

Midpoint Review Report

Purpose

The Township of Cedar Grove’s Settlement Agreement with Fair Share Housing Center (“FSHC”) requires that the Township 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.” Pursuant to the FSHC Settlement Agreement, that review requires the Township 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

On July 2, 2015, the Township filed a Declaratory Judgment Action in Superior Court, in response to In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel IV”). The Township and FSHC entered into a Settlement Agreement on November 19, 2018, which was approved at a properly-noticed Fairness Hearing, held on December 7, 2018. After a duly-noticed Compliance Hearing held on February 7, 2020, the Court entered a Judgment of Compliance and Repose (“JOR”) with conditions on February 26, 2020. The Township is currently working to satisfy the conditions set forth in its JOR, and has made great strides despite the lockdown measures issued in response to the SARS-COV-2 pandemic and subsequent State of Emergency.

Rehabilitation Program(s) Update

The Township’s rehabilitation obligation is 23 units. The Township received 13 credits applied to its obligation through the Settlement Agreement with FSHC. As to satisfying the remaining 10-unit obligation, the Township is currently participating in the Essex County Home Improvement Program, which has rehabbed 2 units to date.

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.

<u>Mechanism</u>	<u>Description</u>	<u>Ordinance Adopted (Yes/No)</u>	<u>Status</u>	<u>Notes/Additional Information</u>
Hovnanian Hilltop Project	90 family for-sale units	Yes	40 homes have sold; 30 homes under contract; awaiting contracts on 8 homes. Certifying applications on remaining 12 homes.	
Cliffside Drive Project	57 family rental units	Yes	Site plan application submitted and deemed complete. Public hearing date pending.	
Market to Affordable	17 family rental units			Administrative Agent hired 6/15/2020 Part of JOR Conditions; will be implementing the program
OR Special Needs units	17 special needs units			Administrative Agent hired 6/15/2020 Part of JOR Conditions; will be implementing the program
Overlay Zoning on Commerce Ave., Grove Ave., Rutgers Ave., and Lewis Ave.	Mandatory set-aside for projects yielding 5+ units	Yes	No applications sought, or units built to date.	

The Township has been significantly delayed due to the State of Emergency related to the SARS-COV-2 pandemic. The Township continues to work diligently on satisfying its remaining conditions.

Very Low Income Analysis

<u>Affordable Units Built Since 2008</u>	<u>VLI Requirement</u>	<u>Number of VLI Units</u>	<u>Status</u>
Hilltop	12 units	12 units	8 units have been sold; 4 are under contract
Cliffside Drive	8 units	8 units	Application received and deemed complete; public hearing pending

Conclusion

The Township's plan implementation continues to create a realistic opportunity where that standard is applicable.