

**Borough of Buena
Fair Share Plan
Midpoint Review Report**

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Purpose

The Borough of Buena’s Settlement 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 Settlement 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 mechanisms continue to present a realistic opportunity.

Relevant Background

On July 14, 2015, the Borough of Buena filed a Declaratory Judgment Action, seeking to comply with its third round obligation in the manner prescribed by the Supreme Court in Mount Laurel IV. On May 7, 2018, the Township entered into a global Settlement Agreement with FSHC. A Fairness Hearing was held on June 12, 2018, during which the Court approved the FSHC Settlement Agreement. On August 28, 2018, the Court granted the Township a Final Judgment of Compliance and Repose.

Rehabilitation Program(s) Update

The Borough of Buena has a rehabilitation obligation of 16 units. The Borough continues to participate in the Atlantic County Improvement Authority’s (ACIA) rehabilitation program. To date, 5 units in the Borough have been rehabbed under this program. No new units have been rehabilitated since the adoption of the Borough’s 2018 Fair Share Plan. The Borough intends to continue to participate in the County program through the compliance period ending in 2025.

Realistic Opportunity Review

The realistic opportunity standard applies to all mechanisms for non-adjustment municipalities and RDP/non-deferred mechanisms for Vacant Land/Durational Adjustment municipalities.

The Borough has a prior round and prospective need obligation of 83. The Borough received a Durational Adjustment for 20 credits to be addressed once sewer is made available. As of this reporting, there are no changes to the sewer availability in the Borough, thus the ordinance remain in effect as an overlay with no new development proposed. The remaining 63 credits are addressed through existing units that had been in place prior to the adoption of the 2018 Fair Share Plan. There is no additional reporting required for the Realistic Opportunity. The Borough is satisfying the 20-unit portion of its plan, as follows:

Unmet Need or Deferred Mechanisms

<u>Mechanism</u>	<u>Ordinance Adopted (Yes/No)</u>	<u>Additional Information</u>
Inclusionary Zoning Block 113, Lot 16.04	Yes.	No affordable units to date have been produced under this ordinance. There have been no changes to the sewer availability.
Inclusionary Zoning Block 171, Lot 22.	Yes.	No affordable units to date have been produced under this ordinance. There have been no changes to the sewer availability.
Market to Affordable Units	N/A	This is an alternative to the proposed Inclusionary Zoning. The program relies on the collection of Affordable Housing Development Fees. The Borough has not collected any fees to date.

Very Low Income Analysis

<u>Project Containing VLI Units</u>	<u>VLI Requirement</u>	<u>Number of VLI Units Produced</u>	<u>Status</u>
Inclusionary Zoning	2-3 units	There has been no development from the inclusionary zoning ordinances.	Requires Sewer.

Affordable Housing Trust Fund Update

The Borough of Buena adopted a Development Fee Ordinance, however no funds have been collected to date.

Conclusion

The Borough's plan implementation continues to create a realistic opportunity where that standard is applicable, and the Borough maintains sufficient mechanisms for addressing unmet need.