

## City of Lambertville’s Affordable Housing Settlement Work

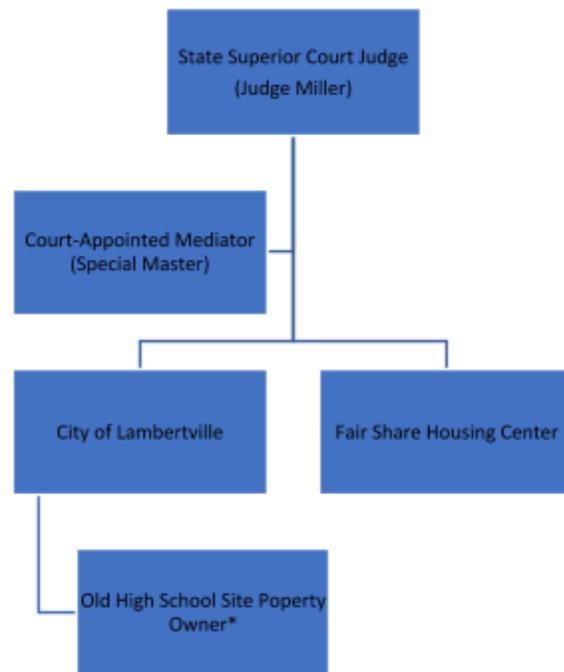
### Overview:

The City of Lambertville is engaged in ongoing, court-mandated negotiations with Fair Share Housing Center regarding its affordable housing requirements. The City is attempting to balance its obligation to negotiate and implement a solution with ongoing concerns about development, densification, and various factors related to affordable housing. The purpose of this document is to provide historical context and outline the process the City has engaged in with Fair Share Housing Center to date.

### Background on Structure of Settlement Agreement Negotiations:

The State Superior Court oversees municipal settlement agreements with Fair Share Housing Center and appoints a Special Master to serve as mediator. The Superior Court Judge has final approval over the settlement agreement and implementation of that agreement.

Fair Share Housing Center, founded in 1975, is a public interest organization entirely devoted to defending the housing rights of New Jersey’s poor through enforcement of the Mount Laurel Doctrine, which requires all towns to provide their “fair share” of their region’s need for affordable housing.



\*Party to negotiations

### Historical Timeline of City Engagement:

2014 - 2015	<ul style="list-style-type: none"> <li>Fair Share Housing Center sues NJ municipalities for noncompliance with State Supreme Court affordable housing decision (aka <u>Mount Laurel IV</u>)</li> </ul>
2015 - 2017	<ul style="list-style-type: none"> <li>The City filed a declaratory judgment action with the courts to seek judicial review of the City’s fair share obligation and temporary immunity from builder’s lawsuits.</li> <li>The City completed a Vacant Land Analysis and did an exhaustive search of current housing stock to identify existing affordable housing units, including third-party verification of those units through a state approved process</li> </ul>

<p>2016 - 2018</p>	<ul style="list-style-type: none"> <li>● City negotiates with private landowner (old high school site) new inclusionary zoning for site</li> <li>● City began a year of negotiations with the owner of the old high school site, negotiations failed</li> </ul>
<p>Early 2018</p>	<ul style="list-style-type: none"> <li>● Negotiations with private landowner (old high school site) fall through and the City pursues condemnation</li> <li>● City negotiations with Fair Share Housing to identify solution to Lambertville’s court-mandated affordable housing obligation</li> </ul>
<p>2018</p>	<ul style="list-style-type: none"> <li>● City Council signs settlement agreement with Fair Share Housing including: <ul style="list-style-type: none"> <li>○ Identification of mixed-income inclusionary zoning overlays: <ul style="list-style-type: none"> <li>○ Burd site</li> <li>○ Corboy site</li> <li>○ Trenton Cracker Factory site</li> <li>○ Holcombe site (Closson Farmstead)</li> </ul> </li> <li>○ Condemnation of the old high school site (multi-million dollar cost)</li> </ul> </li> <li>● City designates the old high school site as an Condemnation Area in Need of Redevelopment</li> <li>● Judge Miller approves settlement agreement between Fair Share Housing Center and the City with conditions on timing related to the old high school site: <ul style="list-style-type: none"> <li>○ Identification of a developer within 6 months of final Court Approval</li> <li>○ Execution of a Redevelopment Agreement within 9 months of final Court Approval</li> </ul> </li> <li>● City Council introduces ordinances for the old high school condemnation redevelopment plan, mixed-income inclusionary zoning overlays for the Corboy, Burd, Trenton Cracker Factory and Holcombe site (Closson Farmstead), and affordable housing ordinance</li> <li>● Planning Board adopts the 2018 Housing Element and Fair Share Plan and reviews the Lambertville High School Condemnation Redevelopment Plan, mixed-income inclusionary zoning ordinances, and affordable housing ordinance for consistency with the master plan</li> <li>● Historic Preservation Commission submits letter of opposition to zoning overlay for Holcombe site (Closson Farmstead)</li> <li>● Property owner of Burd site submits testimony in opposition to zoning overlay for his property</li> <li>● Opposition expressed at public meetings regarding the mixed-income inclusionary zoning overlays</li> <li>● City Council endorses the 2018 Housing Element and Fair Share Plan and adopts the affordable housing ordinance and the Lambertville High School Condemnation Redevelopment Plan in spite of backlash; City Council rescinds the mixed-income inclusionary zoning ordinance for the Corby, Burd, Trenton Cracker Factory and Holcombe site (Closson Farmstead)</li> <li>● Opposition to zoning overlay of historic Holcombe site continues following City Council vote</li> </ul>
<p>2019 Q1</p>	<ul style="list-style-type: none"> <li>● City takes action to address public concern while remaining in compliance with settlement agreement</li> </ul>

	<ul style="list-style-type: none"> <li>○ Mayor makes commitment to move away from Holcombe site (Closson Farmstead) and identify alternative site for zoning overlay</li> <li>○ City Council establishes Affordable Housing Subcommittee</li> <li>○ Affordable Housing Subcommittee begins discussion on moving away from condemnation of the old high school site due to concerns of multi-million-dollar cost</li> </ul>
<p>2019 Q2</p>	<ul style="list-style-type: none"> <li>● City Council adopts mixed-income inclusionary zoning ordinance for the Corboy, Burd and Trenton Cracker Factory sites</li> <li>● City identifies multiple private property owners with interest in mixed-income inclusionary zoning overlays and designation as Area in Need of Rehabilitation and Area of Need of Redevelopment to replace Holcombe site (Closson Farmstead) <ul style="list-style-type: none"> <li>○ Finkles site</li> <li>○ YMAC site</li> <li>○ Napa Auto site</li> <li>○ CVS site</li> </ul> </li> <li>● City presents potential sites to Fair Share Housing Center as replacements. Fair Share Housing Center agrees pending approval of zoning overlays</li> <li>● City Council votes to approve resolution designating YMAC site as an Area in Need of Rehabilitation</li> <li>● Property owner of Finkles concerned about community opposition and rescind interest in zoning overlay.</li> <li>● City Council introduces a mixed-income inclusionary zoning overlay for the Napa Auto site</li> <li>● CVS site property owner and City halt negotiations</li> <li>● Opposition to mixed-income inclusionary zoning overlay is expressed at City Council</li> <li>● City organizes individual community meetings with residents living near the Napa Auto site</li> <li>● Property owner of Napa Auto site concerned about community opposition and rescind interest in zoning overlay</li> <li>● City is sued multiple times over condemnation of the old high school site</li> </ul>
<p>2019 Q3</p>	<ul style="list-style-type: none"> <li>● Property owner of YMAC site ends engagement in establishing a redevelopment agreement and plan with the City due to community opposition of densification and affordable housing development</li> <li>● City engages in mediation with old high school site property owner to move away from condemnation and to end ongoing lawsuits</li> <li>● Mediation with old high school site property owner fails</li> <li>● City returns to Fair Share Housing Center to advocate to reopen settlement agreement to remove condemnation of old high school site and address: <ul style="list-style-type: none"> <li>○ Community opposition preventing progress</li> <li>○ Lack of private-owner interest</li> <li>○ Lack of site control</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>● Judge Miller expresses concern about lack of progress towards settlement agreement action items (e.g. replacement for the Holcombe site [Closson Farmstead] and condemnation initiation for old high school site) <ul style="list-style-type: none"> <li>○ City identifies multiple lawsuits from old high school site property owner as barrier to progress</li> </ul> </li> </ul>
<p style="text-align: center;">2019 Q4</p>	<ul style="list-style-type: none"> <li>● City works to identify sites where it could maintain site control to replace previously identified mixed-income inclusionary zoning properties and consequently make progress on settlement agreement</li> <li>● City exhausts privately-owned property in search for replacement for Holcombe site (Closson Farmstead) and turned to municipally-owned sites</li> <li>● City proposes amendment to settlement agreement including Police site to Fair Share Housing Center: <ul style="list-style-type: none"> <li>○ Removal of Holcombe site (Closson Farmstead) overlay</li> <li>○ Removal of condemnation of old high school site</li> <li>○ Inclusion of Police site with minimum 23 apartment units with a 20% affordable housing set-aside (5 affordable)</li> <li>○ Inclusion of 5-unit accessory apartment program to take advantage of existing accessory apartment conditional use zoning in the R-2 Downtown Residential District (all future accessory apartments must deed-restricted affordable for 10 years)</li> </ul> </li> <li>● City and Fair Share Housing Center enter into negotiations over amendment proposal</li> </ul>
<p style="text-align: center;">2020 Q1</p>	<ul style="list-style-type: none"> <li>● City and Fair Share Housing Center reach tentative amended settlement agreement and draft agreement is presented to City Council</li> <li>● City requests special dispensation from Fair Share Housing Center and court-appointed mediator to present new redevelopment plan to public at State of the City address and Community Development Fairs</li> <li>● City actions to address public concern while remaining in compliance with amended settlement agreement: <ul style="list-style-type: none"> <li>○ City Council votes to approve signing amended settlement agreement</li> <li>○ City Council introduces ordinance to amend the Lambertville High School Condemnation Redevelopment Plan to a Non-Condemnation Redevelopment Plan</li> <li>○ Planning Board adopts 2020 Amended Housing Element and Fair Share Plan and reviews the ordinance to convert the Lambertville High School Redevelopment Plan to a non-condemnation plan for consistency with the Master Plan</li> <li>○ Opposition to new settlement agreement and other non-settlement agreement redevelopment ideas expressed at City Council and Planning Board meetings</li> <li>○ City develops webpage to provide public with information on settlement agreement, non-settlement agreement redevelopment, and budget</li> <li>○ City establishes and opens application for Community Advisory Team to review and provide guidance on redevelopment of the Police site as well as the creation of redevelopment agreements with future developers</li> </ul> </li> </ul>