

CITY OF LINWOOD
COUNTY OF ATLANTIC

Midpoint Review Report

Purpose

The City of Linwood is required to 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 Settlement Agreement between Fair Share Housing Center (“FSHC”) and the City (hereinafter the “FSHC Settlement Agreement”), that review requires the City to post on its website on July 1, 2020, 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.

Relevant Background

On July 7, 2015, the City filed a declaratory judgment action, seeking a determination of its Round Three affordable housing obligations and approval of its proposed Housing Element and Fair Share Plan to satisfy such obligations and, thereby, obtain a Judgment of Compliance and Repose from the Court, pursuant to the March 2015 New Jersey Supreme Court decision, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”). The Court appointed a Special Master, Hon. Steven P. Perskie, J.S.C., as is customary in Mount Laurel matters. The Special Master assisted the City in reaching a settlement agreement with FSHC, a non-profit organization dedicated to protecting the rights of low and moderate income households in New Jersey. The FSHC Settlement Agreement was entered into on April 20, 2018 and executed on April 23, 2018, and the settlement was approved by the Court via an Order of Fairness and Compliance entered June 1, 2018, after a properly noticed Fairness Hearing was held. The City obtained a Judgment of Compliance and Repose (“JOR”) approving the City’s Housing Element and Fair Share Plan on August 29, 2018, after a properly noticed Compliance Hearing was held. The Court Order entered on August 29, 2018 secured immunity for the City from all Mount Laurel lawsuits, including but not limited to, Builders Remedy lawsuits, until July 2, 2025.

Rehabilitation Program(s) Update

Linwood has a rehabilitation obligation of 19 units. As acknowledged in the Settlement Agreement, the City had rehabilitated 3 units through the Atlantic County Improvement Authority’s (ACIA) rehabilitation program since April 1, 2010. Since that time, no additional units have been rehabilitated through the ACIA program.

The City will continue its efforts to rehabilitate the remaining 16 units via its continued participation in the Atlantic County Improvement Authority's rehabilitation program. The City

will continue to participate in the ACIA program through the end of the compliance period in 2025.

Realistic Opportunity Review

The realistic opportunity standard applies to all mechanisms for non-adjustment municipalities such as the City of Linwood.

The City is in the process of addressing its Prior Round Obligation (1987-1999) and Third Round Obligation (1999-2025) as follows:

<u>Mechanism</u>	<u>Affordable Units</u>	<u>Ordinance Adopted (Yes/No)</u>	<u>Status</u>
Brandall Estates Assisted Living	9 units		Existing assisted living center.
Mixed-Use Zoning		Yes	The City adopted §277- 40.3.A., establishing the Affordable Overlay Zone I, and the zoning is in full effect.
Mixed-Use / Residential Zoning		Yes	The City adopted §277- 40.3.B., the Affordable Overlay Zone II, and the zoning is in full effect.
Mandatory Affordable Housing Set Aside		Yes	The City adopted §277- 40.2.A., establishing the minimum set-aside of affordable housing units.
Group Home			Currently pending selection of a suitable location, due to the COVID-19 restrictions, this has been on hold, but it is anticipated to resume once
Accessory Apartments	1 unit (pending)		Pending application for one accessory apartment.

Conclusion

There have been no changes in circumstances regarding available, vacant land, nor has there been any change in sewer or water capacity within the City since the issuance of the City's JOR. However, Southern New Jersey has seen a significant economic downturn prior to the current recession caused by the SARS-COV-2 pandemic. As such, new construction has slowed tremendously, yet the City's plan still continues to create a realistic opportunity.