

Township of Mansfield Affordable Housing Midpoint Realistic Opportunity Review

July 7, 2020

Background

On March 10, 2015, the Supreme Court ruled that the Council on Affordable Housing (“COAH”) has failed to act and as a result, the Courts will be assuming jurisdiction over the Fair Housing Act. On or about July 9, 2015, the Township of Mansfield filed a Declaratory Judgment with the Court. On December 12, 2018, the Township entered into a Settlement Agreement with the Fair Share Housing Center (“FSHC”) to memorialize the terms of settlement of the Township’s affordable housing obligations.

The Settlement Agreement outlines Mansfield’s affordable housing obligations as follows:

- Present Need (Rehabilitation Obligation): 33 units
- Prior Round Obligation: 3 units
- Third Round Prospective Need: 142 units

The Township is in the process of preparing a Housing Element & Fair Share Plan to address the affordable housing obligations.

Paragraph 16 of the Settlement Agreement requires that the Township comply with the statutory midpoint review requirements of the Fair Housing Act and specifically N.J.S.A. 52:27D-313, which states “...the Council [on Affordable Housing] shall establish procedures for a realistic opportunity review at the midpoint of the certification period and shall provide for notice to the public...” This Midpoint Review Report has been modeled after the template prepared by FSHC and modified to more closely reflect the conditions in the municipality, the Settlement Agreement with FSHC, and the Court-approved Housing Element and Fair Share Plan.

The Settlement Agreement requires that the midpoint review be posted on the Township website, a copy provided to DCA, COAH or LGS, and a copy provided to FSHC by July 1, 2020. This review acts as a status report regarding the Township’s compliance mechanisms and whether or not any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity.

At a Fairness Hearing on February 28, 2019, the Superior Court found the Settlement Agreement to be fair and deemed it to be preliminarily in compliance with the Township’s affordable housing fair share obligation. Mansfield is still in the process of preparing the requisite compliance documents. The Township is still negotiating a Settlement Agreement with Minac Associates to establish the terms of rezoning a portion of Lot 4.04 in Block 1102.

Conditions of Compliance

The Township has not yet had a Final Compliance Hearing and, therefore, no Final Order of Judgment of Compliance and Repose (“JOR”) has been issued.

Present Need (Rehabilitation Share) Review

As indicated above, Mansfield has a 33-unit Rehabilitation Obligation. As noted in Paragraph 5 of the Settlement Agreement, Mansfield will continue to encourage residents to utilize the existing Warren County Housing Program to rehabilitate owner-occupied homes. For the rental rehabilitation, the Mansfield Township Council adopted Resolution 2019-140, appointing and contracting with Community Grants, Planning & Housing (CGP&H) as the Rental Rehabilitation Program Administrator.

Prior Round Mechanism Review

Mansfield Township addressed its Prior Round obligation of 3 units through the existing 3-bedroom Arc of Warren County group home at 20 Karville Road.

Third Round Realistic Opportunity Review

Mansfield Township intends to address its Third Round obligation of 142 units as follows:

Third Round Credits						
Project Name /Development	Location	Type of Affordable Unit	Status	Units	Bonus Credits	Total Credits
Minac Associates	B 1102, L 4.04	Family Rental	Proposed	35	35	70
Allen Farm	B 1102, L 9	Family (Rental or Sale)	Proposed	24 or 32	0	24 or 32
Donaldson Farm	B 1105.10, L 5	Family (Rental or Sale)	Proposed	71 or 89	0	71 or 89
Totals				130 - 156	35	165 - 191

- **Minac Associates** – The Township intends to rezone approximately 20 acres of the site owned by Minac Associates, known as Lot 4.04 in Block 1102, to permit the development of 200 market-rate residential units (a density of approximately 10 units per acre). An affordable housing set-aside of 15 percent shall be provided. The developer may meet the required set-aside by providing affordable units within the new 200-unit development or by deed restricting an equivalent number of existing units within the existing residential development on the same property comprised of 812 apartments, known as Mansfield Village. The Township is still negotiating a settlement agreement with Minac Associates to effectuate the terms of the rezoning.
- **Allen Farm** – The Township intends to rezone the Allen Farm property, known as Lot 9 in Block 1102, to permit inclusionary housing development at a maximum density of 10 units per acre. A mandatory affordable housing set-aside of 15 percent shall apply in the case of rental housing or 20 percent in the case of for-sale housing.
- **Donaldson Farm** – The Township intends to rezone the Donaldson Farm property, known as Lot 5 in Block 1105.10, to permit inclusionary housing development at a maximum density of 10 units per acre. A mandatory affordable housing set-aside of 15 percent shall apply in the case of rental housing or 20 percent in the case of for-sale housing.

Very-Low Income Analysis

Paragraph 8 of the Settlement Agreement indicates that 13% of all units referenced in the Agreement constructed after July 1, 2008 shall be very-low income units. Half of those units must be available for families. The Township will require that 13 percent of all units within the Minac Associates, Allen Farm, and Donaldson Farm properties will be deed restricted for very-low income households.

Conclusion

In conclusion, Mansfield Township is still in the process of preparing a plan to provide a realistic opportunity to meet its affordable housing obligations. A draft Housing Element & Fair Share Plan and a draft zoning ordinance have been prepared to rezone the properties described above to allow for inclusionary housing development. Once a settlement agreement with Minac Associates is executed, the Township will proceed with the adoption of the compliance documents and schedule a Final Compliance Hearing seeking a Final Order of Judgment of Compliance and Repose (“JOR”) from the Superior Court.

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