

MEMORANDUM

**RE: In the Matter of the Borough of Lincoln Park, County of Morris,
Docket No. MRS-L-1638-15 --- Mid-Point Realistic Opportunity Review**

The Borough of Lincoln Park filed the above-captioned matter on July 1, 2015, seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015). On May 14, 2017, the Borough entered into a settlement (“Settlement Agreement”) with Fair Share Housing Center, a Supreme Court-designated interested party and defendant in the above-captioned matter, to resolve the litigation. The Settlement Agreement sets forth the Borough of Lincoln Park’s total affordable housing obligation and compliance mechanisms demonstrating the Borough’s compliance with those affordable housing obligations.

The Settlement Agreement provides for a midpoint realistic opportunity review pursuant to N.J.S.A. 52:27D-313 wherein the Borough of Lincoln Park is to post on its municipal website by July 1, 2020, a status report as to the implementation of its Housing Element and Fair Share Plan, and an analysis of whether any unbuilt sites or unfulfilled mechanisms still continue to represent realistic opportunities for affordable housing within the municipality.

Accordingly, at this mid-point juncture, the Borough of Lincoln Park reports as follows:

Prospective Need

The Borough’s satisfaction of the prospective need (i.e., third round) obligation is reliant upon three proposed (i.e., new construction) sites and several group homes. The new constructions sites include: Meridia — Main Street (Block 3.05, Lots 305 and 305.5); Meridia — Downtown Redevelopment Area (Block 139, Lots 19, 20 and 21); and Evangelical Mission (Block 35, Lots 1.1, 3, 5 and part of Lot 8).

On August 21, 2017, the Borough adopted Ordinance No. 6-17 in order to facilitate the development of affordable housing at the Meridia — Main Street site by rezoning it to the new Townhouse–Multifamily Housing/Set-Aside I (TH-MF/SA I) Zone District. Said zone district permits townhomes and apartment at a maximum density of 27.8 units per acre, and with a minimum required affordable housing set-aside of 15 percent when rental units are constructed and 20 percent when sale units are constructed. After the adoption of Ordinance No 6-17, however, the Borough pursued redevelopment on the Meridia Main Street site, as well as the Meridia — Downtown Redevelopment Area. Indeed, the Borough adopted redevelopment plans for the following sites: Meridia — Main Street on May 20, 2019 via Ordinance No. 7-19; and the Meridia — Downtown Redevelopment Area on October 16, 2017 via Ordinance No. 13-17. Site plan approval was subsequently granted for each site. Meridia — Downtown Redevelopment Area was approved with a total of 20 affordable family rental units, including 3 very low-income affordable family rental units. Meridia — Main Street was approved with a total of 14 affordable family rental units, including 2 very low-income affordable family rental units.

In addition, amended zoning was adopted for the Evangelical Mission site via Ordinance No 12-17 on October 16, 2017, which rezoned the site as Townhouse–Multifamily Housing/Set-Aside II (TH-MF/SA II) Zone District. The TH-MF/SA II Zone District includes townhouses and apartments as principal permitted uses, and requires a minimum affordable housing set-aside of 15 percent for rental units and 20 percent for sale units. The maximum permitted density is six (6) units per acre, except that an increased density of 9.5 units per acre is permitted when all of the affordable units are rental units. An application has been submitted to the Lincoln Park Borough Planning Board, which demonstrates interest in developing the site. Thus, given this interest and the amended zoning, the site continues to present a realistic opportunity for the construction of affordable housing.

With regard to group homes, the Borough reports as follows: (a) 73 Chapel Hill Road continues as a non-age restricted supportive living residence for 3 disabled low income residents owned by New Bridge Services; (b) 107 Terrace Parkway continues as a non-age restricted five-bedroom supportive living residence owned by Center for Family Support of NJ; (c) 151 Harvest Lane continues as a non-age restricted two-bedroom supportive living residence owned by Community Options, Inc.; (d) 15 McKinley Street continues as a non-age restricted four-bedroom supportive living residence for very low income residents owned by Advancing Opportunities, Inc.; and (e) 12 Garden Street, which was previously owned by Bellwether Behavioral Health, was recently purchased by Scioto Properties SP, LLC, an entity that provides special needs housing. While this 4 bedroom is not currently operational, the Borough anticipates that it will become operational shortly.

Additional Mechanisms

On October 16, 2017, the Borough adopted Ordinance No. 10-17, an Affordable Housing Ordinance, which included mandatory set-aside provisions for multifamily residential development at densities of six (6) units or more with an affordable housing set-aside of 15 percent for rental units and 20 percent for sale units. These provisions serve to capture additional opportunities for inclusionary development within the Borough. In fact, an application was recently submitted by Dovetail Commons, LLC relative to Block 9, Lot 24.01 and is under review by the Lincoln Park Planning Board. Current plans indicate that the project would result in 24 new age-restricted housing units, of which five (5) would be affordable units. This new project is in addition to those reflected in the Borough's HEFSP and the May 14, 2017 Settlement Agreement with Fair Share Housing Center.

Very Low-Income Obligation

The Borough's very low-income requirement is 8 units, of which at least 4 must be available to families. This obligation will be satisfied with 5 family very low-income rental units at the two Meridia developments and 3 very low-income group home bedrooms. The Borough exceeds this obligation with one additional very low-income group home bedroom and will further exceed this obligation with 3 additional family very low-income rental units if the Evangelical Mission site is developed as a rental project. In addition, any developments constructed pursuant to the mandatory set-aside provisions in the Affordable Housing Ordinance will be required to comply with the 13 percent very low-income requirement.

Any interested party may submit comments to the Lincoln Park Borough Clerk, with a copy of the comments to Fair Share Housing Center, regarding the Borough's mid-point status report as set forth above and whether any unbuilt sites no longer present a realistic opportunity for affordable housing and should be replaced. Any interested party may also, by motion practice, request a hearing before the court regarding the aforesaid issues.