

MIDPOINT REVIEW
For
HOUSING PLAN ELEMENT AND FAIR SHARE
PLAN

TOWNSHIP OF FREEHOLD
Monmouth County, New Jersey

Prepared: June 30, 2020

Prepared by:



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MIDPOINT REVIEW FOR FREEHOLD TOWNSHIP HOUSING PLAN ELEMENT AND FAIR SHARE PLAN

PURPOSE

Freehold Township's Settlement Agreement with Fair Share Housing Center ("FSHC") requires that the Township comply with the statutory midpoint 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, through the realistic opportunity for the construction of those mechanisms during the compliance period is not applicable.

BACKGROUND

On November 8, 2019 the following settlement agreements were reached with the Township of Freehold:

- (1) Township of Freehold and Fair Share Housing Center
- (2) Township of Freehold and Land Bank Freehold, LLC
- (3) Township of Freehold and K. Hovnanian Old GC, LLC
- (4) Township of Freehold and M&M at Main Street, LLC

On December 13, 2019 a Fairness Hearing was held in Monmouth County Superior Court before the Honorable Linda Grosso-Jones, J.S.C. On December 31, 2019 Judge Jones entered an order approving the FSHC Settlement Agreement finding that it was fair and reasonable to low- and moderate-income households.

The Township was delayed in large part due to the COVID-19 pandemic which effectively shut down the state including municipal offices and actions by the Township Committee and Planning Board. As a result there was a delay of the Compliance Hearing originally from June 12, 2020 and re-scheduled for August 11, 2020. At the time of this midpoint review the Township is currently in the middle of adopting its required documents as noted below:

The Township Committee anticipates adopting the following documents on June 30, 2020:

1. Ordinance O-20-7- An Ordinance Amending Chapter 190, Land Use, Article XI, Zones and Schedule of Requirements; Article XIII, Zone Regulations; Article XX – Affordable

Housing Requirements which Includes Development Fees and Affordable Housing Mandatory Set-Aside, of the Revised General Ordinances of the Township of Freehold, County of Monmouth and State of New Jersey

2. R-20-87 – Resolution Appointing Todd Brown as Municipal Housing Liaison
3. R-20-88 – Resolution Adopting Intent to Fund Spending Plan Shortfall for Affordable Housing Programs in Fair Share Plan Housing
4. R-20-89 – Resolution Adopting Affordable Housing Spending Plan Prepared by Thomas Planning Associates and dated March 30, 2020
5. R-20-90 – Resolution Adopting Affirmative Marketing Plan of Affordable Units Consistent with the Affirmative Marketing Plan Prepared by CGP&H 11. R-20-91 – Resolution Adopting the Affordability Assistance Manual Prepared by CGP&H and dated March 6, 2020
6. R-20-92 – Resolution Adopting the Home Improvement Program – Policies and Procedures Manual Prepared by CGP&H

The Planning Board anticipates adopting the following on July 9, 2020:

1. Housing Plan Element and Fair Share Plan

REALISTIC OPPORTUNITY REVIEW

Satisfaction of the Round 3 adjusted fair share obligation of 878 units pursuant to the RDP is presented in the following table below. The status of the units remains the same as presented in the table as either constructed, under construction, currently zoned or prospective. As described above, the Township has yet to proceed to a final Compliance Hearing and its compliance techniques are either only recently implemented or will be implemented shortly. At the Compliance Hearing, the Court will determine whether or not the proposed techniques create the requisite realistic opportunity. With respect to the developments that are currently zoned or have prospective zoning there have been no development applications proposed. With respect to the group homes, Blake Gardens has pending development plans for construction and the other group homes are existing.

FAIR SHARE PLAN	ROUND 3: 1999-2025									
	Family Units				Age Restricted Units			Special Needs Units		
	Owner	Rental	Rental Bonus**	Continuing Credits	Owner	Rental	Rental Bonus**	Owner	Rental	Rental Bonus**
A. GROUP HOMES										
1 Easter Seals 7/2019 (2 BR)								2		2
2 NJ Mentor / One Simple Wish 8/11/2011 (1 home - 5BR)								5		5
3 Ocean, Inc. 2005-2012 (23 One Bedroom Units)								23		23
4 AMIB 2011-2015 (2 homes - 8 BR)								8		8
5 EI HAB 2012 (3 Homes - 11 BR)								11		11
6 Dugarvin (3 BR - 16 Helen Eclipse Invest.)								3		3
7 Archway / Woods Services 2018 (2 Homes - 7 BR)								7		7
8 Blake Gardens (16 units)								16		16
B. NEW CONSTRUCTION-BUILT										
1 Independence Square 9/90-12/94 (312 total 64 affordable)				61						
2 Wyndham Place 12/88-4/96 (484 total 96 affordable)				92						
3 Strickland Farm 3/93-4/97 (390 total 78 affordable)				51						
4 Elton Corner - "Heritage Village" (9/2006) (149 age restricted rental)						30				
5 Kershaw Commons - MS Facility (2011) (30 Special Need Apts.)*								16		16
BUILT TOTALS				204		30	0		91	91
C. INCLUSIONARY ZONING- UNDER CONSTRUCTION										
1 JSM Apartments "The Edge at Freehold" (21 affordable)		21	21							
2 Parkside at Freehold - "Regency at Freehold"	16									
3 PIRHL- "Wemrock Senior Living"						75				
INCLUSIONARY ZONING TOTALS	16	21	21			75	0			
D. INCLUSIONARY ZONING- CURRENTLY ZONED										
1 Land Bank at Freehold						23				
CURRENTLY ZONED / NOT BUILT TOTALS		0	0			23				
E. INCLUSIONARY ZONING- NEW PROSPECTIVE ZONING										
1 Transit Village - Freehold Mall	45									
2 Siloam Road & Route 537 (100 s.f w / 34 duplex aff. units)	34									
3 Chesterfield Apartment Expansion (100 units with 30 affordable)		30	30							
2 M&M at Freehold		100	100							
4 Three Brooks Road (K. Hovnanian) Concept	12									
PROSPECTIVE ZONING TOTALS	91	130	130							
F. CARRYOVER CREDITS (BASED ON INCREASED BONUSES FOR MONMOUTH CROSSING/KERSHAW COMMONS)	1									
G. TOTALS	108	151	151	204	23	105	0	0	91	91
ROUND 3 (1999-2025) TOTAL = 902										

Notes:

* Monmouth Crossing transferred 14 affordable units to 30 Kershaw Commons-MS Facility in 2014.

** Rental Bonus Credits calculated at 1:1 for Non-Age Restricted Rental Units and 1:3 for Age Restricted Rental Units

The Township has a Rehabilitation Obligation of 100 units. Freehold Township has already addressed a portion of the obligation (20 units) through participation and agreement with the Monmouth County rehabilitation program operated by the Monmouth County Department of Community Development. The Township is working with Community Grants Planning and Housing (CGP&H) for the Township’s affordability assistance program and also to administer the Township’s rehabilitation program for the Round 3 period. This program is just getting underway and no additional units have been rehabilitated as of this date.

UNMET NEED OR DEFERRED MECHANISMS

The Township acknowledges there is a 631 unit difference between the RDP calculation of 878 units and the Round 3 number of 1,509 units issued from the decision of Judge Jacobson. The Township sought a durational adjustment of these units due to the unavailability of sewer infrastructure in areas of the Township. The Township addressed this unmet need / durational adjustment through the following mechanisms:

- (1) The Township anticipates adopting mixed use overlay zones in Ordinance O-20-7 (pending adoption June 30, 2020) at the following locations with the following densities and set-asides:

Potential Sites	Total Site Acreage	Density (D.U./Acre)	Potential Total Units	Potential Affordable @ 20% Set-Aside
(1) Chadwick Square & Adjacent Lots (Block 80, Lots 4, 5, 6 & 7)	10.6	12	127	25
(2) Bank of America (Block 70.05, Lot 10)	7.0	12	84	17
(3) Red Roof Inn / Verizon (Block 65.01, Lot 16 & 17)	11.3	12	136	27
Total			347	69

The provision of affordable units within the mixed use developments provide a 20 percent set-aside for affordable housing will be utilized for for-sale units while a 15 percent set-aside will be utilized for rental units as applicable.

There are no development applications for these sites as of the date of the Midpoint review.

- (2) In addition to the above, Ordinance O-20-7 includes §190-227.12 – Affordable Housing Mandatory Set-Aside. That section establishes regulations to ensure that any site that benefits from a rezoning, variance or redevelopment plan approved by the Township, the Township’s Planning Board, that results in multi-family residential development of five (5) dwelling units or more produces affordable housing at a set-aside rate of twenty percent (20 percent) for for-sale affordable units and at a set-aside rate of fifteen percent (15 percent) for rental affordable units, in accordance with the Township’s Third Round Housing Element and Fair Share Plan, consistent with the terms of the Settlement

Agreement reached with Fair Share Housing Center regarding compliance with the Township's affordable housing obligations. The Ordinance section does not apply to zones that already have affordable housing set-aside requirements.

VERY LOW INCOME ANALYSIS

Per the settlement agreement, the Township agrees to require 13 percent of units referenced and noted in the Housing Plan to be very low-income units, with half of the very low-income units being available to families.

The following table presents 13 percent very low income calculation for post 2008 affordable units as presented in the Township Housing Plan Element:

13 PERCENT VERY LOW INCOME CALCULATION – POST 2008 AFFORDABLE UNITS

						Post 2008 Affordable Units	
						Number of Very Low Income Units @ 13 Percent	Family Units (Y/N)
Family Owner	Family Rental	Age Restricted	Group Homes	Special Needs			
Constructed							
1	JSM Apartments "The Edge at Freehold" (21 affordable)		21			0	N
2	Parkside at Freehold - "Regency at Freehold"	16				0	N
3	Easter Seals			2		2	N
4	PIRHL		75			0	N
5	Ocean, Inc. (9 one bedroom units)			9		9	N
6	AMIB 2011-2015 (2 homes - 8 BR)			8		8	N
7	EIHAB 2012 (3 homes - 10 BR)			10		10	N
8	Dungarvin (1 home - 3 BR)			3		3	N
9	Archway / Woods Services (2 homes - 7 BR)			7		7	N
10	Kershaw Commons - MS Facility (2011) (30 Special Need Apts.)				16	16	N
11	NJ Mentor / One Simple Wish (1 home - 5 BR)			5		5	N
12	Blake Gardens (1 home - 16 BR)			16		16	N
Subtotal		16	21	75	60	16	76
Proposed							
1	Land Bank		23			0	Y
2	M&M at Freehold (GDP Concept Plan)		100			13	Y
3	Transit Village - Freehold Mall	45				6	Y
4	Siloam Road & Route 537 (100 s.f w/ 34 duplex aff. units)	34				4	Y
5	Chesterfield Apartment Expansion (100 units with 30 affordable)		30			4	Y
6	Three Brooks Road (K. Hovnanian) Concept	12				2	Y
Subtotal		91	130	23	0	0	29
Total (Constructed and Proposed)		107	151	98	60	16	105
				Units Currently Provided To Meet 13% Requirement	Units Proposed To Meet 13% Requirement		
Total - Post 2008 Affordable Units =		432	N/A	N/A			
Very Low Income - 13 Percent of Total Units =		56	76	105			
1/2 of 13% Requirement to be Family Units =		28	0	29			

There are no development applications for the proposed sites as of the date of this midpoint review.

CONCLUSION

As of the date of this midpoint review the Township is in the process of adopting its required documents including the Housing Plan, Spending Plan and implementing ordinances. The Township's anticipated plan implementation continues to create a realistic opportunity during Round 3 where that standard is applicable and its unmet need mechanisms are implemented and constitutionally compliant.