

**Third Round Midpoint Review Per N.J.S.A. 52:27D-313**

**IN THE MATTER OF THE BOROUGH OF RIVER EDGE,  
COUNTY OF BERGEN  
DOCKET NO. BER-L-6292-15**

July 1, 2020

Prepared by Burgis Associates, Inc.

**Borough of River Edge  
County of Bergen**

**Midpoint Review Report – July 1, 2020**

**Purpose**

The Borough of River Edge 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 Milford (hereinafter the “Settlement Agreement”), that review requires the Borough 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. The Settlement Agreement 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 9, 2015, River Edge 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 Borough of River Edge entered into a Settlement Agreement with Fair Share Housing Center on June 24, 2019, and the settlement was approved by the Court via an Order entered following a properly noticed Fairness Hearing held on September 6, 2020. The Borough has a public Compliance Hearing with the Court scheduled for July 21, 2020 at which the Borough will seek a Judgment of Compliance and Repose (“JOR”) approving the Borough’s Housing Element and Fair Share Plan. The JOR will secure immunity for the Borough from all Mount Laurel lawsuits, including but not limited to, Builders Remedy lawsuits, until July 2, 2025.

The following provides an update as to the Borough’s various affordable housing plan mechanisms in accordance with N.J.S.A. 52:27D-313.

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

- Rehabilitation Obligation: 6 (Based on structural conditions survey)
- Prior Round Obligation (1987-1999): 73
- Third Round Gap and Prospective Need Obligation (1999-2025): 197

### *Rehabilitation Program(s) Update*

The Borough of River Edge has retained Community Grants, Planning & Housing to administer the Borough's Rehabilitation Program to satisfy its Rehabilitation Obligation of 6 units.

### *Realistic Opportunity Review & Status of Plan Mechanisms*

The realistic opportunity standard applies to all fair share plan compliance mechanisms for all municipalities.

The Borough of River Edge is a Vacant Land Adjustment municipality with a Court approved Prior Round (1999-2025) Obligation of 73 units, Third Round (1999-2025) Realistic Development Potential ("RDP") of 0 units and unmet need of 197 units. The Borough's affordable housing obligations and fair share plan mechanisms to satisfy those obligations are addressed in the Settlement Agreement, which is posted on the Borough website, as follows:

#### Prior Round Obligation

The status of the Borough's satisfaction of its 73-unit Prior Round Obligation is as follows:

- Senior Residence at St. Peter the Apostle Church (Block 701 Lot 19.01): 18 of the total 23 low and moderate-income units at this senior housing development have been allocated to the Borough's Prior Round Obligation.
- New Concepts for Living Group Home (Block 1004 Lot 18): The 5 qualifying very-low income beds at 11 June Court remain compliant.
- Community Options (Block 1208 Lot 7): The 3 qualifying very-low income beds at 200 Zabriskie Place remain compliant.
- EIHAB Human Services, Inc. (Block 905 Lot 19): The 4 qualifying beds at 328 Valley Road remain compliant.
- New Bridge Landing Station Redevelopment Area (Block 1411 Lots 1.01, 1.02 and Block 1412 Lots 1, 2 and 3): The Borough anticipates the adoption of the redevelopment plan for this site to accommodate a mixed used development with a residential component of a maximum density of 25 units per acre with a minimum affordable housing set-aside of 20%. This site remains a realistic opportunity for the creation of affordable housing in the Borough.
- Kinderkamack Road Redevelopment Area (Block 1413 Lots 1, 2.01, 4 and 5): The Borough anticipates the adoption of the redevelopment plan for this site to accommodate a mixed-used or multifamily development with a residential component of a maximum density of 20 units per acre with a minimum affordable housing set-aside of 20%. This site remains a realistic opportunity for the creation of affordable housing in the Borough.

- Nineteen (19) rental bonus credits.

### Unmet Need

As set forth in the Settlement Agreement, the Borough will satisfy a portion of its 197-unit unmet need as follows:

- New Bridge Crossing (New Bridge Landing Apartments) (Block 1302 Lot 3): This 69-unit multifamily development consists of 7 age-restricted low and moderate-income housing units. The site is developed and occupied.
- Senior Residence at St. Peter the Apostle Church (Block 701 Lot 19.01): 5 of the total 23 low and moderate-income units at this senior housing development have been allocated to the Borough's Third Round Unmet Need.
- Multifamily and Senior Conditional Use District (Block 1005 Lots 6.01-12 and Block 1302 Lots 1 & 2): In accordance with Section 416-36.1 of the Borough Code, the ordinance permits a maximum density of 37.5 units per acre with a required affordable housing set-aside. 2 acres of the site have been developed as the New Bridge Crossing project. The conditional use district remains a realistic opportunity for the creation of affordable housing in the Borough.
- New Bridge Road Overlay Zone (Block 1303 Lots 3, 4 & 5): The Borough Council introduced the ordinance creating the New Bridge Road Overlay Zone which permits a maximum residential density of 20 units per acre in a multifamily or mixed-use development with a required affordable housing set-aside. The Borough anticipates adopting the ordinance at the July 13, 2020 Council meeting.
- Mandatory Affordable Housing Set-Aside Ordinance: The Borough adopted a mandatory affordable housing set-aside ordinance in June 2020 requiring all residential developments of 5 units or more to include an affordable housing set-aside as set forth in the Settlement Agreement.

### **Very Low-Income Analysis**

All 12 of the Group Home units qualify as very low-income units. The New Bridge Crossing apartments and prospective affordable housing developments identified herein require a minimum of 13% of all residential units to be designated for very low-income households.

### **Conclusion**

The Borough's plan implementation continues to create a realistic opportunity where that standard is applicable. No revisions or supplemental changes are necessary or proposed at this time.

Any interested party may submit comments to the Borough of River Edge Clerk, with a copy of the comments to Fair Share Housing Center, regarding the Borough's mid-point status report as set forth above and whether any unbuilt sites no longer present a realistic opportunity for affordable housing and should be replaced. Any interested party may also, by motion practice, request a hearing before the Court regarding the aforesaid issues.