

MIDPOINT REVIEW
TOWNSHIP OF BORDENTOWN
Burlington County, New Jersey

July 1, 2020

Prepared By:



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MIDPOINT REVIEW OF BORDENTOWN TOWNSHIP, BURLINGTON COUNTY

Purpose

Bordentown Township's Settlement Agreement with Fair Share Housing Center (FSHC), dated June 26, 2017 and amended June 11, 2019, requires that Bordentown 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." For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan. Such posting shall invite any interested party 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. Any interested party may by motion request a hearing before the court regarding these issues.

Relevant Background

In response to Mount Laurel IV, Bordentown Township filed a Declaratory Judgment action on July 2, 2015. The Township of Bordentown has entered into the following Affordable Housing Settlement Agreements and MOUs:

- On June 26, 2017, the Township and FSHC entered into a Settlement Agreement, which was approved by the Court via an Order dated June 29, 2018
- The Township entered into an Amended Settlement Agreement with FSHC on June 11, 2019, which was approved by the Court via an Order dated December 10, 2019
- The Township entered into an Affordable Housing Settlement Agreement with KJohnson Urban Renewal, LLC, dated March 11, 2019
- The Township entered into an MOU with Nissim Family Investments, LLC executed by the Township on August 28, 2017
- An Affordable Housing Settlement Agreement with Bordentown Development CO, LLC, ZB Properties, LLC, and Zeiger Enterprises Inc. (collectively "BDC") was signed by the Mayor on October 2, 2017 and by BDC on September 7, 2017
- An MOU with VOAD Property, Inc. was signed by the Mayor on October 2, 2017 and by VOAD on October 10, 2017
- A Settlement Agreement dated October 9, 2018 with Team Campus Phase II, LLC, and The Point at Bordentown (collectively "The Point"), was signed by the Mayor on October 12, 2018 and by The Point on September 21, 2018.
- An MOU with Habitat for Humanity of Burlington County, dated May 15, 2020

Pursuant to the June 26, 2017 Settlement Agreement with FSHC and the June 11, 2019 Amended Settlement Agreement with FSHC, the Township has the following obligation:

Rehabilitation Share: 11

Prior Round Obligation: 211

Third Round Obligation: 425

The Township received a Conditional Judgment of Compliance and Repose (JOR) on December 10, 2019, which shall remain in effect until July 2, 2025. The conditional JOR included many conditions from Court Master Mary Beth Lonergan's October 9, 2019 Master's Report and the majority of those conditions have since been satisfied. The several conditions that remain outstanding are anticipated to be satisfied over the next several months.

In accordance with the Fair Housing Act and the Municipal Land Use Law (MLUL), the Township prepared a Housing Element and Fair Share Plan, which was adopted by the Township Planning Board on August 8, 2019 and endorsed by the Governing Body on August 12, 2019. The Township is in the process of amending their Housing Element and Fair Share Plan to include the updates relevant to several conditions of the Conditional JOR. The Township also adopted the following requisite ordinances and resolutions:

- Ordinance 2018-13 Adopting the Nissim Redevelopment Plan - Adopted April 23, 2018
- Ordinance 2018-21 Creating the AH-1 Overlay Zone - Adopted July 23, 2018
- Ordinance 2018-28 Creating the AR-AH Age-Restricted Affordable Housing Zone - Adopted November 19, 2018
- Ordinance 2019-14 creating the Development Fee Ordinance - Adopted August 12, 2019
- Ordinance 2019-15 adopting the UHAC regulations - Adopted August 12, 2019
- Resolution 2019-221 Appointing a Municipal Housing Liaison – Adopted August 12, 2019
- Resolution 2019-222 Adopting a Spending Plan – Adopted August 12, 2019
- Resolution 2019-223 Appropriating funds/bonds in event of shortfall – Adopted August 12, 2019
- Resolution 2019-224 Endorsing the 2019 Housing Element and Fair Share Plan – Adopted August 12, 2019
- Resolution 2019-225 Adopting the Affirmative Marketing Plan – Adopted August 12, 2012
- Resolution 2020-19 Appointing Administrative Agent – Adopted January 4, 2020

Rehabilitation Program(s) Update and Status

The Township is addressing its 11-unit rehabilitation share through its agreement with Burlington County to participate in the County rehabilitation programs, which are funded through the Community Development Block Grant (CDBG) program and the Home Investment Partnership (HOME) program. The Urban County Corporation Agreement the Township executed with Burlington County in 2017 remains in effect until the end of 2020. At this point, there have been no units rehabbed through the County's programs that qualify for credits towards the Township's Rehabilitation/Present Need obligation.

Realistic Opportunity Review

Bordentown has a Third Round obligation of 425 units

<u>Mechanism</u>	<u>Description</u>	<u>Ordinances Adopted (Yes/No)</u>	<u>Status</u>	<u>Notes/Additional Information</u>
Bradford Pointe; 100% Affordable	168 family rental	Yes	COMPLETED: Constructed in 2002 pursuant to the Township's 2000 JOR	All units are occupied by low-income households; 10 of the units plus bonus credits are applied to the Township's Third Round
Bordentown Waterfront Community (BWC); Inclusionary Development	18 family to be produced on-site	Yes	PROPOSED: PB approval 7/14/2016; PB approval for 3-year extensions 8/8/2019	67 units of the 87-unit obligation for BWC will be produced through a development by Volunteers of America (VOA-1)
VOA-1 (Volunteers of America); Block 140 Lot 3.02; 100% Affordable	64 age-restricted + 5 special needs	Yes	COMPLETED: CO on 7/1/2019	39 mod-income units 23 low-income units 7 very low-income units
Rising Sun Meadows (Zieger); Block 138.01 Lots 41-43; Inclusionary Development	36 family rental	Ord. 2018-21; adopted 7/23/2018	PROPOSED: Final PB approval received; work anticipated to start by end of 2020	Settlement Agreement executed 09/17/2017; 18 mod-income units 13 low-income units 5 very low-income units
The Reserve at Crosswicks (Nissim); Inclusionary Development	40 family rental	Ord. 2018-13; Adopted 4/23/2018	PROPOSED: Final PB approval received; site clearing begun; anticipated completion 2021	MOU executed 08/29/2019; RDA executed 09/10/2019; 20 mod-income units 11 low-income units 9 very low-income units
VOA-2 (Volunteers of America); Block 140.2 Lots 1.02, 2.01 100% Affordable	65 family rental	N/A	PROPOSED: Received site plan approval 6/14/2018;	Applying for next round of LITC

<u>Mechanism</u>	<u>Description</u>	<u>Ordinances Adopted (Yes/No)</u>	<u>Status</u>	<u>Notes/Additional Information</u>
The Point (Team Campus II); Block 58 Lots 36 and 37; Inclusionary Development	19 age-restricted	Ord. 2018-28; adopted 11/19/2018	PROPOSED: Finalizing resolution compliance; work anticipated to start by end of 2020	Settlement Agreement executed 10/08/2019; 9 mod-income units 10 low/very low-income units
KJohnson Urban Renewal LLC (KJUR); Block 57 Lot 5; Inclusionary Development	26 family rental	Proposed	PROPOSED: Redevelopment Plan to be adopted	Settlement Agreement executed 03/11/2019
Market-to-Affordable Program	13 family rental	N/A	PROPOSED: Potential units have been identified in HEFSP; program manual drafted	-
Existing Supportive and Special Needs Housing; 3 Berkshire Court 12 Lancaster Court 5 Independence Drive 141 Old York Road	14 total units	N/A	CONSTRUCTED: 08/25/2010 08/24/2010 03/2017 10/29/1993	All the group homes are constructed, and the Township is in the process perfecting crediting documents
Habitat for Humanity; Block 66 Lots 12.02, 13, & 14; 100% Affordable	8 family units	Proposed	PROPOSED	MOU executed 05/15/2020
Development Fee Ordinance	Establishes standards for collection, maintenance, and expenditure of development fees	Ord. 2019-14; adopted 8/12/2019	Actively collecting fees	-

Very Low-Income Analysis

Very Low-Income Breakdown Analysis		
Development	# OF TOTAL AH UNITS <u>POST 2008</u>	Very Low-Income units from development
BWC	18	2
VOA-1	69	9
Zeiger	36	5
Nissim	40	9
VOA-II	65	8
Team Campus II	19	3
KJUR	26	4
Market-to-Affordable	13	2
Supportive and Special Needs Housing	16	5
Habitat for Humanity	8	Has not been determined yet
APPROVED/PROPOSED TOTALS	310	47