

**City of Brigantine
Fair Share Plan
Midpoint Review Report**

July 1, 2020

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Purpose

The City of Brigantine’s Settlement Agreement with Fair Share Housing Center (“FSHC”) requires that the City 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 City 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.

Relevant Background

On July 9, 2015, the City of Brigantine filed a Declaratory Judgment Action, seeking to comply with its third round obligation in the manner prescribed by the Supreme Court in Mount Laurel IV. On May 8, 2018, the City entered into a global Settlement Agreement with FSHC. A Fairness Hearing was held on June 12, 2018, during which the Court approved the FSHC Settlement Agreement. On August 31, 2018 the City entered a Consent Order-Final Third Round Judgment of Compliance and Repose with two conditions. On December 31, 2018, the Court granted the City a Final Judgment of Compliance and Repose recognizing the satisfaction of the two conditions.

Rehabilitation Program(s) Update

The City of Brigantine has a rehabilitation obligation of 59 units. The City continues to participate in the Atlantic County Improvement Authority’s (ACIA) rehabilitation program. To date, 5 units in the City have been rehabbed under this program. No new units have been rehabilitated since the adoption of the City’s 2018 Fair Share Plan. The City intends to continue to participate in the County program through the compliance period ending in 2025.

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. The City has a prior round obligation of 124 units and prospective need obligation of 511 units.

The City received a Vacant Land Adjustment with a Realistic Development Potential (“RDP”) of two (2) units for the Prior Round Obligation. The City’s Prior Round “unmet need” was 122 units. This was reduced to an unmet need of 121 units to account for the Market to Affordable Program units that were created. The City is continuing to work with TRIAD Associated to complete an additional three (3) new Market to Affordable Units.

The City received a Vacant Land Adjustment for their Prospective Need Third Round Obligation with a zero (0) unit RDP. This left the City with an “unmet need” of 511 units and the City’s Prior Round “unmet need” is 121 units. The City has a Realistic Development Potential of 3 units from their prior-round obligation.

The City is satisfying their “unmet need” as follows:

Unmet Need or Deferred Mechanisms

<u>Mechanism</u>	<u>Ordinance Adopted (Yes/No)</u>	<u>Additional Information</u>
Market to Affordable Units (3 Units)	N/A	Two (2) Units have been completed. The third unit is in the process of being completed this year.
Inclusionary Zoning (overlay zone) Block 3804, Lot 1	Yes	No affordable units to date have been produced under this ordinance.
Inclusionary Zoning (overlay zone) Block 806, Lot 1.	Yes	No affordable units to date have been produced under this ordinance.
Inclusionary Zoning (overlay zone) Block 3701, Lots 1-9 Block 3702, Lots 1-9	Yes	No affordable units to date have been produced under this ordinance.
Volunteers of America Delaware Valley Housing	N/A	See Notes Below for more detailed review. Providing 6 units and not 5 units.
City-Wide Ordinance for 5 or more residential units	Yes	No affordable units to date have been produced under this ordinance.

Volunteers of America Delaware Valley (VOADV) Housing – The Fair Share Plan required the City to enter into an agreement with VOADV to provide 5 apartments for veterans and their families. The City entered into this agreement on November 7, 2018 which provides that VOADV provide up to five (5) apartment/units for veterans and families and the City will provide a subsidy of \$100,000 per unit for a total of \$500,000. The schedule for the transfer of funds includes \$100,000 per year starting in 2019 through 2023. The City has not transferred any funds as of this date. The City is selling the land to VOADV as part of the Redevelopment Plan.

The City has adopted a Redevelopment Plan as of June 3, 2020 to permit VOADV to develop the units on the property located on Block 2901, Lot 5. The site will accommodate up to six (6) total units, one more than contemplated in the City’s Fair Share Plan.

Very Low Income Analysis

<u>Project Containing VLI Units</u>	<u>VLI Requirement</u>	<u>Number of VLI Units Produced</u>	<u>Status</u>
Inclusionary Zoning	13% of units created	There has been no development from the zoning ordinances.	Ongoing

Affordable Housing Trust Fund Update

The City of Brigantine adopted a Development Fee Ordinance and has an established Affordable Housing Trust Fund (AHTF). Monitoring has been continuously updated on the State of New Jersey monitoring system. The City has a balance of \$980,932.36 in the AHTF with a total expenditure of \$531,934.05. Full reporting is available through the State Department of Community Affairs Trust Fund Reporting system.

Conclusion

The City’s plan implementation continues to create a realistic opportunity where that standard is applicable, and the City maintains sufficient mechanisms for addressing unmet need.