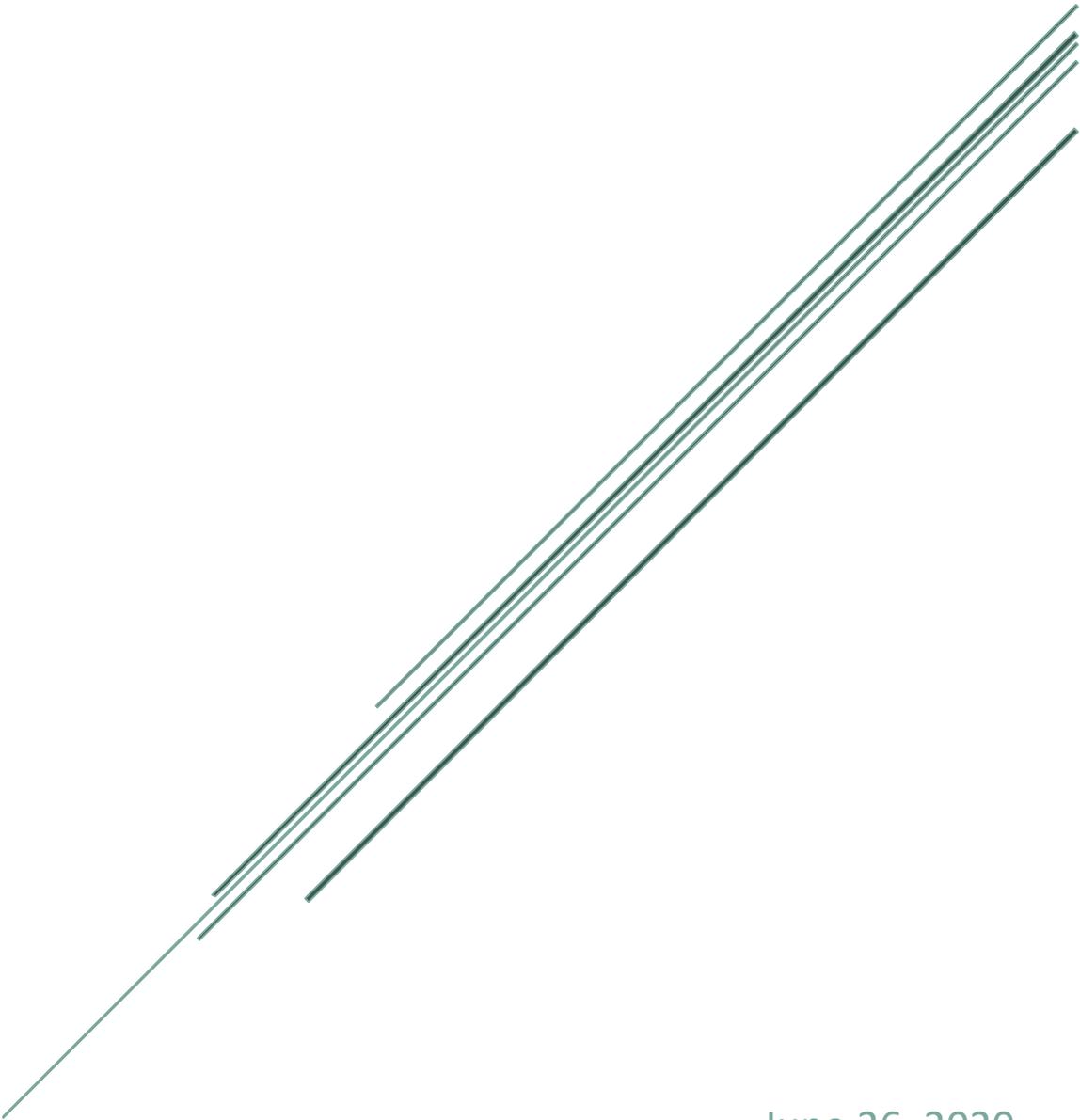


# AFFORDABLE HOUSING MIDPOINT REVIEW REPORT

Township of West Caldwell



June 26, 2020

## PURPOSE

The Township of West Caldwell's Settlement Agreement with Fair Share Housing Center (hereinafter "FSHC") requires that the Township comply with the statutory midpoint review requirements of the Fair Housing Act (hereinafter "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 mechanisms continue to present a realistic opportunity. The Settlement also contemplates review of unmet need, though the realistic opportunity for the construction of those mechanisms during the compliance period is not applicable.

## RELEVANT BACKGROUND

On July 7, 2015, West Caldwell filed a Declaratory Judgment Action, seeking to comply with its Third Round Obligation in the manner prescribed by the Supreme Court in Mount Laurel IV. On June 18, 2020, the Township entered into a global Settlement Agreement with FSHC. The agreement has not yet been approved by the Court and a Compliance Hearing has not been set.

The 2020 Settlement Agreement with FSHC outlines West Caldwell's affordable housing obligations:

- A 48-unit Rehabilitation Obligation,
- A 200-unit Prior Round Obligation, and
- A 406-unit Third Round Obligation.

However, the Township sought and received a Vacant Land Adjustment (hereinafter "VLA") for the Prior Round Obligation. The Prior Round Realistic Development Potential (hereinafter "RDP") is 18. The Township is also seeking a VLA for the Third Round Obligation. The RDP for the Third Round would be 72.

The Township has requested a Fairness Hearing before Judge Gardner. The Hearing has been scheduled for September 10, 2020. Assuming the Judge approves the Settlement Agreement, West Caldwell will thereafter prepare and adopt all the required compliance documents and proceed to a Compliance Hearing.

Since the Township's agreement was only recently entered and not yet been approved by the Court, it has not yet adopted the requisite documents to create the realistic opportunity that is required under the statute. However, the Township will adopt the necessary ordinances to create a realistic opportunity where that standard is applicable and adopt the required ordinances for its Unmet Need mechanisms.