

**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 are 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).

All conditions of compliance with the Borough's settlement and Housing Element and Fair Share Plan have been met by the Borough. An Order of Final Judgment and Compliance Repose was issued by the Honorable Michael C. Gaus, J.S.C., on April 30, 2020.

**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.

The parcel located at **181 Howard Boulevard** contains an existing strip mall with a variety of retail and service business located on a 7.61-acre parcel. The inclusionary zone would permit residential development over retail and service uses similar to those that exist today. The maximum density permitted would be 15 units per acre with a 15% set aside for rentals and 20% set aside for owner-occupied units. The maximum height is proposed at four (4) stories / 50 feet. Presuming this site would generate rentals, the project generates 17 affordable units. The property owner has expressed interest in developing the property.

The parcels located at **100, 200 and 400 Valley Road** contain corporate office park developments within the PUD Zone. The sites contain a total of approximately 39.1 acres. The proposed inclusionary zone at these sites would permit residential development over retail, service and office uses, which are currently allowed, or, for sites not directly fronting on Howard Boulevard, as a stand-alone use in a town center-style development. The maximum density permitted would be 13 units per acre for rental apartments with a minimum 15% set aside for affordable rental units and 9.75 units per acre for townhouses or owner-occupied condominium units with a minimum 20% set-aside for affordable owner-occupied units. Either scenario would generate a total of 76 affordable units. The zoning would permit a maximum of four (4) stories / 50 feet in height. Presuming that at least 36 rental affordable units are generated by this zone, the Borough would be entitled to 36 rental bonuses, as well.

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 Borough of Mount Arlington proposes to partner with a non-profit organization to provide housing for low-income seniors and veterans. The project is not being proposed for crediting against the Third Round Obligation as outside funding is uncertain and the Borough is not in a position to bond to cover the cost of this undertaking should an interested provider and outside funding prove unavailable. Nevertheless, the Borough considers this project to be an important part of its plan for affordable housing. The project will be funded when funds are available.

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 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 of the unbuilt developments in the two proposed inclusionary zones are within the existing sewer service area. There are no changes to NJDEP permits or conditions that prevent the sites from being completed 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 rehabilitation program is being administered and implemented by the Morris County Department of Community Development's Housing Rehabilitation Program. This program does not include rental rehabilitation, but per the final settlement agreement, all parties have agreed to request Court's approval of a waiver of the requirement to have the rehabilitation program available to rental units in view of the limited extent of the Borough's Rehabilitation Share.

The Borough proposes to meet the entirety of its 16-unit rehabilitation share through this program.

**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 to the Borough of Mount Arlington.

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?
  - 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.

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

Not applicable to the Borough of Mount Arlington.

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?