



Affordable Housing Situation in Bernardsville

*Trying to Maintain What Bernardsville
is, While Complying with State
Affordable Housing Mandates, to
Prevent a MUCH WORSE Situation*

History of Bernardsville and The State Affordable Mandate

- 1985 NJ legislature adopted the Fair Share Housing Act to make a constitutional obligation for municipalities to foster affordable housing
 - The Council on Affordable Housing (COAH) was established to create the regulations which would determine the number of units of affordable housing would be required by each of the municipalities.
- In March 2015, the New Jersey Supreme Court dissolved COAH's authority over affordable housing plans and made the courts (a judge) responsible for affordable mandate oversight
- Bernardsville Joins > 300 municipalities in the "Mount Laurel" lawsuit
 - Coalition loses its efforts
 - Nov 2017, Bernardsville agrees to a settlement to build 215 affordable units (with a complicated equation based on how we meet this obligation)

*As Part of the Settlement Bernardsville
Needs to Deliver 163-831 Qualifying Units
(depending on which path it chooses)*

*We Intend to keep this as close to 163 units
as possible*

Two Options to Fulfill the Mandate

- Builders Remedy:

- Bernardsville either willingly or through court mandate (see next slide) provides sufficient approved housing mass zoning to accommodate:
 - 1 affordable plot for every 5* market rate plots
 - Controlled by the commercial builder and private marketplace

Nearly 1,000 more houses or condos in Bernardsville to meet the requirement

- Borough Directed All-Affordable Plan

- Bernardsville provides 100% affordable housing to satisfy the requirement
- If we go this direction, we get credits towards the 831 max units which may bring the requirement closer to 163 units
- How is this accomplished?
 - Bernardsville needs to buy or give the property to state approved affordable housing developers
 - State approved developers require us to build withing 0.5 miles of public transit
 - Where builders develop properties, take full advantage of affordable credits

163-180 (est.) more houses or condos in Bernardsville to meet the requirement

What is Builders Remedy?

As some municipalities try and delay the affordable housing requirement, builder's remedy has become more of a reality.

- A "builder's remedy lawsuit" is a New Jersey lawsuit filed by a real estate developer in an attempt to force a New Jersey town to allow the construction of a large, multi-family housing complex that includes some affordable housing alongside ordinary apartments.
 - Some recent "builder's remedy" lawsuits or related concerns include:
 - Bridgewater, Cranford, Livingston, Millburn, Madison, and many others
 - Closest example, the mass development of "The Hills"

This is What We are Trying To Prevent: Court Mandated Builders Remedy

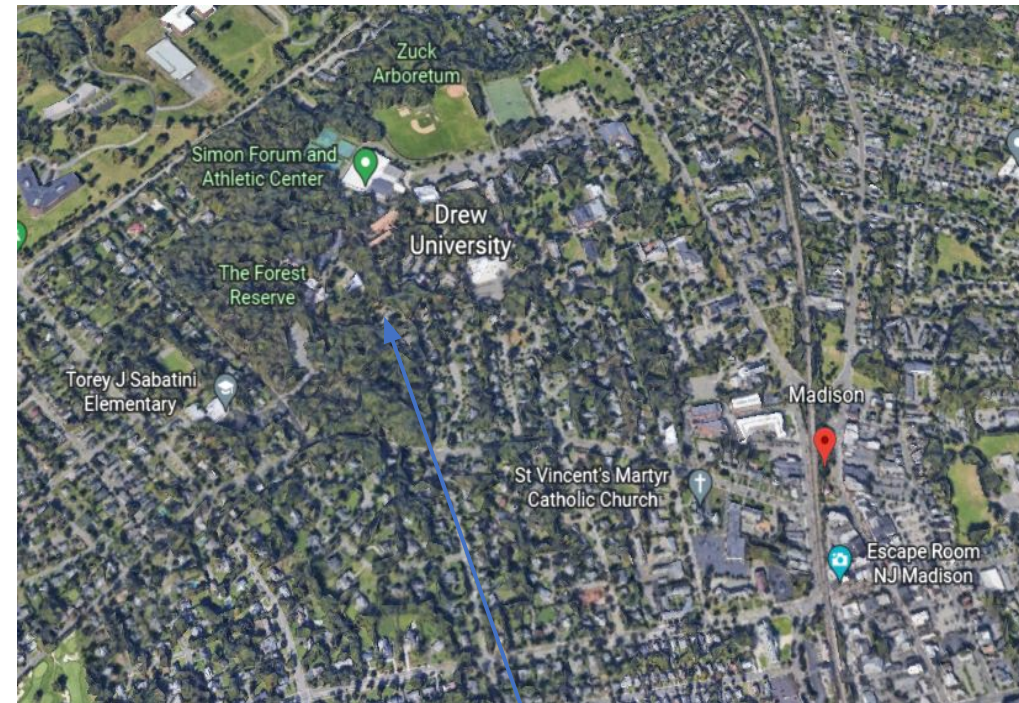
TapInto Article

Judge says Madison must consider
Drew Forest for affordable housing



The Drew Forest, August 2022. Photo by Kevin Coughlin

By Kevin Coughlin - September 19, 2022  10



*Court Mandated deforestation of 160
acres in Madison to replace with high
density housing*

Also, What We Are Trying to Avoid Large Mass Affordable Developments

- EXAMPLE

- 100% Affordable Unit Complex
- Town Size – Pop 6,000
- Lack of planning resulted in one large complex.
Town now responsible for new roads,
drainage, etc.
- This example is 100 + Affordable Units
(Bernardsville needs a min. of 163).





We need to continue to protect
our green spaces in
Bernardsville

Our 100% affordable Plan

Borough Acquired or Purchased and Donated

- 210 N. Finley- 47 Senior Affordable Rental Units
- 18 Mt. Airy Rd- 12 Affordable
- 63 Bernards Ave- 22 Affordable
- Mine Brook Road- 26 Affordable

Future Planned

- Quimby Block- 12 Builders Remedy Units
- Quarry Site- 17 Affordable
- Group Home TBD- 12 Affordable
- Conti Future Site- 4

There is a complicated formula of credits and bonus' we get as a borough against our agreed judgment, depending on whether housing is 100% affordable or if it addresses special needs groups

The Silver Lining

- We chose, what we feel, is the BEST developer of low-income housing – RPM
- We selected the best locations, we could, within the 0.5 mile radius of public transportation
- We believe that new housing will IMPROVE some neighborhoods
- This builder will construct best in class housing, providing real opportunities for lower income families in the Bernardsville Community
- To Apply, contact the borough's affordable housing consultants



1249 South River Road, Suite 301
Cranbury, NJ 08512-3716
Fax 609 664-2786

Company Website: www.cgph.net

Affordable Homes For Sale and Rent: www.affordablehomesnewjersey.com

This plan, while not ideal, is the best of two choices for Bernardsville