

MIDPOINT REVIEW JULY 1, 2020

Borough of Fair Haven
Monmouth County, New Jersey

Prepared By:



Heyer, Gruel & Associates
Community Planning Consultants
236 Broad Street, Red Bank, NJ 07701
(732) 741-2900

MID POINT REVIEW OF BOROUGH OF FAIR HAVEN¹

Purpose

The Borough of Fair Haven's Settlement Agreements with Fair Share Housing Center ("FSHC") and M&M Realty Partners ("M&M") requires that the Fair Haven complies 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". Pursuant to the Settlement Agreement, that review requires the Municipality to post on its website, with a copy to FSHC, and an opportunity for comment, a status report regarding its compliance mechanisms and whether or not unbuilt sites/unfulfilled mechanisms continue to present a realistic opportunity.

Relevant Background

The Borough entered into a Settlement Agreement with Fair Share Housing Center (FSHC) on February 12, 2020, which determined the Borough's constitutional obligation of the following:

- Rehabilitation Obligation: 0
- Prior Round Obligation: 135
- Prospective Need Obligation: 236

A Settlement Agreement with M&M Realty Partners, owners of Block 31 Lot 1, was also executed on February 12, 2020.

The Settlement Agreement included a Vacant Land Adjustment ("VLA") pursuant to N.J.A.C. 5:93-4.2, which established a Third Round Realistic Development Potential ("RDP") of 1 unit. Upon negotiations with FSHC, it was recommended the 1-unit RDP be revised to 4 units, which leaves an Unmet Need of 683 units.

A Fairness Hearing was held on May 20, 2020, and a Court Order was issued on June 5, 2020 which deemed the Settlement Agreements with Fair Share Housing Center and M&M as fair and reasonable.

Rehabilitation Program(s) Update

Fair Haven has an obligation to rehabilitate 0 units.

¹ MBS - MOUNT LAUREL LITIGATION – MID POINT REVIEW

Realistic Opportunity Review

<u>Mechanism</u>	<u>Description</u>	<u>Ordinances Adopted (Yes/No)</u>	<u>Status</u>	<u>Notes/Additional Information</u>
M&M Site/AH Affordable Housing Zone	The Borough will be rezoning the property to a new zone, which will permit a 3-story mixed-use inclusionary development. A payment-in-lieu is to be provided to the Borough to assist with the development of the Habitat for Humanity site.	No	The Borough is expected to introduce the ordinance in July 2020.	This mechanism addresses 2 units of the Borough's 4-unit RDP.
Habitat for Humanity	The Borough is proposing to donate a portion of Block 45 Lots 10 & 12 Habitat for Humanity and utilize the payment-in-lieu from the M&M site, create 2 affordable units.	No	The Borough is working to update the Housing Element/Fair Share Plan include this site and rezone the site.	This mechanism addresses 2 units of the Borough's 4-unit RDP.

Unmet Need

<u>Mechanism</u>	<u>Description</u>	<u>Ordinances Adopted (Yes/No)</u>	<u>Status</u>	<u>Notes/Additional Information</u>
Downtown Affordable Housing Overlay (Site 1)	The Borough will establish an affordable housing overlay zone to produce affordable units.	No	The Borough will adopt an amended HE/FSP and adopt the related ordinance.	This mechanism addresses the Borough's unmet need.
Methodist Church (Site 2)	The Borough will establish an overlay zone on Block 77.2 Lot 6, to permit age-restricted housing. Should the age-restricted development not occur by December 31, 2022, the site may be permitted to be developed as a family inclusionary site.	No	The Borough will adopt an amended HE/FSP and adopt the related ordinance.	This mechanism addresses the Borough's unmet need.

Block 27 Lots 56, 57 & 58	The Borough will establish an overlay zone on Block 27 Lots 56, 57 and 58 that permits mixed-use inclusionary development.	No	The Borough will adopt an amended HE/FSP and adopt the related ordinance.	This mechanism addresses the Borough's unmet need.
Block 28 Lots 18, 19, 23.1, 26 & 26	The Borough will establish an overlay zone to permit mixed-use inclusionary development.	No	The Borough will adopt an amended HE/FSP and adopt the related ordinance.	This mechanism addresses the Borough's unmet need.
Accessory Apartments	The Borough will adopt an accessory apartment ordinance.	No	The Borough will adopt an amended HE/FSP and adopt the related ordinance.	This mechanism addresses the Borough's unmet need.

Very Low-Income Analysis

Very Low Income Breakdown Analysis				
Development	# OF TOTAL AH UNITS POST 2008	VL	Low	Mod
Proposed				
M&M- AH Affordable Housing Zone	2		1	1
Habitat for Humanity	2	1		1
Downtown Affordable Housing Overlay (Site 1)				
Methodist Church (Site 2)				
Block 27 Lots 56, 57 & 58				
Block 28 Lots 18, 19, 23.1, 26 & 26				
Accessory Apartments	10	1	4	5
APPROVED/PROPOSED TOTALS	14	2	5	7
		14%		

Conclusion

The implementation of the Settlement Agreement with FSHC and M&M continues to create a realistic opportunity.