

**Town of Newton
Midpoint Review
July 1, 2020**

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 outstanding conditions of compliance of the Court's approval of Newton's Housing Element and Fair Share Plan.

The Town of Newton has completed the following actions since the 2015 Housing Element and Fair Share Plan approval to address the conditions set forth to further achieve the Town's affordable housing obligations:

- June 8, 2020: Resolution authorizing Newton to enter into agreement with CGP&H, LLC for administrative agent services related to affordable housing;
- December 10, 2018: Resolution #248-2018 is approved, finding that the development proposal submitted by CCI Foundation, Inc. to construct a supportive and special needs group housing project on Madison Avenue (Block 14.03, Lot 1) meets or will meet an existing housing need & the Town pledges \$60,000 from the Affordable Housing Trust Fund for the project;
- November 26, 2018: Town of Newton Ordinance 2018-20, Amending Newton Town Code Section 100-19 regarding water and sewer connection fees;
- April 25, 2018: Town Centre Senior Housing Grand Opening;
- January 22, 2018: Community Options, Inc. will enter into a Memorandum of Understanding and Agreement for Payment in Lieu of Taxes with the Town of Newton;
- December 21, 2016: Final site plan approval for Grande Villaggio/Martorana Enterprises;
- September 21, 2016: Reexamination of the Town of Newton Master Plan with respect to adoption of a revised Housing Element and Fair Share Plan.

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.

Special District 9: Planned Neighborhood Development District, or SD-9 Inclusionary Zone, covers approximately 52 acres along High Street along Newton's western border. The Town's Master Plan update recommended increasing the allowed density in this District to create a community of mixed-income development. Residential development should vary in density from higher density along High Street to lower density the further away from the road frontage. This zoning includes a mandatory 20% set-aside for affordable housing. No development has been proposed.

The Town has developed an **Affordable Housing Overlay Zone** for application to Block 3.04, Lot 1 (**Water Street**), as well as other properties that may become available for affordable housing development in the future. The Water Street conceptual development plan provides for the development of four multi-family dwelling apartment buildings, containing a total of 180 units with 90 one-bedroom apartments and 90 two-bedroom apartments. There is a minimum 10% set-aside. No development has been proposed.

The **Paterson Avenue Redevelopment Area**, located on block 16.03, lots 6 and 7, contains industrial uses, one of which is vacant. The plan was adopted on December 10, 2007 and allowed for small lot single family residential and duplexes with a 15%-20% set-aside. The plan was most recently amended in December 2019 to allow for the development of townhomes at the request of a potential developer. The developer has expressed interest in developing one phase of townhomes.

The **Hicks Avenue Redevelopment Area** that includes block 14.02, lots 1 through 8, was adopted in December 2008 and most recently amended in July 2014 to permit the development of townhouses, apartments, single family dwellings, commercial, and mixed-use commercial. Several developers have expressed interest; however there has been an issue with a traffic light being required by Sussex County at the intersection of Hicks Avenue and Sparta Avenue. The County is requiring the traffic light before any housing can be built and they have not yet placed the traffic light on their capital plan for funding.

The **Merriam Gateway Redevelopment Plan** was adopted in November 2010 and amended in 2012, 2015, 2017, and 2020. The plan allows for mixed-use development with an inclusionary component. No development has been proposed.

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 Sussex County ARC (SCARC) Group Home has yet to be completed. On June 25, 2012, SCARC, Inc. requested \$48,000 from the Town of Newton Affordable Housing Trust Fund to fund the construction of a residential facility for developmentally disabled adults near the intersection of Trinity and Stuart Street. These monies would support six (6) units of affordable housing and eight (8) total affordable housing credits.

The **CCI Foundation's Special Needs Group Home** housing project was allocated \$60,000 from the Affordable Housing Trust Fund on November 8, 2019. Construction is underway.

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?

No projects have missed a construction deadline.

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 developments are within the sewer service areas and there are no changes to regulatory conditions that make it not possible to complete any site.

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 has a municipal rehabilitation program in place that initially utilized a Small Cities Grant to fund the rehabilitation of 20 housing units. Those 20 units were completed, closing the grant. The Town retained a revolving loan fund to provide for additional rehabilitation as loans are paid back into the fund. Over the Third Round period, Newton plans to rehabilitate additional housing units utilizing this revolving loan fund and other funding sources, such as the Small Cities Grant.

Any new construction units created over and above what is required to satisfy the Town's fair share obligation will be used to address the Town's rehabilitation obligation.

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):

Not applicable.

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)?
 - 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?
 - iii. 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.

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

Not applicable.

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.
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?
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?