

Midpoint Review of Housing Element and Fair Share Plan Implementation

Township of Washington Bergen County, New Jersey

Prepared:
August 10, 2020

Prepared for:
Washington Township Planning Board

Prepared by:



T&M Associates
11 Tindall Road
Middletown, NJ 07748

A handwritten signature in black ink, appearing to read "Stan C. Slachetka".

Stan C. Slachetka, PP, AICP
NJ Professional Planner No.: 33LI00350800

A handwritten signature in black ink, appearing to read "Dare RE".

Robert E. Dare, PP, AICP, MCIP
NJ Professional Planner No.: 33LI00596400

*The original of this document has been signed
and sealed in accordance with New Jersey Law.*

Table of Contents

Introduction.....	1
Review of Fair Share Plan Implementation through July 1, 2020.....	1
Present Need (i.e., Rehabilitation) Obligation.....	1
Prior Round Realistic Development Potential	1
Prospective Need (i.e., Third Round) Realistic Development Potential	1
Unmet Need	2
Very Low-Income Requirement.....	3
Conclusion	3

Introduction

Washington Township's Settlement Agreement with the Fair Share Housing Center requires that the Township comply with the midpoint realistic opportunity review requirements of the Fair Housing Act (FHA) at NJSA 52:27D-313. Specifically, Paragraph 17.a of the Settlement Agreement stipulates that:

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 Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. 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 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.

This report has been prepared in response to the foregoing requirement for a midpoint realistic opportunity review.

Review of Fair Share Plan Implementation through July 1, 2020

The Township of Washington's Housing Element and Fair Share Plan (HE&FSP) was adopted by the Washington Township Planning Board on July 26, 2017 and subsequently endorsed by the Washington Township Council on August 6, 2017.

In the three-year period since adoption and endorsement, the Township has made substantial efforts to implement its HE&FSP. These efforts are described in the following subsections.

Present Need (i.e., Rehabilitation) Obligation

The Township does not have a present need obligation.

Prior Round Realistic Development Potential

As described in the Township's adopted and endorsed HE&FSP, the prior round Realistic Development Potential (RDP) of 24 units has been fully satisfied with existing units and credits.

Prospective Need (i.e., Third Round) Realistic Development Potential

The Township's prospective need RDP is eleven (11) units. As outlined in the Township's adopted and endorsed HE&FSP, the prospective need RDP will be met with four (4) units

associated with the VFW Site (Block 3103, Lot 25) and seven (7) units on the Franklin Court Site (Block 1102, Lots 1.04, 2 and 11).

As of the preparation of this midpoint realistic opportunity review, all four (4) units associated with the VFW Site have been completed.

Regarding the Franklin Court Site, it is noted that the Township adopted Ordinance No. 18-12 on October 1, 2018. Said ordinance establishes the “Inclusionary Multifamily Affordable Housing Overlay District” to facilitate the proposed inclusionary development. Ordinance No. 18-12 has been codified as Section 580-38.1 of the Code of the Township of Washington. An application for Major Subdivision and Preliminary Major and Final Site Plan approval for the Franklin Court Site was submitted to the Washington Township Planning Board on June 2, 2020 and is currently under review by the Board.

Unmet Need

The Township’s total unmet need is 317 units, of which 61 are attributable to the prior round and 256 are attributable to the prospective need.

As described in the Township’s adopted and endorsed HE&FSP, unmet need was to be fulfilled via the following mechanisms:

- Establishment of a mandatory affordable housing set-aside for certain types of new development;
- Creation of two (2) affordable housing overlay districts; and,
- Updating the Township’s affordable housing development fee requirements.

Regarding the establishment of a mandatory affordable housing set-aside, it is noted that the Township adopted Ordinance No. 17-14 on September 11, 2017. Said ordinance requires all new housing developments of five (5) or more units to provide a mandatory affordable housing set-aside of 15 percent of all new rental units and 20 percent of all new for-sale units.

In addition to the above, it is noted that the Township established overlay districts on the following properties:

- Bergen County Y/Jewish Community Center (Block 3202.01, Lot 3): The Township adopted Ordinance No. 17-16 on September 11, 2017. Said ordinance establishes an overlay, which permits multifamily apartments at a density of 15 units per acre with a mandatory on-site affordable housing set-aside of: 20 percent for affordable for-sale units; and, 15 percent for affordable rentals. The requirements of this overlay district are provided at Chapter 580-65 of the Code of the Township of Washington.

- Stone Mill Gardens Site (Block 3405, Lot 1): The Township adopted Ordinance No. 17-17 on September 11, 2017. Said ordinance establishes an overlay, which permits townhomes and multifamily apartments at a density of eight (8) units per acre with a mandatory on-site affordable housing set-aside of: 20 percent for affordable for-sale units; and, 15 percent for affordable rentals. The requirements of this overlay district are provided at Chapter 580-31 of the Code of the Township of Washington.

Finally, it is noted that the Township updated its affordable housing development fee requirements with the adoption of Ordinance No. 17-15 on September 11, 2017. The Township's development fee requirements are codified in Chapter 513 of the Code of the Township of Washington. It is anticipated that the Township will be adopting a spending plan upon approval of the spending plan and issuance of a final Judgment of Compliance and Repose by the Court.

Very Low-Income Requirement

As indicated in the Township's adopted and endorsed HE&FSP, two (2) of all currently planned units must be affordable to very low-income households. One (1) of the required very low-income units will be constructed on the Franklin Court Site. The remaining unit will be funded via a payment-in-lieu of construction to be paid by the developer of the Franklin Court Site (n.b., this unit will be constructed at a to-be-determined location within the Township).

To capture additional opportunities to provide for very low-income housing within the Township, its affordable housing regulations include a very low-income set-aside requirement. The Township's affordable housing regulations were adopted via Ordinance No. 17-13 on September 11, 2017 and are codified in Chapter 540 of the Code of the Township of Washington. The very low-income set-aside requirement is provided at Section 540-114.C of the Code of the Township of Washington.

Conclusion

As has been shown in this midpoint realistic opportunity review of fair share plan implementation, Washington Township has had a successful start to the implementation of its HE&FSP. No amendments to the HE&FSP are required at this time. However, based on recommendations from the Court-appointed Planning Master, it is anticipated that amendments to the Township's development fee ordinance, mandatory setaside ordinance, and affordable housing ordinance will be adopted in accordance with its final Judgment of Compliance and repose. These amendments are generally technical in nature to conform with current court-established standards and regulatory requirements. None of these amendments affect the substantive components of the Township's compliance plan (i.e., number or units or sites) and the Township's plans and ordinances will continue to provide realistic opportunity for the provision of the affordable housing in accordance with the Township's adopted HE&FSP.

The Township will continue to implement its adopted HE&FSP and seek to create new opportunities for the production of affordable housing.