

MIDPOINT REVIEW
HARDING TOWNSHIP
Morris County, New Jersey

July 1, 2020

Prepared By:



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MIDPOINT REVIEW OF HARDING TOWNSHIP, MORRIS COUNTY

Purpose

Harding Township's 2018 Settlement Agreements with Fair Share Housing Center ("FSHC") and S/K Mt. Kemble Associates, LLC ("Mt. Kemble") requires that Harding Township comply with the statutory midpoint review requirements of the Fair Housing Act ("FHA") and specifically N.J.S.A. 52:27D-313, which provides in relevant part: "[t]he Council shall establish procedures for a realistic opportunity review at the midpoint of the certification period and shall provide for notice to the public". The Settlement Agreement requires the Township to post "a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to address the municipality's fair share obligations should be revised or supplemented" on the Township website and copy is to be provided to FSHC. Such posting shall invite any interested to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.

Any interested party is requested to submit comments within 10 days of the date of this posting regarding whether any sites in the Agreement and Housing Element and Fair Share Plan no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented, to the following:

Township Clerk:

Lisa Sharp, Municipal Clerk
Township of Harding
P.O. Box 666
New Vernon, NJ 07976

Affordable Housing Special Counsel:

Steven A. Kunzman, Esq.
DiFrancesco Bateman
361 Route 31, Suite 1301
Flemington, NJ 08822

Fair Share Housing Center:

Adam M. Gordon, Esq.
Executive Director
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002

Relevant Background

In response to Mount Laurel IV, the Township filed a declaratory judgement action on July 7, 2015. A Settlement Agreement with Mt. Kemble was executed on February 9, 2018, and a Settlement Agreement with FSHC, incorporating the Mt. Kemble Agreement was executed by the Township on September 21, 2018 and by FSHC on September 27, 2018 ("2018 Settlement Agreement"). During the November 2, 2018 Fairness Hearing, the Court approved the Settlement Agreement between the Township and FSHC and declared the agreement fair and reasonable and that it adequately protects the interest of low- and moderate-income households. The Court found that the Township is entitled to a durational adjustment in accordance with N.J.A.C. 5:93-4.3, due to the lack of sufficient infrastructure to accommodate the entirety of its Third-Round obligation. The Court also found that the requested waiver of N.J.A.C. 5:93-4.3(c)4, which requires the Township to permit affordable housing development on any site not included in the Fair Share Plan, is appropriate for the Township. Pursuant to the 2018 Settlement Agreement, the Township has the following obligation:

Rehabilitation Share: 0

Prior Round Obligation: 83

Third Round Obligation: 176

The Conditional Judgment of Compliance and Repose (JOR) provided the following Conditions, all of which have been met:

- a) Modification of the bedroom composition of the two (2) new units to be constructed at the Farm at Harding 100% affordable project so that one is a two (2) bedroom unit and one is a three (3) bedroom unit to be in accordance with the requirements of the UHAC Regulations, N.J.A.C 5:80-26.3
- b) Demonstration that the Universal Institute group home meets the requirements for crediting under the applicable COAH rules, N.J.A.C. 5:93-1, et. seq.
- c) Demonstration that the Cerebral Palsy of North Jersey group home meets the requirements for crediting under the applicable COAH rules, N.J.A.C. 5:93-1, et. seq.
- d) Adopt a redevelopment plan and enter into a redevelopment agreement for the Hurstmont / Glen Alpin age-restricted development by October 31, 2019, subsequently extended by the Court by Orders of December 27, 2019 and April 8, 2020.
- e) Amend the affirmative marketing plan to comply with the requirement of settlement agreement for community organizations to receive notice of available units

On June 17, 2020, the Township received their final JOR indicating that all criteria have been satisfied. In accordance with the Fair Housing Act, Municipal Land Use Law (MLUL), and the conditions of the Compliance Hearing, the Township adopted a Housing Element and Fair Share

Plan on December 17, 2018. Additionally, the Township has adopted all requisite documents, including:

- Ordinance #03-2019 repealing and replacing Chapter 171 of Article II, Section 3 entitled "Development Fees" adopted on January 28, 2019
- Ordinance #04-2019 repealing and replacing Part 5 of Chapter 225, Affordable Housing Regulations to address the requirements of the Fair Housing Act and Uniform Housing Affordability Controls, adopted on January 28, 2019
- Ordinance #05-2019 amending and revising section §225-112 to create the AHO-1 Affordable Housing Overlay 1 Zone and AHO-2 Affordable Housing Overlay 2 Zone, adopted on January 28, 2019
- Ordinance #06-2019 to update §225-31 Affordable Accessory Residence Program, adopted on January 28, 2019
- Ordinance #13-2019 adopting the Glen Alpin Hurstmont Redevelopment Plan adopted on June 24, 2019
- Ordinance #16-2019 adopting the Amended Glen Alpin Hurstmont Redevelopment Plan adopted on September 30, 2019
- Ordinance #6-2018 creating the TH-1 Townhouse Zone 1, an inclusionary zone, adopted July 9, 2018
- Resolution 19-061 appointing Administrative Agent, adopted on January 28, 2019
- Resolution 19-062 appointing Municipal Housing Liaison, adopted on January 28, 2019
- Resolution 19-063 endorsing the Housing Element and Fair Share Plan, adopted on January 28, 2019
- Resolution 19-064 adopting Affirmative Marketing Plan, adopted on January 28, 2019
- Resolution 19-066 approving Spending Plan, adopted on January 28, 2019

Rehabilitation Program(s) Update, Marketing and Status

Pursuant to the 2018 Settlement Agreement, the Township has a Third Round Rehabilitation Share/Present Need of 0, and therefore has no rehabilitation programs.

Realistic Opportunity Review

| <u>Mechanism</u> | <u>Description</u> | <u>Ordinances Adopted (Yes/No)</u> | <u>Status</u> | <u>Notes/Additional Information</u> |
|--|---|---|--|---|
| The Farm at Harding | 24 family rental units existing; 2 family rental proposed in Housing Plan | N/A | Contract of Sale to the L&T Affordable Housing Urban Renewal Corporation fully executed; closing date to be scheduled prior to Sept. 1, 2020; L&T will construct 2 new units | The Township is applying three (3) credits to its Third Round obligation |
| Universal Institute Group Home | 5 support and special needs rental units | N/A | Opened 2001 | Court Master approved documentation, satisfying Condition b). |
| Mt. Kemble Development | 16 family rental units | Ordinance #6-2018; adopted July 9, 2018 | The Township expects a site plan submission by the end of the year | - |
| Cerebral Palsy of North Jersey (CPNJ) Facility | 7 support and special needs units | N/A | Final Certificate of Occupancy received | - |
| Glen Alpin/Hurstmont | 40 senior units | Redevelopment Plan Adopted on June 24, 2019 and amended on Sept. 30, 2019 | The Township expects a submission to the Planning Board by the end of the year | The Redevelopers Agreement and financial agreement have been finalized in satisfaction of Condition d). |
| RCA w/ City of Orange | 43 units | N/A | Executed Oct. 31, 1996 | The Township is applying two (2) credits to its Third Round obligation |
| Accessory Apartment Program | 10 units | Ordinance #06-2019 adopted on Jan. 28, 2019 | No applications received | - |

Deferred Mechanism

The Township received a durational adjustment for 73 units of its Third Round obligation based on the lack of sufficient water, sewage capacity, and sewer infrastructure within the Township. Two Overlay Zones were created via Ordinance #05-2019 that allow for inclusionary mixed-use development ONLY when either sewer is provided, or sufficient septic systems are put in place.

| <u>Mechanism</u> | <u>Description</u> | <u>Ordinances Adopted (Yes/No)</u> | <u>Status</u> | <u>Notes/Additional Information</u> |
|-------------------------------|--------------------|--|--|-------------------------------------|
| AHO-1 and AHO-2 Overlay Zones | 79 units | Ordinance #05-2019 adopted on January 28, 2019 | Infrastructure has not extended into the Overlay Zones | - |

Very Low-Income Analysis

| Very Low-Income Breakdown Analysis - Harding Township Affordable Housing | | | | |
|---|--------------------------------------|-------------------|------------|------------|
| Development | # OF TOTAL AH UNITS POST 2008 | VL | Low | Mod |
| Approved/Proposed | | | | |
| Mt. Kemble Development | 16 | 2 | 5 | 9 |
| The Farm at Harding | 2 | Not yet confirmed | | |
| Cerebral Palsy of North Jersey (CPNJ) Facility | 4 | 4 | - | - |
| Glen Alpin/Hurstmont | 40 | 5 | 12 | 23 |
| APPROVED/PROPOSED TOTALS | 62 | 11 | 17 | 32 |

Conclusion

Harding Township's plan implementation continues to create a realistic opportunity for the development of housing affordable to low and moderate income households in accordance with the Settlement Agreement and the Judgment of Repose, and the Township maintains sufficient mechanisms for addressing its affordable housing obligation.