

AFFORDABLE HOUSING

THIRD ROUND MIDPOINT REVIEW

PREPARED FOR:

**Borough of Bloomingdale
Passaic County, New Jersey**

June 30, 2020

Prepared By:



1460 Route 9 South
Howell, NJ 07731
(732) 462-7400

Peter Van den Kooy, PP, AICP
License No. 5918

Affordable Housing Midpoint Review Report Bloomingdale Borough, New Jersey

CME Associates (“CME”) is pleased to provide this status report as to the implementation of Bloomingdale Borough’s Housing Plan Element and Fair Share Plan and an analysis as to whether any unbuilt sites or unfilled mechanisms continue to represent a realistic opportunity. Included below is a brief summary of this submission.

Purpose

The Borough of Bloomingdale’s Order Granting 3rd Round Substantive Certification 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.” Pursuant to the Order, that review requires the Borough to post 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 non-deferred mechanisms continue to present a realistic opportunity.

Status and Realistic Opportunity Review

An Order Granting 3rd Round Substantive Certification was issued for Bloomingdale Borough by the Court on July 18, 2016. This Order was contingent on the Borough completing an up-date to its Housing Element and Fair Share Plan. Satisfaction of this requirement was accomplished through the adoption of the Housing Element and Fair share Plan Addendum, dated March 4, 2016, and further refined and amended on October 4, 2016. A summary of the status and realistic opportunity provided by the various mechanisms included within the Borough’s compliance plan is included below and within the attached forms as provided by FSHC.

The Meer Tract is the only affordable housing site in the compliance plan that has not been built; however, as described within the attached forms, a developer is actively pursuing the development of the Meer Tract. As the conditions on the site have not changed, the site continues to be a suitable site for the construction of affordable housing. Therefore, given the developer interest in the property and the fact that it remains suitable for inclusionary development, the site continues to provide a realistic opportunity for the development of affordable housing. In addition, as shown with the attached forms, development on the Meer Tract will be increased to provide 10 more family affordable housing units than originally envisioned.

Five (5) Fair Share Housing Center forms that detail the status of all existing and proposed affordable housing projects within the Borough are attached as Exhibits A-E. They include detailed information regarding the Affordable Housing Trust Fund, Rehabilitation Program, Prior and Third Round Monitoring, Very Low Income Reporting and additional information regarding the Borough’s compliance mechanisms. The Report soundly demonstrates that all of the Borough’s mechanisms continue to provide a realistic opportunity for the provision of affordable

housing, and that the Borough is on track to exceed the level of affordable housing unit construction contemplated in the Court Order and the Housing Element and Fair Share Plan.

Notice to the Public

In accordance with the Borough of Bloomingdale's Order Granting 3rd Round Substantive Certification (Dated July 18, 2016), this Midpoint Realistic Opportunity Review Report has been prepared to summarize the various affordable housing projects and mechanisms in the Borough's Housing Plan Element and Fair Share Plan. Any interested party is invited to submit comments to Bloomingdale Borough, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Please submit any comments you may have to the Borough and FSHC using the contact information included below.

Borough of Bloomingdale

Breeanna Calabro, RMC, Municipal Clerk
Borough of Bloomingdale
101 Hamburg Turnpike
Bloomingdale, NJ 07403
Email: BCalabro@bloomingdalenj.net

Fair Share Housing Center

Josh Bauers, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Email: JoshBauers@fairsharehousing.org

Conclusion

The Borough is maintaining compliance with the terms of the Order Granting 3rd Round Substantive Certification. Although not all mechanisms identified have been completed, each proposed mechanism remains a viable and realistic opportunity for the construction of affordable housing at this time.

EXHIBITS:

Affordable Housing Trust Fund Monitoring

Rehabilitation Monitoring

Prior Round and Third Round Monitoring

Very Low Income Monitoring

Affordable Housing Questions

EXHIBIT A:
AFFORDABLE HOUSING TRUST FUND MONITORING

1. GENERAL INFORMATION AND TRUST FUND MONITORING

MUNICIPALITY NAME:	Borough of Bloomingdale
COUNTY:	Passaic County
Date through which funds reported:	
Name of person filling out form and affiliation/r	Peter Van den Kooy
Date of filling out form:	18-Jun-20
Email:	pvandenkooy@cmeusa1.com
Municipal Housing Liaison for municipality:	Jonathan Dunleavy
Email:	jdunleavy@bloomingdaleni.net
Income Limits Year Being Used by Municipality*	2020

(Note: Date in Approved Spending Plan = date through which revenues/expenditures are shown in the approved spending plan; if no approved spending plan, show revenues/expenditures through June 30, 2015 in Column B and beginning July 1, 2015 in Column C.)

TRUST FUND INFORMATION

Inception - Date in Approved Spending Plan o Date in Approved Spending Plan or Ju Total

REVENUE SUMMARY	Inception Date - December 31, 2018	January 1, -December 31, 2019	
Barrier Free Escrow	\$0.00	\$0.00	\$0.00
Development Fees	\$108,780.24	\$11,203.01	\$119,983.25
Interest Earned	\$1,719.76	\$465.28	\$2,185.04
Other Income	\$0.00	\$0.00	\$0.00
Payments-in-Lieu of Construction	\$0.00	\$0.00	\$0.00
TOTAL	\$110,500.00	\$11,668.29	\$122,168.29

EXPENDITURE SUMMARY			
Administration**	\$41,352.96	\$5,390.12	\$46,743.08
Affordability Assistance***	\$0.00	\$0.00	\$0.00
Very Low-Income Affordability Assistance			
Barrier Free Conversions	\$0.00	\$0.00	\$0.00
Housing Activity	\$29,750.00	\$16,850.00	\$46,600.00
TOTAL	\$29,750.00	\$16,850.00	\$46,600.00

ADMINISTRATION: Date in Approved Spending Plan to Present		
Name	List types of administrative expenses	Amount
Administrative Consulting Fees	Various	\$5,390.12
TOTAL		\$5,390

AFFORDABILITY ASSISTANCE: Date in Approved Spending Plan to Present		
Name	List affordability assistance projects and progr	Amount
TOTAL		\$0

HOUSING ACTIVITY: Date in Approved Spending Plan to Present		
Type of Housing Activity	Specific Site or Program	Amount
Housing Activity		\$ 16,850
TOTAL		\$16,850

Comments:

Please note that AHTF monitoring information will be provide at the time of the Borough's periodic AHTF reporting as required by applicable law.

*View 2020 income limits: https://ahpnj.org/member_docs/Income_Limits_2020.pdf

https://ahpnj.org/member_docs/Income_Limits_2019_FINAL.pdf

https://ahpnj.org/member_docs/Income_Limits_2018.pdf

https://ahpnj.org/member_docs/Income_Limits_2017.pdf

**Administrative expenses cannot total more than 20% of collected revenues, less any Administrative expenses already disbursed.

***Affordability Assistance must equal at least 30% of revenues collected after July 2008, with one-third of that dedicated to very low-income Affordability Assistance

EXHIBIT B:
REHABILITATION MONITORING

EXHIBIT C:
PRIOR ROUND AND THIRD ROUND MONITORING

3. PRIOR AND THIRD ROUND MONITORING

Site / Program Name:	Meer Tract	Avalon Bay	Mountain Top	The Center for Humanistic Change
Project developer:	M&T	Avalon Bay		The Center for Humanistic Change
Compliance Mechanism:	Inclusionary Zoning	Inclusionary Zoning	Inclusionary Zoning	Assisted Living Residence
Compliance Mechanism #2 (if project has multiple):		Other - Also provided \$100,000 to the Housing Trust Fund		
Round:	Prior & Third Round	Prior Round	Prior Round	Prior Round
Block (if multiple separate by comma):	5105	5013	2018	5053
Lot (if multiple separate by comma):	14	67	Multiple	1
Address:	Union Avenue (Route 511)	1000 Avalon Way	48 Forest Drive	Grove Street
Construction required to begin by (for mechanisms other than status):				
Status:	No approvals	Built	Built	Built
If project has site plan / or subdivision approval, date of approval:				
If "under construction," date of site plan and/or subdivision approval:				
If "under construction," expected date of completion:				
Date of issuance of C.O.:				
If "built," date controls began:		8/14/2012	6/16/1987	
Length of Affordability Controls (in years):	30	30	Perpetual	Perpetual
Administrative Agent or other entity responsible for affirmative marketing:	T.B.D.	CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/	CGP&H, LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512, (609) 664-2769, https://www.affordablehomesnewjersey.com/	Center for Humanistic Change, 12 US Highway 206, Stanhope, New Jersey 07874, (973) 691-3488, http://www.chcnj.org/
Contribution (for payments in lieu):				
Total Affordable Housing Units Planned:	82	9	6	5
Total Affordable Housing Units Completed to Date:	0	9	6	5
Type of Affordable Units:				
Family	82	9	6	
Family For-Sale	0		6	
Family Rental	82	9		
Senior	0			
Senior For-Sale				
Senior Rental				
Supportive/Special needs	0			
Supportive For-Sale				
Supportive Rental				5

Bedroom/Income Splits:

1 BR/or Efficiency Affordable Units		1	0	0
Very Low-Income:				
Low-Income:		1		
Moderate-Income:				
2 BR Affordable Units		6	6	0
Very Low-Income:		1		
Low-Income:		2	3	
Moderate-Income:		3	3	
3+ BR Affordable Units		2	0	0
Very Low-Income:				
Low-Income:		1		
Moderate-Income:		1		
Supportive/Special Needs Unit	0	0	0	0
Very Low-Income:				
Low-Income:				
Moderate-Income:				

EXHIBIT D:
VERY LOW INCOME MONITORING

4. VERY LOW INCOME REPORTING

Very Low Income Units approved and constructed since July 17, 2008				
Development/Compliance Mechanism	Total Affordable Units	VLI units constructed as of date of report	VLI units not constructed as of date of this report but still planned	Type of Very Low Income Unit (Family, Senior, Special Needs)
Avalon	9	1	0	Family
Total	9	1	0	

This tab provides reporting required on very low income units, i.e. units affordable to and reserved for households at or below 30% of regional median income. See N.J.S.A. 52:27D-329.1.

EXHIBIT E:
AFFORDABLE HOUSING QUESTIONS

**Borough of Bloomingdale
Midpoint Review Questions**

In addition to updating the attached monitoring spreadsheet with up to date information on each project in your approved settlement/fair share plan, please answer the following questions in narrative form:

Conditions of Compliance

1. What conditions from the court's approval of the municipal housing element and fair share plan and judgment of compliance and repose (or whatever standard terms is being used), if any, have not yet been satisfied? Explain the reasons for any delay and the steps the municipality is taking to satisfy the condition(s).

All conditions have been satisfied. The Order was contingent on the Borough completing an up-date to its Housing Element and Fair Share Plan. Satisfaction of this requirement was accomplished through the adoption of the Housing Element and Fair share Plan Addendum, dated March 4, 2016 and further refined and amended on October 4, 2016.

Developments that Are Not Completed

2. For each court-approved inclusionary development project that is not yet constructed, please provide a narrative as to its status and any progress towards construction.

The extension of utilities to support the development of the Meer Tract was costly. The Borough solution, embraced by the Special Master and the Court order was to permit quarrying on the site as a permitted use to support the cost of development and allow the excavation to establish proper grading and drainage. In early 2016 an affordable housing Overlay was adopted to accomplish this. An interested developer has now been found to undertake the project; however, the original project and zoning was crafted to contain a total of 360 ownership units with a 20% set-aside of 72 affordable units. In order to make this a financially viable project, the current developer requires a higher density, which will yield 82 affordable rental units as part of an inclusionary rental development instead of the 72 affordable units originally envisioned in the compliance plan. An amendment to the Affordable Housing Overlay Zone is currently being prepared for consideration by the governing body in order to permit this inclusionary rental development. The ordinance amendment will adjust the Affordable Housing Overlay on this site to permit a total of 544 dwelling units, of which 82 will be affordable. A total of 10 more than originally approved.

3. Have any non-inclusionary development projects (including 100% affordable projects, group homes, accessory apartments, market-to-affordable, extensions of affordability controls, etc.) included in the court-approved plan not yet been built/converted to affordable housing/controls extended?

No.

4. Are there any projects that have missed any construction deadline established in the court-approved Settlement Agreement, or other mechanisms (e.g. market-to-affordable, accessory apartments, extensions of affordability controls) that have not met the completion schedule set forth in the Settlement Agreement or Housing Element and Fair Share Plan?

No.

5. Are all unbuilt developments currently in a sewer service area, and if not what has the municipality done to incorporate the site into a sewer service area?

See former Meer Site narrative above.

Are there any barriers to obtaining water or sewer for any unbuilt site?

Water and sewer service is anticipated for the Meer Tract.

Are there any other regulatory conditions (e.g. changes to DEP permits or conditions) that make it not possible to complete any site as originally contemplated?

The developer of the Meer Tract is required to obtain all required permits and approvals for the development of the site. The developer is actively pursuing development on the site. Therefore, while we do not know specifically whether any environmental permitting requirements will create an impediment in the future, it is not anticipated that regulatory requirements would preclude the development of the property.

Rehabilitation Obligation

6. Is the rehabilitation program being administered by a municipality, county, or both? Do the program(s) include rental rehabilitation? If the municipality has not met at least half of its rehabilitation obligation by this midpoint review, what affirmative steps is the municipality taking to meet the obligation and to facilitate participation by homeowners and/or landlords?

The rehabilitation obligation is 10. To date 4 units have been rehabilitated and the remaining 6 will be completed prior to 2025.

For Municipalities with a Prior Round and/or Third Round Vacant Land Adjustment (note please make sure any development referenced in the answers to these questions that includes or will include affordable housing is also in the monitoring spreadsheet):

This section is not applicable to Bloomingdale Borough.

For Municipalities with a Prior Round and/or Third Round Durational Adjustment:

7. If the municipality's court-approved plan had a durational adjustment, have there been any changed circumstances with regards to limited sewer and/or water capacity? If yes, please describe the changes and when and where additional infrastructure capacity will become available.

The Borough is still working toward the development of the Meer Tract taking the necessary steps to increase the permitted density in order to receive the required amount of affordable units for that tract.

8. What steps has the municipality taken, if any, to address limited water and/or sewer capacity, and to facilitate the extension of public water and/or sewer to any site identified in the settlement agreement?

Further re-zoning of the AH Zone to increase development intensity is ongoing to facilitate marketable development of the site.

9. Has any property owner or developer contacted the municipality to extend public water and/or sewer to a site not identified in the settlement agreement? If so, how did the municipality respond to the request?

N/A