



Mid-Point Realistic Opportunity Review Report

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

Date: July 1, 2020

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I. Purpose

This midpoint realistic opportunity review report is completed pursuant to the provisions found within the Town of Westfield Land Use Ordinance at Section 23.01G.1, and the Settlement Agreement by and between the Town and Fair Share Housing Center, dated April 4, 2017. In summary, by July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313b, the Town will post on its municipal website, with a copy provided to the Fair Share Housing Center, a status report as to its implementation of its housing plan, and an analysis of whether any unbuilt sites or unfulfilled mechanisms provided to satisfy the Town's realistic development potential continue to present a realistic opportunity, and whether any mechanisms provided to meet unmet need, should be revised or supplemented. Such posting shall invite any interested party to submit comments to the Town, with a copy to Fair Share Housing Center, regarding whether the Town should amend its Fair Share Plan to comply with applicable law. Any interested party may, by motion, request a hearing before the court regarding these issues.

This report outlines the tasks completed by the Town of Westfield to implement its housing plan and a status of affordable housing activity within the Town. It also includes the required analysis of any unbuilt sites or unfilled mechanisms provided to satisfy the Town's realistic development potential, and whether any mechanisms provided to meet unmet need to be revised or supplemented. This report concludes that no revision or supplementation is necessary to the Town's housing plan.

This report also complements both the required annual reporting of the status of all affordable housing activity within the municipality which the Town of Westfield has completed and submitted to the Court and Fair Share Housing Center in 2018, 2019, and 2020; and, the very-low income reporting requirement that the Town fulfilled in 2020 and submitted to the Court and Fair Share Housing Center. Trust fund monitoring is not a required submission during mid-point review, and will be submitted via a separate document.

II. 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 "November 2017 Order").

The November 2017 Order set forth a number of tasks which the Town was required to take in order to obtain a Judgment and Compliance and Repose from the Court, which

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would provide the Town of Westfield with immunity from all exclusionary zoning litigation, including but not limited to so-called “builders remedy” lawsuits, through July 2, 2025.

Adoption of Housing Element and Fair Share Plan

The November 2017 Order required that the Planning Board adopt and the Town endorse a Housing Plan Element of the Master Plan by March 17, 2018. The Board complied, and adopted its Housing Element and Fair Share Plan on March 5, 2018. Subsequently, the Mayor and Council endorsed the Plan by resolution at their March 13, 2018 meeting.

The Housing Element and Fair Share Plan is consistent with that provided for in the November 2017 Order and provides a realistic opportunity for the development of affordable housing units that will satisfy the Town’s Third Round obligation under the New Jersey Supreme Court’s Mount Laurel decisions from 2015 to 2025 inclusive of the GAP period between 1999 and 2015.

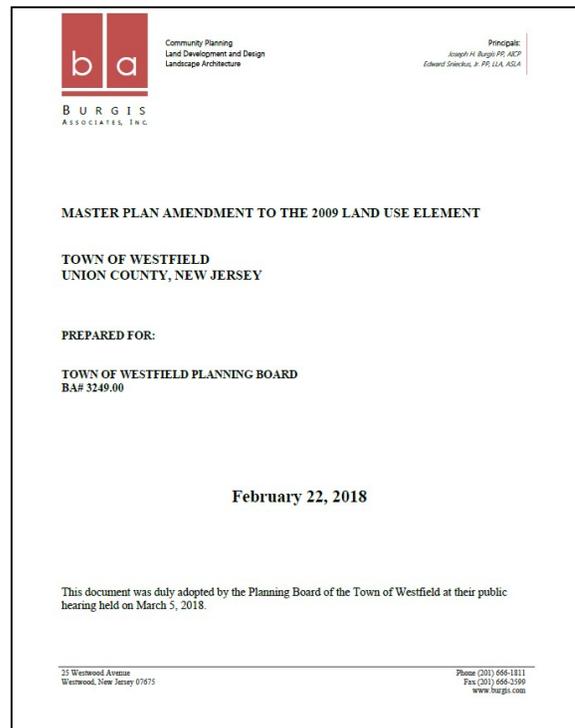
The Housing Element and Fair Share Plan provides realistic opportunities for the construction of affordable housing within the community. The plan includes a mandatory development fee ordinance, a zoning ordinance amendment requiring inclusionary development for any proposed residential development involving more than 5 units and at a density of 6 units per acre or more, overlay zones requiring inclusionary development for selected sites that may develop or redevelop, and affordable housing inclusionary zone districts.

Adoption of Amended Land Use Element

The Planning Board also updated the Land Use Element of the Town Master Plan to reflect the revised housing policies contained with the Housing Element. The revised Land Use Element, dated February 22, 2018, was adopted by the Board on March 5, 2018.

Adoption of Ordinances

The November 2017 Order further required that the Town amend the its Land Use Ordinance to implement the terms of the Settlement Agreement. There were a number



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of ordinances drafted and adopted in 2018. All were done so prior to the deadline set by the Court in the November 2017 Order of April 16, 2018. The 9 ordinances adopted pursuant to the November 2017 Order are listed and summarized within the table on the following pages.

Table 1: Ordinance Adoptions, March 2018

General Ordinance No.	Title	Adoption Date	Synopsis
2093	An Ordinance Amending the Land Use Ordinance of the Town of Westfield to Address the Requirements of the Fair Housing Act Regarding Compliance with the Town's Affordable Housing Obligations by Establishing an Affordable Housing Overlay Zone Designated as the GB1-AHO District and Modifying the Zoning Map	March 13, 2018	Created an overlay zone district allowing for the development of residential multifamily housing with an affordable housing component as an alternative to those uses permitted by the underlying zoning district regulations, and established standards for same.
2094	An Ordinance Amending the Land Use Ordinance of the Town of Westfield to Address the Requirements of the Fair Housing Act Regarding Compliance with the Town's Affordable Housing Obligations by Establishing an Affordable Housing Overlay Zone Designated as the GB2-AHO District and Modifying the Zoning Map	March 13, 2018	Created an overlay zone district allowing for the development of residential multifamily housing with an affordable housing component as an alternative to those uses permitted by the underlying zoning district regulations, and established standards for same.
2095	An Ordinance Amending the Land Use Ordinance of the Town of Westfield to Address the Requirements of the Fair Housing Act Regarding Compliance with the Town's Affordable Housing Obligations by Establishing an Affordable Housing Overlay Zone Designated as the GB3-AHO District and Modifying the Zoning Map	March 13, 2018	Created an overlay zone district allowing for the development of residential multifamily housing with an affordable housing component as an alternative to those uses permitted by the underlying zoning district regulations, and established standards for same.
2096	An Ordinance Amending the Land Use Ordinance of the Town of Westfield to Address the Requirements of the Fair Housing Act Regarding Compliance with the Town's Affordable Housing Obligations by Establishing an Affordable Housing Overlay Zone Designated as the C-AHO District and Modifying the Zoning Map	March 13, 2018	Created an overlay zone district allowing for the development of residential multifamily housing with an affordable housing component as an alternative to those uses permitted by the underlying zoning district regulations, and established standards for same.

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General Ordinance No.	Title	Adoption Date	Synopsis
2097	An Ordinance Amending the Land Use Ordinance of the Town of Westfield to Address the Requirements of the Fair Housing Act Regarding Compliance with the Town's Affordable Housing Obligations by Establishing an Affordable Housing Overlay Zone Designated as the SW-AHO District and Modifying the Zoning Map	March 13, 2018	Created an overlay zone district allowing for the development of mixed commercial/residential multifamily housing development with an affordable housing component as an alternative to uses permitted by the underlying zoning district regulations, and established standards for same.
2098	An Ordinance Amending the Land Use Ordinance of the Town of Westfield to Address the Requirements of the Fair Housing Act Regarding Compliance with the Town's Affordable Housing Obligations by Establishing an Affordable Housing Overlay Zone Designated as the PA-AHO District and Modifying the Zoning Map	March 13, 2018	Created an overlay zone district allowing for the development of mixed commercial/residential multifamily housing development with an affordable housing component as an alternative to uses permitted by the underlying zoning district regulations, and established standards for same.
2099	An Ordinance Amending the Land Use Ordinance of the Town of Westfield to Address the Requirements of the Fair Housing Act Regarding Compliance with the Town's Affordable Housing Obligations by Establishing an Affordable Housing Overlay Zone Designated as the RP-AHO District and Modifying the Zoning Map	March 13, 2018	Created an overlay zone district allowing for the development of quadplex and duplex residential construction no exceeding a total of 10 dwelling units, with a payment in lieu of providing on-site affordable housing units as an alternative to uses permitted by the underlying zone district regulations, and establishes standards for same.
2100	An Ordinance Amending the Land Use Ordinance of the Town of Westfield to Address the Requirements of the Fair Housing Act Regarding Compliance with the Town's Affordable Housing Obligations	March 13, 2018	Amended the permitted residential density within the NA-AH North Avenue Transit Oriented Development District from 15 or 16 dwelling units per acre to 25 dwelling units per acre.
2101	An Ordinance Amending the Land Use Ordinance of the Town of Westfield to Address the Requirements of the Fair Housing Act Regarding Compliance with the Town's Affordable Housing Obligations	March 13, 2018	Amended the permitted residential density within the RA-5A Multi-Family Residence District from 8 dwelling units per acre to 20 dwelling units per acre.

Compliance Hearing

The November 2017 Order also scheduled April 16, 2018 for the Town's Compliance Hearing. The Court subsequently rescheduled the Compliance Hearing to May 21, 2018. At that hearing, the Town presented testimony from its Town Planner who

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outlined the steps that the Town had taken to fulfill the requirements of the November 2017 Order.

These steps included completion and adoption of the Housing Element and Fair Share Plan, Land Use Element, and ordinances described on the preceding pages of this report. In addition, a description of compliance with items referenced in the report of the Court appointed Housing Master, dated May 17, 2018 were reviewed with the Court. The court Master’s report identified items that were to be completed within 60 days of the Court issuing any Conditional Judgment of Compliance and Repose and are described below. In addition, the Town proposed an amendment to its Development Fee Ordinance to clarify existing provisions.

Conditional Judgment of Compliance and Repose

The Town of Westfield obtained a Conditional Judgment of Compliance and Repose from the Superior Court on May 31, 2018. Conditions contained within the Judgment included that amendments be made to the land use regulations pertaining to the RA-5A Multi-Family Residence District, amendments be made to the Town’s Affordable Housing Ordinance, amendments be made to the Town’s Development Fee Ordinance, amendments be made to the Town’s Affirmative Marketing Plan, and amendments be made to the Spending Plan which is part of the Town’s Housing Element and Fair Share Plan. In addition, the Town was required to provide documentation surrounding development of the so-called “Myrtle Avenue 100% Affordable Housing Site” located on Town-owned properties at the intersection of Myrtle Avenue and Grandview Avenue. The Conditional Judgment gave the town a deadline of August 10, 2018 in which to comply with the conditions.

Adoption of Ordinances

As a result of the Conditional Judgment of Compliance and Repose, the Town adopted three additional ordinances in 2018 which are listed and summarized in the following table.

Table 2: Ordinance Adoptions, July 2018

General Ordinance No.	Title	Adoption Date	Synopsis
2107	An Ordinance Amending the Land Use Ordinance of the Town of Westfield to Address the Requirements of the Fair Housing Act Regarding Compliance with the Town’s Affordable Housing Obligations	July 10, 2018	Replaced reference to COAH’s Third Round Rules with reference to COAH’s Second Round Rules and included a summary of the Settlement Agreement between the Town of Westfield and Fair Share Housing Center as pertains to the Affordable Housing Ordinance

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2108	An Ordinance Amending the Land Use Ordinance of the Town of Westfield to Address the Requirements of the Fair Housing Act Regarding Compliance with the Town's Affordable Housing Obligations	July 10, 2018	Amended land use regulations applicable to developments within the RA-5A Multi-Family Residence District.
2109	An Ordinance Amending the Land Use Ordinance of the Town of Westfield Establishing an Affordable Housing Development Fee	July 10, 2018	Clarifies required residential development fee.

Amended Affirmative Marketing Plan

The Conditional Judgment of Compliance and Repose required that the Town update its Affirmative Marketing Plan to include the Fair Share Housing Center and other organizations within its list of community and regional organizations that must be notified of affordable housing unit availability. These amendments were made to the existing Plan, and were adopted by resolution of the Mayor and Council on July 10, 2018.

Amended Spending Plan

Pursuant to the Conditional Judgment of Compliance and Repose, the Town Planning Board amended its Affordable Housing Spending Plan. The Spending Plan is part of the Town Housing Element and Fair Share Plan. Required amendments included dedicating surplus within the Spending Plan to the construction of 20 affordable units, half for families; and, a provision that if a rental housing rehabilitation program becomes necessary, that the Spending Plan would be amended to accommodate same. The Spending Plan was adopted by way of amendment to the Housing Element and Fair Share Plan on July 2, 2018. It was subsequently endorsed by the Mayor and Council on July 10, 2018.

Myrtle Avenue Site Documentation

As required by the Conditional Judgment of Compliance and Repose, the Town provided to the Court requested information including: a resolution agreeing to convey property to the ARC of Union County, dated April 4, 2017, a project pro forma, documentation of sufficient funding, and a construction schedule.

Final Judgment of Compliance and Repose

The Town having completed all of the items described in the preceding pages submitted documentation proving compliance to the Court and Court's Special Housing Master on

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August 6, 2018. The Housing Master then submitted to the Court via letter dated August 8, 2018 their finding that all submissions were complete and consistent with the terms and conditions of the Conditional Judgment of Compliance and Repose. As a result, the Court on August 23, 2018 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 but not limited to “builder’s remedy” lawsuits.

Administrative Agent and Municipal Housing Liaison

The Town has retained Community Grants Planning and Housing (CGP&H) to act as Administrative Agent. They have acted as the Town’s Administrative Agent since 2017 and are responsible for receiving and reviewing applications for affordable units, as well as holding the required lottery.

The Town Planner acts as Municipal Housing Liaison. He also acted in this capacity since 2017. The Town Planner is the primary in-house point of contact for affordable housing matters in Westfield.

Affordable Housing Trust Fund

The Town has utilized monies within its Affordable Housing Trust Fund towards administrative costs. Funds have been expended for costs associated with the Town’s filings with the Court seeking a judgment of compliance and repose, as well as, administration of the Town’s affordable housing plan, namely costs associated with the duties of the administrative agent and municipal housing liaison. Pursuant to the Town’s Spending Plan, funds will also be used towards the construction of 20 affordable units, half for families. As of December 31, 2019, the Town’s Affordable Housing Trust Fund Balance is \$1,440,626. The Trust Fund is funded through the collection of development fees in Westfield.

III. Analysis of Whether any Unbuilt Sites or Unfulfilled Mechanisms Provided to Satisfy the Town’s Realistic Development Potential Continue to Present a Realistic Opportunity

The graphic is a promotional flyer for affordable housing applications. It features the CGP&H logo (Community Grants, Planning & Housing) and the title 'AFFORDABLE HOUSING APPLICATION INFO'. The text thanks the user for their interest and provides the website 'www.AffordableHomesNewJersey.com'. It outlines two steps: Step One involves clicking the 'Pre-Application' link on the website to fill out an online form, and Step Two involves visiting the online Applicant Profile to manage waitlists, view listings, and update personal information. A smartphone icon indicates mobile compatibility. At the bottom, there is an 'APPLY ONLINE TODAY!' button and contact information for the New Jersey Housing Resource Center (www.njhrc.gov).

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As provided in the Final Judgment of Compliance and Repose, the Town of Westfield has a realistic development potential of 62 dwelling units. The Town is satisfying its realistic development potential as follows:

Table 3: Realistic Development Potential Sites

Sites	Change of Circumstances Hindering Development or Future Development
Williams Nursery Block 1905, Lot 13 522 Springfield Avenue	None. The site still presents a realistic opportunity to develop and produce an affordable housing set-aside. There have been no changes which impact its availability, developability, approvability, or suitability for development. The property continues to be operated/used as a nursery. By General Ordinance 2101 adopted on March 13, 2018, the permitted residential density within the RA-5A Multi-Family Residence District was increased from 8 dwelling units per acre to 20 dwelling units per acre. The Town Planning Department has been contacted since the entry of the Final Judgment of Compliance and Repose by a few developers seeking information about the site but none of the developers appear to have come to an agreement with the owner of the site to develop the site.
Myrtle Avenue Inclusionary Block 4006, Lots 2 and 3 321 Grove Street East	None. Construction is complete on a 13 unit townhouse project at this site, which is also located within the RA-5B Multi-Family Residence District. Preliminary and final site plan approval was granted for this project in 2018. This project, although not containing affordable units, has generated a requirement for the development of 3 affordable units off-site. Pursuant to a settlement agreement between the property developer, Fair Share Housing Center, and Town, which was then subsequently approved by the Superior Court, the 3 affordable units generated by the townhouse project must be earmarked for special needs tenants and will provide one (1) 3-bedroom unit; and two (2) 2-bedroom units. As part of the settlement agreement, the 3 special needs units will be included in the phasing schedule required by N.J.A.C. 5:93-5.6(d) for the development of property located within the SW Affordable Housing Overlay District and must be provided regardless of when or if the Townhouse Project on Myrtle and Grove proceeds to be developed.
339 West Broad Street Block 3001, lot 1 339 West Broad Street	None. An inclusionary site identified as "339 W. Broad Street" and as the "West Broad Street Transit Oriented Development" site in the Town's 2018 Housing Element and Fair Share Plan, is now complete. The project contains a total of 31 residential units, with 5 of those affordable to very low, low- and moderate-income households. All

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Sites	Change of Circumstances Hindering Development or Future Development
	affordable units will follow requirements found in the Uniform Housing Affordability Controls including required bedroom and income distributions. Marketing of the affordable units is underway.
New Street Block 3201, Lot 1.01 333 Central Avenue	None. An inclusionary site identified as “New Street” in the Town’s 2018 Housing Element and Fair Share Plan at 333 Central Avenue was completed in 2017. The site contains a total of 70 units, with 9 allocated for very low, low, and moderate income households.
Sunnyside Block 3905, Lot 27 206 Springfield Avenue	None. The site still presents a realistic opportunity to develop and produce an affordable housing set-aside. There have been no changes which impact its availability, developability, approvability, or suitability for development. The property remains developed with a single-family dwelling.
Westfield Senior Citizens Block 4901, Lot 9	None. The project remains developed with senior housing. In addition, a 31 unit expansion to the building for additional income restricted housing received site plan approval in December of 2018. The applicant has undergone condition compliance review and the Town is awaiting the submission of construction permits.
Myrtle Avenue 100% affordable Block 4007, Lot 13 244 Myrtle Avenue Block 4006, Lot 1 753 Grandview Avenue	None. Development within the RA-5B Multi-Family Residence District, on what has been called the “Myrtle Avenue 100% Affordable Housing Site”, located on Town-owned properties at the intersection of Myrtle Avenue and Grandview Avenue is also proceeding. The Town of Westfield has negotiated a developer agreement with ARC of Union County to construct two, separate homes known as community residences for the developmentally disabled under the New Jersey Municipal Land Use Law. The first home, located at 244 Myrtle Avenue, contains 4 bedrooms and has been completed and issued a Certificate of Occupancy on December 9, 2019. The second home, located at 753 Grandview Avenue (previously with an address of 304 Grandview Avenue) will also contain 4 bedrooms and is currently under construction and it is estimated that a certificate of occupancy will be issued within a few months of the date of this report.. 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

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Sites	Change of Circumstances Hindering Development or Future Development
	ARC of Union County.
Our House – 506 Boulevard	Still owned by Our House, contains 2 dwelling units.
Homefirst Interfaith – 550 Trinity Place	Still owned by Homefirst, contains 2 dwelling units
Homefirst Interfaith – 706 Central Avenue	Still owned by Homefirst, contains 2 dwelling units
Homefirst Interfaith – 710 Central Avenue	Still owned by Homefirst, contains 2 dwelling units

IV. Analysis of Mechanisms Provided to Meet Unmet Need

As provided in the Final Judgment of Compliance and Repose, the Town of Westfield has an unmet need of 1,028 dwelling units. The Town is addressing and responding to that unmet need through the following mechanisms.

Table 4: Mechanisms Provided to Meet Unmet Need

Mechanism	Change of Circumstances Hindering Development or Future Development
Amendment to permitted density within the North Avenue TOD Inclusionary Zone District	None. The property remains developed as during the adoption of the Town’s HE&FSP. The site still presents a realistic opportunity to develop and produce an affordable housing set-aside. There have been no changes which impact its availability, developability, approvability, or suitability for development. Amended the permitted residential density within the NA-AH North Avenue Transit Oriented Development District from 15 or 16 dwelling units per acre to 25 dwelling units per acre by General Ordinance Number 2100 adopted on March 13, 2018.
Creation of Overlay Zones	<p>None. A number of overlay zone districts were created by the Town by ordinance in 2018. Ones described in separate rows of this table include those for properties identified as the Pan Am Site, Elite South, Elite North, and Ross Place. This row describes the four additional overlay zone districts created to address unmet need.</p> <p>The four overlay zones created and which are described in this row include the: GB1- Affordable Housing Overlay GB2- Affordable Housing Overlay GB3- Affordable Housing Overlay C- Affordable Housing Overlay</p>

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Mechanism	Change of Circumstances Hindering Development or Future Development
	<p>All permit multi-family rental housing with an inclusionary component as a principal as an alternative to development permitted by the underlying zoning. The properties within these overlay zones, combined with those within the Pan Am, Elite South, Elite North, and Ross Place overlays constitute all properties in the Town’s Housing Element and Fair Share Plan identified for inclusion in an overlay zone district.</p> <p>All properties within these overlay zone districts still present a realistic opportunity to develop and produce an affordable housing set-aside. There have been no changes which impact availability, developability, approvability, or suitability for development for properties within these overlay zone districts.</p>
<p>Pan Am Site: 501 South Avenue, Block 3002, Lots 5, 6, 12, and 13</p>	<p>None. Currently under construction is inclusionary site located within the Pan Am Affordable Housing Overlay District, located at 201 South Avenue West, adjacent to the South Avenue traffic circle. Also identified within the 2018 Housing Element and Fair Share Plan, the project will contain approximately 7,000 square feet of commercial space, and a total of 30 residential units, with 5 of those affordable to low- and moderate-income households. The project is proceeding due to the Town’s adoption of General Ordinance 2098 on March 13, 2018 which allowed for mixed-use, inclusionary development of the site. The project obtained preliminary and final site plan approval from the Town Planning Board as evidenced by resolution of the Board dated September 5, 2018. All affordable units will follow requirements found in the Uniform Housing Affordability Controls including required bedroom and income distributions.</p>
<p>Elite Homebuilding Site (Elite South): Block 4005, Lots 3 and 4; Block 4004, Lot 17</p>	<p>None. The site still presents a realistic opportunity to develop and produce an affordable housing set-aside. There have been no changes which impact its availability, developability, approvability, or suitability for development. By General Ordinance Number 2097, adopted on March 13, 2018, the Town created an overlay zone district allowing for the development of mixed commercial/residential multifamily housing development with an affordable housing component as an alternative to uses permitted by the underlying zoning district regulations, and established standards for same.</p>

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	<p>In addition, the Town is utilizing the Local Redevelopment and Housing Law to encourage redevelopment of the property. The Town declared the properties as a “non-condemnation area in need of redevelopment” by resolution number 64-2020, dated February 25, 2020. The Town is currently drafting a redevelopment plan for the property. The existing property owner is interested in constructing a project consistent with the resulting plan.</p>
<p>Elite Homebuilding Site (Elite North): Block 3307, Lots 1 and 2</p>	<p>None. The site still presents a realistic opportunity to develop and produce an affordable housing set-aside. There have been no changes which impact its availability, developability, approvability, or suitability for development. By General Ordinance Number 2097, adopted on March 13, 2018, the Town created an overlay zone district allowing for the development of mixed commercial/residential multifamily housing development with an affordable housing component as an alternative to uses permitted by the underlying zoning district regulations, and established standards for same.</p> <p>In addition, the Town is utilizing the Local Redevelopment and Housing Law to encourage redevelopment of the property. The Town declared the properties as a “non-condemnation area in need of redevelopment” by resolution number 64-2020, dated February 25, 2020. The Town is currently drafting a redevelopment plan for the property. The existing property owner is interested in constructing a project consistent with the resulting plan.</p>
<p>Ross Place: 203-215 Ross Place, Block 3007, Lots 3, 4, and 5</p>	<p>None. A 10 unit residential development located within the Ross Place Affordable Housing Overlay Zone District is proceeding. The project obtained preliminary and final site plan approval from the Town Planning Board as evidenced by resolution of the Board dated September 4, 2019. Pursuant to a settlement agreement between the property developer, Fair Share Housing Center, and Town, which was then subsequently approved by the Superior Court, the developer must make a contribution to the Town’s Affordable Housing Trust Fund in the amount of \$110,000 with \$55,000 due at the time of construction permitting, and \$55,000 due at the time of issuance of a certificate of occupancy.</p>
<p>NJ Department of Motor Vehicles Site: Block 4005, Lot 2</p>	<p>None. The site still presents a realistic opportunity to develop and produce an affordable housing set-aside. There have been no changes which impact its availability,</p>

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	developability, approvability, or suitability for development. This property is still owned by the State of New Jersey and remains as an open paved area utilized for parking and a queuing area for a State motor vehicle inspection station.
New Jersey Armory: 550 Rahway Avenue, Block 2904, Lot 2	None. The site still presents a realistic opportunity to develop and produce an affordable housing set-aside. There have been no changes which impact its availability, developability, approvability, or suitability for development. The property is still owned by the State of New Jersey and is used as an armory.
Mandatory Set-Aside Requirement	By General Ordinance Number 2090, adopted in 2017, the Town established a mandatory set-aside requirement of 20% if the affordable units will be for sale and 15% if the affordable units will be for rent, for any attached multi-family residential development of five or more units with a density at or above six units per acre through any municipal rezoning; Board of Adjustment use or density variance; redevelopment plan or rehabilitation plan providing for redevelopment. The ordinance provides that no subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement.
Program to Assist Non-profit affordable housing organizations	<p><u>Affordable Housing Spending Plan Funds for Affordability Assistance</u></p> <p>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.</p> <p>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.</p>

Mechanism	Change of Circumstances Hindering Development or Future Development
	<p><u>Annual Meeting with Non-Profits</u> Westfield’s Municipal Housing Liaison organized an inaugural meeting between the Town and non-profit housing developers in 2019. 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.</p> <p>The meeting was well attended and the Municipal Housing Liaison provided an overview of the Town’s Affordable Housing Plan 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. 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.</p> <p><u>Westfield Housing Commission</u> The duties of the Westfield Housing Commission were updated on October 29, 2019 by General Ordinance Number 2149 to include various provisions enabling them to assist with the implementation of the Town’s Housing Plan including assisting non-profit affordable housing organizations.</p> <p>The Westfield Housing Commission’s responsibilities are updated to include the following responsibilities:</p> <ul style="list-style-type: none"> (a) Provide status reports to the Municipal Housing Liaison in June and December of each calendar year, as to their efforts to fulfill their responsibilities identified in this Ordinance; (b) Be familiar with the Town’s Housing Element and Fair Share Plan, Town Affordable Housing Regulations, and Town Affordable Housing Obligations identified therein;

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Mechanism	Change of Circumstances Hindering Development or Future Development
	<p>(c) Compile and maintain a list of non-profit housing developers who can potentially assist with the goal of providing affordable housing; and</p> <p>(d) Holding an annual meeting, for which it will invite local and regional non-profit affordable housing organizations to share ideas and make proposals to assist the Town in meeting any unmet needs under its affordable housing obligations.</p> <p>(1) Seek the assistance of the Housing and Community Development Network of New Jersey and like advocacy groups when organizing and hosting the annual meeting.</p> <p>(2) Provide a written report by December 1st of each year, to the Municipal Housing Liaison summarizing the efforts taken to hold the annual meeting, results of the annual meeting (including contacts made and interest garnered), and any next steps identified by the Commission.</p>

V. Conclusion

This midpoint review report summarizes the actions taken by the Town of Westfield to implement its housing element and fair share plan. Sites and mechanisms implemented continue to present a realistic opportunity, and no mechanism provided to meet unmet need should be revised or supplemented at this time. There has been no substantial change of circumstances which has affected the Town’s realistic development potential or unmet need number.

Pursuant to the Settlement Agreement by and between the Town and Fair Share Housing Center, dated April 4, 2017, in Section 22b., the Town’s realistic development potential and unmet need number shall not be revisited by Fair Share Housing Center or any other interested party absent a substantial change of circumstances and, if such substantial change of circumstances occurs, either with realistic development potential or unmet need, the Town shall have the express right to address the issue without losing its immunity from Mount Laurel lawsuits.

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Appendix A: Fair Share Housing Center Mid-Point Review Questions

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Midpoint Review Questions provided by Fair Share Housing Center

(Answers to questions are found in italics immediately after each question.)

In addition to updating the attached monitoring spreadsheet with up to date information on each project in your approved settlement/fair share plan, please answer the following questions in narrative form:

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).

There are no conditions from the court’s approval of the municipal housing element and fair share plan and judgment of compliance and repose that have not been satisfied. As described in the background section of this report, all conditions of the Conditional Judgment of Compliance and Repose have been satisfied, and the Town’s Final Judgment of Compliance and Repose contains to conditions.

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.

<i>Williams Nursery Block 1905, Lot 13 522 Springfield Avenue</i>	<i>The site still presents a realistic opportunity to develop and produce an affordable housing set-aside. There have been no changes which impact its availability, developability, approvability, or suitability for development. The property continues to be operated/used as a nursery. By General Ordinance 2101 adopted on March 13, 2018, the permitted residential density within the RA-5A Multi-Family Residence District was increased from 8 dwelling units per acre to 20 dwelling units per acre. The Town Planning Department has been contacted since the entry of the Final Judgment of Compliance and Repose by a few developers seeking information about the site but none of the developers appear to have come to an agreement with the owner of the site to develop the site.</i>
<i>Sunnyside Block 3905, Lot 27 206 Springfield Avenue</i>	<i>The site still presents a realistic opportunity to develop and produce an affordable housing set-aside. There have been no changes which impact its availability, developability, approvability, or suitability for development. The property remains developed with a single-family dwelling.</i>

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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.

The following 100% affordable projects, and non-inclusionary projects are completed or nearly completed.

<p><i>Myrtle Avenue 100% affordable</i></p> <p><i>Block 4007, Lot 13 244 Myrtle Avenue</i></p> <p><i>Block 4006, Lot 1 753 Grandview Avenue</i></p>	<p><i>Development within the RA-5B Multi-Family Residence District, on what has been called the “Myrtle Avenue 100% Affordable Housing Site”, located on Town-owned properties at the intersection of Myrtle Avenue and Grandview Avenue is also proceeding. The Town of Westfield negotiated a developer agreement with ARC of Union County to construct two, separate homes known as community residences for the developmentally disabled under the New Jersey Municipal Land Use Law. The first home, located at 244 Myrtle Avenue, contains 4 bedrooms and has been completed and issued a Certificate of Occupancy on December 9, 2019. The second home, located at 753 Grandview Avenue (previously with an address of 304 Grandview Avenue) will also contain 4 bedrooms and is currently under construction and it is estimated that a certificate of occupancy will be issued within a few months of the date of this report. 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.</i></p>
<p><i>Myrtle Avenue Inclusionary Block 4006, Lots 2 and 3 321 Grove Street East</i></p>	<p><i>Construction is complete on a 13 unit townhouse project at this site, which is also located within the RA-5B Multi-Family Residence District. Preliminary and final site plan approval was granted for this project in 2018. This project, although not containing affordable units, has generated a requirement for the development of 3 affordable units off-site. Pursuant to a settlement agreement between the property developer, Fair Share Housing Center, and Town, which was then subsequently approved by the Superior Court, the 3 affordable units generated by the townhouse project must be earmarked for special needs tenants and will provide one (1) 3-bedroom unit; and two (2) 2-bedroom units. As part of the settlement agreement, the 3 special needs units will be included in the phasing schedule required by N.J.A.C. 5:93-5.6(d) for the development of property located within the SW Affordable Housing Overlay District and must be provided regardless of when or if the Townhouse Project on Myrtle and Grove proceeds to be developed.</i></p>

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The following project, although not listed identified the Town's Housing Element and Fair Share Plan has been approved, and will be a 100% affordable project.

<i>Westfield Senior Citizens Block 4901, Lot 9</i>	<i>The project remains developed with senior housing. In addition, a 31 unit expansion to the building for additional income restricted housing received site plan approval in December of 2018. The applicant has undergone condition compliance review and the Town is awaiting the submission of construction permits.</i>
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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?

There are no projects or other mechanisms that have missed any construction deadlines established in the court-approved Settlement 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?

All unbuilt development locations have access to sewer service and there are no barriers to obtaining water or sewer for any unbuilt site in Westfield. There have been no regulatory changes to permits or conditions that make it impossible to complete any site's development as originally contemplated.

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?

The Town of Westfield does not administer a rental rehabilitation program. Pursuant to the Conditional Judgement of Compliance and Repose, the Town's Spending Plan was amended to state that in the event that there is a demand for rental-unit rehabilitation, the Town will then, at that time, once again amend the spending plan to allocate funding for such rental unit rehabilitation. To date, a demand for rental-unit rehabilitation has not manifested.

The Town is currently an eligible community in the Union County Home Improvement Program. Westfield property owners who are income-eligible may apply for funding from the housing

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rehabilitation program being funded by Union County. The Town maintains a link to the Union County Home Improvement Program on the Town website.

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):

7. If the municipality’s court-approved Prior and/or Third Round plan includes Unmet Need:

a. Has there been any development, proposal for development received by the municipality (even if ultimately rejected), adoption of rezoning or a redevelopment plan for of any parcel larger than 0.5 acres since the settlement was approved by the court on a parcel that was neither previously identified in calculating the municipality’s RDP nor included in an inclusionary overlay zone? If so:

- i. Please describe the development(s), development proposal(s), rezoning(s) or redevelopment plans(s)?
- ii. Is any affordable housing included in any of the development(s) proposals(s), and/or rezoning(s) or redevelopment plan(s) referenced?
- iii. If the municipality has a mandatory set-aside ordinance, was that applied to the development(s) and/or rezoning(s) or redevelopment plan(s)?

“Use” variance applications were made for property at 214 East Grove Street. The property measures approximately one acre in size. Two separate applications were made by the same applicant. The first application proposed the enlargement and conversion of a two-story office building to multi-family residential use, with a total of 20 residential units. The second application also proposed the enlargement and conversion of the building to multi-family residential use, with a total of 18 residential units. For both applications, the Town of Westfield did require compliance with the provisions in the mandatory set-aside ordinance and the applicant consequently include an affordable housing set-aside in their proposal.

In both applications, the applicant required “d” variance approval to allow for multi-family residential use in a zone district where it was not permitted. Also, in both applications, the applicant proposed ground-floor residential use where not permitted. Both applications were denied, and the applicant has appealed these decisions.

b. Has any development occurred or been proposed to occur within any inclusionary overlay zone or for which a mandatory set-aside ordinance, if required to be adopted by the municipality, would apply since the settlement? If so:

- i. What is that development or developments?
- ii. Does that proposed or actual development include any affordable housing? What percentage of the development is affordable?

The following developments have occurred or been proposed to occur within the Town’s inclusionary overlay zones.

<i>Pan Am Site: 501 South Avenue, Block 3002, Lots</i>	<i>Currently under construction is inclusionary site located within the Pan Am Affordable Housing Overlay District, located at 201</i>
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<p><i>5, 6, 12, and 13</i></p>	<p><i>South Avenue West, adjacent to the South Avenue traffic circle. Also identified within the 2018 Housing Element and Fair Share Plan, the project will contain approximately 7,000 square feet of commercial space, and a total of 30 residential units, with 5 of those affordable to low- and moderate-income households, equating to a 16.6% set-aside. The project is proceeding due to the Town's adoption of General Ordinance 2098 on March 13, 2018 which allowed for mixed-use, inclusionary development of the site. The project obtained preliminary and final site plan approval from the Town Planning Board as evidenced by resolution of the Board dated September 5, 2018. All affordable units will follow requirements found in the Uniform Housing Affordability Controls including required bedroom and income distributions.</i></p>
<p><i>Myrtle Avenue Inclusionary Block 4006, Lots 2 and 3 321 Grove Street East</i></p>	<p><i>Construction is complete on a 13 unit townhouse project at this site, which is also located within the RA-5B Multi-Family Residence District. Preliminary and final site plan approval was granted for this project in 2018. This project, although not containing affordable units, has generated a requirement for the development of 3 affordable units off-site. Pursuant to a settlement agreement between the property developer, Fair Share Housing Center, and Town, which was then subsequently approved by the Superior Court, the 3 affordable units generated by the townhouse project must be earmarked for special needs tenants and will provide one (1) 3-bedroom unit; and two (2) 2-bedroom units. As part of the settlement agreement, the 3 special needs units will be included in the phasing schedule required by N.J.A.C. 5:93-5.6(d) for the development of property located within the SW Affordable Housing Overlay District and must be provided regardless of when or if the Townhouse Project on Myrtle and Grove proceeds to be developed.</i></p>
<p><i>339 West Broad Street Block 3001, lot 1 339 West Broad Street</i></p>	<p><i>An inclusionary site identified as "339 W. Broad Street" and as the "West Broad Street Transit Oriented Development" site in the Town's 2018 Housing Element and Fair Share Plan, is now complete. The project contains a total of 31 residential units, with 5 of those affordable to very low, low- and moderate-income households, equating to a 16.1% set-aside. All affordable units will follow requirements found in the Uniform Housing Affordability Controls including required bedroom and income distributions. Marketing of the affordable units is underway.</i></p>
<p><i>Ross Place: 203-215 Ross Place, Block 3007, Lots 3, 4, and 5</i></p>	<p><i>A 10 unit residential development located within the Ross Place Affordable Housing Overlay Zone District is proceeding. The project obtained preliminary and final site plan approval from the Town Planning Board as evidenced by resolution of the Board dated September 4, 2019. Pursuant to a settlement agreement between the property developer, Fair Share Housing</i></p>

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	<p><i>Center, and Town, which was then subsequently approved by the Superior Court, the developer must make a contribution to the Town's Affordable Housing Trust Fund in the amount of \$110,000 with \$55,000 due at the time of construction permitting, and \$55,000 due at the time of issuance of a certificate of occupancy.</i></p>
<p><i>Elite Homebuilding Site (Elite South): Block 4005, Lots 3 and 4; Block 4004, Lot 17</i></p>	<p><i>By General Ordinance Number 2097, adopted on March 13, 2018, the Town created an overlay zone district allowing for the development of mixed commercial/residential multifamily housing development with an affordable housing component as an alternative to uses permitted by the underlying zoning district regulations, and established standards for same. At least 15% of units constructed must be rented at rates affordable to low-, very low-, and moderate-income limits.</i></p> <p><i>In addition, the Town is utilizing the Local Redevelopment and Housing Law to encourage redevelopment of the property. The Town declared the properties as a "non-condemnation area in need of redevelopment" by resolution number 64-2020, dated February 25, 2020. The Town is currently drafting a redevelopment plan for the property. The existing property owner is interested in constructing a project consistent with the resulting plan and is collaborating with the Town on potential redevelopment plan content.</i></p>
<p><i>Elite Homebuilding Site (Elite North): Block 3307, Lots 1 and 2</i></p>	<p><i>By General Ordinance Number 2097, adopted on March 13, 2018, the Town created an overlay zone district allowing for the development of mixed commercial/residential multifamily housing development with an affordable housing component as an alternative to uses permitted by the underlying zoning district regulations, and established standards for same. At least 15% of units constructed, plus three additional housing units transferred from the Myrtle Avenue Inclusionary site described above within this table, must be rented at rates affordable to low-, very low-, and moderate-income limits.</i></p> <p><i>In addition, the Town is utilizing the Local Redevelopment and Housing Law to encourage redevelopment of the property. The Town declared the properties as a "non-condemnation area in need of redevelopment" by resolution number 64-2020, dated February 25, 2020. The Town is currently drafting a redevelopment plan for the property. The existing property owner is interested in constructing a project consistent with the resulting plan and is collaborating with the Town on potential redevelopment plan content.</i></p>

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c. Have any changed circumstances occurred that result in additional parcels becoming available for development that were neither previously identified in calculating the municipality's RDP nor included in an inclusionary overlay zone? If yes, please identify the parcel(s) and describe how the municipality plans to address the changed circumstances.

There are no changed circumstances in Westfield that have resulted in additional parcels becoming available for development. The Town is conducting preliminary investigations to determine if certain properties meet the criteria to be designated as an "area in need of redevelopment" and has delineated all properties within its Special Improvement District as an "area in need of rehabilitation". Any redevelopment plans, if drafted and adopted, will include a mandatory set-aside as required by the Settlement Agreement with FSHC and as codified in local ordinance.

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

8. If the municipality's court-approved plan had a durational adjustment, have there been any changed circumstances with regards to limited sewer and/or water capacity? If yes, please describe the changes and when and where additional infrastructure capacity will become available.

The Town of Westfield does not have a durational adjustment.

9. What steps has the municipality taken, if any, to address limited water and/or sewer capacity, and to facilitate the extension of public water and/or sewer to any site identified in the settlement agreement?

The Town of Westfield does not have limited water and/or sewer capacity which has hindered development.

10. Has any property owner or developer contacted the municipality to extend public water and/or sewer to a site not identified in the settlement agreement? If so, how did the municipality respond to the request?

This is not applicable to the Town of Westfield.