

BOROUGH OF ROSELLE PARK
COUNTY OF UNION

Midpoint Review Report

Purpose

The Borough of Roselle Park’s Judgment of Compliance and Repose requires that the Borough 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.” the Borough will post this report on its website, with a copy to Fair Share Housing Center (“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.

Relevant Background

The Borough received a Third Round Judgment of Compliance and Repose (“JOR”) on September 27, 2010. After the Supreme Court issued its opinion in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”), the Borough petitioned the Court for review of a revised plan pursuant to the Supreme Court’s direction. In that case, the Superior Court entered an Order which, in relevant part, scheduled a Compliance Hearing for the Borough, which was held on February 18, 2016. The Court entered the Borough’s a new Round 3 JOR under Mount Laurel IV on the same day.

The 2016 JOR establishes that the Borough has a 46-unit rehabilitation obligation and a zero-unit prior round obligation as well as a zero-unit third round prospective need obligation.

The Court based much of its ruling on the 2010 JOR, which included the following projects, for which the Court found that the Borough, through its zoning has created a realistic opportunity for the construction of affordable housing:

1. The “Romerovski Site” – a redevelopment project that includes 249 total units, including 37 affordable units.
2. A 70-unit, 100% affordable project with Catholic Charities as its developer.

Rehabilitation Program(s) Update

To address the Borough’s 46-unit rehabilitation obligation, the Borough has contributed a total of \$1 Million of its own funds to implement its program. The Borough hired CGP&H to be its administrative agent generally, and CGP&H runs the Borough’s rehabilitation program.

As of June 1, 2020, the Borough has rehabbed 15 owner-occupied units and one (1) rental unit.

Realistic Opportunity Review

The Borough does not have a new construction obligation and is thus not required to create a realistic opportunity for new construction in order to maintain constitutional compliance. The Township’s Plan nonetheless does include new construction projects, which are described as follows:

<u>Mechanism</u>	<u>Description</u>	<u>Ordinance Adopted (Yes/No)</u>	<u>Status</u>	<u>Notes/Additional Information</u>
Inclusionary Redevelopment	Romerovski Site” Block 213, Lot 1, Block 314, Lot 1 249 total units; 37 affordable	Yes	Site Plan Approval Obtained Late 2019 with a commencement date of 12/31/2020	2018 Amendment removed Avalon Bay and added Fernmore Homes
Municipally Sponsored 100% affordable project	Catholic Charities 70-unit Senior project	Yes	Developer has applied for tax credits and has to date been unsuccessful	
Inclusionary Redevelopment	140 Webster Avenue	No	Governing Body approved Redevelopment Agreement with 140 Webster Avenue Urban Renewal, LLC on 6/4/2020 Project will include 57 total units w/ 6 affordable	
Mandatory Set-Aside Ordinance	Borough Wide		Ordinance establishes mandatory 10% set-aside of residential units in all future redevelopment areas designated by the Borough	

While the Borough does not have a new construction obligation for either the prior round or third round, the Borough has been proactive in capturing affordable housing opportunities and is committed to doing so in the future.

In addition to the Romerovski site, the Borough has negotiated an 11% set-aside in its Redeveloper's Agreement with 140 Webster Avenue Urban Renewal, LLC, which was approved by the Borough Council on June 4, 2020.

The Borough has further committed to capturing affordable housing opportunities with a Mandatory Set-Aside Ordinance, requiring a 15% set-aside in all future redevelopment projects, which was introduced at the June 25, 2020 governing body meeting, with a second reading scheduled for July 16, 2020.