

MID POINT REVIEW OF MILLSTONE TOWNSHIP¹

Purpose

Millstone Township's ("Municipality") Settlement Agreement with Fair Share Housing Center ("FSHC") and Showplace Farms, LLC ("Showplace") requires that the Township 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. The Settlement also contemplates review of unmet need/deferred mechanisms, though the realistic opportunity for the construction of those mechanisms during the compliance period is not applicable.

Relevant Background

The Municipality filed its Affordable Housing Declaratory Judgment Action on June 2, 2015. The Municipality settled in final form by Settlement Agreement dated September 5, 2019, received a conditional Judgment of Compliance by Order filed on November 12, 2019, and a final Judgment of Compliance and Repose filed on April 29, 2020. As a part of that process, the Municipality adopted all requisite documents including:

Adoption and Endorsement of Housing Element and Fair Share Plan,

Affordable Housing Ordinance 20-03 (including Development Fees, Marketing Plan and compliance with COAH and UHAC Regulations),

Zoning Ordinance 20-04 revisions to accommodate inclusionary site,

Zoning Ordinances 20-05 and 20-07 revisions to accommodate municipally sponsored sites,

Zoning Ordinance 20-06 revisions to accommodate Showplace site,

Resolution 20-114 approving Developer's Agreement with inclusionary Developer Baldachino,

Resolutions 20-115 and 20-116 approving Developer's Agreements for municipally sponsored sites with Affordable Housing Alliance,

¹ MBS - MOUNT LAUREL LITIGATION – MID POINT REVIEW – 6-29-20

Resolution 20-111 approving Spending Plan

Ordinance 20-02 creating municipally sponsored Accessory Apartment Program

Resolutions 20-61 and 20-91 creating and funding Affordable Housing Rehabilitation Program

Resolution 20-92 Appointing Municipal Housing Liaison

Contract with Administrative Agent for Affordability Controls

Resolution 20-90 adopting Affirmative Marketing Plan

Conditions of Compliance

There are no conditions of the Judgment of Compliance and Repose filed April 29, 2020 that have not been, or are not being, timely satisfied.

Rehabilitation Program(s) Update

The purpose of the Housing Rehabilitation Program is to improve the supply of low and moderate-income housing by preserving the existing housing stock. The program assists low and moderate-income households (Owner or Renter) to adequately maintain their properties and thus provide sustainable housing for the future. The Municipality has an obligation to rehabilitate thirty-one (31) units. The Municipality has contracted with the Affordable Housing Alliance (AHA) to act as Program Administrator to operate and manage the rehabilitation program. AHA has produced an Operating Manual with program guidelines adhering to COAH's program regulations (N.J.A.C. 5:93-5.2). The rehabilitation program will be funded by development fees deposited in the Municipal Affordable Housing Fund and a minimum of \$10,000.00 hard costs will be expended for each unit being rehabilitated. The Program is advertised pursuant to the Municipal Marketing Plan and those interested must file an application followed by examination for eligibility, inspection of the property, providing documentation of taxes and utilities paid, providing a title report, home visit, work write up and bid process before closing can take place and work commence.

Rehabilitation Program Opportunity Marketing

AHA has engaged in the following affirmative marketing of the Rehabilitation Program:

1. Contact information: Affordable housing Alliance
3535 Rt. 66, Bldg. #4,
Neptune , N.J. 07753
e-mail: aha-intakedos@housingall.org

Fax: (732) 922-4100
Phone: (732) 389-2958

2. Prepared a marketing plan including:
 - a. Application solicitation through brochures; fliers and applications posted in prominent locations; posting of program information on municipal website with invitation for applications, application forms and program manual.
 - b. Publication announcing program and requesting applications published in the Star Ledger and Asbury Park Press once a week for four consecutive weeks.
 - c. Announcement of program and request for applications with application form posted at Millstone Township Hall, Millstone Township Library.
 - d. Commenced initial round of solicitation for applications commencing May 1, 2020 and concluding on June 29, 2020.

Rehabilitation Program Status

Insofar as the Judgment of Compliance and Repose approving the Municipalities Affordable Housing Plan was filed on April 29, 2020 the Program has only been in operation for a brief time. At this time the program is open and accepting preliminary coupon submissions from Friday May 1, 2020 through June 29, 2020. Following the deadline date for submissions a lottery drawing will be conducted to fill the available slots for program assistance. At this time 1 application has been received. The number of applications currently being processed are 0. The number of rehabilitations completed are 0.

Realistic Opportunity Review

The realistic opportunity standard applies to all mechanisms for non-adjustment municipalities and RDP/non-deferred mechanisms for Vacant Land/Durational Adjustment municipalities. Millstone Township has completed all Prior Round units and fulfilled its obligation for Prior Rounds pursuant to the Report of the Court Master incorporated in and attached to The Judgment of Compliance and Repose. The review for Round Three is as follows:

<u>Mechanism</u>	<u>Description</u>	<u>Ordinances Adopted (Yes/No)</u>	<u>Status</u>	<u>Notes/Additional Information</u>
MILLSTONE ROAD GROUP HOME	2 AFFORDABLE UNITS IN GROUP HOME	NONE REQUIRED	COMPLETED	2 LOW INCOME UNITS FROM ADDITION TO EXISTING GROUP HOME

RED VALLEY ROAD GROUP HOME	2 AFFORDABLE UNITS IN GROUP HOME	NONE REQUIRED	COMPLETED	2 LOW INCOME UNITS FROM ADDITION TO EXISTING GROUP HOME
INDIAN PATH	2 UNIT AFFORDABLE DUPLEX	NONE REQUIRED	COMPLETED	2 MODERATE INCOME UNITS PRIOR ROUND AFFORDABILITY CONTROLS EXPIRED/OWNER EXECUTED DEED EXTENDING CONTROLS FOR 30 YEARS
MILLSTONE HOUSE	2 AFFORDABLE UNITS IN GROUP HOME	NONE REQUIRED	COMPLETED	2 VERY LOW INCOME UNITS FROM RENOVATION OF EXISTING GROUP HOME
GROUP HOME I	6 AFFORDABLE UNITS IN GROUP HOME	NONE REQUIRED	COMPLETED	6 LOW INCOME UNITS
GROUP HOME II	6 AFFORDABLE UNITS IN GROUP HOME	NONE REQUIRED	COMPLETED	6 LOW INCOME UNITS
ALLEN HOUSE I	10 AFFORDABLE SENIOR RENTAL APARTMENT UNITS	NONE REQUIRED	COMPLETED	5 VERY LOW 5 LOW INCOME AFFORDABLE SENIOR UNITS
BURNT TAVERN APARTMENTS	4 AFFORDABLE FAMILY RENTAL APARTMENTS	NONE REQUIRED	COMPLETED	2 VERY LOW 2 LOW INCOME AFFORDABLE UNITS
SHU LEE MUNICIPALLY SPONSORED APARTMENTS	30 AFFORDABLE RENTAL APARTMENTS	ORD. 20-07 ADOPTED MARCH 18, 2020	CONCEPT PLAN PREPARED	4 VERY LOW 11 LOW 15 MODERATE INCOME AFFORDABLE RENTAL APARTMENTS
ALLEN HOUSE II	10 AFFORDABLE SENIOR RENTAL APARTMENT	NONE REQUIRED	SITE PLAN APPROVED CONSTRUCTION PERMITS	5 LOW 5 MODERATE INCOME AFFORDABLE

	UNITS		ISSUED	SENIOR UNITS
CKV MUNICIPALLY SPONSORED HOMES	49 FOR SALE HOMES	ORD. 20-05 ADOPTED MARCH 18, 2020	CONCEPT PLAN PREPARED	3 VERY LOW 22 LOW 24 MODERATE INCOME FOR SALE AFFORDABLE HOMES
BALDACHINO INCLUSIONARY DEVELOPMENT	242 UNITS 48 AFFORDABLE FAMILY RENTAL UNITS	ORD. 20-04 ADOPTED MARCH 18, 2020	CONCEPT PLAN PREPARED	6 VERY LOW 18 LOW 24 MODERATE INCOME AFFORDABLE FAMILY RENTAL UNITS
ACCESSORY APARTMENT PROGRAM	10 AFFORDABLE UNITS	ORD. 20-02 ADOPTED MARCH 18, 2020	AWAIT APPLICATIONS	10 AFFORDABLE RENTAL UNITS

Complicated or unusual circumstances – none

Notes:

1. There are no projects or other mechanisms that have missed any construction deadline or completion schedule established in the Court Approved Settlement Agreement or Housing Element and Fair Share Plan.
2. Millstone Township is located entirely within the State Development and Redevelopment Plan Rural/Environmentally Sensitive Planning Area 4B. There is no public water or sewer in Millstone Township and none of the inclusionary or non-inclusionary affordable developments require public water or sewer.

Unmet Need or Deferred Mechanism - N/A

Very Low Income Analysis

Very Low Income Breakdown Analysis - Millstone Affordable Housing							
Development	# OF TOTAL AH UNITS POST 2008	VL	Low	Mod	Rental	Family	Senior
Constructed							
Millstone Road Group Home (Expanded by 2 units in 2018)	2	-	2	-	2	2	-
Red Valley Road Group Home (Expanded by 2 units in 2018)	2	-	2	-	2	2	-
Indian Path Development (New deed restriction 2019)	2	-	2	-	1	2	-
Group Home I (Controls began 2013)	6	-	6	-	6	6	-
Group Home II (Controls began 2013)	6	-	6	-	6	6	-
Allen House I (HUD Agreement 2014)	10	5	5	-	10	-	10
Burnt Tavern Apartments (Completed fall 2019)	4	2	2	-	4	4	-
CONSTRUCTED TOTALS	32	9 (28%)	23	-	32	22	10
Approved/Proposed							
Allen House II (Site Plan Approved November 2019)	10	-	5	5	10	-	10
Shu Lee/Millstone Village (Proposed – concept plan prepared)	30	4	11	15	30	30	-
CKV/Millstone Woods (Proposed – concept plan prepared)	49	3	22	24	-	46	-
Baldachino (Proposed – concept plan prepared)	48	6	18	24	48	48	-
APPROVED/PROPOSED TOTALS	134	13 (9.7%)	59	68	88	124	10

Total Affordable Units Constructed/Approved/Proposed Post 2008: 166
 Required Very Low Income Units: 22

Total Constructed/Approved/Proposed Very Low Income Units: 22

Conclusion

The Municipality's plan implementation continues to create a realistic opportunity where that standard is applicable, and the Municipality maintains sufficient mechanisms for addressing unmet need.

Invitation for Comments

Any interested person is invited to submit comments to the municipality regarding whether any sites no longer present a realistic opportunity for the production of affordable housing and should be replaced and whether any mechanisms to meet the need for affordable housing should be revised or supplemented. Such comments shall be submitted in writing to:

Kevin Abernethy, Township Administrator
Township of Millstone
470 Stage Coach Road
Millstone, N.J. 08510

Please be advised that any interested person may, by motion, request a hearing before the Superior Court of New Jersey, Law Division, Monmouth regarding these issues.