

AFFORDABLE HOUSING

THIRD ROUND MIDPOINT REVIEW

PREPARED FOR:

Borough of Berlin
Camden County, New Jersey

July 10, 2020

Prepared By:



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Affordable Housing Midpoint Review Report

Berlin Borough, Camden County, New Jersey

CME Associates (“CME”) is pleased to provide this mid-point review report for the Borough of Berlin outlining the progress made by the Borough since the adoption of the Housing Plan Element and Fair Share Plan by the Planning Board in February of 2017. This report should serve to satisfy one of the major requirements of the Borough’s affordable housing compliance reporting in the Third Round (1999-2025).

Purpose

The Borough of Berlin’s Mediation Agreement with Fair Share Housing Center (“FSHC”) requires that the Borough 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 Mediation Agreement, that review requires the Borough 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 non-deferred mechanisms continue to present a realistic opportunity.

Relevant Background

Berlin Borough’s Mediation Agreement with Fair Share Housing Center was signed by the by the Borough on November 28, 2016. Subsequently, the Borough received a final Judgment of Compliance and Repose on April 13, 2017. A summary of the status and realistic opportunity provided by the various mechanisms included within the Borough’s compliance plan is included below.

Status and Realistic Opportunity Review

The status of each project and mechanism included within the Borough’s compliance plan is included within the attached forms (Exhibits A-E), as provided by FSHC. As the realistic opportunity standard applies to all mechanisms for non-adjustment municipalities and RDP/non-deferred mechanisms for Vacant Land/Durational Adjustment municipalities, a realistic opportunity review has been provided for the mechanisms within its compliance plan.

Trust Fund Monitoring:

Since December 31 of 2016, the date of the Borough’s court approved Spending Plan, when Berlin had a balance of \$616,490 in its Affordable Housing Trust Fund, the Borough has had



additional revenues of \$97,166 in fees and interest. In that same time frame, the Borough has had \$862 in expenditures from the fund towards administrative costs.

Rehabilitation Monitoring:

Since the adoption of the Borough's Housing Plan Element and Fair Share Plan in February of 2017, there have been two homes rehabilitated through the Camden County Improvement Authority's rehabilitation program in Berlin Borough.

Prior Round and Third Round Monitoring:

The Borough has satisfied its Prior Round obligation. The following projects listed in the Housing Plan Element and Fair Share Plan to address the Third Round need have been commenced but have not yet been completed:

- The Gardens / The Village at Belin (under construction)
- Armstrong Capital / K-Mart Site (settlement in place)
- Market to Affordable Program (commencing)

Each of the above listed projects remains as a realistic opportunity for the development of affordable housing.

Very Low Income Monitoring:

The Gardens, which is currently under construction, will provide 72 units of affordable family rental housing, and 8 of those units will be available to very low income families.

Conclusion

The Borough is on track to satisfy its affordable housing obligations as determined by the Mediation Agreement, the Final Judgment of Compliance and Repose, and as outlined in the adopted Housing Plan Element and Fair Share Plan that was approved by the court. Progress is being made on several projects throughout the Borough, including the Market to Affordable Program, and Gardens site, which will provide very low income units.

The Borough expects to meet their affordable housing obligations by the end of the Third Round in June of 2025.

Comments

Any interested party is invited to submit comments to the Borough of Berlin with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity for



the development of affordable housing, and should be replaced. Comments may be directed to the Borough Clerk with a copy to Fair Share Housing Center.

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59 South White Horse Pike
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Adam Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
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EXHIBITS:

Affordable Housing Trust Fund Monitoring

Rehabilitation Monitoring

Prior Round and Third Round Monitoring

Very Low Income Monitoring

Affordable Housing Questions

EXHIBIT A:
AFFORDABLE HOUSING TRUST FUND MONITORING

1. GENERAL INFORMATION AND TRUST FUND MONITORING

MUNICIPALITY NAME:	Berlin Borough
COUNTY:	Camden County
Date through which funds reported:	
Name of person filling out form and affiliation/role:	Chris Dochney, PP, AICP - CME Associates, Borough Planner
Date of filling out form:	30-Jun-20
Email:	cdochney@cmeusa1.com
Municipal Housing Liaison for municipality:	
Email:	
Income Limits Year Being Used by Municipality*:	2018

(Note: Date in Approved Spending Plan = date through which revenues/expenditures are shown in the approved spending plan; if no approved spending plan, show revenues/expenditures through June 30, 2015 in Column B and beginning July 1, 2015 in Column C.)

TRUST FUND INFORMATION

	Inception - December 31, 2016	January 1, 2017 to Present	Total
REVENUE SUMMARY			
Barrier Free Escrow			\$0
Development Fees		\$ 86,109	\$86,109
Interest Earned		\$ 11,057	\$11,057
Other Income			\$0
Payments-in-Lieu of Construction			\$0
TOTAL	\$ 616,490	\$ 97,166	\$713,656

EXPENDITURE SUMMARY			
Administration**		\$ 862	\$862
Affordability Assistance***			\$0
Very Low-Income Affordability Assistance			\$0
Barrier Free Conversions			\$0
Housing Activity			\$0
TOTAL	\$ -	\$ 862	\$862

ADMINISTRATION: Date in Approved Spending Plan to Present		
Name	List types of administrative expenses	Amount
TOTAL		\$0

AFFORDABILITY ASSISTANCE: Date in Approved Spending Plan to Present		
Name	List affordability assistance projects and programs	Amount
TOTAL		\$0

HOUSING ACTIVITY: Date in Approved Spending Plan to Present		
Type of Housing Activity	Specific Site or Program	Amount
TOTAL		\$0

Comments:

EXHIBIT B:
REHABILITATION MONITORING

EXHIBIT C:
PRIOR ROUND AND THIRD ROUND MONITORING

3. PRIOR AND THIRD ROUND MONITORING

Site / Program Name:	Carriage Stop	Lonaconing / Haverhill	BAM Developers	Armstrong Capital	The Gardens / Berlin Multi-family / Village at Berlin	South Jersey Behavioral Health	PILOT	Twin Oaks	Spring Oak Assisted Living	Market to Affordable Program
Project developer:	Jet Associates, LLC	Lonaconing Apartments LLC	BAM Developers LLC	Armstrong Capital LLC	Nexus Properties LLC	Resources	PILOT Inc.	Services	Berlin	Various
Compliance Mechanism:	Inclusionary zoning	Inclusionary zoning	Inclusionary zoning	Inclusionary zoning	Inclusionary zoning	Support and special needs	Support and special needs	Support and special needs	Assisted living residence	Market-to-Affordable
Compliance Mechanism #2 (if project has multiple):										
Round:	Prior Round	Prior and Third Round	Prior Round	Prior Round	Prior and Third Round	Prior Round	Prior Round	Prior Round	Third Round	Third Round
Block (if multiple separate by 4)	2406	2406	2507	1102	1800	1700	202	900	1900	1700
Lot (if multiple separate by col)	24	13	3,01	5, 6, 9	1, 3,		3	1	3	1,01
Address:	Roosevelt Boulevard	Sequoia Drive	45 East Taunton Ave	White Horse Pike / Tansboro Ave	Tansboro Road	Egg Harbor Road	26 Constitution Blvd	45 New Freedom Road	396 South White Horse Pike	varies
begin by (for mechanisms other than inclusionary)										
Status:	Built	Built	Built	Approved not built	Under construction	Built	Built	Built	Built	No approvals
If project has site plan /or subdivision approval, date										
"under construction," date of site plan and/or subdivision						2/1/2018				
If "under construction," expected date of completion:						6/30/2020				
Date of issuance of C.O.:										
If "built," date controls began:	3/16/2009	10/12/2004	9/15/2010			5/15/2004	7/1/1992		1/1/2013	
Length of Affordability Control	20	20	30		30	30	20		30	
Administrative Agent or other entity responsible for affirmative marketing:	Triad Associates, 1301 West Forest Grove Road, Building 3, Vineland, NJ 08360					South Jersey Behavioral Health Resources Inc.	Personalized Independent Living Opportunities & Training Service, Inc.	Twin Oaks Community Services	Spring Oaks Assisted Living	Triad Associates, 1301 West Forest Grove Road, Building 3, Vineland, NJ 08360
Contribution (for payments in lieu)										
Total Affordable Housing Units	28	40	1	20	71	4	3	4	31	11
Total Affordable Housing Units Completed to Date	28	40	1	0	0	4	3	4	31	0
Type of Affordable Units:										
Family	28	0	1	20	71	0	0	0	0	0
Family For-Sale										
Family Rental	28		1	20	71					
Senior	0	40	0	0	0	0	0	0	0	0
Senior For-Sale										
Senior Rental		40							0	
Supportive/Special needs	0	0	0	0	0	4	3	4	31	0
Supportive For-Sale										
Supportive Rental						4	3	4	31	

Bedroom/Income Splits:

1 BR/ or Efficiency Affordable	4	16	0	0	14	0	0	0	0	0
Very Low-Income:					2					
Low-Income:	2	8			5					
Moderate-Income:	2	8			7					
2 BR Affordable Units	16	24	1	0	43	0	0	0	0	0
Very Low-Income:					4					
Low-Income:	8	12			18					
Moderate-Income:	8	12	1		21					
3+ BR Affordable Units	8	0	0	0	14	0	0	0	0	0
Very Low-Income:					2					
Low-Income:	4				5					
Moderate-Income:	4				7					
Supportive/Special Needs U	0	0	0	0	0	4	3	4	31	0
Very Low-Income:						4	3	4	31	
Low-Income:										
Moderate-Income:										

OVERALL PRIOR AND THIRD ROUND SUMMARY

	NUMBER	PERCENT
Total Units	111	-
Very-Low Income Units	50	45%
Low-Income	62	56%
Moderate-Income	70	63%
Family	120	108%
Senior	40	36%
Supportive/Special Needs	42	38%
For Sale	0	0%
Rental	202	182%

Comments:

EXHIBIT D:

VERY LOW INCOME MONITORING

4. VERY LOW INCOME REPORTING

Very Low Income Units approved and constructed since July 17, 2008				
Development/Compliance Mechanism	Total Affordable Units	VLI units constructed as of date of report	VLI units not constructed as of date of this report but still planned	Type of Very Low Income Unit (Family, Senior, Special Needs)
The Village / Nexus / Gardens	71		8	Family Rental
Total	71	0	8	

This tab provides reporting required on very low income units, i.e. units affordable to and reserved for households at or below 30% of regional median income.

See N.J.S.A. 52:27D-329.1.

EXHIBIT E:
AFFORDABLE HOUSING QUESTIONS

***Affordable Housing Compliance
July 2020 - Midpoint Review Questions***

Conditions of Compliance

1. What conditions from the court’s approval of the municipal housing element and fair share plan and judgment of compliance and repose (or whatever standard terms is being used), if any, have not yet been satisfied? Explain the reasons for any delay and the steps the municipality is taking to satisfy the condition(s).

Response: *The Borough is in compliance with all conditions noted in the Judgment of Compliance and Repose, and the Mediation Agreement referenced therein, with the exception of one condition:*

The Borough has not fully implemented the Market to Affordable Program, with 11 units converted by November of 2019, as was required by the Mediation Agreement. The Borough is working diligently with their administrative agent to move forward and identify existing units that may be eligible to be converted from market rate units to affordable units, in furtherance of the mediation agreement.

Developments that Are Not Completed

2. For each court-approved inclusionary development project that is not yet constructed, please provide a narrative as to its status and any progress towards construction.

Response: *The following projects were included in the Borough’s Housing Element and Fair Share Plan, but have not yet been completed:*

The Gardens / The Village at Berlin / Nexus: *This project is under construction, and will be completed in three phases. Phase 1 is complete, and Phase 2 is currently under construction. Phase 3 is anticipated to begin once Phase 2 is complete, sometime in the fall of 2020, or early 2021. At this time 8 of the 24 total buildings on the site have been constructed and granted certificates of occupancy.*

Armstrong Capital: *This project on a former K-Mart site on White Horse Pike was the subject of a settlement agreement between the Borough and the owners to permit the construction of 60 market rate townhouses and 20 affordable townhouses. The Borough adopted an amendment to the zoning ordinance to create the R-4 zoning district to permit up to 80 townhouse dwellings, with a minimum affordable set aside of 20% required. The Borough has also designated this site as an area in need of redevelopment to further incentivize development on the property.*

Although no construction has begun at this point, the site remains vacant and available, and suitable for development with inclusionary affordable housing. This site, with the

zoning in place and a redevelopment designation still presents a realistic opportunity for development of affordable housing.

3. Have any non-inclusionary development projects (including 100% affordable projects, group homes, accessory apartments, market-to-affordable, extensions of affordability controls, etc.) included in the court-approved plan not yet been built/converted to affordable housing/controls extended? If yes, explain how many units, if any, have been built for each non-inclusionary project or mechanism and when construction is expected to be completed on the remaining units.

Response: *The following non-inclusionary projects were included in the Borough's Housing Element and Fair Share Plan, but have not yet been completed:*

Market to Affordable Program: *The Borough has initiated its Market to Affordable Program, with its administrative agent now reaching out to landlords and homeowners to market the program, and identifying existing units in the Borough that may qualify and be available. The project is just launching, and anticipates that the first units will be converted in the fall of 2020.*

4. Are there any projects that have missed any construction deadline established in the court-approved Settlement Agreement, or other mechanisms (e.g. market-to-affordable, accessory apartments, extensions of affordability controls) that have not met the completion schedule set forth in the Settlement Agreement or Housing Element and Fair Share Plan? If yes, what steps is the municipality taking to complete construction and what is the current timetable?

Response: *The Mediation Agreement included a condition that the Borough was to complete 11 units in the market to affordable program within three years of the signing of the agreement. The agreement was signed on November 28, 2016, and the 11 units were to be completed by November of 2019.*

The Borough has initiated the Market to Affordable Program, but to date have not completed 11 units converted. The Borough is working diligently with their administrative agent to move forward and identify existing units that may be eligible to be converted from market rate units to affordable units, in furtherance of the mediation agreement.

5. Are all unbuilt developments currently in a sewer service area, and if not what has the municipality done to incorporate the site into a sewer service area? Are there any barriers to obtaining water or sewer for any unbuilt site? Are there any other regulatory

conditions (e.g. changes to DEP permits or conditions) that make it not possible to complete any site as originally contemplated?

Response: *All unbuilt developments are located within a sewer service area.*

Rehabilitation Obligation

6. Is the rehabilitation program being administered by a municipality, county, or both? Do the program(s) include rental rehabilitation? If the municipality has not met at least half of its rehabilitation obligation by this midpoint review, what affirmative steps is the municipality taking to meet the obligation and to facilitate participation by homeowners and/or landlords?

Response: *The Borough continues to participate in the Camden County Housing Rehabilitation Program that is offered to homeowners through the Camden County Improvement Authority. In addition, Berlin has recently established their own municipal rehabilitation program, which is also being administered by the CCIA.*

To date, 2 units in the Borough have been rehabilitated since the adoption of the Housing Plan in February of 2017 through the programs administered by the Camden County Improvement Authority.

For Municipalities with a Prior Round and/or Third Round Vacant Land Adjustment (note please make sure any development referenced in the answers to these questions that includes or will include affordable housing is also in the monitoring spreadsheet):

Response: *Berlin Borough did not have a Vacant Land Adjustment for its Prior Round or Third Round obligation.*

For Municipalities with a Prior Round and/or Third Round Durational Adjustment:

Response: *Berlin Borough did not have a Durational Adjustment for its Prior Round or Third Round obligation.*