

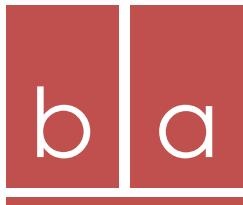
# Housing Element & Fair Share Plan

City of Englewood  
Bergen County, New Jersey

MARCH 10, 2023

Adopted by the City of Englewood Planning Board at  
a public hearing held on April 27, 2023





Community Planning  
Land Development and Design  
Landscape Architecture

Principals:

*Joseph H. Burgis PP, AICP*

*Edward Snieckus, Jr. PP, LLA, ASLA*

*David Novak PP, AICP*

BURGINS  
ASSOCIATES, INC.

**HOUSING ELEMENT & FAIR SHARE PLAN  
CITY OF ENGLEWOOD  
BERGEN COUNTY, NEW JERSEY**

**PREPARED FOR:**

**CITY OF ENGLEWOOD PLANNING BOARD  
BA# 3761.01**

**The original document was appropriately signed and sealed on March 10, 2023 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.**



John P. Szabo, Jr., P.P., AICP  
Professional Planner #3445

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William Bailey, Esq.

### **City Administrator**

Robert S. Hoffman

### **Affordable Housing Planning Consultant**

John P. Szabo, Jr., PP, AICP  
Burgis Associates

## TABLE OF CONTENTS

INTRODUCTION .....	1
SECTION I: HOUSING ELEMENT.....	6
SECTION II: FAIR SHARE OBLIGATION.....	19
SECTION III: FAIR SHARE PLAN.....	23

## LIST OF TABLES

Table 1: Dwelling Units (1960 to 2020) .....	7
Table 2: Housing Units by Tenure and Occupancy Status (2000 - 2019).....	7
Table 3: Units in Structure (2000 - 2019).....	8
Table 4: Number of Bedrooms in Housing Units (2000 - 2019).....	8
Table 5: Year Structure Built (2019).....	9
Table 6: Occupants per Room (2000 - 2019) .....	9
Table 7: Occupied Housing Units - Equipment and Plumbing Facilities (2010 and 2019).....	10
Table 8: Gross Rent of Specified Renter-Occupied Housing Units (2000, 2010 and 2019).....	10
Table 9: Value of Specified Owner-Occupied Housing Units (2000, 2010 and 2019).....	11
Table 10: Number of Residential Building Permits Issued For New Construction (2011 to 2020) .....	12
Table 11: Population Growth (1930 to 2020) .....	13
Table 12: Age Characteristics (2000 and 2019).....	13
Table 13: Average Household Size (1970 to 2019).....	14
Table 14: Household Income Distribution (1999 - 2019) .....	15
Table 15: Employment Status - Population 16 & Over (2000 - 2019).....	15
Table 16: Employed Residents Age 16 and Over, By Occupation (2000 and 2019) .....	16
Table 17: Employed Residents Age 16 and Over, By Industry (2000 and 2019).....	16
Table 18: Covered Employment Trends (2007 to 2019) .....	17
Table 19: Non-Residential Space Authorized by Building Permits (sq. ft.) (2009 to 2020) .....	18
Table 20: Prior Round Obligation.....	34
Table 21: Prospective Need Credit.....	36
Table 22: RDP Calculation.....	36
Table 23: Satisfaction of Very Low Minimums (Affordable Housing Units Created After July 1, 2008) .....	38
Table 24: Plan Components Addressing Third Round RDP Obligation.....	17
Table 25: Affordable Housing Overlay Zones .....	40

## INTRODUCTION

In accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., municipal planning boards must adopt, at a minimum, a land use plan element, housing element and recycling element of the master plan in order to maintain a valid zoning ordinance. This 2023 Housing Element has been prepared to address the City of Englewood's Third Round affordable housing obligation in accordance with the New Jersey Fair Housing Act (1985), N.J.S.A. 52:27D-301 et seq., and Mount Laurel doctrine establishing the constitutional obligation requiring municipalities to address their "fair share" of affordable housing. The extent of the City's various affordable housing obligations and plan mechanisms to address those obligations are detailed herein.

The Fair Housing Act, N.J.S.A. 52:27D-310 sets forth the essential components of a housing element which must include, at a minimum, the following:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
2. A projection of the municipality's housing stock, including the probable future construction of low and moderate- income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate-income housing; and
6. A consideration of the lands that are most appropriate for construction of low and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a

consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

The first section of the Housing Element contains the City's background data concerning land use patterns, demographics, housing patterns and economic trends. The second part of the Housing Element, the Fair Share Obligation, describes the City's constitutional obligation for the provision of affordable housing. Finally, the Fair Share Plan establishes how the City has addressed its affordable housing obligation.

#### Historic Overview of the Courts and COAH

In 1975, the New Jersey Supreme Court decided So. Burl. Cty. N.A.A.C.P. v. Tp. Of Mt. Laurel, 67 N.J. 151 (1975) ("Mount Laurel I"), in which it held that every developing municipality in the State had an affirmative constitutional obligation to provide for its fair share of affordable housing. Initially, there was little movement by municipalities to produce affordable housing, in part because of the lack of direction to address their respective "fair shares," and in response to which, the Supreme Court issued a second decision known as So. Burlington Ct. N.A.A.C.P. v. Mount Laurel Tp., 92 N.J. 158 (1983) ("Mount Laurel II"), which created the 'builder's remedy' lawsuit in an effort to get municipalities to comply with their constitutional affordable housing obligations. The Supreme Court also refined the constitutional obligation to focus primarily on those municipalities with portions of their boundaries within growth areas as shown on the State Development and Redevelopment Plan and called for the State legislature to enact legislation that would spare municipalities from the burden of having the courts determine their affordable housing needs. As a result, the State legislature adopted the Fair Housing Act in 1985. This was followed by the establishment of the New Jersey Council on Affordable Housing (COAH), the State agency responsible for overseeing the manner in which the State's municipalities address their low and moderate-income housing needs.

COAH adopted regulations establishing housing need numbers for the First Round obligation covering the years 1987 to 1993, and established Second Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the First and Second housing rounds COAH utilized what is commonly referred to as the "fair share" methodology. At the end of the second-round period which expired in 1999, COAH subsequently promulgated new rules for the Third Round" of affordable housing regulations and introduced the concept of "Growth Share" as the methodology by which municipal affordable housing obligations and compliance would be determined. Simply stated, the growth share model established a municipality's affordable housing requirements as a function of its potential future residential and economic growth.

Significantly, these regulations were challenged as unconstitutional in court by affordable housing advocates and representatives of the building industry. After years of litigation and failed amendments, on September 26, 2013, the New Jersey Supreme Court (Court) affirmed the

Appellate Division's invalidation of COAH's "growth share methodology" on the basis that the "growth share" methodology, incorporated into the Third Round Rules, were beyond the purview of the rulemaking authority delegated to COAH because they conflicted with the FHA.

The Supreme Court "endorsed the remedy imposed by the Appellate Division," that required COAH to adopt new Third Round Rules within five (5) months. The effect of the Supreme Court's decision was to require COAH to adopt new Third Round Rules by February 26, 2014 consistent with the lower court's decision.

After numerous delays, court challenges and COAH's failure to adopt revised regulations consistent with the Court's order and in response to the Fair Share Housing Center (FSC) filing a motion "in aid of litigant's rights," the Supreme Court issued its decision *In re: Adoption of N.J.A.C. 5:96 & 5:97*, 221 N.J. 1 (2015) on March 10, 2015 stripping COAH of its administrative duties relating to the affordable housing certification process. This decision granted FSC's motion in aid of litigant's rights, declared COAH ineffective in complying with the mandates of the FHA, dissolved the substantive certification process before COAH and created a judicial process by which a municipality can file a declaratory judgment action with the court seeking a judicial determination that their housing element satisfied their "third round" affordable housing obligation. The New Jersey Supreme Court appointed fifteen (15) "Mount Laurel" judges specifically to hear and decide these actions. The Court directed that the reviewing judges utilize methodologies similar to that developed by COAH in the prior first and second rounds. The Court further established a specific deadline (July 8, 2015) by which municipalities could file such actions.

On March 8, 2018, an opinion was entered by the Honorable Mary C. Jacobson, A.J.S.C., in the consolidated declaratory judgment proceedings: In the Matter of the Municipality of Princeton, Docket No. MER-L-1550-15 and In the Matter of West Windsor Township, Docket No. MER-L-1561-15, Superior Court of New Jersey, Law Division, Mercer County (collectively, the "Mercer Proceeding"). The opinion rendered in the Mercer Proceeding is titled: "Opinion on Fair Share Methodology to Implement the Mount Laurel Affordable Housing Doctrine for the Third Round" (the "Jacobson Opinion"). The Jacobson Opinion considered, analyzed and, ultimately, determined the appropriateness of the competing methodologies previously advocated by Econsult Solutions and Dr. Kinsey to determine New Jersey state-wide, regional and municipal present need rehabilitation and present need Gap + Prospective Need (1999-2015) affordable housing obligations. On March 28, 2018, state-wide and municipal obligations were released using the methodology found to be most appropriate by Judge Jacobson in the Jacobson Opinion (the "Jacobson Methodology"). The Jacobson Methodology has provided the basis for settlement of municipal affordable housing obligations with the FSC for the Third Round since.

## The City's Historic Response to Its Affordable Housing Obligations

The City of Englewood has a long-standing history of providing affordable housing through local and Federal government programs intended to promote affordability in the housing market for its residents. The City is a fully developed municipality having reached its full build out in the early 1970s. As such, the City has employed a variety of techniques to provide affordable housing and related supportive services, including:

- Forming a Housing Authority;
- Applying Housing and Urban Development (HUD) leveraged with other funding to build affordable housing units;
- Incorporating affordable housing in redevelopment projects;
- Construction of new affordable housing and group homes;
- The adopting of housing rehabilitation programs; and
- Providing social services and financial assistance programs to create and support Citywide affordable housing opportunities.

Pursuant to the Fair Housing Act and Council on Affordable Housing (COAH) regulations, the City of Englewood filed a Housing Element and Fair Share Plan with COAH on March 26, 2001 to address the City's Second Round obligation. Following release of COAH's first set of Third Round Substantive Rules, the Planning Board adopted a Third Round Housing Element and Fair Share Plan on February 2, 2006. The invalidation of COAH's Third Round regulations required Englewood to prepare a second, amended Third Round Housing Element and Fair Share Plan. The amended plan was prepared by Peter G. Steck, P.P., and adopted by the Englewood Planning Board on January 27, 2009. A third Housing Element and Fair Share Plan report was prepared by Phillips Preiss Shapiro Associates, Inc. and adopted by the Englewood Planning Board on August 25, 2009, in an initial response to the lawsuit filed by ERA South LLC et al. (ERA South) on January 2, 2009. In response to the Appellate Court's decision on October 8, 2010, the Planning Board adopted a Revised Third Round Housing Element and Fair Share Plan on September 19, 2011 in accordance with the Fair Housing Act and those portions of COAH's third round rules which were not overturned by the Court.

In March 2012, the City entered into a Settlement Agreement with litigant ERA South LLC, who had challenged Englewood's provision of low- and moderate-income housing on January 2, 2009. Fair Share Housing Center (FSHC) objected to the terms of the Settlement Agreement. At the fairness hearing in the Superior Court of Bergen County, Judge Martinetti validated the agreement. FSHC appealed that decision to the Appellate Division. In February 2014, the City, FSHC and ERA South entered into a supplement agreement amending the Settlement Agreement. Amongst the terms of the supplemental agreement was a prospective 95-unit affordable housing obligation to be addressed in a revised Fair Share Plan, and that a period of repose against any further Mt. Laurel lawsuits be granted for 5 years. The Amended Settlement Agreement also provided that the 95 units will count toward any future obligation of the City for affordable housing units after

a five-year period of repose expires. As part of the agreement, ERA South agreed to provide a 15-unit affordable housing set-aside out of the 195 multi-family units approved at ERA South's Flatrock Square multi-family residential project. Of these 15 units, 50 percent will be moderate income housing and 50 percent will be low-income housing. If the low- and moderate-income units are rental units, 20 percent of the low-income units will be very low-income housing.

As the five-year period of repose was about to lapse on May 31, 2019, the City of Englewood filed a declaratory judgement action on its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985 on May 30, 2019 seeking extended immunity from builder remedy lawsuits and a court determination as to the City's compliance with its COAH obligation for the Third Round (i.e., In the Matter of the City of Englewood, County of Bergen, Docket No. BER-L-4069-19). As a result of this filing the City entered into settlement negotiations with FSHC which resulted in a second settlement agreement entered into between the City and FSHC on November 2, 2022. The second settlement agreement with the FSHC which was approved by the Court at a fairness hearing held on January 10, 2023.

The following summarizes the City's obligation pursuant to the settlement agreement.

Rehabilitation Share*	380
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	152
Third Round (1999-2025) Prospective Need Fair Share	819

\*To be established by structural conditions survey.

The HE&FSP also includes the preparation of an assessment of vacant land in the City pursuant to the prescribed vacant land adjustment (VLA) process and realistic development potential (RDP), to determine the City's RDP and adjusted affordable housing obligation. The settlement reached with FSHC establishes an RDP of 76 units.

This document is intended to memorialize the settlement agreement with FSHC as approved by the Court and was prepared in accordance with the requirements of the Fair Housing Act. It is further intended that this document shall supersede the adopted 2014 Housing Element and Fair Share Plan.

# SECTION I: HOUSING ELEMENT

## A. COMMUNITY OVERVIEW

The City of Englewood is located in Bergen County and has a land area of 4.95 square miles. The City shares a boundary with six municipalities, including the City's of Bergenfield, Englewood Cliffs, Fort Lee, Leonia, Tenafly and the Township of Teaneck.

Major regional traffic is carried through the City on State Route 4, Interstate Route 80 and 95 as well as County Routes that include Liberty Street, Lafayette Place/Englewood Avenue/Lafayette Avenue, Forest Avenue, Ivy Land, Grand Avenue/Engle Street, Hudson Street/Dean Street/Van Nostrand Avenue and Palisade Avenue/Knickerbocker Road.

Englewood is a fully developed community, with its little remaining vacant land characterized by environmentally sensitive features or constrained by contaminants. A Vacant Land Inventory (VLA) conducted by the City reflects that most lots are scattered, isolated sites, and many are undersized. The VLA indicates that there are only 211 vacant lots in the City comprising 176.93 acres of land area. The City provides for a mix of different residential housing types that include single- and two-family homes, townhouses, and multifamily apartments throughout its residential neighborhoods. Industrial uses are located in the southern portion of the City situated along the major thoroughfares of South Van Brunt Street and South Dean Street. The City also has a central business district extending along Palisades Avenue Between Tenafly Road and Grand Avenue, which consists of retail, service commercial, office and mixed commercial and residential uses. Located within the core of the central business district is the Bergen PAC, City Hall, Municipal Court and Police Headquarters.

A map depicting the distribution of existing land uses within the City is appended to this plan.

## B. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the Housing Element provides an inventory of the City's housing stock, as required by the Municipal Land Use Law. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated.

1. Number of Dwelling Units. As shown in Table 1 below, the City's housing stock grew by 14% from 2000 to 2010 followed by an 8% decline from 2010 to 2021.

**Table 1: Dwelling Units (2000 to 2021)**

Year	Dwelling Units	Numerical Change	Percentage Change
2000	9,614	-	-
2010	11,122	1,508	14%
2021*	12,107	985	8%

Sources: U.S. Decennial Census, 2021 American Community Survey 5-year Estimates.

The following table provides additional detail regarding the tenure and occupancy of the City's housing stock. As shown below, 50% of the City's housing stock was estimated to be owner-occupied in 2019, which has slightly declined over the past two decades, down from 57%. In this same period, renter-occupied units remained consistently around 40% while the vacancy rate slightly increased from 3.5% to 6.5%.

**Table 2: Housing Units by Tenure and Occupancy Status (2000 – 2021)**

Characteristics	2000		2010		2021	
	Number	Percent	Number	Percent	Number	Percent
Owner-occupied Units	5,508	57.3%	5,897	53.0%	6,070	50.1%
Renter-occupied Units	3,765	39.2%	4,477	40.3%	5,250	43.4%
Vacant Units	341	3.5%	748	6.7%	787	6.5%
<b>Total</b>	<b>9,614</b>	<b>100%</b>	<b>11,122</b>	<b>100%</b>	<b>12,107</b>	<b>100%</b>

Sources: U.S. Census – 2000; 2010 & 2021 American Community Survey 5-year Estimates.

2. Housing Characteristics. The following tables provide additional information on the characteristics of the City's housing stock, including data on the number of units in the structure and the number of bedrooms. The City's housing stock is predominantly characterized by single-family detached development which accounts for approximately 40 percent of the housing stock. The next greatest share (approximately 25%) is represented by structures with 20 or more units. As for number of bedrooms within units, the majority of the City's units contain two and three bedrooms.

**Table 3: Units in Structure (2000 – 2021)**

<b>Units in Structure</b>	<b>2000</b>		<b>2010*</b>		<b>2021</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
Single Family, detached	4,502	47%	4,978	45%	4,783	39.5%
Single Family, attached	745	8%	780	7%	868	7.2%
2 units	1,074	11%	953	9%	1,056	8.7%
3 or 4 units	586	6%	754	7%	692	5.7%
5 to 9 units	746	8%	1077	10%	1,057	8.7%
10-19 units	523	5%	611	5%	616	5.1%
20 or more units	1,395	15%	1,969	18%	3,011	24.9%
Mobile Home	43	0%	0	0%	24	0.2%
Other	0	0%	0	0%	0	0.0%
<b>Total</b>	<b>9,614</b>	<b>100.0%</b>	<b>11,122</b>	<b>100.0%</b>	<b>12,107</b>	<b>100.0%</b>

Sources: U.S. Census – 2000; 2010\* & 2021\*\* American Community Survey 5-Year Estimates.

**Table 4: Number of Bedrooms in Housing Units (2010 – 2021)**

<b>Bedrooms</b>	<b>2010</b>		<b>2021</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
None	250	2%	243	2%
One	2,073	19%	1,930	16%
Two	2,735	25%	4,398	36%
Three	3,465	31%	3,095	26%
Four	1,464	13%	1,463	12%
Five or More	1135	10%	978	8%
<b>Total</b>	<b>11,122</b>	<b>100%</b>	<b>12,107</b>	<b>100%</b>

Sources: 2010 & 2021 American Community Survey 5-Year Estimates.

3. Housing Age. The following table details the age of the City's housing stock. As shown, the majority (24.8 percent) of the City's housing units were constructed prior to 1939. Approximately 15% percent of the City's housing stock was built in the following decade suggesting an older housing stock overall.

**Table 5: Year Structure Built (2021)**

Year Units Built	Number	Percent
2020 or Later	0	0.0%
2010 to 2019	763	6.3%
2000 to 2009	1305	10.8%
1990 to 1999	764	6.3%
1980 to 1989	1140	9.4%
1970 to 1979	1049	8.7%
1960 to 1969	710	5.9%
1950 to 1959	1501	12.4%
1940 to 1949	1868	15.4%
1939 or earlier	3,007	24.8%
<b>Total</b>	<b>12,107</b>	<b>100</b>

Sources: 2021 American Community Survey 5-Year Estimates.

4. **Housing Conditions.** An inventory of the City's housing conditions is presented by overcrowding, housing lacking complete plumbing and housing lacking complete kitchen facilities. An overcrowded unit is a unit with more than one person per room. A housing unit is considered substandard if any one of these conditions is present within the housing unit. The City's data indicates that the percentage of occupied housing units considered overcrowded increased from 2000 to 2010 from 2.5% to 4.3% but slightly declined from 2010 to 2021.

**Table 6: Occupants per Room (2000 – 2021)**

Occupants Per Room	2000		2010*		2021**	
			Number	Percent	Number	Percent
1.00 or less	8,514	91.8%	10104	97.4%	10,932	96.6%
1.01 to 1.50	416	4.5%	228	2.2%	274	2.4%
1.51 or more	343	3.7%	41	0.4%	114	1.0%
<b>Total Occupied Units</b>	<b>9,273</b>	<b>100%</b>	<b>10,374</b>	<b>100%</b>	<b>11,320</b>	<b>100%</b>

Sources: U.S. Census – 2000; 2010 & 2021 American Community Survey 5-Year Estimates.

The table below presents the presence of complete plumbing and kitchen facilities and the type of heating equipment used. As shown, the majority of occupied housing units in the City have had complete plumbing and kitchen facilities from 2010 to 2021 while the estimate of occupied units utilizing standard heating facilities slightly declined from 100% 2010 to 99.3% 2021.

**Table 7: Occupied Housing Units - Equipment and Plumbing Facilities (2010\* and 2021\*\*)**

Facilities	2010*		2021**	
	Number	Percent	Number	Percent
<u>Kitchen:</u>				
With Complete Facilities	10,301	99.3%	11,265	99.5%
Lacking Complete Facilities	73	0.7%	55	0.5%
<u>Plumbing:</u>				
With Complete Facilities	10,343	99.7%	11,288	99.7%
Lacking Complete Facilities	31	0.3%	32	0.3%
<u>Heating Equipment (Occupied Units):</u>				
Standard Heating Facilities	10,374	100%	11,246	99.3%
Other Means, No Fuel Used	0	0%	74	0.7%

Sources: 2010 & 2021 American Community Survey 5-Year Estimates.

5. Purchase and Rental Values. The table below shows gross rent and how it has changed across the last two decades. More than 82% of the City's rents were over \$1,000 per month in 2021 whereas that same distribution amounted to only 67% in 2010 and a mere 35% of the City's rents in 2000. The City's median gross rent in 2021 was \$1,326, representing an 90 percent increase over the City's median monthly rent in 2000.

**Table 8: Gross Rent of Specified Renter-Occupied Housing Units (2000, 2010 and 2019)**

Rent	2000		2010		2021	
	Number	Percent	Number	Percent	Number	Percent
Less than \$500	596	16%	572	13%	588	11.5%
\$500 to \$999	1873	50%	886	20%	466	9.1%
\$1,000 to \$1,499	771	20%	1672	37%	1355	26.6%
\$1,500 to \$1,999	345	9%	699	16%	955	18.7%
\$2,000 to \$2,499					533	10.5%
\$2,500 to \$2,999	49	1%	479	11%	512	10.0%
\$3,000 or more					689	13.5%
No cash rent	136	4%	169	4%	152	3%
<b>Occupied Units paying rent</b>	<b>3770</b>	<b>100%</b>	<b>4477</b>	<b>100%</b>	<b>5,098</b>	<b>100</b>
<b>Median Gross Rent</b>	<b>\$825</b>		<b>\$1,130</b>		<b>\$1,573</b>	

Sources: U.S. Decennial Census – 2000; 2010 & 2021 American Community Survey 5-Year Estimates.

The table below shows the breakdown of the value of owner-occupied housing units across the 2000 and 2010 decennial census as well as the 2021 ACS 5-year estimates. The median value of owner-occupied housing units increased by approximately 93 percent from 2000 to 2021.

**Table 9: Value of Specified Owner-Occupied Housing Units (2000, 2010 and 2019)**

Value Range	2000		2010		2019	
	Number	Percent	Number	Percent	Number	Percent
Less than \$50,000	8	0%	47	1%	79	1%
\$50,000 to \$99,999	94	2%	27	0%	14	0%
\$100,000 to \$149,999	508	12%	79	1%	60	1%
\$150,000 to \$199,999	1,403	33%	110	2%	277	5%
\$200,000 to \$299,999	887	21%	521	9%	1090	18%
\$300,000 to \$499,999	485	11%	3188	54%	2,766	46%
\$500,000 to \$999,999	721	17%	1144	19%	852	14%
\$1,000,000 or more	192	5%	781	13%	932	15%
<b>Total</b>	<b>4,298</b>	<b>100%</b>	<b>5,897</b>	<b>100%</b>	<b>6,070</b>	<b>100%</b>
<b>Median Value</b>	<b>\$212,400</b>		<b>\$435,200</b>		<b>\$410,200</b>	

Sources: U.S. Decennial Census – 2000; 2010 & 2021 American Community Survey 5-Year Estimates.

6. Number of Units Affordable to Low- and Moderate-Income Households. The City is located in COAH Housing Region One, which is comprised of Bergen, Passaic, Hudson and Sussex Counties. Based on the 2021 Affordable Housing Professionals of New Jersey (AHPNJ) regional income limits (attached hereto as Appendix A-1, the median household income for a three-person household in COAH Region One is \$93,659. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$74,928. A three-person low-income household, established at no more than 50 percent of the median income, would have an income not exceeding \$46,830.

An affordable sales price for a three-person moderate-income household earning 80 percent of the median income is estimated at approximately \$275,000. An affordable sales price for a three-person low-income household earning 50 percent of the median income is estimated at approximately \$165,000. These estimates are based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.3.

In 2021, 25 percent of the City's housing units were valued at less than \$300,000, and 3 percent were valued at less than \$150,000. For renter-occupied housing, an affordable monthly rent for a three-person moderate-income household is estimated at approximately \$1,875. An affordable monthly rent for a three-person low-income household is estimated at approximately \$1,175. In 2021, approximately 47 percent of the City's rental units had a gross rent less than \$1,500, and approximately 20 percent of the rental units had a gross rent less than \$1,000.

## C. PROJECTION OF MUNICIPAL HOUSING STOCK

The COAH regulations require a projection of the community's housing stock, including the probable future construction of low- and moderate-income housing, for the ten years subsequent to the adoption of the Housing Element. This projection shall be based upon an assessment of data which minimally must include the number of residential construction permits issued, approvals of applications for residential development, and probable residential development of lands. Each of these items are identified and outlined below.

1. Housing Units Constructed During the Last Ten Years. The table below provides data concerning residential building permits issued for new construction during the past ten years. During this period, a total of 459 residential building permits were issued for new construction.

**Table 10: Number of Residential Building Permits Issued For New Construction (2011 to 2020)**

Year Issued	One & Two Family	Multi-Family	Mixed-Use	Total
2011	2	0	0	2
2012	3	0	0	3
2013	10	0	0	10
2014	4	0	3	7
2015	2	1	1	4
2016	4	185	0	189
2017	5	0	3	8
2018	14	0	1	15
2019	1	220	0	221
2020	0	0	0	0
<b>Total</b>	<b>45</b>	<b>406</b>	<b>8</b>	<b>459</b>

Source: New Jersey Construction Reporter.

2. Probable Residential Development of Lands. Considering the rate of residential growth experienced in the City over the past ten years and the limited amount of developable parcels remaining in the City, it is anticipated that the City will continue to see only modest growth in one- and two-family residential development over the next five years. Multifamily residential development, however, is anticipated to grow due to increased market demand for such units as properties are redeveloped for multifamily development and as a result of implementation of the City's affordable housing plan.

## D. POPULATION ANALYSIS

The COAH regulations require that a Housing Element provide an analysis of the community's demographic characteristics, including an assessment of population size, rate of population growth, age characteristics, income levels, and household size. Each of these items is described in this section of the report.

1. Population Size. As seen in the table below, the City has had a relatively stable population since 1960 with the total population fluctuating between approximately 23,000 residents and 26,000 residents through 2000 and a continuous increase past 29,000 since then.

**Table 11: Population Growth (1960 to 2021)**

Year	Population	Population Change	Percent Change
1960	26,057		
1970	24,985	-1,072	-4%
1980	23,701	-1,284	-5%
1990	24,850	1,149	5%
2000	26,203	1,353	5%
2010	27,147	944	3%
2021	29,129	1,982	7%

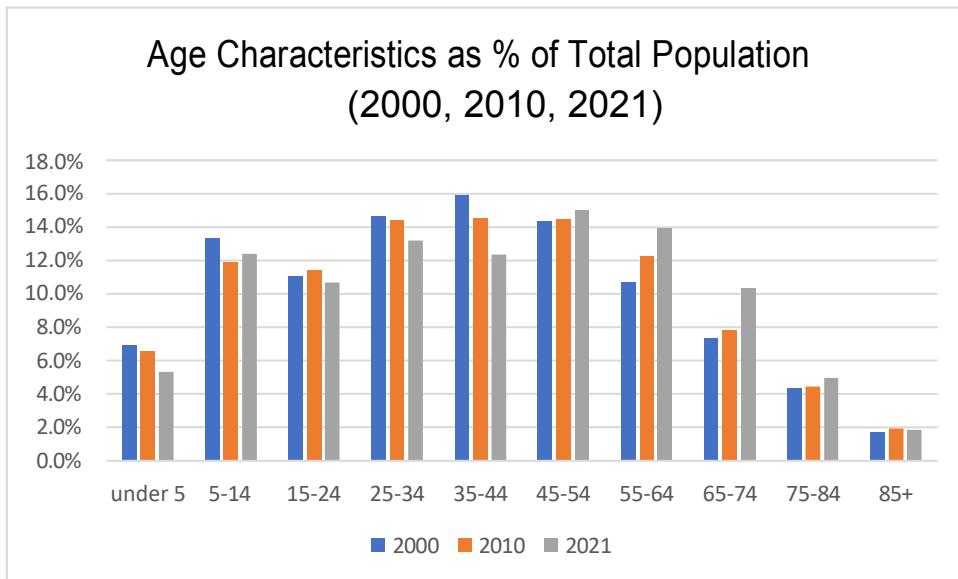
Sources: US Decennial Census; 2021 American Community Survey 5-Year Estimate.

2. Age Characteristics. The City's age characteristics are outlined in the table and corresponding chart below.

**Table 12: Age Characteristics (2000 and 2021)**

Age Group	2000		2010		2021	
	Total	% Total	Total	% Total	Total	% Total
Under 5	1,814	6.9%	1,783	6.6%	1,554	5.3%
5-14	3,485	13.3%	3,237	11.9%	3,611	12%
15-24	2,906	11.1%	3,100	11.4%	3,107	11%
25-34	3,830	14.6%	3,902	14.4%	3,845	13%
35-44	4,163	15.9%	3,939	14.5%	3,596	12%
45-54	3,756	14.3%	3,931	14.5%	4,365	15%
55-64	2,803	10.7%	3,335	12.3%	4,050	14%
65-74	1,914	7.3%	2,123	7.8%	3,014	10%
75-84	1,140	4.4%	1,207	4.4%	1,448	5%
85+	439	1.7%	527	1.9%	539	2%
<b>Total</b>	<b>26,206</b>	<b>100</b>	<b>27,147</b>	<b>100</b>	<b>29,129</b>	<b>100</b>
<b>Median Age</b>	<b>37.2</b>		<b>38.9</b>		<b>42.4</b>	

Sources: U.S. Census – 2010; 2021 American Community Survey 5-Year Estimates.



In 2000, the greatest percentage of residents were between the ages of 35 and 44 (approximately 16%). In 2021, the greatest percentage of residents were between the ages of 45-54. All age ranges below the age of 45 have declined in representation over the past two decades, whereas all ranges older than 45 have increased indicating an aging population.

3. Average Household Size. The average household size has slightly declined from 2000 to 2021 as shown below.

**Table 13: Average Household Size (2000 to 2021)**

Year	Average Household Size
2000	2.79
2010	2.57
2021	2.56

Sources: U.S. Decennial Census 1970 to 2010; 2019 American Community Survey 5-Year Estimates.

4. Household Income. Detailed household income figures for 1999 and 2021 are shown in the following table. During this time, the City's median household income increased by approximately 56 percent, from \$58,379 in 1999 to \$91,164 in 2019. The City's median income of \$91,164 in 2019 is approximately 13% less than that of the County's median income of \$105,171 at that same time.

**Table 14: Household Income Distribution (1999 - 2021)**

Income Category	1999		2021	
	Number	Percent	Number	Percent
Less than \$10,000	620	7%	521	4.6%
\$10,000 to \$14,999	520	6%	509	4.5%
\$15,000 to \$24,999	664	7%	657	5.8%
\$25,000 to \$34,999	790	9%	498	4.4%
\$35,000 to \$49,999	1371	15%	1109	9.8%
\$50,000 to \$74,999	1525	16%	1472	13.0%
\$75,000 to \$99,999	1256	14%	1302	11.5%
\$100,000 to \$149,999	1212	13%	1641	14.5%
\$150,000 or more	1333	14%	3611	31.9%
<b>Total</b>	<b>9,291</b>	<b>100</b>	<b>11,320</b>	<b>100</b>
<b>Median</b>	<b>\$58,379</b>		<b>\$91,164</b>	
<b>Bergen County Median</b>	<b>\$64,912</b>		<b>\$105,171</b>	

Sources: 1999 & 2021 American Community Survey 5-Year Estimates.

#### **E. EMPLOYMENT ANALYSIS**

The COAH regulations require that the Housing Element include an analysis of the existing and probable future employment characteristics of the community. The following tables present information on historic trends, employment characteristics, occupational patterns, and related data.

1. Employment Status. The following table provides information on the employment status of City residents age 16 and over.

**Table 15: Employment Status - Population 16 & Over (2000 - 2021)**

Employment Status	2000		2010		2021	
	Number	Percent			Number	Percent
In labor force	13,298	100%	14,557	68%	16,309	69%
Civilian labor force	13,298	65%	14,557	68%	16,309	69%
Employed	12,495	61%	13,657	64%	14,937	63%
Unemployed	803	4%	900	4%	1372	6%
% of civilian labor force	6	X	4.2	X	5.8	X
Armed Forces	0	0%	0	0%	0	0%
Not in labor force	7,171	35%	6,856	32%	7,416	31%
<b>Total Population 16 and Over</b>	<b>20,469</b>	<b>100%</b>	<b>21,413</b>	<b>100%</b>	<b>23,725</b>	<b>100</b>

Sources: U.S. Decennial Census; 2010 & 2021 American Community Survey 5-Year Estimates.

2. Employment Characteristics of Employed Residents. The following two tables

detail information on the employment characteristics of the City's residents. The first table details employment by occupation and the second table details employment by industry. The 2019 ACS estimate shows that two thirds of the City's residents age 16 and older were employed in either the management, professional and related occupations or sales and office occupations. As industry representation, the largest percentage of employed residents age 16 and older (27%) in 2021 was within the educational, health and social services industries. From 2000 to 2021, the City saw declines in employment in manufacturing, wholesale/retail trade, information, and public administration industries with notable increases in education, health and social services as well as arts, entertainment, recreation, accommodation and food services.

**Table 16: Employed Residents Age 16 and Over, By Occupation (2000 and 2021)**

Occupation	2000		2010		2021	
	#	%	#	%	#	%
Management, business, science, and arts	4,826	39	5,849	43	7438	50
Service occupations	2005	16	2107	15	2131	14
Sales and office occupations	3,403	27	3,432	25	3315	22
Natural resources, construction, and maintenance occupations	716	6	774	6	42	0
Production, transportation, and material moving occupations	1545	12	1495	11	1561	10
<b>Total</b>	<b>12,495</b>	<b>100</b>	<b>13,657</b>	<b>100</b>	<b>14,937</b>	<b>100</b>

Sources: U.S. Decennial Census; 2010 & 2021 American Community Survey 5-Year Estimates.

**Table 17: Employed Residents Age 16 and Over, By Industry (2000 and 2021)**

Industry	2000		2010		2021	
	#	%	#	%	#	%
Agriculture, forestry, fishing and hunting, and mining	20	0	16	0	5	0
Construction	414	3	566	4	586	4
Manufacturing	1439	12	1225	9	928	6
Wholesale trade	642	5	564	4	413	3
Retail trade	1283	10	1264	9	1382	9
Transportation and warehousing, and utilities	728	6	877	6	1065	7
Information	643	5	558	4	337	2
Finance, insurance, real estate, and rental and leasing	1165	9	1655	12	1459	10
Professional, scientific, management, administrative, and waste management services	1505	12	1578	12	1987	13
Educational, health and social services	2949	24	3,572	26	4058	27
Arts, entertainment, recreation, accommodation and food services	664	5	707	5	1439	10
Other services (except public administration)	645	5	713	5	974	7
Public administration	398	3	362	3	304	2
<b>Total</b>	<b>12,495</b>	<b>100</b>	<b>13,657</b>	<b>100</b>	<b>14,937</b>	<b>100</b>

Sources: U.S. Decennial Census; 2010 & 2021 American Community Survey 5-Year Estimates.

3. Employment Projections. A projection of the City's probable future employment characteristics is based on an assessment of historic employment trends, the number of non-residential construction permits issued, and probable non-residential development of lands. Each of these items are identified and outlined below.

a. Historic Employment Trends. The table below provides data on the City's average annual employment over the past ten years. The City has had steady growth in the number of jobs since 2014 with a decrease of 7.2% during 2020 as a result of the Covid19 pandemic followed by an increase of 5% in 2021.

**Table 18: Covered Employment Trends (2010 to 2021)**

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2010	14,191	-	-
2011	14,771	580	3.9%
2012	14,688	-83	-0.6%
2013	14,679	-9	-0.1%
2014	14,905	226	1.5%
2015	15,079	174	1.2%
2016	15,357	278	1.8%
2017	15,520	163	1.1%
2018	16,142	622	3.9%
2019	16,761	619	3.7%
2020	15,633	-1,128	-7.2%
2021	16,449	816	5.0%

Sources: New Jersey Department of Labor and Workforce Development

b. Non-Residential Square Footage Constructed During the Last Ten Years. The table below provides data concerning the amount of non-residential square footage authorized by building permits between 2009 and 2020. During this period, building permits were issued for roughly 8320,00 square feet of non-residential space. Just under 50 percent of this space was for office whereas just under 25 percent of this was retail space. Ten percent was institutional space and nine percent for A-3 assembly space which accounts for spaces such as indoor swimming pools, art galleries and museums.

Table 19: Non-Residential Space Authorized by Building Permits (sq. ft.) (2009 to 2020)

Year Issued	Office	Retail	A-2	A-3	A-4	Institutional	Industrial	Storage	Total
2009	3,933	0	0	0	0	0	0	12,943	<b>16,876</b>
2010	11,084	512	0	4,730	0	0	0	2,569	<b>18,895</b>
2011	24170	3,425	0	0	0	0	0	0	<b>27,595</b>
2012	7,475	4,215	0	0	0	0	4,572	0	<b>16,262</b>
2013	5608	0	741	23,365	0	3,324	0	0	<b>33,038</b>
2014	1	2,113	0	4,800	0	0	0	0	<b>6,914</b>
2015	0	1	742	0	0	7,4812	0	1	<b>75,556</b>
2016	31,833	11,500	0	20,466	0	0	23,970	0	<b>87,769</b>
2017	303,650	0	0	19,640	0	8,900	0	0	<b>332,190</b>
2018	3,477	0	0	0	0	0	0	0	<b>3,477</b>
2019	0	0	0	0	0	0	0	0	<b>0</b>
2020	4,477	173,335	0	0	0	0	2,086	34,209	<b>214,107</b>
<b>Total</b>	<b>395,708</b>	<b>195,101</b>	<b>1,483</b>	<b>73,001</b>	<b>0</b>	<b>87,036</b>	<b>30,628</b>	<b>49,722</b>	<b>832,679</b>

Source: New Jersey Construction Reporter.

## SECTION II: FAIR SHARE OBLIGATION

### A. SUMMARY OF FAIR SHARE OBLIGATION

For purposes of establishing the City Third Round affordable housing obligation and for settlement with FSHC, it was agreed to utilize the affordable housing methodology and numbers arrived at by the Honorable Mary C. Jacobson, A.J.S.C., in the consolidated declaratory judgment proceedings: *In the Matter of the Municipality of Princeton*, Docket No. MER-L-1550-15 and *In the Matter of West Windsor Township*, Docket No. MER-L-1561-15, Superior Court of New Jersey, Law Division, Mercer County (Jacobsen Decision). The City's obligation also incorporates a 95-unit housing credit that the City is entitled to under the prior judgement of compliance and repose.

The following summarizes the City's obligation pursuant to the settlement agreement.

Rehabilitation Share*	380
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	152
Third Round (1999-2025) Prospective Need Fair Share	819

\*To be established by structural conditions survey.

The rehabilitation component of the affordable housing obligation is based on a municipality's existing housing deficiencies. It is defined as the number of deficient housing units occupied by low- and moderate-income households within a municipality. A deficient housing unit is a unit with health and safety code violations that require the repair or replacement of a major system. A major system includes any of the following: weatherization, roofing, plumbing, heating, electricity, sanitary plumbing, lead paint abatement and/or load bearing structural systems. The City contends that the Present Need/Rehabilitation Share does not accurately reflect the condition of the City's housing stock and overestimates the obligation. Therefore, the City will conduct a housing structural conditions survey as permitted under current COAH regulations in order to establish a more accurate obligation.

### B. Prior Round Obligation

The City's Prior Round Obligation from the Second Round is 152 units. The City has satisfied its prior round obligation in the following manner:

**Table 20: Prior Round Obligation**

Name of Development	# of AH units	# of bonus credits	Total AH credits	Comments/Status
Westmoor Gardens	64		64	Prior Cycle family rental credits; Completed in 1984
Shepard House	12	12	24	Supportive housing; completed in 1998
Independence Hall	8	1	9	Supportive housing; completed in 1998
J-ADD (UJC) Group Home	4		4	Supportive housing; completed in 1988
PSCH-Phelps Avenue	4		4	Supportive housing; completed in 1999
PSCH-Knickerbocker Road	4		4	Supportive housing; completed in 2002
167-169 Morse	4		4	Family rental; Completed in 1993
Garrett Apartments	34		34	Prior Cycle Family Rental; Completed in 1982
First Baptist Church	5		5	Supportive housing; completed in 2009
Total	139	13	152	

Consequently, as a result of the City's compliance with completing its Second Round affordable housing obligation, the City does not have a prior round obligation for the Third Round.

### **C. Present Need - Structural Conditions Survey**

The City's Present Need/Rehabilitation obligation as established by the settlement agreement is 380 units. The City is entitled to a 152-unit credit in recognition of the rehabilitation taking place at the Vincent K. Tibbs Senior Housing located at 111 West Street as operated by the Englewood Housing Authority due to damage caused by Hurricane IDA. A total of \$1.8 million dollars obtained through a FEMA grant is funding the rehabilitation which equates to an average expenditure of \$11,842.00 per unit. This credit reduces the Present Need obligation to 228 units.

As indicated in the Housing Element portion of the HEFSP, the City's housing stock does not exhibit widespread deterioration that is reflected in the Present Need obligation as calculated. In fact, the City has managed a very successful housing rehabilitation program that rehabilitated many of units identified as "indigenous" need from the prior round.

The City's rehabilitation obligation for the Third Round will be established by conducting a town wide structural conditions survey that will be completed by the City's Code Enforcement Officer. The survey will encompass the entire community and will be submitted to the Court Master and FSHC for confirmation. Should the structural conditions survey reflect a higher number, the City's obligation will be capped at the settlement amount of 228 units.

#### **D. Vacant Land Adjustment**

The City's affordable housing obligation related to Prospective Need is informed by a vacant land adjustment and the imposition of a realistic development potential (RDP) analysis, undertaken pursuant to the Second Round rules. The vacant land analysis identified all vacant sites of minimally 0.83 acres in size, imposed wetland, steep slope and flood plain information pursuant to the applicable regulations, and calculated the remaining acreage that is to be utilized to determine the City's RDP.

The analysis identifies 211 lots comprising 176.93 acres of developable land in the community that qualify for RDP analysis, owing to the fully developed character of the City and the presence of environmentally sensitive features that are excluded from the RDP calculation. Pursuant to the applicable regulations presumptive densities were applied to the available lots which results in an RDP based upon the VLA of 23 units.

The City's vacant land assessment is appended to this document with the FSHC settlement agreement.

#### **E. Third Round Prospective Need**

The City's Third Round Prospective Need of 819 affordable units is inclusive of the "Gap" period as decided by the New Jersey Supreme Court in In re: Declaratory Judgement Actions Filed by Various Municipalities, 227 N.J. 508 (2017) and is comprised of two components, RDP and Unmet Need. The City is entitled to a 95-unit credit towards its prospective need as provided for in the Court's prior judgement of repose thereby reducing the City's prospective need to 724 units.

The City's Prospective Need is described as follows:

The City is entitled to a 95-unit credit from the 2015 Court judgement based upon the construction of the following units:

**Table 21: Prospective Need Credit**

Development	AH Units	Comments/Status
Westmoor Gardens (extension of affordability controls	64	Prior Cycle family rental units; Completed in 1984 with controls extended during the period of repose between 2014-2019
Habitat for Humanity	4	Family; for sale completed in 2008
Foti	3	Additional units added to existing unit
Vantage Health	3	Supportive Housing completed in 2011
Englewood Avenue Senior	6	Completed
Flatrock Square (ERA South, LLC)(Block 2605, Lot 2.03)	14	Completed
Bristol (Assisted Living)	1	Completed in 2018
Total	95	

The settlement Agreement entered into by the City establishes an RDP of 76 units based upon the following developments:

**Table 22: RDP Calculation**

Development	RDP
City's VLA	23
15 S. Dean Street	18
Hotel Pad Site	33
West Englewood Avenue	2
Total	76

The remaining balance or difference between the City's total Third Round Prospective Need Obligation and RDP is considered "Unmet" Need. The City's Unmet Need is therefore, 640 units (648 less 8-unit credit from the Bristol Senior Assistance Living development).

## SECTION III: FAIR SHARE PLAN

### A. Plan Summary

The Housing Element and Fair Share Plan identifies the manner in which the City's fair share affordable housing obligation of 1,104 units are to be addressed. This is summarized below.

1. Rehabilitation Share. The City's obligation is 380 units less a 152-unit credit for units under rehabilitation at the Tibbs Senior Center for a total of 228. Once firmly established through a structural conditions survey, the City intends to satisfy its rehabilitation obligation by establishing a housing rehabilitation program funded through the City's Affordable Trust Fund and by participating in the Bergen County Housing Rehabilitation Program.
2. Prior Round Obligation. The City's prior round new construction obligation is 152 units. The entirety of this prior round obligation has been addressed, as detailed previously in the prior section of this document.
3. Third Round Prospective Need. The City has a Third Round RDP housing obligation of 819 units with a credit of 95 units stemming from the City's earlier judgement of repose and 2014 Amended Settlement Agreement previously discussed for a total Prospective Need obligation of 724 units.

Each are detailed in the ensuing sections.

### B. Minimums/Maximums to be Addressed

Based upon the settlement agreement reached with FSHC and in accordance with affordable housing regulations, the following additional requirements are incorporated into the Fair Share Plan affecting any affordable housing developments generated by the plan:

1. At least fifty percent of the units addressing the Third Round Prospective Need shall be affordable to very-low income and low-income households with the remainder affordable to moderate-income households.
2. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
3. At least half of the units addressing the Third Round Prospective Need in total shall be available to families.
4. There will be a cap of twenty-five percent on age-restricted units on all units developed or planned to meet its cumulative prior round and third round fair share obligation.

5. At minimum 13 percent of all units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary and final site plan approval, shall be affordable to very low income families with half of the very low income units being available to families. The following table illustrates this obligation:

**Table 23: Satisfaction of Very Low Minimums Affordable Housing Units Created after July 1, 2008**

Project	Required
Vivian	15
Hotel Pad Site	33
202 First Street	4
Foti	3
Vantage Health	3
Englewood Avenue Senior	6
Bristol	27
202 First Street	4
<b>Total</b>	<b>95</b>
Minimum VLI Required (13% of Total)	13
Minimum Family VLI Units (50% of Total VLI)	7
Vivian	2
Hotel Pad	5
202 First Street	1
Bristol	27
<b>Total VLI</b>	<b>35</b>
<b>Total Family VLI</b>	<b>8</b>

In addition, all affordable units created as a result of development generating affordable units either under the City's Affordable Housing Overlay Zones or by the mandatory set-aside ordinance shall be subject to the 13% very low income requirement.

6. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:89-26.1.

### **C. Plan Components**

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the City's affordable housing obligations, as discussed above. The Plan Components Map included at the end of this plan illustrates the location of all existing and proposed developments identified herein.

1. Rehabilitation Share. The City has a rehabilitation share of 380 units less a 152-unit credit for rehabilitation of existing senior units at the Tibbs Senior Housing facility for a present need obligation of 228 units. The City will establish a housing rehabilitation program and plans to participate in the Bergen County Housing Rehabilitation Program. COAH's regulations require municipalities to set aside sufficient funds to address one-third of their rehabilitation obligation within one year of substantive certification of their plan. In addition, municipalities are required to set aside sufficient funds to address one-sixth of their rehabilitation obligation each subsequent year of the substantive certification period. A minimum of \$10,000 rehabilitation expenditure per unit is required.
2. Remaining Prior Round Obligation. The City's prior round new construction obligation is 152 units. The entirety of this prior round obligation has been addressed, as detailed previously in the prior section of this document.
3. Prospective Need. The City has a Third Round Obligation of 819 units that is partially satisfied with 95 units pursuant to the 2014 judgement resulting in a remaining obligation of 724 units. The obligation is comprised of two components, RDP and Unmet need. The following describes the mechanisms satisfying both.
4. Development Sites Addressing RDP. The City's RDP is addressed with the following mechanisms:

**Table 24: Plan Components Addressing Third Round RDP Obligation**

<b>Development</b>	<b>Number of Affordable Units</b>
ERA-Hotel Pad Site	33
Bristol Assisted Living	19*
202 First Street	4
Vivian (ERA South)	1
Rental Bonuses	19
<b>Total</b>	<b>76</b>

\*The Bristol is limited to 19 credits because of the age-restriction cap.

The remainder of the units will be applied towards the City's unmet need.

Pursuant to the settlement the City is obligated to provide a realistic opportunity for the development of affordable housing on the following sites as detailed in the table above:

- a. ERA South LLC (Hotel Pad) – as part of the 2014 Judgment of Repose the City agreed to, under certain conditions, rezone the property located at Block 2602 Lot 3.03 to permit up to 45 residential units with a 12.5 % set-aside. Since that time the City and the property owner have engaged in further discussions as to the future development on the property. In October 2022 the City amended the Redevelopment Plan for the site to permit up to two-hundred and twenty (220) residential units and requiring a fifteen (15) percent set-aside for affordable housing which shall include at least thirty-

three (33) affordable housing units.

- b. Bristol (Assisted Living) – the City's Zoning Board of Adjustment approved the development of two-hundred and seventy-three (273) unit assisted living facility which includes a mandatory ten (10) percent set-aside of twenty-seven (27) units for Medicaid recipients. In the City's Third Round compliance plan this development is partially used to address the City's realistic development potential (RDP), and the City's unmet need.
- c. 202 First Street – on February 27, 2020 the City's Zoning Board of Adjustment approved a development located at 15 S. Dean Street and required as part of the resolution of approval for the developer to provide at least four (4) affordable housing units on an off-site location. These four (4) affordable homes were identified and converted with affordability controls in August-September, 2022.

5. Unmet Need. The City's RDP of 76 units, subtracted from the remaining Third Round Obligation of 724 units, results in an Unmet Need of 648 units, which shall be addressed through the following mechanisms:

- a. The City will create overlay zones for affordable housing at the prescribed densities indicated in the following table and requiring a 20% set-aside of affordable units. A location map and listing of specific property's to be included within the overlay zones is appended to this document:

**Table 25: Affordable Housing Overlay Zones**

Site Id	Density per Acre
First Student Charter Bus (Block 2407, Lot 7; Block 2801 Lot 1)	35
Areas 1, 2, 3, 4, 6, 8, 10, 11, 12, 13, and 14 (CareOne)	15
Area 5	50
Area 7	35
Area 9	35

- b. The City will create a program to assist non-profit affordable housing organizations in the development in Englewood which will consist of the following components:
  - (1). Englewood will encourage the involvement of non-profits in meeting its unmet need, with a goal of providing 25 additional homes for families by July 1, 2025.
  - (2). The City will fund the program in part through its spending plan and in part through cooperation in obtaining other public subsidies in addition to other affirmative measures required by law.

- (3). The City will an annual meeting in which local and regional non-profits are invited to participate in sharing ideas and making proposals.
- (4). Englewood will discuss its efforts to provide 25 additional homes for families at a council meeting for which 30 days' public notice shall be provided, which meeting shall occur in the month selected by the City within the first six months of the year and annually thereafter in that same month through July 1, 2025. The City will provide a written report regarding its efforts during the past year at least two weeks prior to the annual meeting.

As provided for in the settlement agreement, it is significant to note that other than using trust funds that it has already received, as well as trust funds it receives in the future, in accordance with an approved spending plan, as addressed in the agreement, Englewood will have no financial obligation to pay for or subsidize the 25 units addressed in this section. This means that Englewood shall not be required to adopt a "Resolution of Intent to Bond" and shall not be required to use funds other than Affordable Housing Trust Funds to support these units. The City acknowledges that a Resolution of Need, tax abatement or other similar actions require formal actions by the governing body and may be required under certain affordable housing laws or as a condition precedent to the award of certain public subsidy programs.

The settlement agreement also acknowledges that the City may make all reasonable efforts and still not achieve the development of 25 affordable homes in 100% affordable developments as contemplated by the settlement agreement and may not accomplish interim steps toward the development of those units by July 1, 2025. Public subsidies may not be available or other unanticipated factors may arise. Therefore, failure to provide any or all of the 25 units contemplated by this section of this agreement shall not provide a cause of action by any party against the City of Englewood. The obligations set forth in this paragraph shall terminate on July 1, 2025, provided however that the City shall continue its involvement in any then pending project or funding applications that were commenced prior to July 1, 2025.

- c. The City has adopted an ordinance requiring a mandatory affordable housing set aside for all new multi-family residential developments of five (5) units or more that becomes permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or a new or amended redevelopment plan. The current mandatory set-aside ordinance will be amended to require a 20% affordable housing set-aside for eligible developments subject to the ordinance. The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.

# Appendices



Adam M. Gordon, Esq.  
Laura Smith-Denker, Esq.  
David T. Rammier, Esq.  
Joshua D. Bauers, Esq.  
Rachel N. Lokken, Esq.  
Ashley J. Lee, Esq.  
Zoey Chenitz, Esq.

November 1, 2022

Edward J. Buzak, Esq.  
The Buzak Law Group, LLC  
150 River Road  
Suite N4  
Montville, NJ 07045

William Bailey, Esq.  
Huntington Bailey LLP  
373 Kinderkamack Road  
Westwood, New Jersey 07675

**Re: In the Matter of the City of Englewood City, County of Bergen,**  
Docket No.BER-L-4069-19

Dear Messrs. Buzak and Bailey:

This letter memorializes the terms of an agreement reached between the City of Englewood City (the "City" or "Englewood"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1,30 (2015)(Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

### **Background**

Englewood filed the above-captioned matter on May 30, 2019 seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the City and FSHC have agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

The City was previously the defendant in a builder's remedy lawsuit entitled ERA South, et al. v. City of Englewood, et al., BER-L-233-09, as well as several other derivative lawsuits, and an appeal of the final judgment by FSHC. Those matters were ultimately resolved via a settlement agreement by and among ERA South LLC, the City of Englewood, Mayor and Council of the City of Englewood, and the Planning Board of the City of Englewood, and Fair Share Housing Center. This 2014 Amended Settlement Agreement was the basis for the City's Final Judgment of Repose which provided the City with repose from May 14, 2014 until May 31, 2019.

### **Settlement terms**

The City and FSHC hereby agree to the following terms:

1. FSHC agrees that the City, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round Obligation instead of doing so through plenary adjudication of the Third Round Obligation.
3. FSHC and Englewood hereby agree that Englewood's affordable housing obligations are as follows:

Present Need (per Mercer County )	380
Prior Round Obligation (pursuant to <u>N.J.A.C. 5:93</u> )	152
Third Round (1999-2025) Obligation (per Jacobson Decision)	819

FSHC and the City agree to the terms in this agreement solely for the purposes of settlement of this action. FSHC and the City, which each have their own methodology consultants, accept the Third-Round obligation of 819 units solely for the purposes of achieving a settlement of the litigation and is without prejudice to the parties' ability to challenge that Third-Round number during any proceedings involving subsequent rounds of affordable housing calculations after July 1, 2025.

4. For purposes of this Agreement, the Third Round Obligation shall be deemed to include the Gap Present Need which is a measure of households formed from 1999-2015 that need affordable housing that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), and the Prospective Need, which is a measure of the affordable housing need anticipated to be generated between July 1, 2015 and June 30, 2025.
5. The City's efforts to meet its Present Need include the following which is sufficient to satisfy the City's rehabilitation obligation of 380 units:
  - a. Participation in Bergen County Rehabilitation Program;
  - b. The City will establish a housing rehabilitation program and make funds available for the rehabilitation of rental units.
  - c. The City is in the process of completing a substantial rehabilitation of the Vincent K. Tibbs Senior Housing, 111 West Street, Englewood Housing Authority-152 units being rehabilitated due to Hurricane IDA (\$1.8 million FEMA \$ to date to rehab units = \$11,842/unit to date)
  - d. The City may also conduct a structural conditions survey in accordance with the applicable rules and processes of the Council on Affordable Housing. This survey shall be submitted for review to the Special Master and FSHC at least 60 days prior to the compliance hearing in this matter. In the event the survey demonstrates that there is a reduced Rehabilitation obligation or no Rehabilitation obligation, and if that conclusion is accepted by the Special Master and FSHC, the Borough shall have a rehabilitation consisting of the

reduced number or no obligation to administer a rehabilitation program. In the event that the City does not conduct a survey it shall accept the 380-unit rehabilitation obligation.

### **Prior Round Obligation and Compliance**

6. As noted above, the City has a Prior Round Obligation of 152 units. The City has satisfied its Prior Round Obligations as follows:

Name of Development	AH units	Bonus credits	Total Credits	Comments/Status
Westmoor Gardens	64		64	Prior Cycle family rental units; Completed in 1984
Shepherd House	12	12	24	Supportive Housing; Completed in 1998
Independence Hall	8	1	9	Supportive Housing; Completed in 1998
J-ADD (UJC) Group Home	4		4	Supportive Housing; Completed in 1988
PSCH- Phelps Avenue	4		4	Supportive Housing; Completed in 1999
PSCH- Knickerbocker Rd.	4		4	Supportive Housing; Completed in 2002
167-169 Morse	4		4	Family rental; Completed in 1993
Garrett Apartments	34		34	Prior Cycle Family rental; Completed in 1982
First Baptist Church	5		5	Supportive Housing; Completed in 2009
<b>Total</b>	<b>139</b>	<b>13</b>	<b>152</b>	

### **Third Round Compliance**

7. As noted above the City has a Third Round Obligation of 819 units. This obligation was partially satisfied with affordable housing units created pursuant to the City's earlier judgment of repose and 2014 Amended Settlement Agreement mentioned above. That amended settlement agreement specified at Paragraph 9 that "the additional units of affordable housing provided for in paragraph 5 – presumptively at least 95 units – will count against the City's Third Round affordable housing obligation and any future

obligation of the City for affordable units after the five-year period of repose expires." The City created those 95 affordable housing units as follows:

Name of Development	AH units	Comments/Status
Westmoor Gardens (extension of affordability controls)	64	Prior Cycle family rental units; Completed in 1984; controls extended in during the period of repose between 2014-2019.
Habitat for Humanity	4	Family; for-sale; completed in 2008
Foti	3	Additional units on an existing building
Vantage Health	3	Supportive Housing; completed 2011
Englewood Avenue Senior	6	Completed;
Flatrock Square (ERA South LLC) (Block 2605, Lot 2.03)	14	Completed;
Bristol (Assisted Living)	1	Completed in 2018
Total	95	

8. Pursuant to the 2014 Amended Settlement Agreement the City's Third Round Obligation of 819 is partially satisfied with these 95 units and the remaining Third Round Obligation is 724 units. The City is eligible for a vacant land adjustment of the remainder of its Third Round Obligation of 724 units. Pursuant to the vacant land analysis prepared, the City has a realistic development potential (RDP) of 76 units.

RDP Calculation	
Name of Site	RDP
City's VLA	23
15 S. Dean Street	18
Hotel Pad	33
West Englewood Ave	2
	76

The City's RDP is satisfied in the following ways:

Name of Development	AH Units
ERA – Hotel Pad	33
Bristol	19*
202 First Street	4
Vivian (ERA South)	1
Rental Bonuses	19
Total	76

\*The Bristol is limited to 19 credits here because of the age-restricted cap. The remainder units from the Bristol will be applied towards the City's unmet need.

9. The City shall provide a realistic opportunity for the development of affordable housing on the following sites:
  - a. ERA South LLC (Hotel Pad) – as part of the 2014 Judgment of Repose the City agreed to, under certain conditions, rezone the property located at Block 2602 Lot 3.03 to permit up to 45 residential units with a 12.5 % set-aside. Since that time the City and the property owner have engaged in further discussions as to the future development on the property. In October 2022 the City amended the Redevelopment Plan for the site to permit up to two-hundred and twenty (220) residential units and requiring a fifteen (15) percent set-aside for affordable housing which shall include at least thirty-three (33) affordable housing units.
  - b. Bristol (Assisted Living) – the City's Zoning Board of Adjustment approved the development of two-hundred and seventy-three (273) unit assisted living facility which includes a mandatory ten (10) percent set-aside of twenty-seven (27) units for Medicaid recipients. In the City's Third Round compliance plan this development is partially used to address the City's realistic development potential (RDP), and the City's unmet need.
  - c. 202 First Street – on February 27, 2020 the City's Zoning Board of Adjustment approved a development located at 15 S. Dean Street and required as part of the resolution of approval for the developer to provide at least four (4) affordable housing units on an off-site location. These four (4) affordable homes were identified and converted with affordability controls in August-September, 2022.

### Addressing the Unmet Need

11. The City's RDP of 76 units, subtracted from the remaining Third Round Obligation of 724 units, results in an Unmet Need of 648 units, which shall be addressed through the following mechanisms:

### Overlay Zoning

12. The City agrees to place overlay zoning on the following properties at the prescribed residential density and requiring 20% set-aside of affordable housing, as shown in the map attached to this agreement as **Exhibit A** which Blocks/Lots are further described in the chart in **Exhibit B** of this agreement:

Name of site/zone	Density
First Student Charter Bus (Block 2407, Lot 7; Block 2801 Lot 1)	35 du/a
Areas 1, 2, 3, 4, 6, 8, 10, 11, 12, 13, and 14 (CareOne)	15 du/a
Area 5	50 du/a
Area 7	35 du/a
Area 9	35 du/a

### 25-Unit 100% Affordable Family Rental Development

13. A program to assist non-profit affordable housing organizations in the development of affordable housing in Englewood, as follows:

- a. Englewood will encourage the involvement of non-profits in meeting its unmet need, with a goal of providing 25 additional homes for families by July 1, 2025.
- b. The City agrees to do this in part through its spending plan and in part through cooperation in obtaining other public subsidies in addition to other affirmative measures required by law.
- c. The City agrees to hold an annual meeting in which local and regional non-profits are invited to participate in sharing ideas and making proposals.
- d. Englewood agrees to discuss its efforts to provide 25 additional homes for families at a council meeting for which 30 days' public notice shall be provided, which meeting shall occur in the month selected by the City within the first six months of the year and annually thereafter in that same month through July 1, 2025. The City shall provide a written report regarding its efforts during the past year at least two weeks prior to the annual meeting.
- e. Other than using trust funds that it has already received, as well as trust funds it receives in the future, in accordance with an approved spending plan, as addressed in this agreement, Englewood will have no financial obligation to pay for or subsidize the 25 units addressed in this section. This means that Englewood shall not be required to adopt a "Resolution of Intent to Bond" and shall not be required to use funds other than Affordable Housing Trust Funds to support these units. The City acknowledges that a Resolution of Need, tax abatement or other similar actions require formal actions by the governing body and may be required under certain affordable housing laws or as a condition precedent to the award of certain public subsidy programs.
- f. The parties recognize that the City may make all reasonable efforts and still not achieve the development of 25 affordable homes in 100% affordable developments as contemplated by this agreement and may not accomplish interim steps toward the development of those units by July 1, 2025. Public subsidies may not be available or other unanticipated factors may arise. Therefore, failure to provide any or all of the 25 units contemplated by this section of this agreement shall not provide a cause of action by any party against the City of Englewood. The obligations set forth in this paragraph shall terminate on July 1, 2025, provided however that the City shall continue its involvement in any then pending project or funding applications that were commenced prior to July 1, 2025.

### **Mandatory Set-Aside Ordinance**

14. The City has adopted an ordinance requiring a mandatory affordable housing set aside for all new multi-family residential developments of five (5) units or more that becomes permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or a new or amended redevelopment plan. The set aside of affordable units for all developments will be 20%. The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. FSHC and the Special Master shall review the City's current ordinance and provide any requests for modification consistent with this paragraph and the current law. The form of the Ordinance shall be finalized prior to final judgment being issued in this matter through collaboration between FSHC, the Special Master, and representatives of the City. Neither this mandatory set-aside ordinance nor this Settlement Agreement

gives any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of the City to grant such rezoning, variance or other relief.

15. The City agrees to require 13% of all units constructed after July 1, 2008, with the exception of units constructed after July 1, 2008 that had been granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The City will comply with those provisions by requiring that 13% of all units generated as a result of inclusionary and overlay zoning set forth above, any units generated as a result of the mandatory set-aside ordinance be reserved for very-low income households. The municipality will comply with those requirements as follows:

Affordable Housing Units Created after 7/1/2008	# of Units
Vivian	15
Hotel Pad	33
202 First Street	4
Foti	3
Vantage Health	3
Englewood Ave Senior	6
Bristol	27
202 First Street	4
Total	95
Minimum VLI Required (13% of Total)	13
Minimum Family VLI Units (50% of Total VLI)	7
Vivian	2
Hotel Pad	5
202 First Street	1
Bristol	27
Total VLI	35
Total Family VLI	8

In addition, the City agrees to require that 13% of all affordable housing units developed pursuant to any overlay zoning described above in Paragraph 12, 13, and the Mandatory Set-aside Ordinance referenced in Paragraph 14 will be available to very low income households.

The City may, at its discretion, round the very low income obligation for a particular project up or down; notwithstanding the City shall be responsible for ensuring not less than 13% of the affordable units created after July 1, 2008 are restricted for very low income households by July 1, 2025.

16. Rock Creek Terrace and Park View Terrace— The City will not utilize any claimed credits from the Rock Creek Terrace apartments or the Park View Terrace apartments to satisfy its affordable housing obligation at this time, but reserves the right to address the creditworthiness of those units in the Fourth or subsequent Rounds. In addition, the City stipulates that the Rock Creek Terrace apartments and Park View Terrace Apartments were originally built and occupied prior to April 1, 1980.

17. The City shall meet its Third Round RDP and unmet need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:

- a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
- b. At least 50 percent of the units addressing the Third Round RDP and unmet need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
- c. At least twenty-five percent of the Third Round RDP and unmet need shall be met through rental units, including at least half in rental units available to families.
- d. At least half of the units addressing the Third Round RDP and unmet need must be available to families.
- e. The City agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.

18. The City shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, Bergen County NAACP, Jersey City NAACP, Paterson NAACP, Passaic NAACP, Hoboken NAACP, the Latino Action Network, the Bergen County Housing Authority, Northeast New Jersey Legal Services, Bergen Urban League, Garden State Episcopal CDC, Mount Olive Baptist Church, Urban League Affordable Housing & CDC, Bergen County Housing Coalition, Fair Housing Council of Northern NJ, New Jersey Community Development, Advance Housing, Paterson Habitat for Humanity, Family Promise of Bergen County, Saint Paul's Community Development Corp., Supportive Housing Association of New Jersey, Islamic Center of New Jersey, Monarch Housing Associates and the New Jersey Housing Resource Center, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The City also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.

19. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq., or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in rental projects shall be affordable to households earning 30% or less of the regional median income. The City, as part of its HEFSP, shall adopt and/or update appropriate implementing ordinances in conformance with all applicable laws to ensure that this provision is satisfied.

- a. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated in accordance with the Consent Order entered by the Court on May 21, 2021 and that is attached hereto as **Exhibit C**.

20. All new construction units shall be adaptable in conformance with P.L. 2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
21. As an essential term of this Agreement, within one hundred twenty (120) days of the Court's approval of this Agreement and the entry of an Order approving this agreement following a fairness hearing, the City shall introduce an ordinance or ordinances providing for the amendment of the City's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein, and shall endorse a Housing Element and Fair Share Plan to be adopted by the Planning Board and adopt a Spending Plan in conformance with the terms of this Agreement. The parties agree that this 120-day time period may be extended by the parties with the approval of the Court, provided that the City has diligently pursued efforts to comply with this section.
22. The parties agree that if a decision of a court of competent jurisdiction in Bergen County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the City for the period 1999-2025 that would be lower by more than ten (10%) percent than the total prospective Third Round Obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment (or the time to appeal has expired), the City may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the City shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including maintaining all site specific zoning; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms set forth herein to address unmet need; and otherwise fully implementing the mechanisms to address the fair share obligations as established in this Agreement. The reduction of the City's Third Round Obligation as established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the City prevails in reducing its Third Round Obligation, the City may carryover any resulting extra credits to future rounds in conformance with the then-applicable law.
23. The City will prepare a Spending Plan as part of its HEFSP. The parties to this Agreement agree that the Spending Plan will be provided to FSHC for review and will be prepared in accordance with accepted standards to be approved by the Court and that the City may request the Court to find that the expenditures of funds contemplated under the Spending Plan approved by the Court constitute a "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment in this matter that includes approval of the Spending Plan in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the Court's approval of the Spending Plan, and on every anniversary of that date thereafter through July 1, 2025, the City agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund

November 1, 2022  
Page 10

activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended. In addition, the City may utilize its affordable housing trust fund, and FSHC shall not object, to funding the donation mentioned in Paragraph 28, provided it does so in accordance with applicable law.

24. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the City agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
25. The Fair Housing Act includes two provisions regarding action to be taken by the City during the period of protection provided in this Agreement. The City agrees to comply with those provisions as follows:
  - a. For the midpoint realistic opportunity review, due on February 1, 2024, as required pursuant to N.J.S.A. 52:27D-313, the City will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and if there are changed circumstances whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the court regarding these issues. The parties recognize that the compliance process for this Agreement will still be ongoing as of the point of the statutory midpoint review.
  - b. For the review of very low income housing requirements required by N.J.S.A.52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the City will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
26. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
27. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69(Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The City shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties agree that the municipality will be entitled to either a "Judgment of Compliance and Repose" or "the judicial equivalent of substantive certification and accompanying protection as provided

under the FHA," (collectively "Final Judgment") 221 NJ at 6, which shall be determined by the trial Judge. Each party may advocate regarding whether substantive certification or repose should be provided by the Court with each party agreeing to accept either form of relief and to not appeal an Order granting either repose or substantive certification and accompanying protections. The "accompanying protection" or repose shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.

28. Within 45 days of the entry of an Order approving this Settlement Agreement at a duly noticed Fairness Hearing, the City shall pay to FSHC as a donation for the advancement of affordable housing in the amount of \$75,000.00.
29. If an appeal is filed of the Court's approval or rejection of this Agreement and/or Final Judgment, the Parties agree to defend the Agreement and/or Final Judgment on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
30. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Bergen County.
31. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable, except the entry of a Final Judgment. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof, unless the Final Judgment is rescinded or vacated. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections, unless the Final Judgment is rescinded or vacated.
32. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
33. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
34. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
35. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
36. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by

November 1, 2022  
Page 12

counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.

37. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
38. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
39. No member, official or employee of the City shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
40. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
41. All Notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight carrier or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) Notices shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be effected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

**TO FSHC:** Adam M. Gordon, Esquire  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
E-mail: adamgordon@fairsharehousing.org

**TO THE CITY:** Robert S. Hoffmann, City Manager  
City of Englewood  
2-10 North Van Brunt Street  
Englewood, New Jersey 07631  
Phone: (201) 871-6640  
E-mail: rhoffmann@cityofenglewood.org

**WITH A COPY TO THE  
MUNICIPAL CLERK:** Yancy Wazirmas, RMA  
Municipal Clerk  
City of Englewood  
2-10 North Van Brunt Street  
Englewood, New Jersey 07631  
E-Mail: ywazirmas@cityofenglewood.org

November 2022  
Page 13

AND A COPY TO: **Edward J. Buzak, Esq.**  
**The Buzak Law Group, L.C.**  
**150 River Road**  
**Suite N4**  
**Montville, NJ 07045**  
**Phone: (973) 359-0610**  
**Telex: (973) 35-145**  
**Email: EBUZAK@BUZAKLAWGROUP.COM**

AND TO: **William J. Bailey, Esq.**  
**Huntington Bailey, L.P.**  
**373 Kirchbahn Road**  
**West Orange, New Jersey 07045**  
**Phone: (201) 682-8282**  
**Email: WJB@huntingtonbailey.com**

Please sign below if these terms are acceptable.

Sincerely,



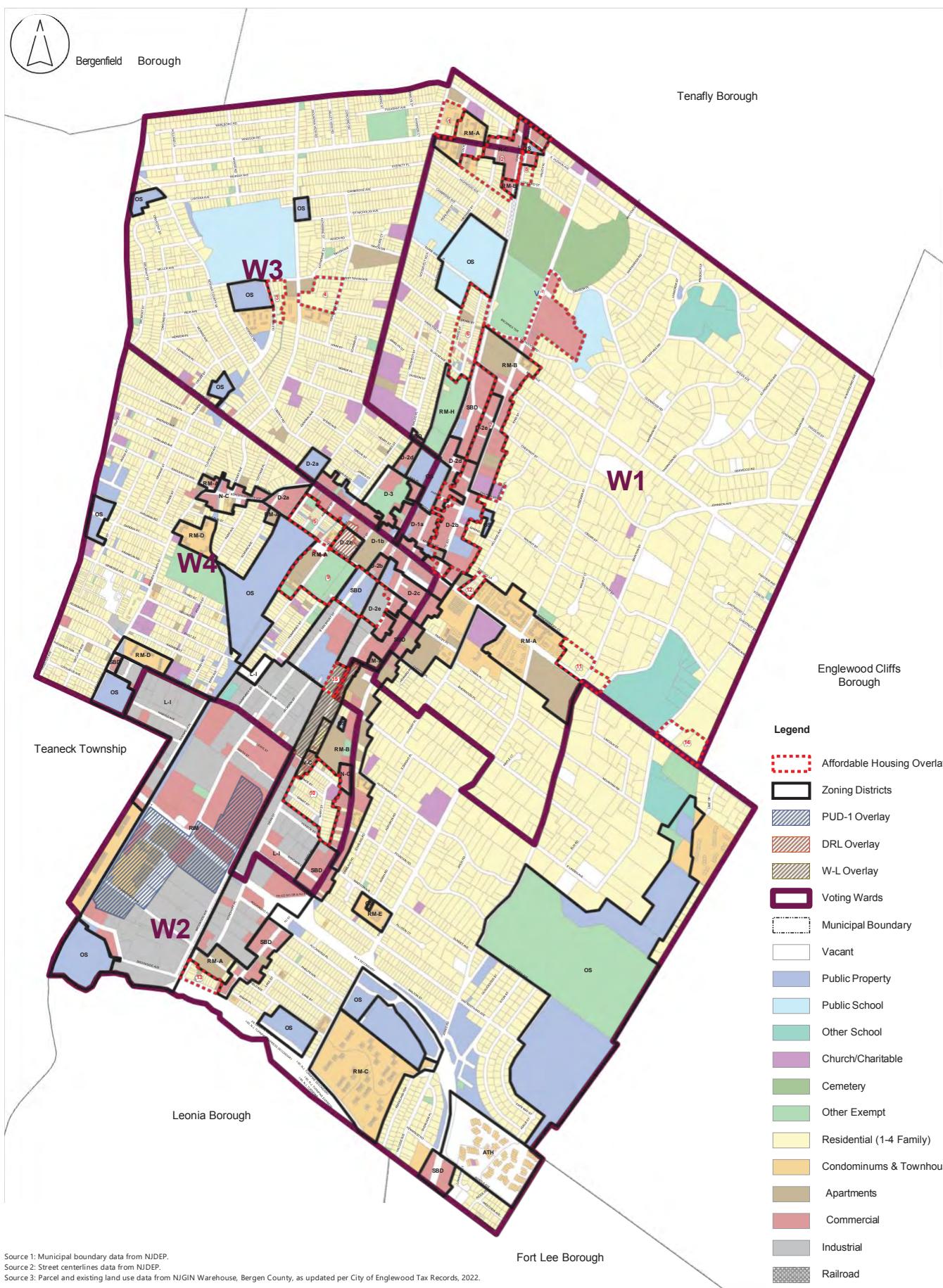
**Adam M. Gordon, Esq.**  
Counsel for the Interested Party  
Fair Share Housing Center

On behalf of the City of Englewood City with the authorization  
of the governing body:

Dated:

**Exhibit A:**

**MAP OF OVERLAY ZONES**



Source 1: Municipal boundary data from NJDEP.

Source 2: Street centerlines data from NJDEP.

Source 3: Parcel and existing land use data from NJGIN Warehouse, Bergen County, as updated per City of Englewood Tax Records, 2022.

Dwg. Title	Project No	Dwg. Date	Drawn By
Existing Land Use Map With Voting Wards, Zoning & Affordable Housing Overlays	3759.28	11.01.2022	RW
BURGIS ASSOCIATES, INC. COMMUNITY PLANNING   LAND DEVELOPMENT AND DESIGN   LANDSCAPE ARCHITECTURE 25 Westwood Avenue Westwood, New Jersey 07675 p: 201.666.1811 f: 201.666.2599	Project Title 2022 Housing Element & Fair Share Plan CITY OF ENGLEWOOD   BERGEN COUNTY, NEW JERSEY	Dwg. Scale 0 625 1250 2,500 Feet	Drawing No ELU/W&Z

**EXHIBIT B;**

**IDENTIFICATION OF OVERLAY ZONES BY BLOCK AND LOT  
DESIGNATION ON THE  
OFFICIAL TAX MAP OF THE CITY OF ENGLEWOOD**

**Englewood - Potential Affordable Housing Overlay Zones**

Map ID	Block(s)	Lot(s)	Applied Density (units/acre)
1	704	15.01, 16, 17, 18	15
2	701	18.1	15
	702	1 through 5	
	704	11	
	705	4 through 10	
	709	5.01, 5.02, 9, 10, 11, 12, 13.1, 13.2, 14	
	710	1, 2, 4, 5, 15, 16, 17, 18, 19, 20, 21.1, 22.1	
3	305	15 through 25	15
4	507	1 through 12 and 24.1	15
5	2303	6 through 30	50
	2304	9 through 35	
6	805	7 through 17.1	15
	806	24 through 28	
	809	1 through 21	
	903	2 through 10	
	904	1 through 5.1	
	910	3 through 6	
7	810	2.1 through 5	35
	905	2, 4, 5	
	913	1 through 16	
	1006	19 through 23	
	1105	1 and 11 through 15	
	1101	34 and 35	
	1102	22 and 23	
	1103	10 through 16	
	1203	2, 3.1, 4.1, 5, 8	
	1204	15 through 18	
	1207	4, 5, 6.2, 6.3, 9.1, 10, 11	
	1208	6, 8.1, 9	
	1209	1.1, 15.1, 16.1, 17.1	
8	707	1 and 8 through 12	15

9	2310	2.2 through 7	35
	2311	1.1	
	2405	1.2 and 1.3	
	2406	1.2 and 1.3	
	2407	2	
	2409	Part of 2	
10	2802	12 through 19	15
	2902	4 through 21	
	2903	1 through 22	
	2904	1 through 11, part of 12, part of 18	
	2905	1, 2, 16 through 30	
11	1601	22 through 27	15
	1602	13 and 14	
12	1210	15 through 20	15
13	3009	8 through 19 and part of 7	15
14	1902	5,1,7,8	15
15*	2407	7	35

Sub Total

Total

\* Includes Block 2801, L 1 + portion of ROW per 2017 Investigation Report

## **EXHIBIT C**

### **ORDER DATED MAY21,2021 REGARDING REGIONAL INCOME LIMITS**

FILED

MAY 21 2021

CHRISTINE A. FARRINGTON,  
J.S.C.

Keli (EC-2)  
income Limit Consent Order  
021221

Edward J. Buzak, Esq. - ID No. 002131973  
**THE BUZAK LAW GROUP, LLC**  
Montville Office Park  
150 River Road, Suite N-4  
Montville, New Jersey 07045  
(973) 335-0600  
Attorney for Plaintiff/Petitioner, City of Englewood

---

IN THE MATTER OF THE  
APPLICATION OF THE CITY  
OF ENGLEWOD, a municipal  
corporation of the State of New Jersey,

Plaintiff/Petitioner.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - BERGEN COUNTY

DOCKET NO.: BER..L-4069-19

CIVIL ACTION  
(Mount Laurel)

---

This matter having come before the Court via Complaint seeking a Declaratory Judgment of compliance with the Mount Laurel doctrine and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-329.1 et seq., pursuant to the process established in In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) ("Mount Laurel IV"), including the determination of Plaintiff/Petitioner City of Englewood's ("City") fair share obligations; and the parties to this matter recognizing that an important function historically performed by the Council on Affordable Housing ("COAH") is setting income limits for each of the COAH housing regions, which are used to determine eligibility for affordable housing, and setting rent increases for existing affordable housing; and COAH having not published income limits or rent increases since 2014; and the Court finding it necessary to establish income limits and rent increase information to comply with the directives of the Fair Housing Act, and to more generally ensure the implementation of municipalities

constitutional obligations through the availability of existing affordable housing and new affordable housing constructed pursuant to Mount Laurel IV; and Mount Laurel IV having directed trial courts to adhere to the First and Second Round rules and aspects to the two earlier versions of the Third Round rules that were not found invalid by the appellate courts; and the parties and Court thus having deemed it appropriate to establish income limits and rent increases based on COAH's methodology for setting such income limits and rent increases, and to empower municipalities to update such income limits and rent increases on an annual basis themselves based on the process historically used by COAH;

IT IS on this 21<sup>st</sup> day of May, 2021 ORDERED as follows:

1. Income limits for all affordable housing units located in the City, and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to NJAC 5:80-26.1, shall be updated by the City annually within 60 days of the publication of determinations of median income by HUD as follows:

(a) Regional income limits shall be established for the region that the City is located within (i.e., Region 1) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the County according to the most recent decennial Census. The resulting product for each County within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the City's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income

limit for a low-income unit for a household of four shall be 50 percent of the regional Weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size.

(b) The income limits attached hereto are the result of applying the percentages set forth in paragraph (a) above to HUIYs determination of median income for FY 2020, and shall be utilized until the City updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

(c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80 26.16(b)3 shall be calculated by the City annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year.

2. In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above:

(a) The resale prices, of owner-occupied low- and moderate- income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to paragraph 1 above,

(b) The rent levels of very-low, low and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rent-; for units constructed pursuant to low income

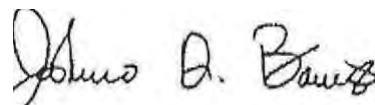
housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

3. A copy of the within Order shall be served on all parties via uploading to E-Courts and, for parties or participants not in the E Courts system, within seven (7) days from the date of the entry of this Order.

4. This Order is being entered to facilitate the establishment of up to date limits on income, rental increases and sales price increases related to the administration of affordable units and programs and is without prejudice to any party challenging the methodology or its basis in the future.

Agree with the above Form of Order  
  
Edward J. Buzak, Esq.  
iff/Petitioner,  
The City of Englewood

(:4 u.id — )   
Honorable Christine A. Farrington, J.S.C.

  
Joshua D. Bauers  
\_\_\_\_\_  
Joshua Bauers, Esq.  
Attorney for Fair Share Housing Center

## 2021 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on [AHPNJ.org](http://AHPNJ.org).

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	s+Person	Max Increase Rents***	ReJ'lional Asset Limit.....**
Region 1 Bergen, Hudson, Passaic and Sussex	Median	\$72,846	\$78,050	\$83,253	\$93,659	\$104,066	\$108,229	\$112,391	\$120,711	\$129,042	\$137,367	1.6%    8.46%	\$201,229
	Moderate	\$58,277	\$62,440	\$66,602	\$74,928	\$83,253	\$86,583	\$89,913	\$96,573	\$103,233	\$109,894		
	low	\$36,423	\$39,025	\$41,626	\$46,830	\$52,033	\$54,114	\$56,196	\$60,358	\$64,521	\$68,684		
	Very low	\$21,854	\$23,415	\$24,976	\$28,098	\$31,220	\$32,469	\$33,717	\$36,215	\$38,713	\$41,210		
Region2 Essex, Morris, IJnion and Warren	Median	\$75,331	\$80,711	\$86,092	\$96,854	\$107,615	\$111,920	\$116,224	\$124,834	\$133,443	\$142,052	1.6%    2.00%	\$206,459
	Moderate	\$60,265	\$64,569	\$68,874	\$77,483	\$86,092	\$89,536	\$92,980	\$99,867	\$106,754	\$113,642		
	Low	\$37,665	\$40,356	\$43,046	\$48,427	\$53,808	\$55,960	\$58,112	\$62,417	\$66,721	\$71,026		
	Ve.rylow	\$22,599	\$24,213	\$25,828	\$29,056	\$32,285	\$33,576	\$34,867	\$37,450	\$40,033	\$42,616		
Region3 Hunterdon, Middlesex and Somerset	Median	\$86,240	\$92,400	\$98,560	\$110,880	\$123,200	\$128,128	\$133,056	\$141,912	\$152,768	\$162,624	1.6%    3.10%	\$234,592
	Moderate	\$68,992	\$73,920	\$78,848	\$88,704	\$98,560	\$102,502	\$106,445	\$114,330	\$122,214	\$130,099		
	Low	\$43,120	\$46,200	\$49,280	\$55,440	\$61,600	\$64,064	\$66,528	\$71,456	\$76,384	\$81,312		
	Very Low	\$25,872	\$27,720	\$29,568	\$33,264	\$36,960	\$38,438	\$39,917	\$42,874	\$45,830	\$48,787		
Region4 Mercer, Monmou.th and Ocean	Median	\$76,469	\$81,931	\$87,393	\$98,317	\$109,242	\$113,611	\$117,981	\$126,720	\$135,460	\$144,199	i.6%    0.00%	\$205,486
	Moderate	\$61,175	\$65,545	\$69,915	\$78,654	\$87,393	\$90,889	\$94,385	\$101,376	\$108,368	\$115,359		
	Low	\$38,235	\$40,966	\$43,697	\$49,159	\$54,621	\$56,806	\$58,990	\$63,360	\$67,730	\$72,099		
	Very Low	\$22,941	\$24,579	\$26,218	\$29,495	\$32,772	\$34,083	\$35,394	\$38,016	\$40,638	\$43,260		
Region 5 Burlington, Camden and Gloucester	Median	\$67,620	\$72,450	\$77,280	\$86,940	\$96,600	\$100,464	\$104,328	\$112,056	\$119,784	\$127,512	1.6%    0.00%	\$179,028
	Moderate	\$54,096	\$57,960	\$151,824	\$69,552	\$77,280	\$80,371	\$83,462	\$89,645	\$95,827	\$102,010		
	Low	\$33,810	\$36,225	\$38,640	\$43,470	\$48,300	\$42,232	\$52,164	\$56,028	\$59,892	\$63,756		
	Very Low	\$20,286	\$21,735	\$23,184	\$26,082	\$28,980	\$30,139	\$31,298	\$33,617	\$35,935	\$38,254		
Region6 Atlantic, Cape May, Cumberland, and Salem	Median	\$57,458	\$61,562	\$65,666	\$73,874	\$82,083	\$85,366	\$88,649	\$95,216	\$101,782	\$108,349	1.6%    0.00%	\$153,730
	Moderate	\$45,966	\$49,250	\$52,533	\$59,100	\$65,666	\$68,293	\$70,919	\$76,173	\$81,426	\$86,679		
	Low	\$28,729	\$30,781	\$32,833	\$36,937	\$41,041	\$42,683	\$44,325	\$47,608	\$50,891	\$54,175		
	Very Low	\$17,237	\$18,469	\$19,700	\$22,162	\$24,625	\$25,610	\$26,595	\$28,565	\$30,535	\$32,505		

(Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.)

\* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

..This column is used for calculating the pricing for rentIncreases for units (as previously calculated under N.J.A.C 5:97-9.3 (Consumer price Index for All Urban <:sumers (CPI,U): Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, 2017, 2018, 2019 or 2020 because of the lack of authority to do so, may increase rent by up to the applicable combined percentage including 2021 or 9.0% whichever is less in accordance with N.J.A.C. 5:97-9.3(c). In no case can rent for any particular apartment be increased more than one time per year.

\*\*\*• This column is used for calculating the pricing for resale increases for units (as previously calculated under N.JAC 5:97,9.3). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

••• The Region 11I Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. S:80-26.16(b)(3).

Note: Since the Regional Income Limits for Regions 4, 5, and 6 in 2020 were higher than the 2021 calculations, the 2020 income limits will remain in force for 2021 (as previously required by N.J.A.C. 5:97-9.2.(c)).

November 1, 2022  
Page 13

150 River Road  
Suite N4  
Montville, NJ 07045  
Phone: (973)335-0600  
Telecopier: (973)335-1145  
Email: EJBUZAK@BUZAKLAWGROUP.COM

**AND TO:** William J. Bailey, Esq.  
Huntington Bailey, LLP  
373 Kinderkamack Road  
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Phone: (201) 666-8282  
E-Mail: wjb@huntingtonbailey.com

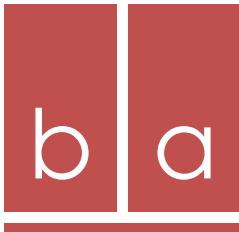
Please sign below if these terms are acceptable.

Sincerely,

Adam M. Gordon, Esq.  
Counsel for Intervenor/Interested Party  
Fair Share Housing Center

On behalf of the City of Englewood City, with the authorization  
of the governing body:

r&k=



## MEMORANDUM

To: William Bailey, Esq.  
City of Englewood  
City Attorney  
and  
Edward Buzak, Esq.  
Special Counsel Affordable Housing Attorney

From: John P. Szabo, Jr., PP, AICP  
Senior Associate  
Re: City of Englewood Vacant Land Adjustment  
Date: March 15, 2022  
BA#: 3759.28

### Introduction

Burgis Associates has prepared a vacant land analysis on behalf of the City of Englewood pursuant to COAH regulations.

The Vacant Land Analysis was prepared in accordance with the Second Round Rules, specifically, N.J.A.C. 5:93-4.1, which details the methodology for adjustments to municipal housing obligations. Essentially, the rules permit a reduction in a municipality's fair share obligation where it can be demonstrated that it lacks the land capacity to develop. The adjustment results in establishing a municipality's Realistic Development Potential or RDP.

### Analysis

A complete inventory of vacant lots for the City of Englewood was analyzed using current MOD IV tax data and GIS mapping to identify property lot locations, limitations to development, and lot size configuration. Additionally, City owned vacant lots were also analyzed to determine their availability for affordable housing development. Where appropriate, contiguous lots for land assembly were also searched to identify opportunities to consolidate properties for affordable housing development.

Based upon this analysis it was determined that only a very few parcels qualified as "buildable lots" under the second round COAH rules.

The vacant land inventory reflects that most lots were scattered, isolated sites, and many are undersized.

There are 211 vacant lots in the City of Englewood comprising 176.93 acres of land area. Of the 211 lots, only 17 or 8% of the lots qualify for development under COAH regulations. Based upon the Vacant Land Analysis, the total affordable housing yield, for purposes of establishing the City's Realistic Development Potential (RDP) is determined to be 23 units. These properties are highlighted in the following table:

Table 1 RDP Analysis

Map Key	Block/Lot	Property Address	Total Acres	Developable	Applied Density	RDP
9	201/1	500 Liberty Rd	2.10	2.10	6	1
31	614/7.01	18 James St	0.30	0.3	16.5	1
51	1301/26	490 Highview Rd	1.38	1.38	6	1.6
55	1403/10	295 Oakwood Rd	0.46	0.46	6	1
57	1403/9	297 Oakwood Rd	0.46	0.35	*	*
59	1406/1	252 Oakwood Rd	0.48	0.48	12	1
62	1501/22.01	221 Lydecker St	3.15	3.15	6	3.6
63	1504/12	161 Brayton St	4.30	3.54	6	4.2
72	1808/29	255 Lincoln St	1.90	1.90	6	1
73	1902/5.01	7 N. Woodland St	1.33	0.51	6	1
81	2008/2	238 W. Palisade Ave	0.30	0.30	17	1
185	3202/1.02	105 Jones Rd	0.86	0.86	6	1
186	3205/2.01	210 S. Woodland St	2.09	2.09	6	2.4
187	3305/14.02	390 Jones Rd	0.86	0.86	6	1
196	3601/3	400 E. Linden Ave	1.77	1.77	6	1
209	3805/29.01	616 Lorraine Ct	0.70	0.70	6	1
210	3805/29.02	610 Lorraine Ct	0.69	0.47	*	**
Total						23***

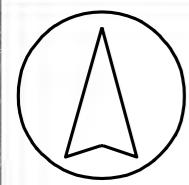
\*Under common ownership and therefore, combined for calculation with Block 1403, Lot 10.

\*\*Under common ownership and therefore, combined for calculation with Block 3805, Lot 29.02.

\*\*\*22.8 rounded up to 23.

A spreadsheet analysis of all vacant parcels is attached. In addition, a key map highlighting all vacant lots and land use map is also appended as required under COAH regulations.

JS/



Bergenfield Borough

Tenafly Borough



Source 1: Municipal boundary data from NJDEP.

Source 2: Street centerlines data from NJDEP.

Source 3: Parcel data from NJGIN Warehouse, Bergen County, as updated per City of Englewood Tax Records, 2022.

Source 4: Land use data from City of Englewood Tax Records, as of 2/25/22.

Source 5: Flood area data from FEMA, 8/28/2019.

Source 6: Wetlands from NJDEP, based on Land Use Land Cover 2012 data.

Source 7: Slope data determined from 10-DEM Elevation data, from NJDEP.

Source 8: Streams and water bodies from NJDEP.

Source 9: Orthophotography from NJGIN Information Warehouse, 2020.

Dwg. Title

## Aerial Map

Project No.

3759.28

Dwg. Date

03.11.2022

Drawn By

RW



BURGIS ASSOCIATES, INC.

COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE

25 Westwood Avenue  
Westwood, New Jersey 07675

p: 201.666.1811  
f: 201.666.2599

Project Title

2022 Housing Element & Fair Share Plan

CITY OF ENGLEWOOD | BERGEN COUNTY, NEW JERSEY

Dwg. Scale

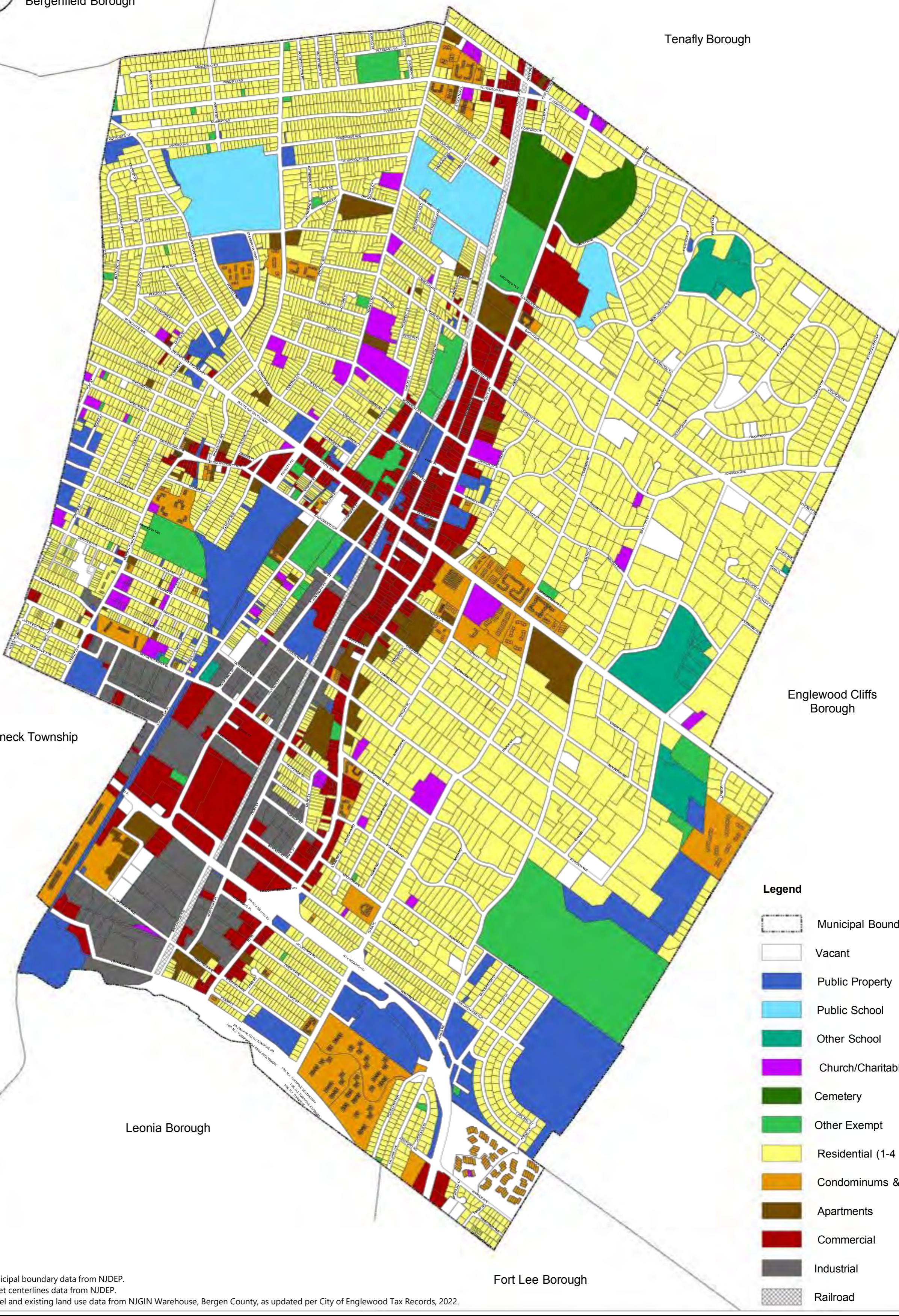
0 625 1,250 2,500 Feet

Drawing No.

AER



Bergenfield Borough



Dwg. Title

## Existing Land Use Map

Project No.

3759.28

Dwg. Date

03.11.2022

Drawn By

RW



**BURGIS ASSOCIATES, INC.**

COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE

25 Westwood Avenue  
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Dwg. Scale

0 625 1,250 2,500 Feet

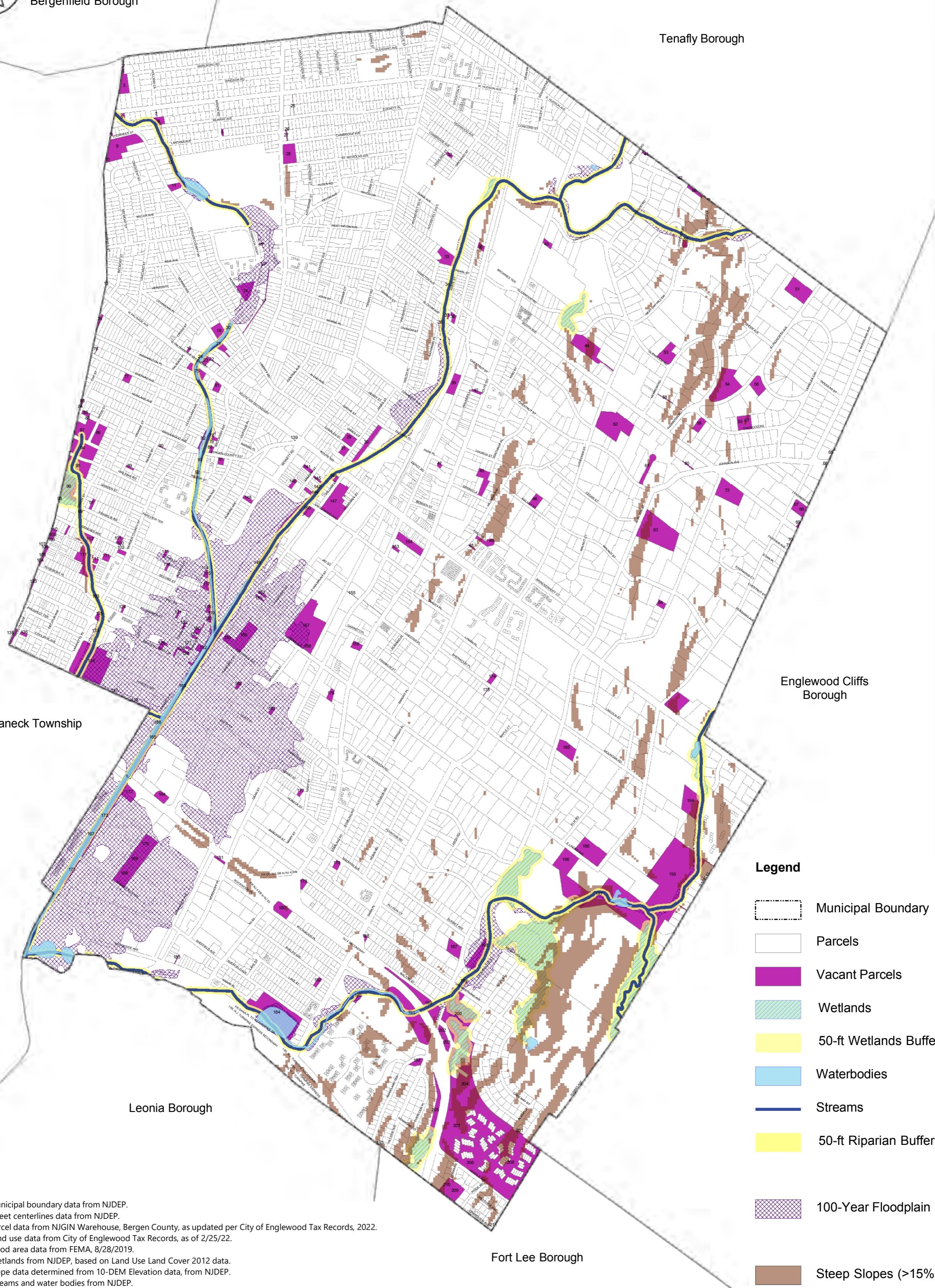
Drawing No.

ELU



Bergenfield Borough

Tenafly Borough



Dwg. Title

## Vacant Land Assessment Map

Project No.

3759.28

Dwg. Date

03.11.2022

Drawn By

RW



**BURGIS ASSOCIATES, INC.**

COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE  
25 Westwood Avenue  
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p: 201.666.1811  
f: 201.666.2599

Project Title

2022 Housing Element & Fair Share Plan

CITY OF ENGLEWOOD | BERGEN COUNTY, NEW JERSEY

Dwg. Scale

0 625 1,250 2,500  
Feet

Drawing No.

VLA

