the householder

Source: 2012-2016 American Community Survey (ACS)

### Age Characteristics

There's been a subtle shift in the population of Riverton since 2000. The largest age cohort is between 45 and 64 years, whereas in 2000 it was between 21 and 44 years. It's reasonable to assume, and local knowledge also suggests, that the younger cohort in 2000 simply remained in place and aged with time. The number of school aged children has remained fairly constant, as families mature and children work their way through school. It's interesting that there's been a slight decrease in the number of senior citizens but an increase in the number of children under 5 years. This may be the beginning of a trend in which seniors leave the community, making room for new, younger families to move in.

Age Group	2000	% of 2000	2010	% of 2010	2016	% of 2016	Change in % 2000 to 2016
Pre-School ( < 5 years)	165	6.0%	175	6.3%	201	7.3%	1.3%
School (5-20 years)	480	17.4%	606	21.8%	445	16.3%	-1.1%
Employment (21-44 years)	897	32.5%	639	23.0%	779	28.5%	- 4.0%
Employment (45-64 years)	685	24.8%	861	31.0%	855	31.2%	6.4%
Retirement (65 years & more)	532	19.2%	498	17.9%	456	16.7%	- 2.5%
Total	2,759	100.0%	2,779	100.0%	2,736	100%	-0.8%

Source: 2010 Census Summary File 1, 2000 US Census and 2012-2016 American Community Survey (ACS)

## Income Level

The median household income in Riverton is \$95,558, which is almost 20% higher than in the County overall; the County median household income is \$80,034. The median family income in Riverton is almost 15% higher than the median family income in Burlington County: \$110,313 and \$96,430 respectively. In both the Borough and the County, the largest income sector is between \$100,000 and \$149,999. Riverton has a noticeably higher percentage of both households and families making more than \$200,000 and the County has a slightly higher percentage of households and families in the lower income brackets, with the exception of extremely low incomes. Riverton's percentage of households making less than \$10,000 is almost twice the County average.

<b>TABLE 13 – Household and Family Income</b>				
Income	Riverton		<i>Burlington County</i>	
	% / Households	% / Families	<i>Households</i>	<i>Families</i>
Total	100.0	100.0	<i>100.0</i>	<i>100.0</i>
Less than \$10,000	5.0	4.7	<i>3.6</i>	<i>2.1</i>
\$10,000-\$14,999	2.1	0.0	<i>2.4</i>	<i>1.2</i>
\$15,000-\$24,999	4.7	4.4	<i>6.4</i>	<i>3.2</i>
\$25,000-\$34,999	6.6	4.8	<i>7.0</i>	<i>4.8</i>
\$35,000-\$49,999	5.4	5.4	<i>10.3</i>	<i>8.5</i>
\$50,000-\$74,999	14.2	11.1	<i>17.4</i>	<i>16.8</i>
\$75,000-\$99,999	17.4	17.7	<i>14.3</i>	<i>15.3</i>
\$100,000-\$149,999	20.3	21.7	<i>19.4</i>	<i>23.2</i>
\$150,000-\$199,999	9.0	11.9	<i>9.7</i>	<i>12.6</i>
\$200,000 or more	15.3	18.1	<i>9.4</i>	<i>12.4</i>
Median Income (in dollars)	\$95,558	\$110,313	<i>\$80,034</i>	<i>\$96,430</i>

Source: 2012-2016 American Community Survey (ACS)

## EMPLOYMENT CHARACTERISTICS

According to the 2016 ACS, there were 1,501 people employed in Riverton, an increase of approximately 11% since 2000. The management and business sector is the largest totaling 49.4% of the working population. While a reclassification of occupation groups makes it somewhat cumbersome to make a direct comparison, the number of residents employed in management and service occupations has increased slightly since 2000 and number employed in production and construction jobs has decreased.

<b>Occupations for Persons 16 Years and over</b>	<b>2000</b>	<b>% of Total</b>	<b>Occupations for Persons 16 Years and over</b>	<b>2016</b>	<b>% of Total</b>
Managerial and Professional Specialty	642	47.5%	Management, Business, Science, & Arts	741	49.4%
Sales and Office	381	28.2	Sales and Office	393	26.2%
Service	84	6.2%	Service	218	14.5%
Farming, Forestry and Fishing	0	0.0%	Natural Resource, Construction, & Maintenance	80	5.3%
Construction, Extraction and Maintenance	110	8.1%	Production, Transportation, & Material Moving	69	4.6%
Production, Transportation and Material Moving	135	10.0%			
<b>Total</b>	<b>1,352</b>	<b>100.00</b>	<b>Total</b>	<b>1,501</b>	<b>100.00</b>

Source: 2012-2016 American Community Survey (ACS) and 2000 US Census

The New Jersey Department of Labor tracks covered employment throughout the state. Covered employment includes only those jobs for which unemployment compensation is paid. By definition, it does not cover self-employed people, unpaid family workers, most part-time or temporary employees and certain agricultural and in-home domestic workers. Major employers in Riverton are Barclay Group, Moccia Enterprise, the Riverview Estates Nursing Home, and CVS Pharmacy.

<b>Year</b>	<b>Riverton Borough</b>	<b>Burlington County</b>
2016	736	212,372

Source: New Jersey Department of Labor, Division of Planning and Research, Office of Demographic and Economic Analysis, NJ Covered Employment Trends



### Employment Outlook & Trends

Riverton is primarily a residential community. No substantial growth in local jobs is expected and any new economic growth can be expected in the downtown commercial area, which is made up of only small restaurants, shops, and a few offices.

## **II. ANALYSIS OF IMPACT OF EXISTING CONDITIONS ON AFFORDABLE HOUSING OPPORTUNITIES**

### **AVAILABILITY OF EXISTING AND PLANNED INFRASTRUCTURE**

Riverton is fully served by public water and sewer. There is adequate capacity in the Borough for in-fill type development. There are no areas available for new, large-scale development.

### **ANTICIPATED DEMAND OF TYPES OF USES PERMITTED BY ZONING**

The Borough of Riverton is a fully built-out suburban municipality that permits a couple different forms of housing development in its various zoning districts. Demand for new construction of any one form of development is extremely low due to the lack of vacant land. In the past, there were two smaller sites that met the criteria for redevelopment – the Nu-Way tract and the Sitzler property. While no formal redevelopment plans were generated or adopted for either property, both were independently redeveloped with retail uses by a local private developer. At the same time, an affordable housing development fee was paid to the Borough when these projects were constructed. Another property often spoken of in terms of possible redevelopment is the National Casein property, however there are no known plans for this site at this time. Moreover, with FEMA’s new floodplain mapping, there is some suggestion that a significant portion of the site may be subject to flooding.

### **ANTICIPATED LAND USE PATTERNS**

As stated previously, the Borough of Riverton is a fully built-out suburban municipality that contains a wide variety of land uses. With the exception of any unforeseen future redevelopment, land use patterns should remain stable and are not anticipated to change.

### **MUNICIPAL ECONOMIC DEVELOPMENT POLICIES**

As with many older suburban communities, the Borough of Riverton works hard to maintain the vibrancy of its downtown. To address these issues, the Borough received a grant from the Delaware Valley Regional Planning Commission to develop a Downtown Revitalization Plan. That effort was completed in early 2009.

The Borough also has an Economic Development Committee and a Business Alliance which actively promote local businesses. The Burlington County Office of Economic Development takes an active role in local business promotion also. All these organizations strive to keep existing business space occupied and operating. Keeping *existing* business space vibrant is critical since there is virtually no room within Riverton to add new commercial uses.

### **CONSTRAINTS ON DEVELOPMENT**

As a fully built-out suburban municipality, the Borough of Riverton has only two possible options for new development: in-fill and redevelopment. Infill potential is becoming increasingly scarce with each passing year. The lack of land to accommodate new growth is the

ultimate constraint in the Borough. The properties that were the easiest to redevelop, have been. Any potential opportunities for redevelopment that might be large enough to produce affordable housing will probably require a developer to combine or merge several smaller lots.

## **CONSIDERATION OF LAND MOST APPROPRIATE FOR LOW AND MODERATE INCOME HOUSING**

Some opportunities for new construction, including affordable housing, were identified during Round Two. They included one small tract of underutilized land along Martha's Lane and a second potentially under-utilized parcel bordering Cinnaminson – a part of the Riverton Country Club, a private, member-owner club. Both sites would be appropriate for affordable housing since they are within walking distance of downtown and multiple modes of transportation, including the RiverLine light rail system. Under Round Two, inclusionary zoning was implemented on the Martha's Lane property. At the same time an affordable housing overlay was added to the golf course parcel. It requires affordable housing be developed if the golf course club ever ceases to exist and club members subsequently sell the land. These are the two most easily developed sites in town, since they are currently vacant, or in case of the golf course, at least lacking built improvements.

This current Housing Element and Fair Share Plan identifies a few additional sites that might generate affordable housing, but the new sites are not vacant properties; instead they would require some redevelopment. Three of the new sites are on Broad Street, one is on Bank Avenue and another on Lippincott Avenue. All are currently income producing properties that could be reconfigured to include a mix of business and residential, or in the case of Bank and Lippincott, more highly valued residential with an affordable housing component. More information about all of the affordable sites, existing and proposed, is included in the Borough's Fair Share Plan to follow.

## **PLAN ENDROSEMENT**

Located within Burlington County's RiverRoute Planning Region and along the RiverLine, Riverton is one of twelve communities included in the County's 1999 Endorsed Plan. Accordingly, the Borough's Master Plan, along with its Housing Element, was drafted to comply with the County's Endorsed Plan. In April, 2016 the County started a project to update and expand their original Plan and even more recently the County began working with the State to produce a new, updated Endorsed Plan that the State could certify. The new regional plan promises to continue the progress that the original Endorsed Plan helped to initiate.

### **III. FAIR SHARE COMPLIANCE PLAN**

#### **AFFORDABLE HOUSING OBLIGATION**

In its March 10, 2015 decision, the New Jersey Supreme Court determined that the State's Third Round affordable housing obligations should be calculated in a manner that more closely reflects the methodology employed during COAH's First and Second Rounds. Since the courts have not yet formally established a single, uniform method of calculating affordable housing obligations, the process for resolving affordable housing has become one of settling each town's obligation on a case by case basis.

This Fair Share Plan represents an agreement, known as the Settlement Agreement that was developed specifically for Riverton. It has been agreed to by the Borough and the Fair Share Housing Center (FSHC) and approved by the Court. As noted previously, a minor amendment to that agreement is pending. For the purposes of establishing Riverton's Fair Share Plan, the Borough and FSHC agreed that Riverton's Third Round obligation will be 76 units, its prior round obligation will be 15 units, and there will be no 'present need' or rehabilitation share. All parties further recognized that this Fair Share Plan is designed to satisfy as much of the Borough's affordable housing obligation as possible. That which cannot be satisfied shall be considered the Borough's remaining 'unmet need.'

While creating opportunity for affordable housing, this Fair Share Plan also respects and advances the larger, overall goals and objectives of the local Master Plan. In other words, the affordable housing mechanisms proposed herein were specifically selected because they are forms of housing and development that are consistent with the character of the Borough and purpose and intent of the local Master Plan. The affordable housing plan outlined in the Borough's Settlement Agreement was approved by the Court on April 22, 2019 and its pending proposed amendment.

#### **A SUMMARY OF RIVERTON'S PAST EFFORTS TO SATISFY ITS HOUSING OBLIGATION**

It's taken a long time for the Borough to get to the point of having a Fair Share Plan that is recognized as one that satisfies the Borough's Third Round affordable housing obligation. This section outlines in more detail the history of the Borough's efforts to meet its housing obligation.

When Riverton was certified under Round Two, the Borough sought and received a vacant land adjustment which reduced the Borough's new unit obligation from fifteen (15) new units to two (2), based on the demonstrated fact that there was limited vacant land available on which to construct affordable housing developments. The Borough of Riverton received Round Two certification from COAH on November 1, 2000. As noted earlier, to satisfy this prior round obligation, the Borough adopted inclusionary zoning on Martha's Lane to address the Borough's two (2) unit RDP. The Borough also implemented an overlay zone on the Riverton portion of the Riverton Country Club golf course to address in part the remaining thirteen (13) units of unmet need.

On December 15, 2005 the Borough submitted a new Housing Element and Fair Share Plan with its petition for re-certification under Round Three. Before the Plan could be certified by COAH, the State adopted new regulations based on a 'growth share' model, so that Plan was never certified.

On December 30, 2008 the Borough submitted a revised Housing Element and Fair Share Plan in accordance with new State regulations, but in 2009 there was a change to COAH rules which did not allow a mix of commercial and residential uses in affordable housing developments. Riverton was then required to remove that proposal from its Plan. At the same time, there were two other affordable housing proposals in the Borough's Plan which became infeasible – the Baptist Home and 204 Main Street. The property owners of these two sites suddenly expressed disinterest in participating in an affordable housing program as it was proposed at the time. Ultimately, on December 22, 2009 the Borough submitted another revised Housing Element and Fair Share Plan to accommodate these changes.

The Borough was assured that its 2009 Plan would be certified by COAH, although on May 14, 2010 an objection was filed, suggesting that the National Casein site should be redeveloped with affordable housing and included in the Plan. However, the Borough had already considered and rejected that suggestion because it would have removed a valuable commercial use and local source of employment from the community. The nature of Riverton's tax base with its abundance of residential and tax exempt properties requires the Borough to preserve as many viable commercial properties as possible for the benefit of all residents regardless of income. Riverton welcomed mediation as a means to explain these local planning concerns but COAH never initiated mediation or otherwise addressed Riverton's request to complete its affordable housing petition.

A couple years later, in response to some proposed changes to State regulations, Riverton submitted a revised Spending Plan on July 16, 2012. This submission included fully executed agreements from Quality Management Associates and Habitat of Humanity for two affordable housing projects – a group home and a market-to-affordable single family home. The Borough requested an expedited review, but again, COAH took no action. Finally, in 2015 the Borough generated its last Housing Element and Fair Share Plan following the New Jersey Supreme Courts March 10, 2015 decision. It too was never certified before the process of settling with each town through Declaratory Judgment evolved.

This long list of municipal efforts demonstrates that the Borough of Riverton worked diligently and made multiple attempts to integrate plans for affordable housing into the community. The Borough has continued to pursue re-certification under Round Three and spent a considerable amount of its limited resources on this endeavor since 2005. Clearly, the Borough has made a sincere effort to accommodate, maintain and produce affordable housing. Riverton has never been an exclusionary community.

## **A SUMMARY OF RIVERTON'S CURRENT PLAN TO SATISFY ITS HOUSING OBLIGATION**

Every municipality's Third Round obligation has three parts – 1) the present need, or the rehabilitation share, 2) the prior round obligation and 3) the new unit obligation for Round Three, extending from 1999 through 2025. In Riverton's case, the total obligation of all three parts is 91 and that includes no rehabilitation units, or zero rehab, fifteen (15) units of prior round obligations and seventy-six (76) units of Round Three obligations. The following summarizes how the Borough will address all three parts of its affordable housing obligation.

### ***1.0 Rehabilitation***

The Borough's current rehabilitation obligation is zero. The Borough has no substandard housing, according to the 2016 ACS. A local rehabilitation program is unnecessary.

### ***2.0 Mechanisms for Addressing Prior Round Obligation***

Riverton received a vacant land adjustment under Round Two. Since that time, conditions in town have not changed substantially, nonetheless the Borough must now address two new issues. First, the mechanisms that were put in place under Round Two to address the RDP, or two (2) unit obligation, have not yet generated affordable housing. Therefore, per the regulations, those original affordable housing mechanisms should be re-assessed since they appear to be ineffective. The second issue involves the current understanding of what constitutes potentially developable land. Under previous rounds, potential development only reflected vacant, developable land. Now under Round Three, land that could be *redeveloped* is also considered potentially viable for affordable housing. Therefore, even though the Borough's Vacant Land Adjustment remains valid, the Borough's Round Three Fair Share Plan must include several additional sites that were not envisioned in prior rounds. These additional sites are locations where redevelopment may be possible.

Regarding the re-assessment of previously approved affordable housing zoning, since development has not yet occurred on Martha's Lane, that affordable housing zoning district will now be identified as a mechanism for addressing the Borough's unmet need, not its RDP. It's an important, though admittedly technical adjustment. Moreover, in an effort to make the zoning district potentially more developable, the current zoning will be amended to permit slightly smaller lots, thereby increasing the number of market rate units to support the corresponding affordable ones. The Borough believes this change to the existing AH zoning district could help initiate development on Martha's Lane.

More specifically, the new Martha's Lane zoning will address a couple of things. First, since the AH Zone was implemented, an error in the Borough tax maps was discovered during a development application review. As a result, the AH Zone actually extended into a lot that is

part of the General Business zone. A correction to the zoning map is required. Second, the new zoning will reduce the permitted lot size from 7,000 sf to 5,000 sf which will effectively increase the permitted density, yielding two (2) affordable units with seven (7) market rate units rather than only five (5). It will also reduce the minimum lot width from 70 feet to 50 feet. The Borough recognizes that this amendment creates a 22% affordable housing set aside, more than the typical 20% set-aside, however the Borough feels that permitting an additional lot and creating even smaller lot sizes in the AH zone would adversely impact existing adjoining residential lots in the adjacent R-8 and R-15 zones.

Since the Martha's Lane zoning district will now be identified as a mechanism for addressing the unmet need, the Borough is required to offer a different mechanism for addressing its two (2) unit RDP obligation from Round II. Accordingly, this Fair Share Plan includes the two (2) group homes that were never included in a certified plan. These group homes will now be the compliance mechanisms with which the Borough will satisfy its Round Two RDP. One of the group homes is located as 815 Homewood Drive and the other at 1005 Beechwood Road. Both facilities include four bedrooms and together they generate nine (9) credits, including one (1) allowable bonus credit. Since only two of the nine credits are required to address the Round Two RDP, the remaining seven (7) credits will be applied to the Borough's unmet need.

The Golf Course Overlay Zone, which was implemented under Round Two to address the Borough prior unmet need will continue to be enforced for the same purpose, though per the Settlement Agreement, the Overlay Zone will be modified to allow development on the site in part or in whole, a provision that was not specifically stated in the original overlay zone. This amendment is being implemented in response to the fact that the original overlay zone, like the aforementioned Martha's Lane zoning, has not yet produced any construction. Additionally, the revised ordinance for the Golf Course Overlay zone will also stipulate that the affordable housing component of development in this zone must include very low as well as low and moderate income housing. In this way, Riverton will address some of its obligation to provide a realistic opportunity for very low income housing to be created in the community.

### ***3.0 Mechanism for Addressing the Third Round Obligation***

Per the Settlement, the Borough and FSHC have resolved to accept a Round Three affordable housing obligation of 91 for Riverton. That number breaks down as follows:

- Present Need (Rehabilitation) – 0
- Prior Round Obligation – 15
- Round Three Obligation – 76

Another way to look at it is to recognize the Borough's two (2) unit RDP and an eighty-nine (89) unit unmet need. As already mentioned, the Borough has no rehabilitation obligation, its combined Prior Round and Third Round 2-unit RDP will be satisfied with the existing group homes, and seven (7) credits from the group homes will be applied to the Borough's unmet need. The rest of Riverton's unmet need will be addressed by the affordable housing mechanisms

outlined below. This represents Riverton's best effort to satisfy its obligation. Still the Borough simply cannot satisfy the entire ninety-one (91) unit obligation. In light of this fact, the Settlement Agreement and the pending proposed amendment stipulate that the Borough's current agreed upon Fair Share Plan is the best the Borough can do, generating a total of thirty-five (34) affordable units plus one (1) bonus credit.

The following is a list of the Borough's new affordable housing initiatives.

A. Broad Street #1 Overlay

The Broad Street #1 Overlay, which may otherwise be renamed when the ordinance is adopted, will be implemented over Lots 35, 36, 37, 38, and 39 in Block 701, in an area along Broad Street between Linden and Elm Streets. The overlay zone will permit residential apartments above commercial uses with a restriction that no more than twelve (12) apartments total may be created in the zone. The minimum apartment size will be 800 sf and the maximum building height will be two stories (first floor commercial, second floor residential). Commercial parking standards under the overlay zone will be 2.5 spaces per 1000 sf of commercial space. Residential Site Improvement Standards (RSIS) will apply to the parking requirements for the apartments, though shared parking with the commercial use will be permitted. At least 20% of the apartments must be affordable. The permitted commercial uses will be the same as those permitted in the underlying base (NB – Neighborhood Business) zone. The uses provided for in the overlay zone will be required only when the site is redeveloped; it will not be required when there is simply a change of use or ownership. The overlay zone may be exercised as an option in the absence of redevelopment plans.

B. Lippincott Avenue (North)

The overlay zoning on Lippincott Avenue (North) will apply to Block 1100, Lot 1. This overlay zone will permit ten (10) two-story townhouses with detached community garages and surface parking. The regulations will require that the front of all townhouses must face the public street and include covered porches which also face the street. There will be architectural standards to insure the units are compatible with the character of the neighborhood. At least 20% of the units must be affordable.

C. National Casein Overlay

While Lots 2 and 3 of Block 1500 may have merged in accordance with the Merger Doctrine, the overlay zone for the National Casein property pertains to the undeveloped portion of the site, otherwise known as Block 1500, Lot 3. This overlay zone will permit residential apartments above commercial uses with a restriction that no more than twelve (12) apartments total may be created in the zone. The minimum apartment size will be 800 sf and the maximum building height will be two stories (first floor commercial, second floor residential). Commercial parking standards under the overlay zone will be 2.5 spaces per 1000 sf of commercial space. RSIS parking standards will apply to the apartments, though shared parking with the commercial use will be permitted. At least



20% of the apartments must be affordable. The permitted commercial uses will be the same as those permitted in the underlying, base (GB – General Business) zone. The overlay zone will be required only when there is a change of use on the site; it will not be required when there is a change of ownership.

D. Broad Street #2 Overlay

The Broad Street #2 Overlay will apply to Lots 4, 14, 15 of Block 902 in the area along Broad Street between Fulton and Cinnaminson Streets. The overlay zone will permit a total of nine (9) residential apartments above commercial uses. The minimum apartment size will be 800 sf and the maximum building height will be two stories (first floor commercial, second floor residential). Commercial parking standards under the overlay zone will be 2.5 spaces per 1,000 sf of commercial space. RSIS parking standards will apply to the apartments, though shared parking with the commercial use will be permitted. At least 20% of the apartments must be affordable. The permitted commercial uses will be the same as those permitted in the underlying, base (NB – Neighborhood Business) zone. The overlay zone will be required only when the site is redeveloped; it will not be required when there is simply a change of use or ownership. The overlay zone may be exercised as an option in the absence of redevelopment plans.

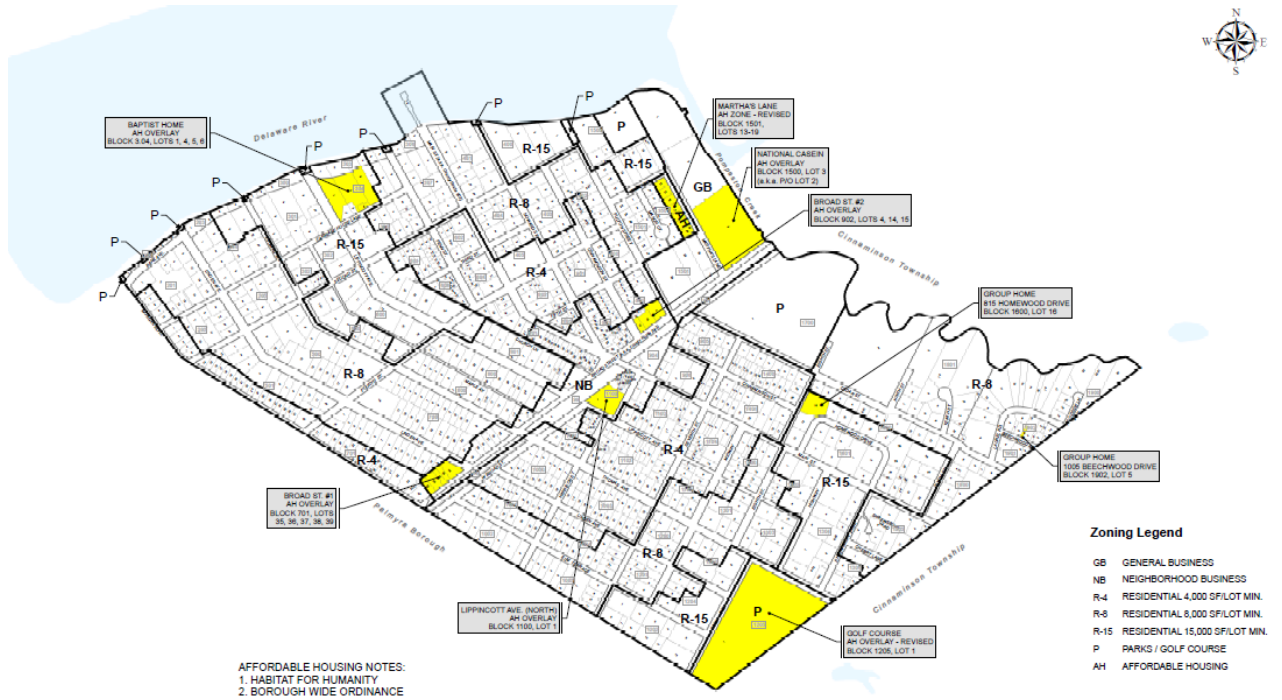
E. Baptist Home Overlay

The Baptist Home Overlay Zone will apply to Lots 1, 4, 5, and 6 of Block 3.04. This zoning district will stipulate that a multifamily form of residential housing will be permitted within this overlay zone even though the underlying R-15 Zone restricts residential development to single family detached dwellings. The ordinance will permit up to a maximum of 16 total units in the zone and require that 20% of all new units be affordable, including a very low income unit. However, considering the historic importance of the existing Baptist Home structure in the community, the overlay zone will also require that the current design of the building's footprint and façade cannot be altered except for minor, insignificant architectural modifications that do not change the overall character of the existing structure.

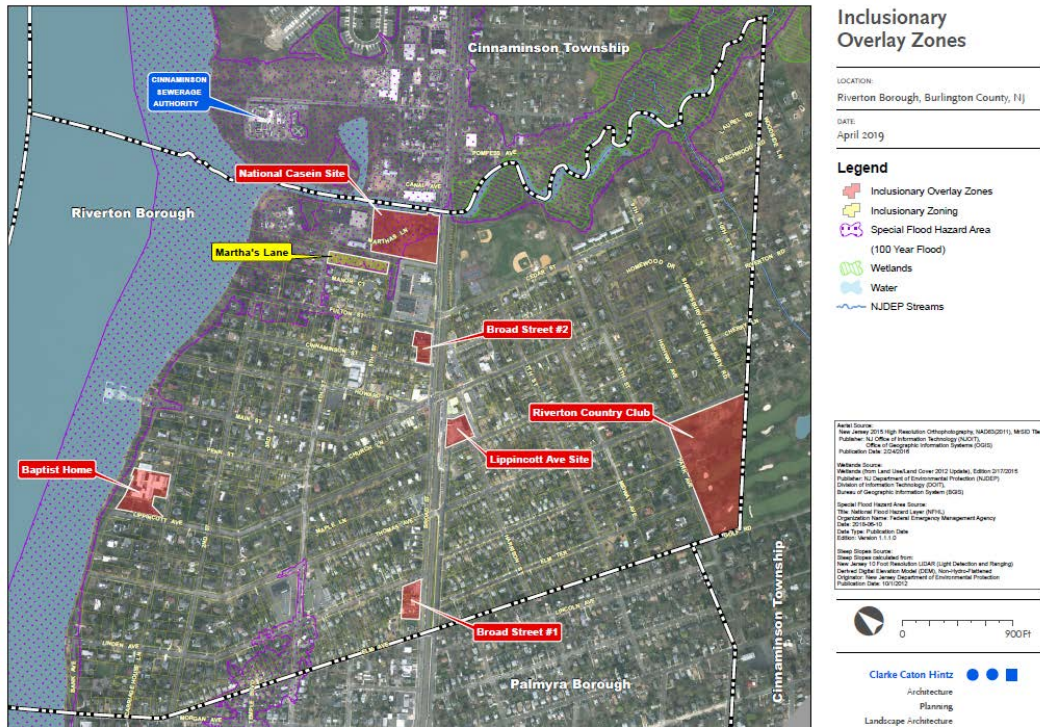
F. Habitat for Humanity, Now Very Low Income Assistance

In an Agreement between the Borough of Riverton and Habitat for Humanity, entered into on July 6, 2012, Habitat agreed to develop one (1) market-to-affordable unit in Riverton in exchange for a municipal subsidy. Because of market conditions, Habitat for Humanity no longer believes it is feasible to create this affordable unit. Consequently, a pending proposed amendment to the Borough's Settlement Agreement now stipulates that the Borough will commit the funds, previously intended to subsidize a Habitat unit, to an affordable housing assistance program. The assistance program will subsidize the creation of as many very low income units as possible in the Borough's affordable housing overlay zones. This will help to generate very low income units for family households.

## G. Riverton Borough's Affordable Housing Plan



The following plan identifies the Borough's affordable housing initiatives on an aerial map of the Borough along with potential local environmental constraints from published public data bases. The affordable housing plan reflects these constraints.



Source: Clarke Caton Hintz, April, 2019

## H. Affordable Housing Compliance Summary

The following is a summary of Riverton’s Affordable Housing Plan. Based on a two unit RDP, affordable housing regulations do not require the Borough to plan for the development of very low income units (VLI), however, in accordance with the court-approved FSHC agreement and a proposed minor amendment to that agreement, Riverton has agreed to make some provisions for very low income units. Specifically, the two group home provide eight (8) VLI rental units. Additional very low income family units will be required in the Baptist Home and Golf Course Overlay Zones. Per a proposed amendment to the Settlement Agreement, the Borough will also support the development of very low income family units in the Borough’s affordable housing overlay zones by establishing an affordability assistance program and encouraging developers to utilize the program’s subsidies to include some very low income units instead of low or moderate units. Any VLI units created through the assistance program will be above and beyond the five (5) family for-sale VLI units required in the Baptist Home and Golf Course Overlay Zones.

<b>Riverton Borough Round III Affordable Housing Compliance Summary Affordable Housing Obligation Total - 91</b>			
<b><i>Realistic Development Potential (RDP) – 2 units</i></b>			
Homewood Drive Group Home	4 bedrooms/units	Capped at 1.0 rental bonus	4 VLI units
Beechwood Road Group Home	4 bedrooms/units		4 VLI units
Total	2 units RDP + 7 unmet need = 9 affordable units (8 VLI rental units total)		
<b><i>Unmet Need – 89 units</i></b>			
A. Broad Street #1 Overlay	12 units total	2 affordable units	<i>1 possible VLI unit thru assistance prog.</i>
B. Lippincott Ave. (North)	10 units total	2 affordable units	<i>1 possible VLI unit thru assistance prog.</i>
C. National Casein Overlay	12 units total	2 affordable units	<i>1 possible VLI unit thru assistance prog.</i>
D. Broad Street #2 Overlay	9 units total	2 affordable units	<i>1 possible VLI unit thru assistance prog.</i>
E. Baptist Home Overlay	16 units total	3 affordable units	1 VLI unit
F. Martha’s Lane AH Zone	9 units total	2 affordable units	--
G. Golf Course Overlay	65 units total	13 affordable units	4 VLI units
H. Assistance Program	<i>Provides assistance in support of VLI family household units</i>		
Total	133 units, including 26 affordable units (5 VLI units & up to an additional 4 VLI units thru the Borough’s assistance program)		
<b><i>Summary</i></b>			
2 RDP + 7 unmet need from group homes + 26 unmet need from overlay zones = 35 credits, <i>including at least 13 VLI units and up to 5 additional VLI units through the assistance program</i>			

#### **4.0 Unmet Need**

The above noted compliance mechanisms will generate thirty-four (34) affordable housing units along with one (1) bonus credit for the group homes. These thirty-five (35) credits subtracted from the Borough ninety-one (91) unit total affordable housing obligation leaves an outstanding unmet need of fifty-six (56) units. The Borough is required to offer two additional compliance mechanisms to address the remaining unmet need. Toward that end, Riverton will implement a Borough-wide affordable housing set-aside ordinance and update its development fee ordinance.

The Borough-wide set-aside ordinance will stipulate that if the Borough permits the construction of any multi-family or single-family, attached residential development not already identified in this Fair Share Plan and that development has a gross residential density of 6 units to the acre or more, then the Borough shall require that 20% of the residential units be set aside for low and moderate income households. This requirement shall apply to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of six (6) or more new residential units. This ordinance will apply to any new development, whether permitted by a zoning amendment, a variance granted by the Borough's Planning Board, or included in a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation. Properties may not be subdivided so as to avoid meeting this requirement. All other provisions notwithstanding, the Borough-wide ordinance does not entitle a developer to rezoning, variances or other requested relief nor does it establish an obligation on the part of the Borough to grant such requests absent the requisite planning justifications and proofs.

The second mechanism for addressing the Borough's remaining unmet need will be through the Borough's development fee ordinances which will be updated. Residential development fees will be increased to 1.5% of the equalized assessed value, provided there is no increased density. A development fee of 6% of the equalized assessed value will be collected from residential development which exceeds the permitted density. Similarly, development fees for non-residential development will be increased to 2.5% of the equalized assessed value for non-residential development on unimproved lots. The same 2.5% development fee will also apply to the increase in equalized assess value resulting from any additions to existing structures used for non-residential purposes.

## ***5.0 Affordable Housing Administration and Affirmative Marketing***

Riverton Borough has prepared an updated Affordable Housing Ordinance in accordance with COAH's substantive rules and UHAC and the terms of the court-approved FSHC agreement. The Fair Share Ordinance will govern the establishment of affordable units in the Borough as well as regulate the occupancy of such units. The Borough's Fair Share Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, etc. including an exception that the UHAC requirement for 10 percent of the affordable units in rental projects being required to be at 35 percent of median income be replaced by the statutory requirement, N.J.S.A. 52:27D-329.1 that 13 percent of affordable units in such projects shall be required to be at 30 percent of median income.

The Affordable Housing Ordinance will establish a mandatory set-aside requirement of 20% if the affordable units will be for sale and 15% if the affordable units will be for rent, for any multi-family residential development created through any Planning Board action on subdivision or site plan applications; municipal rezoning; use or density variance; redevelopment plan or rehabilitation plan that provides a substantial density increase resulting in a minimum density at or above six (6) units per acre (or other compensatory benefit). This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Riverton Borough to grant such rezoning, variance or other relief.

The Borough will, by municipal resolution, appoint a current borough employee to the position of its Municipal Housing Liaison.

The Borough will execute a valid contract with the New Jersey Housing and Mortgage Finance Agency (NJHMFA) to administer the Borough's new-unit housing program through its Housing Affordability Service.

The Borough will adopt an affirmative marketing plan for all affordable housing sites. The affirmative marketing plan is designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Borough. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the Borough's housing region, Region 5, consisting of Burlington, Camden and Gloucester counties. The affirmative marketing plan lays out the random-selection and income qualification procedure of the administrative agent, which is consistent with COAH's rules and N.J.A.C. 5:80-26.1. As required by the court-approved FSHC agreement, the Affirmative Marketing Plan includes Fair Share Housing Center, Fair Share Housing Development, Camden County NAACP, Willingboro NAACP, Southern Burlington County NAACP, Latino Action Network, Burlington County Community Action Program (BCCAP), and the Supportive Housing Association among its list of community and regional organizations. The Borough shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.

## **IV. CONCLUSION**

Riverton's Fair Share Plan is a combination of inclusionary zoning initiatives, overlay zones and group homes with a proposed assistance program to encourage very low income affordable units. This Fair Share Plan has the potential to generate thirty-four (34) affordable housing units with one (1) bonus credit from the group homes. Riverton continues to maintain inclusionary zoning on Martha's Lane and an overlay zone on the golf course, though both of these earlier ordinances will be amended. Though the Borough will also implement five (5) new affordable housing mechanisms and an affordable assistance program, the fact that the Borough still lacks vacant land means Riverton still cannot generate an affordable housing plan for its entire obligation of ninety-one (91) units. Nonetheless, all Parties agree this Plan will generate as much affordable housing as the Borough can accommodate and it illustrates the Riverton's willingness and good faith commitment to integrating affordable housing into the community wherever possible.