

**BOROUGH OF FRANKLIN LAKES,  
COUNTY OF BERGEN**  
July 1, 2020

**Purpose**

Franklin Lakes’ 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 various compliance mechanisms.

**Relevant Background**

Franklin Lakes and FSHC came to terms in an October 3, 2018 Settlement Agreement that set forth the Borough’s affordable Housing obligation and preliminary compliance plan. This Settlement Agreement and those with the intervenors were approved by the Honorable Christine A. Farrington, J.S.C. on January 9, 2019. The Borough adopted the Third Round Housing Element and Fair Share Plan on April 3, 2020. A Judgement of Compliance was received June 26, 2019.

**Realistic Opportunity Review**

The Borough has an obligation to create a realistic opportunity for the construction of its Realistic Development Potential (RDP) within the compliance period, which it has done as follows:

<b><u>Mechanism</u></b>	<b><u>Description</u></b>	<b><u>Ordinance Adopted</u></b>	<b><u>Status</u></b>	<b><u>Notes/Additional Information</u></b>
Garfield RCA	RCA	n/a	Completed - paid	
Mill Pond	Inclusionary family rental	Yes	Complete	
Colonial Pointe	Inclusionary family rental	Yes	Complete	
Reserve at Franklin Lakes	Inclusionary family sale	Yes	Under construction	
McCoy Place	Special needs rental 100%	Yes	Complete	

<u>Mechanism</u>	<u>Description</u>	<u>Ordinance Adopted</u>	<u>Status</u>	<u>Notes/Additional Information</u>
McCoy Road	Family rental 100%	Yes	Seeking LIHTC	Redevelopment Plan adopted and developer selected (Alpert Group). The Borough is working with the Alpert Group to facility at an application for LIHTC. In June 2020, the Borough recently adopted a PILOT Agreement and supporting resolution.
Franklin Manor	Inclusionary Family rental	Yes	Approved, not built	
Sunrise	Assisted Living	n/a	Approved, not built	

The Borough continues participation in the Bergen County Home Improvement Program and has an ongoing municipal rehabilitation program.

**Unmet Need or Deferred Mechanisms**

<u>Mechanism</u>	<u>Ordinance Adopted</u>
AHO-1	Yes 5/7/2019
AHO-2	Yes 5/7/2019
AHO-3	Yes 5/7/2019
AHO-4	Yes 5/7/2019
AHO-5	Yes 5/7/2019
AHO-6	Yes 5/7/2019
AHO-7	Yes 5/7/2019
Mandatory Set-aside	Yes 5/7/2019

**Very Low Income Analysis**

<b><u>Affordable Units Approved Since 2008</u></b>	<b><u>VLI Requirement</u></b>	<b><u>Constructed / Status</u></b>
Colonial Pointe	4	Constructed; VLI units complete
Reserve at Franklin Lakes	7	Under construction
McCoy Place	6	Constructed; VLI units complete
McCoy Road	7	Zoning in place; funding ongoing
Franklin Manor	1	Approved, unbuilt
Sunrise	2	Approved, unbuilt

**Conclusion**

The Borough's plan implementation continues to create a realistic opportunity where that standard is applicable and its unmet need mechanisms are implemented and are constitutionally compliant.