

BOROUGH OF HASBROUCK HEIGHTS
Affordable Housing Midpoint Review

PURPOSE

The Borough of Hasbrouck Heights is required to comply with the statutory midpoint review requirements of the Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-313 which provides in pertinent part: “...the Council shall establish procedures for a realistic opportunity review at the midpoint of the certification period and shall provide for notice to the public...” This review report has been modeled after the template provided by Fair Share Housing Center (“FSHC”) but modified to more closely resemble the conditions in the municipality and the Court-approved Housing Element and Fair Share Plan, and acts as a status report regarding the Borough’s compliance mechanisms and whether or not any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity.

In order to provide notice of the midpoint review, the Borough is posting this review on its website, and providing a copy to Fair Share Housing Center (“FSHC”). Any interested party may submit comments to the Borough, with a copy to FSHC, 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.

RELEVANT BACKGROUND

The Borough filed its Declaratory Judgment Action on June 29, 2015. The Borough executed a Settlement Agreement with FSHC in 2017. The 2017 Settlement Agreement outlines the Borough’s affordable housing obligations: an 78-unit Rehabilitation Obligation, a 58-unit Prior Round Obligation, and a 286-unit Third Round Obligation. However, the Borough sought and received a Vacant Land Adjustment for the Third Round, which produced an 11-unit Realistic Development Potential (hereinafter “RDP”).

On April 11, 2018 Judge Toskos entered a Conditional Order of Compliance following the Fairness Hearing. Thereafter, the Borough prepared and adopted the requisite compliance documents. The Final Compliance Hearing was held on September 11, 2019. On September 27, 2019 Judge Padovano issued Hasbrouck Heights a Final Judgment of Compliance and Repose (hereinafter “JOR”).

PRIOR ROUND COMPLIANCE

The Borough received a Prior Round Vacant Land Adjustment which resulted in a 0-unit RDP, leaving a remaining unmet need of 58 units. The Borough partially met its unmet need from the Prior Round with the following compliance mechanisms, leaving 38 units of Prior Round unmet need:

Development	Units
Hasbrouck Heights Senior Housing Complex	15
The Arc of Bergen County	5
Total	20

STATUS AND REALISTIC OPPORTUNITY REVIEW

The realistic opportunity standard applies to all RDP mechanisms for Vacant Land Adjustment municipalities. The following table summarizes the mechanisms allocated to the Third Round RDP and their current status.

Development	Existing Units	Proposed Units	Status
Hasbrouck Height Senior Housing Complex	3		Occupied
Deverux Group Home	3		Occupied
Rezoning of Longview Ave (Block 162.02, Lot 1 and Block 134.03, Lot 8)		4	Rezoning Ordinance Adopted

As noted in the above table, all but 4 units are constructed and occupied. A portion of the Longview Avenue site is Borough-owned. The Borough agreed to make the site available for multifamily affordable housing development by rezoning Block 162.02, Lot 1 and Block 134.03, Lot 8 to allow for multifamily housing. This zone consists of approximately 1.5 acres and extends along the north side of Longview Avenue between Longview Place and the Boulevard. This zone now permits 15 units/acre for the 1.5-acre site. Such development will permit a maximum of 23 units. A total of 4 affordable housing units will be created by requiring that 15% of the development be made available as rental units dedicated to very low, low and moderate income family households. The Borough recently confirmed the desire of property owner of the non-Borough owned property in the zone, to pursue the acquisition of the Borough property and to develop the 1.5 acre zone in accordance with the current zoning described supra. The

REHABILITATION PROGRAM REVIEW

The Borough presently participates in the Bergen County Community Development Block Grant Program Home Improvement Program and will continue to participate for the rehabilitation of 78 units. The Borough will provide a more comprehensive rehabilitation program review on the first anniversary of the JOR.

UNMET NEED

The RDP of 11, subtracted from the Third Round obligation of 286 units, results in an unmet need of 275 units, The Borough has implemented the following mechanisms to capture unmet need.:

- **Industrial Avenue Site:** This overlay zone consists of approximately 13 acres and is located in the southeastern corner of the Borough at the mutual boundaries of the Boroughs of Teterboro and Moonachie. The area is comprised of Block 129, Lot 1; Block 131, Lots 1, 4, 5 and 9; and Block 132.01, Lots 1, 2, 3, 4.02, 5.01, 5.03, 5.04 and 5.05. Presently the area is fully developed commercial, industrial and the Borough's DPW yard. The Borough DPW site (Block 132.01, Lot 4.01) is not included as part of this overlay zone. At 20 units/acre, area development will permit a total of 260 units requiring 15% or 39 of these units being made available

as rental units dedicated to very low/low and moderate income family households or 20% or 52 of these units being made available as for-sale units dedicated to very low/low and moderate income family households. The parcels in the overlay zone may be developed together or individually at this density.

- **Veterans of Foreign Wars (VFW) Site:** This overlay zone consists of approximately 1.29 acres and is bounded by Veterans Place to the south, paper street Fourth Street the west, Passaic Avenue to the north and Third Street to the east. The site is presently developed with a 10,637 square foot VFW building and surrounding on-site parking. At 20 units/acre, area development will permit a total of 26 units requiring 15% or 5 of these units being made available as rental units dedicated to very low/low and moderate income family households or 20% or 6 of these units being made available as for-sale units dedicated to very low/low and moderate income family households.
- **Mandatory Set-Aside Ordinance:** The Borough will adopt a mandatory set aside mechanism so that for any future multi- family development permitted by variance, rezoning or redevelopment with 5 or more units, 15% of such units would have to be set aside for low and moderate income households in rental projects, and a 20% set-aside in for-sale projects. The Borough will also amend existing zoning in the Borough's B-1 commercial zone on the Boulevard corridor to require such a set-aside if residential developments of 5 or more units occur in that zone.

VERY-LOW INCOME ANALYSIS

Paragraph 10 of the 2017 Settlement Agreement indicates that 13% of all units referenced in the Agreement constructed after July 1, 2008 shall be very-low income units. Half of those units must be available for families. The Borough will comply with those requirements by requiring 13% of all family rental units developed in the Longview Ave zone, each overlay zone site described above and at each site impacted by the mandatory set aside ordinance to be very low income units.

CONCLUSION

The Borough's plan implementation continues to create a realistic opportunity where that standard is applicable, and the Borough has implemented its Unmet Need mechanisms, which continue to be constitutionally sufficient.