

TOWNSHIP OF WILLINGBORO
COUNTY OF BURLINGTON

Midpoint Review Report

Purpose

The Township of Willingboro 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 Township (hereinafter the “FSHC Settlement Agreement”), that review requires the Township 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 June 12, 2015, the Township 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, Elizabeth McKenzie, P.P., A.I.C.P., as is customary in Mount Laurel matters. The Special Master assisted the Township 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 November 9, 2016, and the settlement was approved by the Court via an Order entered on June 21, 2017, after a properly noticed Fairness Hearing was held. The Township obtained a conditional Judgment of Compliance and Repose (“JOR”) approving the Township’s Housing Element and Fair Share Plan on June 7, 2018, after a properly noticed Compliance Hearing was held. The Court entered an Order on November 1, 2018 that finalized the JOR and secured immunity for the Township from all Mount Laurel lawsuits, including but not limited to, Builders Remedy lawsuits, until July 2, 2025.

The Court approved FSHC Settlement Agreement, established the Township’s Third Round Fair Share obligations as follows:

- Rehabilitation Obligation: 325
- Prior Round Obligation (1987-1999): 268
- Third Round Gap and Prospective Need Obligation (1999-2025): Zero (0)

As part of the process described above, the Township adopted all required resolutions and zoning ordinances.

Rehabilitation Program(s) Update

The Township has a Rehabilitation Obligation of 325. The Township's JOR approved (1) 17 rehabilitation credits from the Township participation in the Burlington County Rehabilitation Program, (2) 6 rehabilitation credits from the Township's in-house Rehabilitation Program run by TRIAD, and (3) 44 rehabilitation credits from 44 constructed and occupied age restricted units in the Campell Towers development. This reduced the Township's remaining Rehabilitation Obligation down to 258. The Township will continue to rehabilitate units under the programs mentioned above.

Prior Round Obligation Review

The Township's Prior Round obligation of 268 was fully addressed and satisfied as of the date the Township received its JOR as follows:

- 70 constructed and occupied family rental affordable units from the Willingboro Associates, LLC inclusionary project.
- 60 age-restricted rental units from the constructed and occupied 104-unit Campbell Towers 100 percent affordable project.
- 11 units that were gut-rehabbed under the NJDCA Neighborhood Stabilization Grant program.
- 60 group home bedrooms from existing group homes in the Township.
- 67 rental bonus credits.

Realistic Opportunity Review

The realistic opportunity standard applies to all mechanisms for non-adjustment municipalities such as Willingboro Township. Since the Township's Third Round Obligation (1999-2025) is zero (0), it has no Third Round Obligation to satisfy by 2025.

Conclusion

The Township plan implementation continues to create a realistic opportunity.