

AFFORDABLE HOUSING

THIRD ROUND MIDPOINT REVIEW

PREPARED FOR:

Township of Barnegat
Ocean County, New Jersey

June 30, 2020

Prepared By:



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Affordable Housing Midpoint Review Report Barnegat Township, New Jersey

CME Associates (“CME”) is pleased to provide this status report as to the implementation of Barnegat Township’s Housing Plan Element and Fair Share Plan and an analysis as to whether any unbuilt sites or unfilled mechanisms continue to represent a realistic opportunity. Included below is a brief summary of this submission.

Purpose

The Township of Barnegat’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 non-deferred mechanisms continue to present a realistic opportunity.

Status and Realistic Opportunity Review

Barnegat Township’s Settlement Agreement with Fair Share Housing Center was signed by the Township on April 20, 2017 and amended on May 24, 2018, approving the Redevelopment plan Term Sheet. Subsequently, the Township received a final Judgment of Compliance and Repose on June 19, 2018. The status of each project and mechanism included within the Township’s compliance plan is included within the attached forms (Exhibits A-E), as provided by FSHC.

Exhibits A-E include detailed information regarding the Affordable Housing Trust Fund, Rehabilitation Program, Prior and Third Round Monitoring, Very Low Income Reporting and additional information regarding the Township’s compliance mechanisms. The Township of Barnegat has been proactive in the production of affordable units to ensure compliance with the requirements of the Judgment of Compliance and Repose. The attached forms demonstrate that all of the mechanisms set forth within the Township’s compliance plan continue to represent a realistic opportunity for affordable housing for low- and moderate-income households.

Notice to the Public

In accordance with the Township of Barnegat’s Settlement Agreement with Fair Share Housing Center, its Amended Settlement Agreement, and its Final Judgment of Compliance and Repose, this Midpoint Realistic Opportunity Review Report has been prepared to summarize the various affordable housing projects and mechanisms in the Township’s Housing Plan Element and Fair Share Plan. Any interested party is invited to submit comments to Barnegat Township, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Please submit any comments you may have to the Township and FSHC using the contact information included on the next page.

Township of Barnegat

Michele Rivers, Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005
Email: clerk@barnegat.net

Fair Share Housing Center

Adam Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Email: adamgordon@fairsharehousing.org

Conclusion

The Township is maintaining compliance with the terms of the Settlement Agreement, Amended Settlement Agreement and the Final Judgment of Compliance and Repose. Although not all projects identified have been completed, each proposed project remains a viable and realistic opportunity for the construction of affordable housing at this time.

EXHIBITS:

Affordable Housing Trust Fund Monitoring

Rehabilitation Monitoring

Prior Round and Third Round Monitoring

Very Low Income Monitoring

Affordable Housing Questions

EXHIBIT A:
AFFORDABLE HOUSING TRUST FUND MONITORING

1. GENERAL INFORMATION AND TRUST FUND MONITORING

MUNICIPALITY NAME:	Barnegat Township
COUNTY:	Ocean County
Date through which funds reported:	
Name of person filling out form and affiliation/role:	CME Associates-Peter Van den Kooy, PP, AICP
Date of filling out form:	June 22, 2020
Email:	pvandenkooy@cmeusa1.com
Municipal Housing Liaison for municipality:	Stacey Cole
Email:	scole@barnegat.net
Income Limits Year Being Used by Municipality*:	2019

(Note: Date in Approved Spending Plan = date through which revenues/expenditures are shown in the approved spending plan; if no approved spending plan, show revenues/expenditures through June 30, 2015 in Column B and beginning July 1, 2015 in Column C.)

TRUST FUND INFORMATION

	Inception - Date in Approved Spending Plan (4/16/18)	Date in Approved Spending Plan (4/16/18) to Present	Total
REVENUE SUMMARY			
Barrier Free Escrow			\$0
Development Fees*	\$ 1,673,781	\$ 197,420	\$1,871,201
Interest Earned		\$ 3,281	\$3,281
Other Income			\$0
Payments-in-Lieu of Construction			\$0
TOTAL	\$ 1,673,781	\$ 200,701	\$1,874,482
*Includes interest			
EXPENDITURE SUMMARY			
Administration**	\$ 265,428	\$ 159,062	\$424,490
Affordability Assistance***	\$ 129,025		\$129,025
Very Low-Income Affordability Assistance			\$0
Barrier Free Conversions			\$0
Housing Activity	\$ 1,141,991		\$1,141,991
TOTAL	\$ 1,536,444	\$ 159,062	\$1,695,506

ADMINISTRATION: Date in Approved Spending Plan (4/16/18) to Present		
Name	List types of administrative expenses	Amount
Consultant fees	Legal, planning, housing administration, etc.	\$159,062.00
TOTAL		\$159,062

AFFORDABILITY ASSISTANCE: Date in Approved Spending Plan (4/16/18) to Present		
Name	List affordability assistance projects and programs	Amount
TOTAL		\$0

HOUSING ACTIVITY: Date in Approved Spending Plan (4/16/18) to Present		
Type of Housing Activity	Specific Site or Program	Amount
TOTAL		\$0

Comments:

*View 2020 income limits: https://ahpnj.org/member_docs/Income_Limits_2020.pdf

https://ahpnj.org/member_docs/Income_Limits_2019_FINAL.pdf

https://ahpnj.org/member_docs/Income_Limits_2018.pdf

https://ahpnj.org/member_docs/Income_Limits_2017.pdf

**Administrative expenses cannot total more than 20% of collected revenues, less any Administrative expenses already disbursed.

***Affordability Assistance must equal at least 30% of revenues collected after July 2008, with one-third of that dedicated to very low-income Affordability Assistance

EXHIBIT B:
REHABILITATION MONITORING

2. REHABILITATION

Total Third Round rehabilitation obligation	86
Rehabilitation program administrator(s) with email, phone number, and address: (if multiple rehab programs list administrator for each)	Robin Florio; Ocean County Planning Board 129 Hooper Ave PO Box 2191 Toms River, NJ 08754 (732) 929-2054
Period of time covered (Only completed rehabs since either the adoption of the Housing Element and Fair Share Plan or the previous annual report should be included on this sheet):	01/01/2015-6/29/20

2		3							4	5	7	8	9	10	11	12	13		
Street Address	Case Number (if applicable)	Rehab program used (e.g. county program, municipal rental rehab)	Block	Lot	Unit Number	Owner	Renter	Very Low	Low	Moderate	Final Inspection Date (mm/dd/yy)	Funds expended on hard costs (\$)	Funds recaptured	Major system(s) repaired	Was unit below code and raised to code? (Y/N)	Effective date of affordability controls (mm/dd/yy)	Length of affordability controls (years)	Affordability control removed (Y/N)	Creditworthy (Y/N)
2 Spruce Circle South		County	116.19	14		Ella & Bergeron					02/18/15	\$13,348.63							
34 1st Street		County	111	13		Haino					04/15/15	\$22,200.00							
29 Sextant Drive		County	114.23	15		Humbert													
34 Tulsa Drive		County	196.08	8		Kislowski													
74 Barnegat Boulevard		County	114.05	15		Guzman													
23 Chesapeake Court		County	208.09	23.04		Guido													

Comments:
 *Additional information regarding the units above is pending and will be submitted within the next Annual Report.

EXHIBIT C:
PRIOR ROUND AND THIRD ROUND MONITORING

3. PRIOR AND THIRD ROUND MONITORING

Site / Program Name:	Sweet Jenny's	Laurel Oaks	Patriot's Cove	Whispering Hills	Accessory Apartments Pilot Project	Emerald Terrace Apartments	Barnegat Senior Apartments/ Cornerstone at Barnegat
Project developer:	1111 West Bay & Nautilus Assoc, LLC	Laurel Oaks Family Apts, LLC	Patriots Cove Urban Renewal	Whispering Hills Apts, LLC	Various	Ocean, Inc.	Barnegat Senior Apts, LLC
Compliance Mechanism:	Inclusionary	Inclusionary	Inclusionary	Inclusionary	100% affordable	Inclusionary	Inclusionary
Compliance Mechanism #2 (if project has multiple):							
Round:	Prior & Third Round	Prior & Third Round	Third Round	Prior & Third Round	Third Round	Third Round	Prior & Third Round
Block (if multiple separate by commas):	195	159	146.01	144.08	Various	114	195.03
Lot (if multiple separate by commas):	5, 6.01	2.01, 3.01	6.09	1	Various	14.02	12
Address:	107 South Main Street	North Main Street	Union Boulevard	Hawthorne Lane		20 Barnegat Boulevard	9 South Main Street
Construction required to begin by (for mechanisms other than inclusionary development):							
Status:	Proposed	Built	Built	Built	Proposed	Built	Built
If project has site plan /or subdivision approval, date building permits received (DD/MM/YYYY):							
If "approved not built" or "under construction," date of site plan and/or subdivision approval:	5/24/2018						
If "under construction," expected date of completion:							
Date of issuance of C.O.:							
If "built," date controls began:		2014	2008	2013			2016
Length of Affordability Controls (years):	30	30	30	30	30		30
Administrative Agent or other entity responsible for affirmative marketing:		Walters Group Apartments 500 Barnegat Boulevard Building 100 Barnegat, NJ 08005	Pennrose Brewery Park 1301 North 31st Street Philadelphia, PA 19121	One	Walters Group Apartments 500 Barnegat Boulevard Building 100 Barnegat, NJ 08005		Walters Group Apartments 500 Barnegat Boulevard Building 100 Barnegat, NJ 08005
Contribution (for payments in lieu)		complete					
Total Affordable Housing Units Proposed	92	94	46	52	10	32	70
Total Affordable Housing Units Completed to Date		94	46	52		32	70
Type of Affordable Units:							
Family	92	94	46	52	10		
Family For-Sale							
Family Rental	92	94	46	52	10		
Senior							32
Senior For-Sale							
Senior Rental							32
Supportive/Special need:							
Supportive For-Sale							
Supportive Rental							

3. PRIOR AND THIRD ROUND MONITORING

Site / Program Name:	Supervised Apartment	Supervised Apartment	Supervised Apartment	Group Home	Independence Place	Paramount Homes	Credits Without Controls
Project developer:	Ocean Housing Development III, Inc	Atlantic Heights LLC	Whispering Hills Apts, LLC	Allies, Inc	OC Partners I, LLC	Paramount Homes at Forest Hills, LLC	N/A
Compliance Mechanism:	Support & Special Needs	Support & Special Needs	Support & Special Needs	Support & Special Needs	Inclusionary	Inclusionary	Other
Compliance Mechanism #2 (if project has multiple):							
Round:	Third Round	Third Round	Third Round	Third Round	Third Round	Third Round	Prior Round
Block (if multiple separate by commas):	114.26	144.01	144.08	136.01	114.35, 114.50, 114.51	90, 90.22, 92	Various
Lot (if multiple separate by commas):	27	5.02	1	64	multiple lots	multiple lots	Various
Address:	70 Schooner Avenue	900 Barnegat Blvd.	345 Hawthorne Lane	131 Baysshore Drive	Independence Place	Paramount Escapes Drive	Various
Construction required to begin by (for mechanisms other than inclusionary development):							
Status:	Built	Built	Built	Built	Built	Built	Built
If project has site plan /or subdivision approval, date building permits received (DD/MM/YYYY):							
If "approved not built" or "under construction," date of site plan and/or subdivision approval:							
If "under construction," expected date of completion:							
Date of issuance of C.O.:							
If "built," date controls began:	10/25/2008			8/30/2001	2008	2013	
Length of Affordability Controls (years):	40			20	30	30	
Administrative Agent or other entity responsible for affirmative marketing:	Ocean Housing Development III, Inc	Walters Group Apartments 500 Barnegat Boulevard Building 100 Barnegat, NJ 08005	Walters Group Apartments 500 Barnegat Boulevard Building 100 Barnegat, NJ 08005	Allies, Inc	Taurean Ford CME Associates 1490 Route 9 South Howell, NJ 07731 (732) 462-7400	Taurean Ford CME Associates 1490 Route 9 South Howell, NJ 07731 (732) 462-7400	N/A
Contribution (for payments in lieu)							
Total Affordable Housing Units Proposed	1	1	10	5	8	56	28
Total Affordable Housing Units Completed to Date	1	1	10	5	8	56	28
Type of Affordable Units:							
Family						8	56
Family For-Sale						8	56
Family Rental							
Senior							
Senior For-Sale							
Senior Rental							
Supportive/Special need:	1	1	10	5			
Supportive For-Sale							
Supportive Rental	1	1	10	5			

3. PRIOR AND THIRD ROUND MONITORING

Site / Program Name:	Compass Point/Vernon	Supervised Apartment	Group Home	Supervised Apartment	Supervised Apartment	Supervised Apartment	Supervised Apartment
Project developer:	Nautilus Associates, LLC	Ocean Mental Health Services	Community Options, Inc	Ocean Mental Health Services	Community Options	Community Options	Ocean Mental Health Services
Compliance Mechanism:	Inclusionary	Support & Special Needs	Support & Special Needs	Support & Special Needs	Support & Special Needs	Support & Special Needs	100% affordable
Compliance Mechanism #2 (if project has multiple):							
Round:	Prior Round	Prior Round	Prior Round	Prior Round	Prior Round	Prior Round	Prior Round
Block (if multiple separate by commas):	92.106, 92.107, 92.108, 92.109, 92.113	114.19	114.54	114.24	208.08	208.09	208.09
Lot (if multiple separate by commas):	multiple lots	10	21.03	12	2A	34.04C	43.03
Address:	Meridian Turn W	19 Nautilus Avenue	55 Old Main Shore Road	71 Village Drive	17A Emerald Drive	15 Gibraltar Court	21 Mediterranean Court
Construction required to begin by (for mechanisms other than inclusionary development):							
Status:	Proposed	Built	Built	Built	Built	Built	Built
If project has site plan / or subdivision approval, date building permits received (DD/MM/YYYY):							
If "approved not built" or "under construction," date of site plan and/or subdivision approval:							
If "under construction," expected date of completion:							
Date of issuance of C.O.:							
If "built," date controls began:		10/25/2008	6/29/2005	9/18/2013	9/24/1997	9/24/1997	7/15/2014
Length of Affordability Controls (years):	30	40					
Administrative Agent or other entity responsible for affirmative marketing:	Nautilus Associates, LLC	Ocean Housing Development III, Inc	Community Options, Inc	Ocean Mental Health Services	Community Options	Community Options	Ocean Mental Health Services
Contribution (for payments in lieu)							
Total Affordable Housing Units Proposed	8	1	4	1	2	1	1
Total Affordable Housing Units Completed to Date	8	1	4	1	2	1	1
Type of Affordable Units:							
Family	8						
Family For-Sale							
Family Rental	8						
Senior							
Senior For-Sale							
Senior Rental							
Supportive/Special needs				1	2	1	1
Supportive For-Sale							
Supportive Rental		1	4	1	2	1	1

3. PRIOR AND THIRD ROUND MONITORING

Site / Program Name:	Freedom Hills	Tedesco Homes	High Point at Barnegat	J.S. Development	Four Seasons - Mirage	West Cherry Street Development	Stone Hill at Barnegat
Project developer:	K. Hovnanian at Barnegat II, LLC	Tedesco Homes	NVR, Inc.	J.S. Development	K Hovnanian	Barnegat Terrace, LLC	R. Stone & Co.
Compliance Mechanism:	Inclusionary	Inclusionary	Inclusionary	Inclusionary	Inclusionary	Inclusionary	Inclusionary
Compliance Mechanism #2 (if project has multiple):							
Round:	Prior Round	Prior Round	Prior Round	Prior Round	Prior Round	Prior Round	Third Round
Block (if multiple separate by commas):	114.59-114.63	114.7	142.05-142.08	174.08	95.16, 95.57	175, 182, 183, 184	180
Lot (if multiple separate by commas):	multiple lots	5, 8	multiple lots	1 through 25	Multiple lots	1, 2, 1, 1, 1, 2, 3	1.01, 1.19
Address:	Cove Street/Various	Tedesco Way	Alexander Drive/Various	Hillside Ave & Blue Claw Drive	Mirage Boulevard	Miro Avenue	10 & 16 Cherry Street
Construction required to begin by (for mechanisms other than inclusionary development):							
Status:	Built	Built	Built	Built	Built	Approved not built	1 unit Built; 1 unit Under Construction
If project has site plan / or subdivision approval, date building permits received (DD/MM/YYYY):							
If "approved not built" or "under construction," date of site plan and/or subdivision approval:							
If "under construction," expected date of completion:							
Date of issuance of C.O.:							2019
If "built," date controls began:	2006	2012	2006	2006	2007		2019
Length of Affordability Controls (years):	30	30	30	30	30	30	30
Administrative Agent or other entity responsible for affirmative marketing:	Taurean Ford CME Associates 1490 Route 9 South Howell, NJ 07731 (732) 462-7400	Taurean Ford CME Associates 1490 Route 9 South Howell, NJ 07731 (732) 462-7400	Taurean Ford CME Associates 1490 Route 9 South Howell, NJ 07731 (732) 462-7400	Taurean Ford CME Associates 1490 Route 9 South Howell, NJ 07731 (732) 462-7400	Taurean Ford CME Associates 1490 Route 9 South Howell, NJ 07731 (732) 462-7400	Taurean Ford CME Associates 1490 Route 9 South Howell, NJ 07731 (732) 462-7400	Taurean Ford CME Associates 1490 Route 9 South Howell, NJ 07731 (732) 462-7400
Contribution (for payments in lieu)							
Total Affordable Housing Units Proposed	15	2	4	3	32	1	2
Total Affordable Housing Units Completed to Date	15	2	4	3	32	1	1
Type of Affordable Units:							
Family	15	2	4	3			1
Family For-Sale	15	2	4	3			1
Family Rental							
Senior						32	
Senior For-Sale						32	
Senior Rental							
Supportive/Special needs							
Supportive For-Sale							
Supportive Rental							

EXHIBIT D:
VERY LOW INCOME MONITORING

4. VERY LOW INCOME REPORTING

Very Low Income Units approved and constructed since July 17, 2008				
Development/Compliance Mechanism	Total Affordable Units	VLI units constructed as of date of report	VLI units not constructed as of date of this report but still planned	Type of Very Low Income Unit (Family, Senior, Special Needs)
Compass Point, Vernon, Sweet Jenny's	100		13	Family
Whispering Hills	52	6		Family
Patriot's Cove	46	5		Family
Laurel Oaks	94	9		Family
Barnegat Senior Apartments	70	12		Senior
Paramount Homes	56	3		Family
19 Nautilus Avenue	1	1		Special Needs
71 Village Drive	1	1		Special Needs
70 Schooner Avenue	1	1		Special Needs
345 Hawthorne Lane Apts.	10	10		Special Needs
21 Mediterranean Court	1	1		Special Needs
900 Barnegat Blvd.	1	1		Special Needs
Total	433	50	13	

This tab provides reporting required on very low income units, i.e. units affordable to and reserved for households at or below 30% of regional median income. See N.J.S.A. 52:27D-329.1.

EXHIBIT E:
AFFORDABLE HOUSING QUESTIONS

Midpoint Review Questions

In addition to updating the attached monitoring spreadsheet with up to date information on each project in your approved settlement/fair share plan, please answer the following questions in narrative form:

Conditions of Compliance

1. What conditions from the court's approval of the municipal housing element and fair share plan and judgment of compliance and repose (or whatever standard terms is being used), if any, have not yet been satisfied? Explain the reasons for any delay and the steps the municipality is taking to satisfy the condition(s).

All conditions have been satisfied.

Developments that Are Not Completed

2. For each court-approved inclusionary development project that is not yet constructed, please provide a narrative as to its status and any progress towards construction.

Sweet Jenny's and Compass Point: *These projects have not yet been built; however, the construction of both projects is anticipated in the near future. These developments continue to represent a realistic opportunity for the construction of affordable housing.*

West Cherry Street: *The one (1) affordable family for-sale unit generated from this project has been approved as part of the overall approval of this development and is pending construction. This development continues to represent a realistic opportunity for the construction of the one (1) unit of affordable housing.*

Stone Hill at Barnegat: *Two (2) affordable for-sale family units have been generated by the Stone Hill at Barnegat inclusionary development. The unit at 10 Cherry Street has been constructed and the unit at 16 Cherry Street is pending construction. This development continues to represent a realistic opportunity for the construction of the two (2) units of affordable housing.*

3. Have any non-inclusionary development projects (including 100% affordable projects, group homes, accessory apartments, market-to-affordable, extensions of affordability controls, etc.) included in the court-approved plan not yet been built/converted to affordable housing/controls extended? If yes, explain how many units, if any, have been built for each non-inclusionary project or mechanism and when construction is expected to be completed on the remaining units.

The Township has adopted zoning ordinance amendments to implement a 10-unit accessory apartment pilot program within the TC-CV and TC-CPHD Zoning Districts. To date the Township has not realized any accessory apartments within these zone districts; however, the adopted ordinance continues to provide a realistic opportunity for the establishment of affordable accessory apartment units.

4. Are there any projects that have missed any construction deadline established in the court-approved Settlement Agreement, or other mechanisms (e.g. market-to-affordable, accessory apartments, extensions of affordability controls) that have not met the

completion schedule set forth in the Settlement Agreement or Housing Element and Fair Share Plan? If yes, what steps is the municipality taking to complete construction and what is the current timetable?

The Township intends to market its accessory apartment program in order to generate additional interest in the program. The additional marketing is anticipated to generate interest in the program and spur the establishment of accessory apartment units.

5. Are all unbuilt developments currently in a sewer service area, and if not what has the municipality done to incorporate the site into a sewer service area? Are there any barriers to obtaining water or sewer for any unbuilt site? Are there any other regulatory conditions (e.g. changes to DEP permits or conditions) that make it not possible to complete any site as originally contemplated?

All unbuilt developments are located within a sewer service area and have access to sewer and water service. No environmental constraints or regulatory requirements exist that are anticipated to preclude the development of the projects that remain to be constructed.

Rehabilitation Obligation

6. Is the rehabilitation program being administered by a municipality, county, or both? Do the program(s) include rental rehabilitation? If the municipality has not met at least half of its rehabilitation obligation by this midpoint review, what affirmative steps is the municipality taking to meet the obligation and to facilitate participation by homeowners and/or landlords?

The Township participates in the Ocean County Housing Rehabilitation Program. The Township is in the process of launching a municipal owner and rental Home Improvement (Rehabilitation) Program. The Township intends to adequately market its local program to generate interest and fulfill the rehabilitation of its present need obligation by July 1, 2025.