

Midpoint Review Report

Purpose

City of Summit’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. The Settlement also contemplates review of unmet need/deferred mechanisms, though the realistic opportunity for the construction of those mechanisms during the compliance period is not applicable.

Relevant Background

On July 2, 2015, the City of Summit filed a Declaratory Judgment Action in response to In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel IV”). The City entered into a Settlement Agreement with FSHC on October 5, 2016, which was approved by the Court at the duly-noticed October 31, 2016 Fairness Hearing. The Court granted the Township’s Judgment of Compliance and Repose, filed on January 22, 2019.

Rehabilitation Program(s) Update

The City of Summit has a Rehabilitation Obligation of 131 units. To date, the City has rehabbed 40 units through the Summit Housing Authority at the Glenwood Place development. The City continues to affirmatively market its rental rehabilitation program and continues to participate in the Union County Home Improvement Program.

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.

<u>Mechanism</u>	<u>Description</u>	<u>Ordinance Adopted (Yes/No)</u>	<u>Status</u>	<u>Notes/Additional Information</u>
Our House, Inc. Group Home	4 bedrooms	Existing	Existing	
Habitat for	39 Morris	Existing	Existing	

Humanity Ave.	6-unit group home			
50 Parmley Place	2 units	Existing	Existing	
13 North Street	3 units	Existing	Existing	
120 Morris Ave. (Tiger Baron)	2 units	Existing	Existing	
31 Russell Place	2 units	Completed	Completed	1x 2BR low – rented as of 6/15/2020 1x 3BR low – renter accepted; anticipated lease date of 7/1/2020
708-710 Springfield Ave.	4 units	Existing	Existing	
785 Springfield Ave.	2 units	Completed	Completed	1 low 1 moderate Both occupied
545 Morris Ave.	5 units	Existing	Existing	Re-rental process initiated; working on qualifying applicants.
Sunrise Assisted Living	8 units		Project completed & occupied.	
27-31 Euclid Ave.	1 unit			See below.
4-6 Ashwood Ave	2 units	Changed to 86 Park Avenue	Constructing 1 unit and giving a payment in lieu for the second unit.	Construction almost complete – Landlord requested to begin interviewing applicants
146 Morris Ave. Habitat for Humanity Project	12 unit project		Currently on appeal.	City, Habitat and Plaintiff who filed appeal are negotiating a settlement.

The City of Summit adopted a Housing Element and Fair Share Plan, which included 41 credits toward its 36-unit Realistic Development Potential. Since the adoption of that plan, the project 27-31 Euclid Avenue changed from a 5-unit project to a 4-unit project, which no longer generated an affordable obligation under the ordinance, and the 4-6 Ashwood Avenue project (Now 86 Park Avenue) is only constructing one unit on-site and giving the City a payment in lieu of construction for the second unit. The City still has more than enough credits to satisfy its RDP.

Unmet Need or Deferred Mechanisms

<u>Mechanism</u>	<u>Ordinance Adopted (Yes/No)</u>	<u>Additional Information</u>
Overlay Zones		
Broad Street & Park Overlay Zone	Yes	
Park Ave Overlay Zone	Yes	
Park, Summit, Industrial Place, Broad Street Overlay Zone	Yes	123 Summit Avenue – 2 bedroom low unit. Landlord is interviewing 2 applicants 125 Summit Avenue – 1 bedroom low unit – already deed restricted; will be constructed in 2021 127 Summit Avenue – 3 bedroom moderate unit. Landlord is interviewing 2 applicants
Morris, Plain, Aubrey Street Overlay Zone	Yes	
Springfield Ave, Union Place, Beechwood Road, Maple Street, Glenwood Place Overlay Zone	Yes	
Deforest Avenue Overlay Zone	Yes	
Park Avenue Overlay Zone	Yes	
Morris Ave Overlay Zone	Yes	
Multi-Family Zone Districts		
Business Zone	Yes	
Central Retail Business District	Yes	
Gateway I Zone	Yes	
Gateway II Zone	Yes	
Multiple-Family Residential Zone	Yes	
Multi-Family (MF/TOD)	Yes	
Multi-Family Tower Residential Zone	Yes	
Neighborhood Business Zone	Yes	
Office Residential	Yes	

Character Zone (ORC)		
Office Residential Character Zone (ORC-1)	Yes	
Townhouse 1 Zone	Yes	
Townhouse 2 Zone	Yes	
Mandatory Set-Aside Ordinance		
412 Morris Avenue	Off-site unit approved by Common Council 10/15/2019	1 for-sale 2 bedroom moderate unit
89 Park Avenue		1 rental, 1 bedroom moderate unit
50 units on various sites within the City		
Broad Street West Redevelopment Plan	Adopted by Common Council March 20, 2019	20% set-aside for for-sale units; 15% set-aside for rental units June 23, 2020: City executes Access Agreement with redeveloper Broad Street West Managers, LLC pursuant to local redevelopment and housing law.

Very Low Income Analysis

The City plans on generating very low income units through its Broad Street West Redevelopment Plan.

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.