

ENGLEWOOD PLANNING BOARD
Resolution Adopting Revised Third Round
Housing Element and Fair Share Plan

WHEREAS, the Planning Board of the City of Englewood, County of Bergen, and State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 in March 2014; to which was appended a previously approved Revised Third Round Housing Element and Fair Share Plan, dated April 2014 and

WHEREAS, the City of Englewood had thereby sought to satisfy the mandate of N.J.S.A. 40:55D-28b(3) and N.J.A.C. 5:94-2.2(a) to keep its Housing Plan Element current and compliant; and to keep current and compliant its Fair Share Plan pursuant to the mandates of N.J.A.C. 5:94-4.1(a) and N.J.A.C. 5:94-4.1(b)

WHEREAS, on May 30, 2019 the City filed 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.

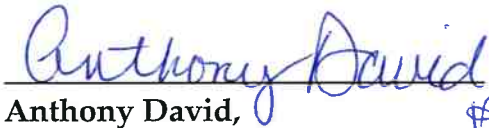
WHEREAS, John P. Szabo, Jr., P.P., AICP, a Professional Planner retained by the City, prepared a Revised Housing Element and Fair Share Plan and a Planning Report on the City's compliance with its affordable housing obligations, both dated March 10, 2023; and

WHEREAS, John P. Szabo, Jr. P.P., AICP has prepared and submitted for approval a **REVISED THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**, dated March 10, 2023 (a copy of which is appended hereto); and

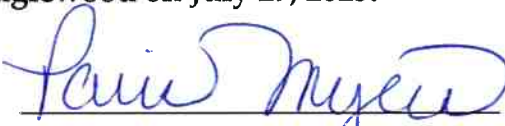
WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the City of Englewood held a public hearing on the Revised Housing Element and Fair Share Plan on April 27, 2023; and

WHEREAS, the Planning Board has determined that the **REVISED HOUSING ELEMENT AND FAIR SHARE PLAN** is not inconsistent with the goals and objectives of the City of Englewood's 2014 Master Plan and that adoption and implementation of the **REVISED HOUSING ELEMENT AND FAIR SHARE PLAN** are in the public interest and protect public health and safety and promote the general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Englewood, County of Bergen and State of New Jersey, that the Planning Board hereby adopts **REVISED HOUSING ELEMENT AND FAIR SHARE PLAN** of March 2023.


Anthony David,
Chairman, Planning Board

I hereby certify that this is a true copy of the Resolution adopting the Housing Element and Fair Share Plan of the City of Englewood on July 27, 2023.


Paris Myers,
Planning Board Secretary

Draft

Housing Element & Fair Share Plan

City of Englewood
Bergen County, New Jersey

MARCH 10, 2023
ADOPTED:





B U R G I S
A S S O C I A T E S , I N C .

Community Planning
Land Development and Design
Landscape Architecture

Principals:

Joseph H. Burgess PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

DRAFT

**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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Affordable Housing Planning Consultant

John P. Szabo, Jr., PP, AICP

Burgis Associates

TABLE OF CONTENTS

INTRODUCTION.....	1
SECTION I: HOUSING ELEMENT	20
SECTION II: FAIR SHARE OBLIGATION	33
SECTION III: FAIR SHARE PLAN.....	37

LIST OF TABLES

Table 1: Dwelling Units (1960 to 2020).....	21
Table 2: Housing Units by Tenure and Occupancy Status (2000 - 2019).....	21
Table 3: Units in Structure (2000 - 2019)	22
Table 4: Number of Bedrooms in Housing Units (2000 - 2019)	22
Table 5: Year Structure Built (2019)	23
Table 6: Occupants per Room (2000 - 2019).....	23
Table 7: Occupied Housing Units - Equipment and Plumbing Facilities (2010 and 2019)	24
Table 8: Gross Rent of Specified Renter-Occupied Housing Units (2000, 2010 and 2019)	24
Table 9: Value of Specified Owner-Occupied Housing Units (2000, 2010 and 2019)	25
Table 10: Number of Residential Building Permits Issued For New Construction (2011 to 2020)	26
Table 11: Population Growth (1930 to 2020).....	27
Table 12: Age Characteristics (2000 and 2019).....	27
Table 13: Average Household Size (1970 to 2019)	28
Table 14: Household Income Distribution (1999 - 2019).....	29
Table 15: Employment Status - Population 16 & Over (2000 - 2019).....	29
Table 16: Employed Residents Age 16 and Over, By Occupation (2000 and 2019).....	30
Table 17: Employed Residents Age 16 and Over, By Industry (2000 and 2019)	30
Table 18: Covered Employment Trends (2007 to 2019)	31
Table 19: Non-Residential Space Authorized by Building Permits (sq. ft.) (2009 to 2020).....	32
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.....	31
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 (FSHC) 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 FSHC'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 FSHC 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 supplemental 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 FSCH 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 Citys 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%
Total	9,614	100%	11,122	100%	12,107	100%

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)

Units in Structure	2000		2010*		2021	
	Number	Percent	Number	Percent	Number	Percent
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%
Total	9,614	100.0%	11,122	100.0%	12,107	100.0%

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

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

Bedrooms	2010		2021	
	Number	Percent	Number	Percent
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%	1463	12%
Five or More	1135	10%	978	8%
Total	11,122	100%	12,107	100%

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%
Total	12,107	100

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%
Total Occupied Units	9,273	100%	10,374	100%	11,320	100%

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
Kitchen:				
With Complete Facilities	10,301	99.3%	11,265	99.5%
Lacking Complete Facilities	73	0.7%	55	0.5%
Plumbing:				
With Complete Facilities	10,343	99.7%	11,288	99.7%
Lacking Complete Facilities	31	0.3%	32	0.3%
Heating Equipment (Occupied Units):				
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	49	1%	479	11%	533	10.5%
\$2,500 to \$2,999					512	10.0%
\$3,000 or more					689	13.5%
No cash rent	136	4%	169	4%	152	3%
Occupied Units paying rent	3770	100%	4477	100%	5,098	100
Median Gross Rent	\$825		\$1,130		\$1,573	

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%
Total	4,298	100%	5,897	100%	6,070	100%
Median Value	\$212,400		\$435,200		\$410,200	

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
Total	45	406	8	459

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%

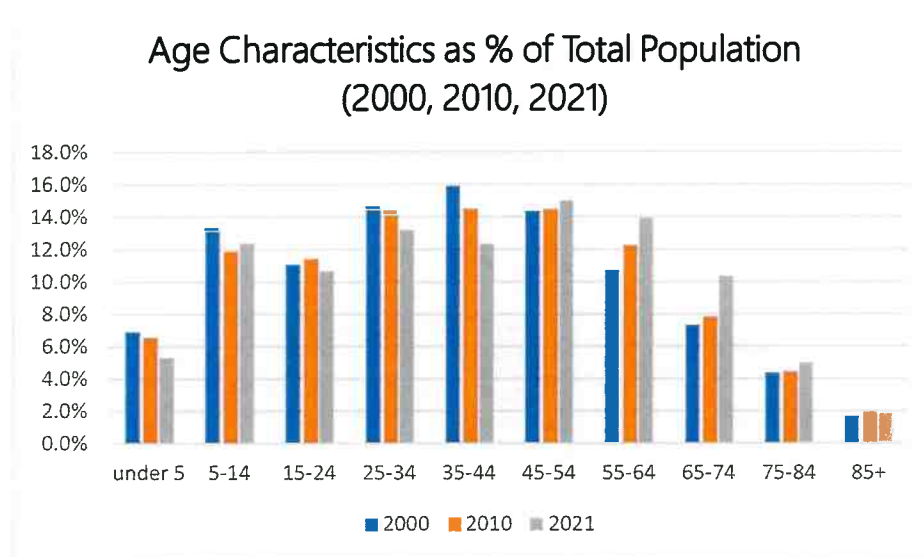
Sources: US Decennial Census; 2021 American Community Survey 5-Year Estimate.

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
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%
Total	26,206	100	27,147	100	29,129	100
Median Age	37.2		38.9		42.4	

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%
Total	9,291	100	11,320	100
Median	\$58,379		\$91,164	
Bergen County Median	\$64,912		\$105,171	

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%
Total Population 16 and Over	20,469	100%	21,413	100%	23,725	100

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
Total	12,495	100	13,657	100	14,937	100

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
Total	12,495	100	13,657	100	14,937	100

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	Institu-tional	Indus-trial	Storag-e	Total
2009	3,933	0	0	0	0	0	0	12,943	16,876
2010	11,084	512	0	4,730	0	0	0	2,569	18,895
2011	24,170	3,425	0	0	0	0	0	0	27,595
2012	7,475	4,215	0	0	0	0	4,572	0	16,262
2013	5,608	0	741	23,365	0	3,324	0	0	33,038
2014	1	2,113	0	4,800	0	0	0	0	6,914
2015	0	1	742	0	0	7,4812	0	1	75,556
2016	31,833	11,500	0	20,466	0	0	23,970	0	87,769
2017	303,650	0	0	19,640	0	8,900	0	0	332,190
2018	3,477	0	0	0	0	0	0	0	3,477
2019	0	0	0	0	0	0	0	0	0
2020	4,477	173,335	0	0	0	0	2,086	34,209	214,107
Total	395,708	195,101	1,483	73,001	0	87,036	30,628	49,722	832,679

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
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, 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

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

*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