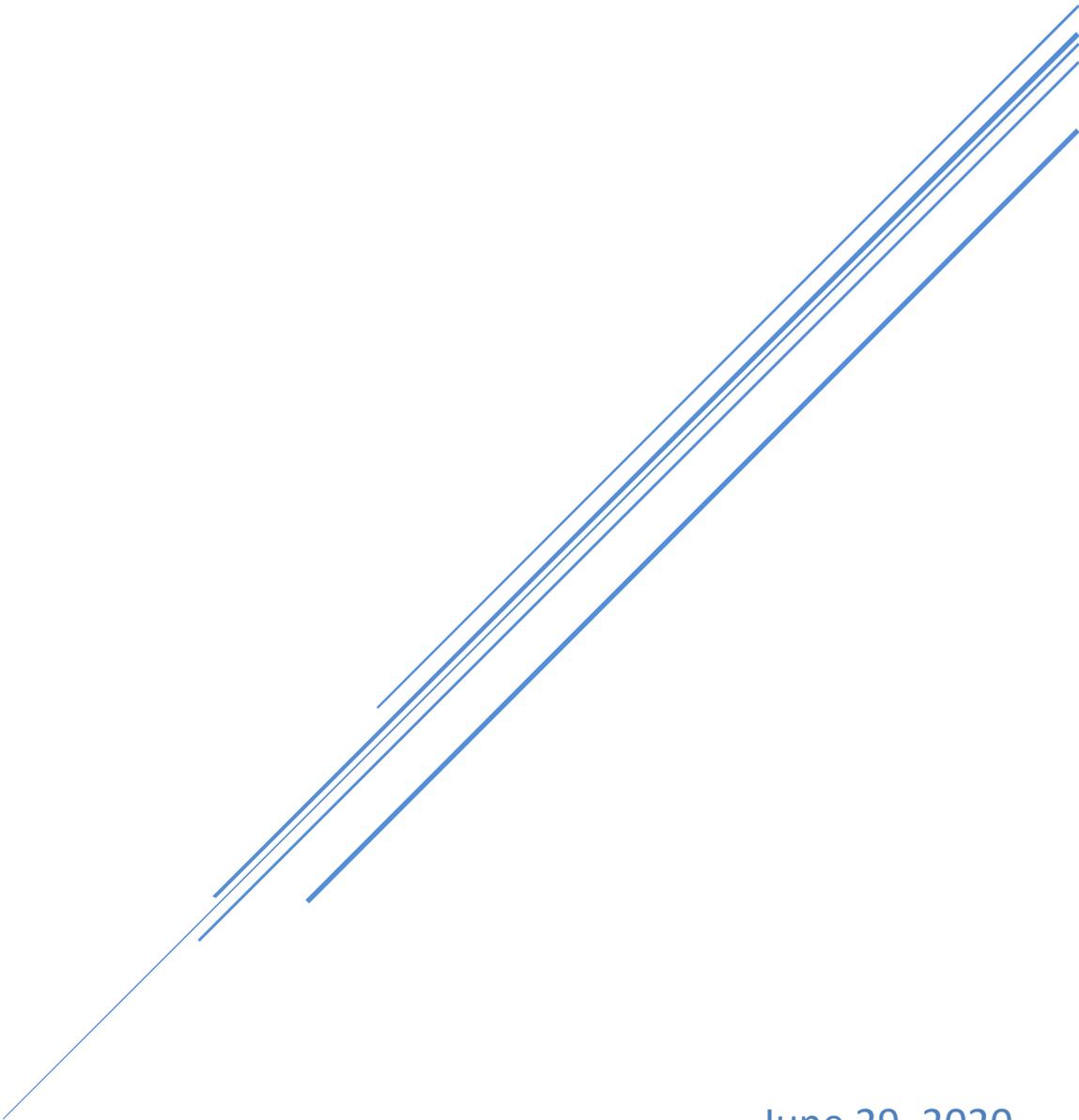


AFFORDABLE HOUSING MIDPOINT REVIEW REPORT

Township of Green Brook



June 29, 2020

PURPOSE

Paragraph 21 of the Township of Green Brooks' 2017 Settlement Agreement with Fair Share Housing Center (hereinafter "FSHC") requires that the Township comply with the statutory midpoint review requirements of the Fair Housing Act and specifically N.J.S.A. 52:27D-313, which states "...the Council shall establish procedures for a realistic opportunity review at the midpoint of the certification period and shall provide for notice to the public..." This Midpoint Review Report has been modeled after the template prepared by FSHC and modified to more closely reflect the conditions in the municipality, the Settlement Agreement with FSHC, and the Court-approved Housing Element and Fair Share Plan.

The 2017 Settlement Agreement requires that the midpoint review be posted on the Township website and a copy provided to FSHC. The review acts as a status report regarding the Township's compliance mechanisms and whether or not any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. This review includes mechanisms addressing the unmet need.

RELEVANT BACKGROUND

Green Brook filed its Declaratory Judgment Action on July 6, 2015. The Township executed a Settlement Agreement with FSHC in 2017. The 2017 Settlement Agreement outlines Green Brook's affordable housing obligations: an 11-unit Rehabilitation Obligation, a 151-unit Prior Round Obligation, and a 274-unit Third Round Obligation. However, the Township sought and received a Vacant Land Adjustment for the Third Round, which produced an 85-unit Realistic Development Potential (hereinafter "RDP").

On February 9, 2018 Judge Miller entered a Conditional Order of Compliance following the Fairness Hearing. Thereafter, the Township prepared and adopted the requisite compliance documents. The Final Compliance Hearing was held on September 6, 2018 and November 5, 2018. On January 3, 2019 Judge Miller issued Green Brook a Conditional Final Judgment of Compliance and Repose (hereinafter "JOR").

CONDITIONS OF COMPLIANCE

The JOR contains three conditions. The conditions are noted below, and a status report is indicated in italics:

- A. On or before January 3, 2019 Green Brook shall adopt overlay zoning and/or the recommendations of the Village Center visioning Study for the existing Village Commercial Zoning District. Green Brook shall provide a copy of the Ordinance and/or other Governing Body action regarding the recommendation of the Visioning Study to the Court's Special Master, Fair Share Housing Center, GBM through its attorneys of record in this matter and any other interested party who had appeared in this case who shall have a period of twenty (20) days from receipt of the Ordinance or other action to provide the Court with any specific objection to the same.
 - *Status: The Ordinance for the Village Commercial Zone was adopted on December 27, 2018 via Ordinance 2018-859.*
- B. The Township shall secure income verification information from all future providers of alternative living arrangements to verify the qualifications of the occupants of said facilities as low or very

low income units or the existence of restrictions that limit the income of the occupants to very to low income households.

- *Status: No new alternative living arrangements have been constructed in the Township since the issuance of the JOR.*
- C. The Township shall provide the Special Master, and post on the municipal website, the name(s) of the designated Administrative Agent(s) for each inclusionary or 100 percent affordable project upon receipt of notice of same, or when there is a change in Administrative Agent(s) but not more often than on an annual basis.
- *Status: The letter was emailed to the Special Master on June 29, 2020 and will be posted on the website.*

Additionally, it should be noted that Green Brook submitted its first anniversary unit and trust fund monitoring to FSHC on May 22, 2020. The reports have been posted on the website and can be viewed at: http://www.greenbrooktwp.org/filedepot.aspx?page_id=33&page_name=Budget%20Information

PRIOR ROUND OBLIGATION

It should be noted that all the mechanisms allocated to the Prior Round Obligation have been constructed and were detailed in the Housing Element and Fair Share Plan.

REALISTIC OPPORTUNITY REVIEW

The realistic opportunity standard applies to all RDP mechanisms for Vacant Land Adjustment municipalities. The table on the following page summarizes the mechanisms allocated to the Third Round RDP and their current status.

The table on the following page illustrates that all but one of Green Brook's RDP mechanisms have been completed or are underway. As for the Sage site, the site is zoned, and the Township awaits an application for development from the property owner or a contract purchaser.

REALISTIC DEVELOPMENT POTENTIAL MECHANISMS						
Development	Block & Lot	Description	Ordinance Adopted (Y/N)	Status	Existing Affordable Units	Proposed Affordable Units
Mountainview	B95, L3; B95.01, L1	Inclusionary townhome development. Affordable units were constructed in 2000 and have a 30 year deed restriction	N/A	Built & Occupied	2	
Estel Place	B12, L13	Five-bedroom group home.	N/A	Built & Occupied	5	
Warrenville Road, Inc.	B15, L1	Three-bedroom group home, which received a CO in 2007.	N/A	Built & Occupied	3	
Cygna, Inc. at 998 Washington Avenue	B83, L2.01	Inclusionary rental development, which received a CO in 2019. Deed Restriction recorded on December 16, 2019. Affordable units leased as of January 1, 2020.	N/A	Built & Occupied	6	
Sage	B158, L11, 12, 29, 30, 31	Proposed inclusionary development of a maximum of 160 units with a 25% set-aside.	Yes	Zoned for Inclusionary Development. A letter was mailed to the owner on May 22, 2020 asking for a status update as to when an application for inclusionary development would be filed. A response was received on June 3, 2020 that indicates the owner is exploring various development options and anticipates the creation of such units prior to July 1, 2025.		40
Twp Parcel Block 101.12, Lot 3.01	B101.12, L3.01	Off-site inclusionary development. Existing rental units will be deed restricted as non-income qualified tenants vacate.	N/A	Conversions are ongoing as tenants vacate units.	7	5

As noted above, Green Brook has an 11-unit Rehabilitation Obligation. The Settlement Agreement obligated Green Brook to create a municipally-sponsored rehabilitation program. Since the issuance of the JOR Green Brook has completed the following:

- On June 22, 2019 the Township advertised for the contractors list. Proposals were due on July 9, 2019 and none were received.

- The wording in the solicitation was modified with the hopes that the Township would receive proposals. The new ad was published on September 7, 2019, with proposals due on September 17, 2019. No proposals were received. At that time, it was determined that if the Township was to receive an application for a rehab project that the project would be bid out at that time.
- Held a meeting with a prospective partner for the Rehab program (Habitat for Humanity) on August 6, 2018.
- Posted the rehabilitation flyer on the website in May of 2020.
- Advertised the program in the Township's eNewsletter in June 2020. There are roughly 800 recipients.
- In June of 2020 flyers were delivered to the senior citizens club and emailed.
- In June of 2020 flyers were delivered to select businesses.
- In June of 2020 a flyer was posted at the municipal building.
- A flyer will be inserted in the July 2020 tax bill, which will be sent to approximately 2,300 households.
- On July 13, 2020, the program will be announced at the Planning Board meeting.
- On July 20, 2020, the program will be announced at the Township Committee meeting.

No applications have been received to date.

UNMET NEED

The table on the following page summarizes the mechanisms allocated to the Third Round Unmet Need and their current status. It should be noted that the 2020 Woods at King George Application was not part of the 2017 Settlement Agreement or the JOR as it occurred after the JOR was issued. This site received approval in 2020 for six market-rate units and a one-unit affordable set-aside.

UNMET NEED MECHANISMS						
Development	Block & Lot	Description	Ordinance Adopted (Y/N)	Status	Existing Affordable Units	Proposed Affordable Units
Paolella	B103, L2, 3, 4	Inclusionary zone requiring a 20% set-aside regardless of tenure.	Y	Zoned for Inclusionary Development. A letter was mailed to the owner on May 22, 2020 asking for a status update as to when an application for inclusionary development would be filed. An answer was not received.		25
Village Commercial Zoning District	Various blocks and lots	Inclusionary zone, which requires set-asides for multi-family development.	Y	Zoned for Inclusionary Development. No applications have been filed. However, a conceptual sketch plan was submitted to the Township for review and comments for a mixed-use building.		TBD
Township-Wide Ordinance	TBD	Inclusionary ordinance triggered when multi-family developments of certain sizes and density are permitted outside of an inclusionary zone.	Y	Ordinance Adopted. No applications have been filed that has triggered the Ordinance.		TBD
2020 Woods at King George Application.	B101, L3.02	This site was not a part of the Settlement or HEFSP as it occurred after the JOR was issued. This was an application for a new building within an existing inclusionary development.	N/A	The Board approved this new 6-unit building application on January 13, 2020. The resolution requires 1 affordable low-income unit and a payment-in-lieu for \$71,100. However, the resolution allows another on-site unit to be converted to the affordable unit.		1

VERY-LOW INCOME ANALYSIS

Paragraph 12 of the 2017 Settlement Agreement indicates that 13% of all units referenced in the Agreement constructed after July 1, 2008 shall be very-low income units. Half of those units must be available for families. The table on page 6 provides a status of that units that have or are expected to be constructed after 2008.

VERY-LOW INCOME UNITS					
Affordable Units Constructed or To Be Constructed After 2008	Total Affordable Units	Proposed VLI Units	Existing VLI Units	VLI Percentage of Total	Status
Cygn, Inc. at 998 Washington Avenue	6		1	16.7%	Constructed, Deed Restricted, and Occupied
2020 Woods at King George Application	1			0.0%	Application approved by Board.
Twp Parcel Block 101.12, Lot 3.01	12	1		8.3%	Conversions are ongoing as tenants turnover
Sage	40	6		15.0%	Zoned for Inclusionary Development
Paolella	25	4		16.0%	Zoned for Inclusionary Development
Village Commercial District Zone	TBD				Zoned for Inclusionary Development
Township-Wide Set-aside	TBD				Ordinance Adopted

CONCLUSION

Green Brook's plan implementation continues to create a realistic opportunity where that standard is applicable, and the Township has implemented its Unmet Need mechanisms, which continue to be constitutionally sufficient.