

TOWNSHIP OF CARNEYS POINT
COUNTY OF SALEM

Midpoint Review Report

Purpose

The Township of Carneys Point’s Settlement 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.” 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, though the realistic opportunity for the construction of those mechanisms during the compliance period is not applicable.

Relevant Background

On July 2, 2015, the Township of Carneys Point filed a Declaratory Judgment Action in response to In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel IV”). The Township entered into a Settlement Agreement with FSHC on March 27, 2019, which was approved by the Court at the duly-noticed May 1, 2019 Fairness Hearing. The Court held a Compliance Hearing on February 25, 2020, which was extended to a second day on June 2, 2020, when the Court granted the Township’s Judgment of Compliance and Repose, which was memorialized in a written Judgment filed on June 9, 2020.

Rehabilitation Program(s) Update

The Township of Carneys Point has a Rehabilitation Obligation of 39 units. To date, the Township has rehabbed 1 unit, and has implemented its own rehabilitation program, which will be administered by Triad Associates.

Realistic Opportunity Review

The realistic opportunity standard applies to all mechanisms for non-adjustment municipalities and RDP/non-deferred mechanisms for Vacant Land/Durational Adjustment municipalities.

<u>Mechanism</u>	<u>Description</u>	<u>Ordinance Adopted (Yes/No)</u>	<u>Status</u>	<u>Notes/Additional Information</u>
Frangible Disk 100% Affordable Project	60 affordable units	Yes.	Developer Applying for 9% Tax Credits in the 2020 Round	Township re-adopted Resolution of Need for project.
Inclusionary Zoning Ordinance	35 affordable units	Yes.	Amended prior to final day of Compliance Hearing to correct density.	No units approved or built yet. Remaining sewer capacity has been reserved.

The Township of Carneys Point received its Judgment of Compliance and Repose on June 9, 2020, less than one month before the Midpoint Review. The Township is working with Frangible Disk to ensure the developer has everything needed for a complete tax credit application for this round.

Unmet Need or Deferred Mechanisms

In accordance with its JOR, the Township’s remaining 88-unit obligation shall be deferred until additional sewer capacity becomes available within the Township. At that time, the Township will be required to set aside new capacity for low- and moderate-income housing on a priority basis.

As of the date of this Report, there has not been an increase in sewer capacity within the Township.

Very Low Income Analysis

<u>Affordable Units Built Since 2008</u>	<u>VLI Requirement</u>	<u>Status</u>
Frangible Disk (proposed)	8 units	Developer applying for tax credits

Conclusion

The Township’s plan implementation continues to create a realistic opportunity where that standard is applicable.