



**EFFORTS TO ASSIST NON-PROFIT AFFORDABLE
HOUSING ORGANIZATIONS IN THE DEVELOPMENT
OF AFFORDABLE HOUSING IN 2020**

***TOWN OF WESTFIELD
UNION COUNTY, NJ***

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Efforts to Assist Non-Profit Affordable Housing Organizations in the Development of Affordable Housing In 2020

Purpose

This report is completed pursuant to the provisions found within the Town of Westfield Land Use Ordinance at Section 23.01H.3, and the Settlement Agreement by and between the Town and Fair Share Housing Center, dated April 4, 2017. Pursuant to those documents:

The Town shall enact a program to assist non-profit affordable housing organizations in the development of affordable housing in Westfield, as follows:

1. The Town will encourage the involvement of non-profits in meeting its unmet need, with a goal of providing twenty (20) additional homes, half for families, by December 31, 2025.
2. The Town agrees to hold an annual meeting in which local and regional non-profits are invited to participate in sharing ideas and making proposals.
3. The Town agrees to discuss the efforts to provide twenty (20) additional homes, half for families, at a council meeting for which thirty (30) days public notice shall be provided, which meeting shall occur in the month of February annually. The Town shall provide a written report regarding such efforts during the past year at least two (2) weeks prior to the February meeting.

Background

Westfield filed a declaratory judgment action with the Superior Court on July 2, 2015, titled In re Town of Westfield Compliance with Third Round Mount Laurel Affordable Housing Obligations, Docket No. UNN-L-2391-15 (the “DJ Action”). The DJ Action sought a judicial determination of compliance with the Town’s Third Round affordable housing obligation. The DJ Action was settled and the settlement was reviewed and approved by the Superior Court of New Jersey (the Honorable Karen Cassidy, A.J.S.C., presiding) after a Fairness Hearing, which approval is memorialized in an amended order entered by the court on October 30, 2017 and filed by the court on November 1, 2017. The Superior Court subsequently granted a Conditional Judgment of Compliance and Repose on May 31, 2018. Finally, on August 23, 2018, the Superior Court entered a Final Judgment of Compliance and Repose in favor of the Town of Westfield. The Final Judgment of Compliance and Repose is in effect for 10 years, beginning on July 2, 2015 and ending on July 2, 2025. During this 10-year period the Town and all of its boards have repose and immunity from any and all exclusionary zoning lawsuits, including “builders’ remedy” lawsuits.

As explained in the purpose section of this report, presented here are the efforts that the Town of Westfield has taken towards working with non-profits in providing 20 additional homes, half for families, by December 31, 2025.

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Affordable Housing Spending Plan

Pursuant to the requirements of the Conditional Judgment of Compliance and Repose, the Town Planning Board amended its Affordable Housing Spending Plan on July 2, 2018. It was subsequently endorsed by the Mayor and Council on July 10, 2018. The Spending Plan is part of the Town's Housing Element and Fair Share Plan.

An Affordable Housing Spending Plan is prepared for the purpose of setting forth planned expenditures from the affordable housing trust fund. The Town of Westfield's fund is financed through the collection of development fees (through the Town's development fee ordinance), an anticipated payment in lieu of construction of affordable units pursuant to a settlement agreement with a developer, and the interest generated by the fund. The affordable housing trust fund is deposited in a separate interest-bearing account and is dedicated for the purposes of affordable housing as described in the Affordable Housing Spending Plan.

Pursuant to the Court's judgment and the requirements of N.J.A.C. 5:97-8.8, the Affordable Housing Spending Plan has dedicated funding towards affordability assistance in order to make residential units more affordable, especially for very-low-income tenants. This includes working with non-profit affordable housing organizations in the development of affordable housing in Westfield to help reach the Town's goal to provide 20 additional affordable housing units, half for families, by December 31, 2025. In addition, pursuant to the Court's judgment and as reflected in the Affordable Housing Spending Plan, Westfield has dedicated any excess funds or remaining balance toward working with non-profit affordable housing organizations to meet the additional 20 unit goal.

Annual Meeting with Non-Profits

The Westfield Housing Commission through the Westfield Municipal Housing Liaison organized the second annual meeting between the Town and non-profit housing developers. Hosted on December 1, 2020, invitations to attend were distributed through direct contact with known developers, through the Town's Administrative Agent, and through the Housing and Community Development Network.



Town of Westfield Housing Commission
Seeking the Input and Assistance of
Non-Profit Affordable Housing Developers

Agenda - December 1, 2020 10:00am

1. Welcome and Introductions
2. Town Housing Goals
 - a. Housing Plan Overview
 - b. Work with Non-Profits to create additional homes, half for families
3. Affordable Housing Trust Funds
4. Town Affordability Assistance Program
5. Master Plan and Redevelopment Initiatives Underway
6. Potential Sites
7. What are your funding sources?
8. Your Ideas and Proposals



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The meeting was well attended and an overview of the Town's Affordable Housing Plan was provided including identified zone districts for inclusionary housing, the Town's Development Fee Ordinance which requires a contribution be made to the Town's Affordable Housing Trust Fund for certain projects, and a description of inclusionary housing projects completed or underway in Town along with several municipal planning initiatives including use of the redevelopment law and an update to the Town Master Plan. The Municipal Housing Liaison also described the Town's dedication of funds towards the construction of 20 additional affordable housing units, as mandated by agreement with the Fair Share Housing Center and as described in the Town's Affordable Housing Spending Plan. Provisions within the Town's Affordability Assistance Program were also reviewed.

Non-profit attendees provided valuable insights into what strategies may be utilized to assist them in building housing within Westfield. First, they seek a primary point of contact who could also help walk them through the approval processes. Westfield has assigned the Town Planner this role. Westfield's Town Planner also acts as its Municipal Housing Liaison. As in-house staff, the Town Planner works directly with the Mayor and Council, Town Administrator, Building Department, Planning and Zoning Department, and the Engineering Department, and can help to facilitate projects.

Second, they recommend that the Town create an RFP/RFQ or send out requests for letters of interest to non-profit developers, to gauge interest in building within Westfield. The Westfield Housing Commission is presently drafting an RFQ for this purpose, which could include a program to dedicate funding from the Affordable Housing Trust Fund on a per affordable unit constructed basis. The Housing and Community Development Network did volunteer to assist with distribution.

Developer attendees included:

- Housing and Community Development Network of NJ
- Community Options, Inc.
- Triple C Housing
- Region Nine Housing Corporation

Affordability Assistance Program

The Town has established a category within its Affordability Assistance Program in an effort to encourage through subsidy the construction of affordable projects typically constructed by non-profit developers. An Emergency Generator Program is now available to developers of 100% affordable projects. The Program is designed to eliminate threats to the health and/or safety of current or prospective tenants. The Program provides grants to cover the purchase of the emergency generator, the costs of installation, and the costs of any applicable permits and inspections. Funds for the Program come directly from the Town's Affordable Housing Trust Fund.

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Projects Underway with Non-Profits

The Town of Westfield continues to work with a local non-profit housing developer, ARC of Union County, towards the construction of housing on two separate sites. The first site, located at 244 Myrtle Avenue, contains a 4 bedroom community residence. This project is completed and a Certificate of Occupancy was issued on December 9, 2020. The second home, located at 304 Myrtle Avenue/735 Grandview Avenue will also contain a 4 bedroom



community residence and is currently under construction. In order to effectuate the development of these two sites, the Mayor and Council adopted General Ordinance Number 2114 on November 6, 2018. This ordinance amended the land use regulations for properties within the RA-5B Multi-Family Residence District, allowing for an as-of-right development of the two sites with community residences as proposed by ARC of Union County.

The Town is also in preliminary discussions with a local non-profit who could assist with the construction of veterans' housing. Although in its early stages, the project has generated support from members of the governing body and administration. Project details and best practices for implementation are being discussed between the parties.

Conclusion

The Town has dedicated affordable housing trust funds towards the goal of working with non-profit housing developers to construct 20 additional homes. Working relationships with non-profit housing developers have been formed and a contact list of non-profit housing developers has been created. The mission of the Westfield Housing Commission has been expanded so that they may help with implementation of the Town's housing plan, and they have hosted the second annual meeting with non-profit housing developers. The Town is also establishing a process based upon best practices for fair distribution of available Trust Funds to non-profits.

The Municipal Housing Liaison will present the efforts described within this report at a meeting of the Mayor and Council to be held on February 23, 2021. The Town Clerk's Office has provided the required 30-days notice for this meeting, as specified in the

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Town Land Use Ordinance and Settlement Agreement with the Fair Share Housing Center.

Copy of Public Notice Provided for Council Meeting

PUBLIC NOTICE

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

PUBLIC NOTICE

Please take notice that at a public meeting to be held by the Westfield Town Council in Council beginning at 8:00 PM on February 23, 2021, or at any time and place to which such meeting may be adjourned, the Town will discuss efforts it has taken to encourage the involvement of non-profits in meeting its unmet affordable housing need, with a goal of providing 20 additional homes, half for families, by December 31, 2025. This discussion is required pursuant to Land Use Ordinance Section 23.01H.3 and the Settlement Agreement by and between the Town and Fair Share Housing Center.

Due to the pandemic and the current closure of the Westfield Municipal Building, the meeting on February 23, 2021 will be held virtually. The public may connect to the meeting and participate via Zoom webinar using the following link: <https://bit.ly/2021WestfieldTownCouncilMeeting>, or via telephone by calling 646-518-9805, Webinar ID 873 4615 6495 #, Passcode 233043.

In the event the Town Council meeting scheduled for February 23, 2021 can be held in person, the meeting location will be the Westfield Municipal Building, Council Chambers, 425 East Broad Street, Westfield, New Jersey 07090.

Tara Rowley, RMC
Town Clerk

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