

Midpoint Realistic Opportunity Review Report
Affordable Housing Compliance

Bernards Township, Somerset County, NJ
July 1, 2020

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| 1. Declaratory Judgment Complaint Filed: | July 6, 2015 |
| 2. Settlement Agreement with Fair Share Housing Center: | August 2018 |
| 3. Fairness Order Approving Mount Laurel Obligations and Plan: | November 19, 2018 |
| 4. Conditional Judgment of Compliance and Repose (JOR) Date: | June 28, 2019 |

Bernards Township's 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."

This is the Midpoint Realistic Opportunity Review report for Bernards Township pursuant to the Township's Settlement Agreement with the Fair Share Housing of August 2018 that calls for this review. The Settlement Agreement and the Township's Housing Plan Element / Fair Share Plan was approved by the Court in a Fairness Hearing conducted June 18, 2018 and the Township received a conditional Judgment of Compliance and Repose (final JOC) on June 28, 2019 from the Honorable Thomas C. Miller, P.J.Cv. Despite this recent Court approval, July 1, 2020 is the Midpoint Realistic Opportunity review identified for Bernards Township.

Realistic Opportunity Review

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 listed in the table below. With respect to the Township's mechanisms aimed at satisfying the Township's Prior Round Mount Laurel obligations, all affordable housing is fully constructed and occupied. The Township's Round 3 obligations include a rehabilitation component and a Third Round (1999-2025) Gap and Prospective Need Obligation (Prospective Need) component. With respect to the Round 3 rehabilitation obligation, Bernards Township has instituted and funded a housing rehabilitation program that is administered through the Central Jersey Housing Resource Center, Bernards Township's Administrative Agent. Five (5) rehabilitations have been completed to date. With respect to the portion of the Round 3 Prospective Need component that is not already constructed and occupied, Bernards Township is required to create a realistic opportunity for the construction of those units during Round 3. Those mechanisms and the status of each are as follows:

<u>Mechanism</u>	<u>Description</u>	<u>Ordinance / Resolution</u>	<u>Status</u>	<u>Notes</u>
Dewy Meadow Apts.	30 rental apartments	Approved PB Reso. #PB18-005, adopted: 5/21/19	Under construction	
Crown Court Added Apartments	4 rental apartments	Approved PB Reso. #PB18-004, adopted: 3/5/2019	Under construction	
Crown Court Extended Controls	19-rental apartments	Approved TC Reso. #2019-0213, adopted: 4/9/19	Complete and occupied	
Mountainview Apts.	62 rental apartments	Approved PB Reso. #PB19-003, adopted: 3/3/2020	NJDEP WMP amendment approved; pre-construction design & planning underway	
J Nan Realty – 18 Columbia Circle	1 rental apartment	Approved ZBA Reso #ZB-18-011, adopted: 11/7/18	Pre-construction design & planning underway	Deed Restrictions filed,
Group Home Bedroom (TBD)	1 group home bedroom		In process.	

Additional Notes

Bernards Township's conditional judgment of compliance and repose includes a condition requiring the municipality to identify one (1) bedroom in a group home to fully achieve the Round 3 Prospective Need obligation (872 units and bonuses existing vs. 873 required). Bernards Township achieved the 873-unit obligation and created a surplus of affordable housing units that may be credited toward Round 4 with the approval of the following 10 units on November 6, 2019:

<u>Mechanism</u>	<u>Description</u>	<u>Ordinance Adopted (Yes/No)</u>	<u>Status</u>	<u>Notes</u>
LCB Senior Living Holdings,	10-assisted living rentals	Approved Reso. #ZB19-010, adopted 11/6/19		Pre-construction design / planning underway

Thus, the addition of 10-units in the LCB Senior Living Holdings project (Block 2301, Lot 31) at 219 Mount Airy Road (94-units, 105 beds) addressed the one (1) unit remaining to fully achieve the Round 3 Prospective Share approved by the Court. A surplus of 9-units may be counted toward the Township's Round 4 obligation, in accordance with the Court Order (6/28/19).

Rehabilitation

The Township's Court-approved HPE/FSP identifies an 11-unit rehabilitation obligation. As indicated above, five (5) units of rehabilitation have been completed to date and the Township continues to implement the rehabilitation program through its Administrative Agent, Central Jersey Housing Resource Center. The program is advertised on the Township's website and the program has been advertised to Township residents in the newspaper.

Conclusion

Bernards Township received Court approval of its Settlement Agreement with FSHC in a Conditional JOR in June 2019 and has made significant progress in fully implementing its Housing Plan Element and Fair Share Plan and addressing Mount Laurel obligations. The Township's Plan creates a realistic opportunity for the construction of its Round 3 affordable housing obligations. Since receiving Court approval, the Township has identified the remaining one (1) unit of credit to fully address the Round 3 Prospective Need and an additional 9-units of surplus credit that may be applied to the Round 4 municipal obligations. Bernards Township is making progress toward fully addressing the 11-unit rehabilitation obligation approved by the Court.

NOTICE is hereby given that Bernards Township, pursuant to N.J.S.A. 52:27D-313, has, as of July 2, 2020, issued a Midpoint Review report as required by the Township's Settlement Agreement with Fair Share Housing Center ("FSHC"). A copy of the Midpoint Review report is also available on the Township's website at <http://bernards.org>. In addition and in accordance with social distancing policies, members of the public may arrange to physically inspect/obtain a paper copy of the Midpoint Review report by calling the municipal clerk at (908) 204-3014 or by email at rpisano@bernards.org. A copy of the FSHC Settlement is also available upon request by calling McElroy, Deutsch, Mulvaney & Carpenter, LLP at (973) 993-8100. Any interested party may submit comments to the municipality, with a copy to Fair Share Housing Center and McElroy, Deutsch, Mulvaney & Carpenter, LLP regarding whether the compliance mechanisms continue to satisfy the municipality's obligations. Any comments must be received within 30 days of the July 2, 2020 posting date. Any interested party may by motion request a hearing before the Court regarding these issues. Any motions must be filed within 30 days of the July 2, 2020 posting date.

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