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IN THE MATTER OF THE TOWNSHIP OF
MULLICA, a municipal corporation of the
State of New Jersey, and its Third Round
Affordable Housing Element and Fair Share
Plan.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
ATLANTIC COUNTY

DOCKET NO.: ATL-L-____-15

(Mt. Laurel)

Civil Action

**CERTIFICATION OF TIFFANY
CUVIELLO IN SUPPORT OF MOTION
TO GRANT MULLICA TOWNSHIP
TEMPORARY IMMUNITY FROM
MOUNT LAUREL LAWSUITS**

I, Tiffany CuvIELlo, being of legal age, hereby certify as follows:

1. I, Tiffany CuvIELlo, am a licensed Professional Planner in the State of New Jersey and employed by Tiffany A. CuvIELlo, PP, LLC. I have been retained by the Township of Mullica (the "Township") as Special Affordable Housing Planner with regard to the development of a revised plan to address the Third-Round Affordable Housing Obligations of the Township in compliance with the New Jersey Fair Housing Act, *inter alia*. I am submitting this Certification to the Court in support of the Township's Motion for Immunity from all Mount Laurel lawsuits.

2. Attached hereto as **Exhibit "A"** is a true and correct copy of my Affordable Housing Report for the Township, dated July 6, 2015. I am personally familiar with the facts included in the attached document presented in this Certification.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


TIFFANY CUVIELLO

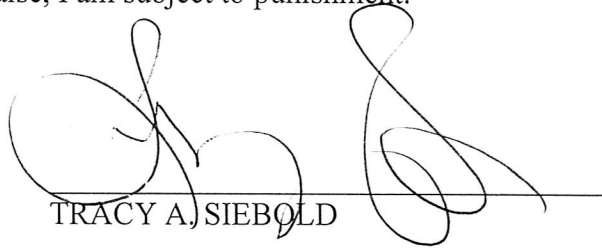
DATED: July 7, 2015

CERTIFICATION OF FACSIMILE SIGNATURE

I, **TRACY A. SIEBOLD, ESQUIRE**, hereby certify that Tiffany Cuivello has acknowledged to me the genuineness of her signature on the foregoing Certification and that an original of the Certification containing Ms. Cuivello's original signature affixed will be maintained in my file if requested by the Court or any party.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 7, 2015



TRACY A. SIEBOLD

EXHIBIT “A”

**TOWNSHIP OF MULLICA
AFFORDABLE HOUSING REPORT
DATED: JULY 6, 2015**

PREPARED BY: Tiffany A. CuvIELlo, PP, AICP
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INTRODUCTION:

This report has been prepared to assist with the Township's Motion for Declaratory Judgment and request for Temporary Immunity before the Court while moving forward to prepare a revised Fair Share Plan which will determine and address the Township's Prospective Need Housing Obligation. This report is intended to:

- Provide an overview of actions taken by the Township related to affordable housing;
- Provide an overview of the various affordable housing obligations;
- Identify the current state of the Township in terms of population, housing and income; and
- Provide recommendations of next steps in preparing an updated Fair Share Plan.

AFFORDABLE HOUSING PLANNING ACTIONS:

August 7, 1991 - Mullica Township received substantive certification from COAH for its first round (1987-1993) housing element and fair share plan.

March 4, 1998 - Mullica Township received substantive certification from COAH for its second round housing element and fair share plan.

March 9, 2005 – COAH granted Mullica Township extended substantive certification of its Round 2 Fair Share Plan.

November 21, 2005 – Mullica Township adopted a Round 3 Housing Element and Fair Share Plan.

June 2, 2008 - COAH adopted new Round 3 rules and regulations.

December 29, 2008 – Mullica Township adopted an amended Round 3 Housing Element and Fair Share Plan

March 10, 2009 – COAH determined Mullica Township's petition Complete.

AFFORDABLE HOUSING ACTIVITY:

The Township of Mullica works with the Atlantic County Improvement Authority and utilizes a local program to rehabilitate properties. From April of 2000 through December 2008 the Township and County rehabilitated 46 units, exceeding their rehabilitation obligation.

The Township of Mullica has two existing group homes that satisfy a portion of their affordable housing obligation. The two homes consist of a total of 8 bedrooms (4 bedrooms each).

- June, 2000 - Career Opportunity Development opened a 4 bedroom facility in on 3803 Reading Avenue (Block 3923, Lot 3).
- November, 2010 - ARC of Atlantic County with Collaborative Support Programs of NJ reconstructed a 4 bedroom group home on the White Horse Pike (Block 10024, Lot 6)

AFFORDABLE HOUSING OBLIGATION:

Prior Round Obligation –

Mullica Township received a Vacant Land Adjustment as part of their Round 2 certification. This resulted in an obligation of 36 units for rehabilitation and an unmet need of 39 units.

Growth Share Obligation –

Under the original adopted Round 3 regulations the Township of Mullica was projected to have a growth share obligation of 59 units.

Round 3 Proposed/Un-adopted Regulations (2014) –

COAH proposed rules for adoption in 2014 that would have addressed the Court mandate which invalidated the Growth Share methodology. These rules would have yielded a 0-unit Rehabilitation Share; a 6-unit unanswered prior obligation (1987-2014); and a 14-unit Projected Need Share (2014-2014) adjusted for a vacant land adjustment. The Township of Mullica was given a total obligation of 20 units as proposed in the un-adopted rules.

Fair Share Housing Center (FSHC) October 31, 2014 Alternative Fair Share Housing Calculations-

FSHC prepared independent calculations in 2014 for the municipalities in the State. These were completed by an independent consultant and determined that Mullica Township should have an obligation of 93-units. This estimate is 3.65 times greater than the obligation calculated in COAH's un-adopted Round 3 rules. These calculations were somewhat flawed and FSHC presented revised calculations.

Fair Share Housing Center April of 2015 Revised Calculations –

FSHC issued revised calculations for the various municipalities in New Jersey. The affordable housing obligation estimated for Mullica Township was 205 units consisting of a 0-unit rehabilitation obligation, a 40-unit Prior Round obligation, and a 165-unit Round 3 obligation. This estimate of the Township's affordable housing obligation is 9.25 times higher than the obligation calculated in COAH's un-adopted Round 3 rules.

MULLICA TOWNSHIP POSITIONS – FUTURE OBLIGATIONS

Available Land and Infrastructure:

The Township of Mullica received a Vacant Land Adjustment under their second round certified plan. Since 2008 the Township of Mullica has seen very limited growth. This is based in part on the economy, but more so upon the available developable land in the Township.

Building Permit Activity:

Since 2008 the Township of Mullica issued a total of 21 demolition permits for housing and 47 new certificates of occupancy for a total net of 26 new housing units over a seven-year period. This reflects and confirms the limited growth that has occurred in the Township of Mullica since 2008 when the last Fair Share Plan was prepared for certification.

Major Development Applications:

The Township has approved eight major development applications since 2008. That equates to an average of one application per year. The development applications include a combination of residential and commercial. The commercial approvals consist of a new 6,000 square foot Church; an approval for 1,200 square foot of office space and 4,900 square feet of retail space and outdoor storage area from 2009; a cell tower in 2009, and a recently approved four office buildings of 1,475 square feet each from 2014 that has yet to begin construction.

Planning Board approvals for residential development has resulted in the creation of 6 new lots (add preliminary major from 2009 that has not been completed.)

Land Use and Infrastructure Restrictions:

Mullica is completely located within the Pinelands Protection Area, thus the development density in the Township is regulated by the Pinelands Comprehensive Management Plan (CMP). More than 85% of the total land area in the Township is within the Pinelands Agricultural Production, Preservation Area, Forest Area or Rural Development Area. The mandated minimum lot sizes in these areas range from 3.6 acres to 31 acres. (One acre lot sizes are permitted in the Rural area however the density must still maintain the larger lot size for total development area.)

Only 12% of the Township land area is within a Pinelands Village or Town. These areas permit development at higher densities under the CMP; however these areas do not have public sewer infrastructure. Without the infrastructure the development intensity cannot occur.

Balancing Land Uses:

The Township has very limited non-residential development and non-residential development opportunities. This is reflected in the tax assessment records where 2% of the total parcels are assessed for non-residential purposes (88 non-residential parcels; 4,110 total parcels). This is further reflected through the total value, where 89% of the total assessment values in the Township are related to residential. Only 5.5% of the total assessed values are related to non-residential assessments.

The Pinelands CMP controls development type and intensity. Opportunities for future non-residential land uses are restricted to the Pinelands Villages and Towns. In the Township, 12% of the land area is located within a Pinelands Village or Town. These areas are also the only location where increased housing density would be permitted, on a limited scale, to address any future affordable housing. The Pinelands restrictions through the CMP create practical difficulties in creating a balanced land use and affordable housing opportunities for the Township's residents.

DEMOGRAPHICS:

The Township of Mullica has seen minimal population and housing growth over the past two decades. With a 4.5% increase in population since 1990 and 6.8% increase of occupied housing units, the total growth over 20 years is insignificant, especially given the size of the Township. The Township has seen a minimal change to the total population density since 1990.

Population Trends			
	Township of Mullica	Atlantic County	New Jersey
1990	5,896	224,327	7,730,188
2000	5,912	252,552	8,414,350
2010	6,164	274,549	8,791,894
1990 to 2010	4.5%	22.4%	13.7%
1990 to 2000	0.3%	12.6%	8.9%
2000 to 2010	4.3%	8.7%	4.5%
Source: US Census Data			

Housing Trends			
	Township of Mullica	Atlantic County	New Jersey
1990	1,923	106,877	3,075,310
2000	2,044	114,090	3,310,275
2010	2,053	126,647	3,553,562
1990 to 2010	6.8%	18.5%	15.6%
1990 to 2000	6.3%	6.7%	7.6%
2000 to 2010	0.4%	11.0%	7.3%
Source: US Census Data			

The Township of Mullica is located with Region Six, which includes Atlantic, Cape May, Cumberland and Salem Counties. The 2014 Regional Income Limits for Region Six are as follows:

2014 Affordable Housing Region 6 Income Limits					
	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household
Moderate Income(80% of Median)	\$ 40,868	\$ 46,707	\$ 52,545	\$ 58,383	\$ 63,054
Low Income (50% of Median)	\$ 25,543	\$ 29,192	\$ 32,841	\$ 36,490	\$ 39,409
Very Low Income (30% of Median)	\$ 15,326	\$ 17,515	\$ 19,704	\$ 21,894	\$ 23,645
Source:COAH 2014 Regional Income Limits					

In 2010 the Township reported an average household size of 2.81 persons per unit. The Township's Household Income Levels for the 2,053 occupied housing units are shown below. Based upon the HUD Regional Income Limits above, approximately 22% of the total households in Mullica fall within the range of a low to very-low income household (\$15,326 for a 1 person very-low income through \$39,409 for a 5 person low-income household). When including the Moderate-income group an estimated 34% of the existing households in the Township would fall into the very-low, low and moderate income housing group.

Household Income		
	Mullica Households	Mullica (% of Total Households)
Total Occupied Housing Units	2,053	n/a
Less than \$10,000	138	6.7%
10,000 - 14,999	31	1.5%
15,000 - 19,999	83	4.0%
20,000 - 24,999	42	2.0%
25,000 - 29,999	135	6.6%
30,000 - 34,999	65	3.2%
35,000 - 39,999	128	6.2%
40,000 - 44,999	94	4.6%
45,000 - 49,999	60	2.9%
50,000 - 59,999	87	4.2%
60,000 - 74,999	255	12.4%
75,000 - 99,999	309	15.1%
100,000 - 149,999	420	20.5%
150,000 - 199,999	112	5.5%
200,000 +	94	4.6%

Source: American Community Survey 5 Year Estimates 2009-2013

Income Levels			
	Township of Mullica		
	Households	Families	Non-Family
Median Income	\$68,403	\$73,775	\$28,634
Mean Income	\$83,020	\$89,815	\$38,160

Source: American Community Survey 5 Year Estimates 2009-2013

SUMMARY:

Given the existing income levels and the age of the housing stock, the Township will seek to complete a Credits without Control survey in accordance with N.J.A.C. 5:93-3.2. According to Census Data, 362 housing units (15.6% of the total housing stock) were constructed between 1980-1989.

The Township will also seek to update their Vacant Land Adjustment (VLA) which was approved by COAH for the prior round obligation. The approved Vacant Land Adjustment resulted in a zero unit of Realistic Development Potential (RDP) and an unmet need of 39 units. The Prior Round Certification from COAH included a waiver from addressing the unmet need.

The conditions that existed at the time of prior round certification remain consistent for the Township of Mullica. It is therefore anticipated that the Township will address any affordable housing obligation by updating and certifying that the conditions which existed in 1998 when the prior round plan was certified with a VLA and the waiver from satisfying unmet need continue to exist today. To the extent that the Township is required to address any portion of their unmet need, the revised plan will provide for existing affordable housing credits and affordable housing programs to satisfy the unmet need component.