

MEMORANDUM

**RE: In the Matter of the Township of Washington, County of Morris,
Docket No. MRS-1639-15 --- Mid-Point Realistic Opportunity Review**

The Township of Washington filed the above-captioned matter on July 1, 2015, seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015). On December 18, 2017, the Township entered into a settlement (“Settlement Agreement”) with Fair Share Housing Center, a Supreme Court-designated interested party and defendant in the above-captioned matter, to resolve the litigation. The Settlement Agreement sets forth the Township’s total affordable housing obligation and compliance mechanisms demonstrating the Township’s compliance with those affordable housing obligations.

The Settlement Agreement provides for a midpoint realistic opportunity review pursuant to N.J.S.A. 52:27D-313 wherein the Township of Washington is to post on its municipal website by July 1, 2020, a status report as to the implementation of its Housing Plan Element and Fair Share Plan, and an analysis of whether any unbuilt sites or unfulfilled mechanisms still continue to represent realistic opportunities for affordable housing within the municipality.

Accordingly, at this mid-point juncture, the Township of Washington reports as follows:

The Township’s Settlement Agreement and the Housing Plan Element and Fair Share Plan (HPE/FSP) identify affordable housing projects and mechanisms to address the Township’s Mount Laurel obligations. The Planning Board adopted the HPE/FSP on June 11, 2018 and the Washington Township Committee endorsed the HPE/FSP on June 13, 2018. With respect to the Township’s mechanisms aimed at satisfying the Prior Round, all affordable housing included in the Township’s Fair Share Plan is fully developed and occupied. With respect to the Township’s Round 3 obligations, Washington Township has created a realistic opportunity for the construction of those units during Round 3. Those mechanisms are as follows:

<u>Mechanism</u>	<u>Description</u>	<u>Ordinance / Reso. Adopted (Yes/No)</u>	<u>Status</u>	<u>Notes/Additional Information</u>
73 West Mill Road – Homeless Solutions	25 rental apartments	Yes - § 217-59.1 Mun. Sponsored Multi-Family Aff.Hsg.Overlay	Awaiting developer response	Memorandum Of Agreement in effect
Heath Village	29 age-restricted rental units	Yes – Ord.#RO-03-16, § 217-24.1, adopted: 2-10-2016	Site Plan application at PB in public hearing	Number of units depends on market-rate units; 27 or 28 may be provided
20 Schooley’s Mt. Rd –	4-rental apartments	Yes - Ord.#RO-15-18, §217-	Awaiting developer application	

Ballantine Lumber		16.1, adopted 10-15-18		
Accessory Apartments	20 accessory apartments	Yes, § 217-56, adopted 3-18-2019	12 Black River Road (Bl.61,L 10) – complete. Certificate of Occupancy has been issued and affirmative marketing is underway	
67 Drakestown Road - Heritage Senior Living	3-Assisted living units	Yes - Use Variance & Site Plan Approval granted Reso #2019-13, Adopted 9-4-19	Site construction permitting underway	

In addition to the approved mechanisms authorized by the Court to address the municipal Mount Laurel obligations, Washington Township prepared and adopted an overlay development option in April 2020 that responds to a developer’s request to build affordable rental housing in the C-1 Zone. The overlay designation adopted permits attached multi-family rental apartment development with an affordable set-aside. An application for this development is expected in the summer of 2020, which will produce 8 affordable rental apartments.

On July 1, 2020 the Zoning Board of Adjustment will adopt a memorializing resolution for an affordable rental apartment in a 3-unit multi-family development that was approved on June 3, 2020. The development is situated in the R-5 single-family zoning district.

Rehabilitation

Washington Township participates in the Morris County HOME Rehabilitation Program to address its rehabilitation obligation. To date, 3 rehabilitations have been completed through the County program. Washington Township will conduct outreach in the form of posting the availability of the program on the municipal website and newspaper advertisements to encourage participation in the rehabilitation program.

Updated Affordable Housing Ordinance

Washington Township adopted its updated Affordable Housing Ordinance on 7-16-2018 (Ord.#RO-11-18), which is codified at §§ 217-77 – 96.2.

Very Low-Income Unit Production – Status

As part of municipal compliance with Mount Laurel obligations, the Fair Housing Act requires that that 13% of all units constructed after July 1, 2008 (103 in the adopted HPE/FSP),

with the exception of units subject to preliminary or final site plan approval prior to July 1, 2008, be very low income units, with half of the very low income units being available to families. This results in a total of 13 very low-income affordable units including 7 units affordable to families. There are 21 very low-income units in Washington Township produced since July 1, 2008, including 2 very low-income family rental affordable units, as indicated in the table below.

Very Low-income Units Constructed Post 7/1/2008: Project	Block	Lot	Credits & Planned Units	TYPE* (see key below)	Very- low income units
Homeless Solutions (31Drakestown Rd.)	8	2.02	10	F-Rental	2
Monarch Housing(257 Mission Rd)	11.05	12	4	ALA/Rental	4
Special Homes of NJ(2 Hilltop Terrace)	35.03	37	4	ALA/Rental	4
SciotoPropSP(6 Jackie Dr)	11.02	6	4	ALA/Rental	4
Heritage Senior Living	8	8	3	P - ALF	3
Avidd/Spec.HomesNJ (39A Old Trnpk)	43	101.01	4	ALA/Rental	4
					21

ALA/Rental - Alternative living arrangement units;
P- Planned project or units
 AR - Age-restricted units;
 VLI- Very low-income units;
 ALF - Assisted living facility;
 F - family units.

Five (5) additional very low-income family rental units will be produced in two projects in the HPE/FSP, including 4 very low-income units in the 25-unit rental project at 73 West Mill Road (Block 34, Lot 43.03) and one (1) very low-income unit at the 16-unit rental project at 20 Schooley's Mountain Road (Block 27, Lot 22). With these units, Washington Township achieves the seven (7) very low-income family rental units.

Washington Township's affordable housing inventory including existing and planned units includes 81 very low-income units. 21 very low-income units that address the 13-unit very low-income obligation on 103 new units in the HPE/FSP addressing Round 3 exist. Thus, the municipal inventory of very low-income units exceeds the 13 very low-income unit minimum requirement.

Conclusion

Washington Township has made progress in implementing its HPE/FSP through a combination of affordable housing mechanisms, including approval and creation of new affordable units, rehabilitation of units and by enacting an ordinance to add affordable housing opportunities in the Township. Washington Township's inventory of very low-income affordable units constructed after July 1, 2008 exceeds the minimum requirement of 13 units

identified in the adopted and Court-approved HPE/FSP by 4 units (21-units existing). Washington Township's HPE/FSP implementation continues to create a realistic opportunity where that standard is applicable.

Any interested party may submit comments to the Washington Township Clerk, with a copy of the comments to Fair Share Housing Center, regarding the Township's mid-point status report as set forth above and whether any unbuilt sites no longer present a realistic opportunity for affordable housing and should be replaced. Any interested party may also, by motion practice, request a hearing before the court regarding the aforesaid issues.