

Old Bridge

(1986)

lets: Settlement agreement - discussing 2 substantive points

5 pgs

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January 16, 1986

Jerome Convery, Esq.
151 Route 516
P.O. Box 872
Old Bridge, N.J. 08857

BY HAND DELIVERY

Dear Mr. Convery,


Pursuant to your request, I herewith describe the two substantive points regarding the settlement agreement that we discussed yesterday.

First, it is a condition of the Urban League's agreement to this settlement that the Order and Judgment expressly provide that the Court is denying or, at the very least the Township is withdrawing, its October 28, 1985 motion to transfer to the Affordable Housing Council, with prejudice. This is essential because the settlement is a compromise by all parties designed to put an end at last to this lengthy and tightly contested litigation.

Second, although we agree that the Township should be free to rezone some of the PD zone as long as it meets its fair share obligation, we are concerned that the terminology of the rezoning provision not be ambiguous, open-ended or create a risk of future disputes. We thus suggest that Paragraph 9 of the Order and Judgment be amended by adding at the end, "provided, however, that in any case no more than 10 percent of the land currently zoned PD and not subject to vested approvals or mentioned in this Order and attachments may be rezoned to nonresidential use." Since Mr. Hintz indicates that more than 2000 acres would remain in the PD zone, the proposed language would permit the Township to rezone more than 200 of these acres for commercial ratables and downzone other PD land to less intensive residential use, while assuring that the fair share obligation will realistically be met in the next six years.

Thank you for your attention to this matter.

Sincerely yours,



Eric Neisser
Co-Counsel for Urban League

1/16/86

PROPOSED LANGUAGE CHANGES ON ORDER AND JUDGMENT, SETTLEMENT
AGREEMENT, AND APPENDIX A

ORDER AND JUDGMENT --

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1. The phased obligation of the Township of Old Bridge to provide affordable housing for the six years following entry of this Order and Judgment is 1,668 units, half of which are to be low income and half of which are to be moderate income.

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6. (A)(1) - action taken between July 1, 1984 and the compliance hearing.

6.(A)(4) - If sufficient external funding is not available at the end of any calendar year, the Township shall propose an alternative mechanism to provide the required number of (rehabilitated) units.

6.(A)(5) - modify to read: "grants must average, in any calendar year, \$7,500 each, but in no case may any grant be less than \$4,000."

- add at end "the proceeds of such repayments to be paid into the Affordable Housing Trust Fund."

6.(B) - add at end "and in no case later than April 1987."

6.(C) -- modify to read as follows:

"1) The Township shall continue in force the amendments to the Land Use Development Ordinance, adopted on December 19, 1985 as Ordinance No. 55-85, and the Affordable Housing Ordinance, adopted on December 19, 1985 as Ordinance No. 54-85, requiring that all residential developments which have not received preliminary site plan approval as of December 19, 1985, shall provide 10% of the total number of units as lower income housing units of which half will be low income units and half moderate income housing units. Forthwith, but not later than February __, 1986, the Township shall adopt and shall thereafter continue in force the amendments to the Land Use Development Ordinance and to the Affordable Housing Ordinance introduced on first reading on January 21, 1986. Copies of Ordinances No. 55-85 and 54-85 adopted on December 19, 1985 and the amendments to those ordinances introduced on first reading on January 21, 1986 are attached hereto and made a part hereof as Appendix F.

2) Forthwith, but not later than February __, 1986, the Township shall adopt and thereafter continue in force the amendment to Ordinance No. 54-85 introduced on first reading on January 6, 1986, providing that in a residential development involving fewer than 100 total units, a developer may, in lieu of constructing 10 percent lower income units, pay a minimum of \$3,000 per market unit to the Old Bridge Affordable Housing Trust Fund, this fund having been established by Ordinance No. 54-85 on December 19, 1985. A copy of the ordinance amendments introduced on first reading on January 6, 1986 are attached hereto and made a part hereof as part of Appendix F. The amount of said payment may be modified by the Affordable Housing Agency periodically in light of changes in the costs of construction of lower income housing units. The Trust Fund shall be used solely for expansion of opportunities for affordable housing, including rehabilitation of existing substandard units, conversion of currently uncontrolled units to units affordable to and legally controlled for occupancy exclusively by low or moderate income households, and subsidization of either construction of, downpayments or mortgages for purchase of, or operating or maintenance costs or rents for, lower income units.

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6.(D) - modify to read: "Old Bridge Township has established an Affordable Housing Agency, and shall begin the process of adopting rules and regulations within thirty (30) days of the entry of this Order and Judgment. Final adoption of rules and regulations, including detailed plans for use of Trust Fund monies, shall take place no later than 120 days following entry of this Order and Judgment.

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7.(d) --amend second sentence to end -- "any party may move to schedule a hearing in accordance with V-B.3a(d) of the attached Settlement Agreement."

7.(e) -- add on third line after the word Order:

"and Judgment and the attached Settlement Agreement and Appendices"

add two additional subsections (iv) and (v) as follows:

(iv) Details on all monies received and expended by the Affordable Housing Trust Fund and the purpose of each expenditure.

(v) Information on the number, household size, and income category (low or moderate) of applicants for lower income housing and of households certified as eligible, and the number of contracts, leases, and closings by unit size and income category.

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7.(f) first line -- strike "grants of"
second line -- add "upon" between "housing" and "a"
fourth line -- change beginning to "the first Certificate of Occupancy"
fifth line -- change beginning to "approved for construction in that application for purposes..."

9. Add at end of current paragraph "provided, however, that in any case no more than 10 percent of the land currently zoned PD and not subject to vested approvals or mentioned in this Order and attachments may be rezoned to nonresidential use."

Add before Paragraph 10, to be renumbered 12, the following two new paragraphs:

10. The Court hereby denies with prejudice Old Bridge's motion under the Fair Housing Act, c. 222, sec. 16, filed October 30, 1985, to transfer this case to the Council on Affordable Housing.

11. This Court's Order of May 31, 1985 enjoining the Township from issuing building permits for more than 120 market units for the Oakwood at Madison project until further Court Order approving a phasing, affordability, and re-sale/re-rental restriction plan, is continued in full force and effect.