

For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need, including mechanisms intended to satisfy durationally adjusted obligations, should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.

See below.

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).**
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As a condition of its settlement with FSHC and seeking a durational adjustment, the Township was obligated to report on the status of sewer capacity in the municipality. That status is as follows:

At the November 5, 2019 general election, the voters of Long Hill Township approved the sale of the Township wastewater treatment system to New Jersey American Water Company. Section VIII.4 of the December 31, 2019 Agreement of Sale between the Township and New Jersey American Water Company (the "Agreement") entitled "Capacity for Affordable Housing Units" provides that:

"In accordance with the requirements of N.J.A.C. 5:93-4.31, the Buyer shall reserve and set aside new sewer capacity of 100,000 gpd on a priority basis, when it becomes available, for the low- and moderate-income housing that is included in the Township's Housing Element and Fair Share Plan."

Closing will take place within 45 days after New Jersey American Water Company completes its due diligence, which is now underway.

With respect to timing, Section VIII.4 of the Agreement provides that, "As soon as reasonably practicable and no later than three years following Closing, the Buyer shall begin to undertake the capital improvements necessary to allow the Township to lift the existing sewer ban as described in Exhibit K. All capital improvements necessary to lift the sewer ban shall be completed within five years from Closing."

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.**
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The **Tifa Site** is covered by the MU-O Zone, which is located on the corner lot on the north side of Stone House Road and the west side of Division Avenue extending north to the NJ Transit railroad. This property is known as Block 10100, Lot 7.01 and Block 12301, Lot 1. The site has been zoned for 21 affordable rental units or 28 affordable for-sale units. All residential development will be required to be inclusionary with a 15% set-aside for rental units and 20% set-aside for sale units. Residential density is 12 units per acre. There is an application before the Planning Board currently for this project.

The **Warren Avenue** site in Stirling is covered by the R-MF 4-O Zone, which applies to lots on the east side of Warren Avenue, between the PSEG/JCPL transmission Right of Way and Morris Street, consisting of Block 11501, Lots 1 and 4, and Block 11502, Lots 1, 2, and 14. The zone would yield 14 rental units or 19 for-sale units with a residential density of 12 units per acre.

The **Valley Road Redevelopment Area** is covered by the RAHO Zone and located along Valley Road east of Main Avenue and comprising of Block 10401, Lots 1-4 and Block 11514, Lots 6, 31-32. The site was zoned for inclusionary development at 15 units to the acre with a 15% set-aside for rentals and a 20% set aside for sale units. The Township has been working with a redeveloper on developing the site however, the Township is in the process of looking for a new location for the residential units as the NJDEP has indicated that residential uses are unlikely to be approved due to the Flood Hazard Area elevations on the site. The Township's Housing Element and Fair Share Plan identified 10 units at this site.

The **Gillette Site** is covered by the R-MF-4 zone which applies to Block 10801, Lot 3 on the south side of Valley Road. The R-MF-4 Zone permits multi-family residential development with a 15% set-aside for rental units and 20% set-aside for for-sale units. Residential density is 12 units per acre.

Non-Inclusionary Project Status

- 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? If yes, explain how many units, if any, have been built for each non-inclusionary project or mechanism and when construction is expected to be completed on the remaining units.**
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None of the types of projects referenced above were included in the Township's Housing Element and Fair Share Plan.

Some projects have been built or are currently planned that were not in the Township's Plan. The Township has generated 9 units of affordable housing that were not listed in its approved plan as follows:

Resolution 322-17, adopted December 29, 2017, authorized the Township to enter into a Memorandum of Understanding ("MOU") with Community Options to develop a **group home** in the Township. Community Options purchased a three-bedroom residence and converted it to a group home in the Township.

The Township entered into a second MOU with Community Options, Resolution 20-172 adopted June 10, 2020, to develop a four-bedroom **group home**.

Additionally, a Zoning Board of Adjustment approval for AR Valley Realty, LLC, included **two (2) affordable apartments** as part of the Applicant's approval for a density variance to construct 14 units. The Application was approved by resolution on February 20, 2018. The site is located at Block 11001, Lot 27 at 600 Valley Road. The units have been constructed.

Court Imposed Construction Deadlines

- 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? If yes, what steps is the municipality taking to complete construction and what is the current timetable?**
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No projects have missed any construction deadlines established in the court-approved Settlement Agreement.

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

All of the unbuilt developments are within a sewer service area.

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?**
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The rehabilitation program is being administered by the Morris County Rehabilitation Program, via its Office of Community Development. The Township has met most of its rehabilitation obligation (5 of 6 completed).

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):

7. If the municipality's court-approved Prior and/or Third Round plan includes Unmet Need:
- a. Has there been any development, proposal for development received by the municipality (even if ultimately rejected), adoption of rezoning or a redevelopment plan for of any parcel larger than 0.5 acres since the settlement was approved by the court on a parcel that was neither previously identified in calculating the municipality's RDP nor included in an inclusionary overlay zone?
If so:
 - i. Please describe the development(s), development proposal(s), rezoning(s) or redevelopment plans(s)?
 - ii. Is any affordable housing included in any of the development(s) proposals(s), and/or rezoning(s) or redevelopment plan(s) referenced?
 - iii. If the municipality has a mandatory set-aside ordinance, was that applied to the development(s) and/or rezoning(s) or redevelopment plan(s)?
 - b. Has any development occurred or been proposed to occur within any inclusionary overlay zone or for which a mandatory set-aside ordinance, if required to be adopted by the municipality, would apply since the settlement?
If so:
 - i. What is that development or developments?
 - ii. Does that proposed or actual development include any affordable housing? What percentage of the development is affordable?
 - c. Have any changed circumstances occurred that result in additional parcels becoming available for development that were neither previously identified in calculating the municipality's RDP nor included in an inclusionary overlay zone?
If yes, please identify the parcel(s) and describe how the municipality plans to address the changed circumstances.
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Not Applicable to Long Hill Township

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

- 8. 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.**
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At the November 5, 2019 general election, the voters of Long Hill Township approved the sale of the Township wastewater treatment system to New Jersey American Water Company. Section VIII.4 of the December 31, 2019 Agreement of Sale between the Township and New Jersey American Water Company (the "Agreement") entitled "Capacity for Affordable Housing Units" provides that:

"In accordance with the requirements of N.J.A.C. 5:93-4.31, the Buyer shall reserve and set aside new sewer capacity of 100,000 gpd on a priority basis, when it becomes available, for the low- and moderate-income housing that is included in the Township's Housing Element and Fair Share Plan."

Closing will take place within 45 days after New Jersey American Water Company completes its due diligence, which is now underway.

With respect to timing, Section VIII.4 of the Agreement provides that, "As soon as reasonably practicable and no later than three years following Closing, the Buyer shall begin to undertake the capital improvements necessary to allow the Township to lift the existing sewer ban as described in Exhibit K. All capital improvements necessary to lift the sewer ban shall be completed within five years from Closing."

9. 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?

In accordance with N.J.A.C. 5:93-4.3(c), the Township agreed to reserve and set aside new sewer capacity, when it becomes available, for low and moderate-income housing, on a priority basis. Municipal officials agreed to endorse all applications to the Department of Environmental Protection (DEP) or its agent to provide additional sewer capacity.

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10. 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?

No property owner or developer has contacted the municipality to extend public water and/or sewer to a site not identified in the settlement agreement.