

BURGIS
ASSOCIATES, INC.

City of Englewood Affordable Housing Forum

April 28, 2025



25 Westwood Avenue, Westwood NJ 07675
p: 201.666.1811 | f: 201.666.2599 | e: www.burgis.com

Legislative Background

Governor Murphy signed P.L. 2024 c2 on March 20, 2024.

What did the law do:

- Amended the Fair Housing Act (NJSA 52:27D-302)
- Abolished COAH
- Established Affordable Housing Dispute Resolution Program
- Significantly changes how affordable housing matters are administered in NJ by creating an affordable housing dispute resolution program.

Affordable Housing Dispute Resolution Program

- Court-based oversight for municipal affordable housing compliance (Mt. Laurel judges)
- Requires filing of Declaratory Judgement Action to obtain orders/certification of compliance
- Any disputes or challenges will be mediated by the Program
- Program Judges will issue orders as necessary for process
- The Program issued Administrative Directive #14-24, December 2024, which sets forth procedures, guidelines and Housing Element and Fair Share Plan requirements

Timeline

- By January 31, 2025 City must adopt a resolution accepting the DCA obligation or present alternative
- February 3, 2025 File Declaratory Judgement Action and resolution with the Affordable Housing Dispute Resolution Program
- February 28, 2025 Challenges to the City's affordable housing obligation per adopted resolution must be filed. If no challenge the obligation is deemed presumptively valid on March 1.
- March 31, 2025 The program must issue a decision on any challenges to the City's Present and Prospective Fair Obligation.
- June 30, 2025 adopt a Housing Element and Fair Share Plan and file with the Program 48 hours after adoption or June 30, 2025.
- August 31, 2025 Challenges to the City's HE&FSP

If no challenges, the plan is reviewed by the Program and if compliant the City will be issued a certification/order of compliance.

Challenges

The Program determines the validity of the challenge. If the Program determines that the City's housing calculation is compliant to statute and is without challenge, the City proceeds to prepare a Housing Element and Fair Share Plan (HE&FSP). If challenged by an outside party, the amended FHA provides a process for resolving disputes that arise as a result of a challenge to the City's affordable housing resolution establishing the City's obligation:

- If not resolved the challenge goes to a Session.
- Session must be held within 10 days of Settlement
- Program issues decision within 10 days of Session
- Decision referred to Mt. Laurel Judge within 5 days for issuance of order/additional testimony
- Settlement Agreement/Order issued upon resolution of challenge

What is the Fourth Round Obligation. The obligation is comprised of 2 separate elements. As established by NJDCA per statute:

- Present Need: also referred to the rehabilitation need based upon housing statistics from HUD
- Prospective Need: the anticipated affordable housing need for the Fourth Round (July 1, 2025 - June 30, 2025) is based upon three (3) factors. To determine a municipality's share of the regional need, the Act requires a calculation of three factors: (1) the equalized nonresidential valuation factor; (2) the income capacity factor; and (3) the land capacity factor.

Numbers:

Present Need: 166 (rehabilitation obligation)

Prospective Need:

NJDCA
381 Units

City of Englewood
331 Units

Burgis Associates analyzed the NJDCA Data and determined the City's Prospective Need obligation should be 331 based upon an analysis of land use data provided by the State which incorrectly identified parcels that were thought to be vacant and developable but in fact were either developed parcels, parkland and parcels excluded due to either lot configuration, the presence of environmental factors or combination of these conditions.

This reduced the City's Prospective Need obligation from 381 to 331 units. Subsequently, the NJ Builder's Association filed an action challenging the City's number which went to settlement.

As a result of settlement, the City agreed to a Prospective Need of 359 units.

Housing Plan Process

City must conduct an analysis of available land and then calculate development potential for satisfying the City's affordable housing obligation. Development Potential establishes the City's Realistic Development Potential (RDP). RDP Must be affirmatively addressed by the City through zoning.

If the City cannot absorb all of the prospective need units then it is entitled to conduct a Vacant Land Assessment (VLA).

The VLA:

- Changes the nature of the obligation since RDP and Unmet Need are treated differently under the law.
- Vacant Land is mapped, and an analysis is conducted of the City's inventory of vacant parcels.
- The difference between the RDP and VLA establishes Unmet Need

Our analysis indicates the City has an RDP of 0 leaving the entirety of the 359 unit obligation as unmet need.

Prepare a plan addressing the City's obligation for Unmet Need which must be approved after public hearing by the City Planning Board and then accepted by the Governing Body by resolution.

Opportunities for Bonus Credits

- Special-needs units (Group Homes): 1 bonus credit
- For-sale units developed with a nonprofit partner: $\frac{1}{2}$ bonus credit
- Units developed within a half-mile of a Garden State Growth Zone or a transit facility: $\frac{1}{2}$ bonus credit
- Age-restricted units: $\frac{1}{2}$ bonus credit, applicable to no more than 10% of age-restricted units being claimed
 - Conversion of non-residential space to residential: $\frac{1}{2}$ bonus credit
 - Redevelopment: $\frac{1}{2}$ bonus credit
 - Extensions of controls: $\frac{1}{2}$ bonus credit, applicable to rental units only
- 100% affordable units: 1 bonus credit, as long as the project received a municipal contribution of land or dollars equal to at least 3% of the entire project cost
- Very low-income units: $\frac{1}{2}$ bonus credit for family very low-income units above the 13% municipality-wide (not project-specific) required minimum
- Market-to-affordable: 1 bonus credit with signed agreement

Fourth Round Compliance Mechanisms

- Existing properties that can be converted to special-needs facilities
- Existing non-residential properties that might redevelop into residential or mixed uses
- Licensed transitional housing units or group homes that have been created and not counted in Prior Rounds
- Potential new zoning or development (inclusionary or 100% affordable)
- Redevelopment Opportunities under the LRHL.
- Accessory dwelling units
- Maximize Opportunities to use credits.

The City of Englewood established an Affordable Housing Subcommittee to conduct an initial review of the City's response towards satisfying the City's affordable housing obligation and offer recommendations.

The Subcommittee consisted of:

Mayor Michael Wildes

Council President Lisa Wisotsky

Planning Board Chairman Anthony David

Planning Board Member Mercedes Cordon

The Subcommittee met on March 26, 2025 and April 23, 2025 to discuss opportunities to address the City's obligation.

Options considered by the Subcommittee include:

1. Adjust the 3rd Round Plan by removing some of the overlay areas that abut low density areas of the city:

Portions of Engle Street abutting single family residential areas.

Areas designated on West Tryon and Central Avenue.

A portion of an area on Palisades Avenue.

2. Additional overlay areas the Subcommittee thought were better suited as substitute sites would be:

West Street between Tallman Place and Demarest Avenue

Englewood Avenue from 215 Englewood Avenue to Cottage Pl

Grand Avenue between Nordhoff Avenue and Honeck Street

The Subcommittee also considered expanding the City's existing Mandatory Set Aside Ordinance to also apply to nonresidential areas that already permit residential development but do not require an affordable housing set aside. These would include most of the Downtown Subzones (with the exception of the D-3, and D-2a where specifically not permitted) and the NC zone.

Benefits:

1. Expanding the set aside requirement to existing non-residential areas captures affordable units that might have otherwise been lost.
2. Minimizes the need to rezone other areas of the City.
3. Places housing near or within the Downtown as recommended by the City's 2025 Master Plan.

Next Steps:

**April 28 Public Informational Session, Municipal Courthouse,
7:30 PM**

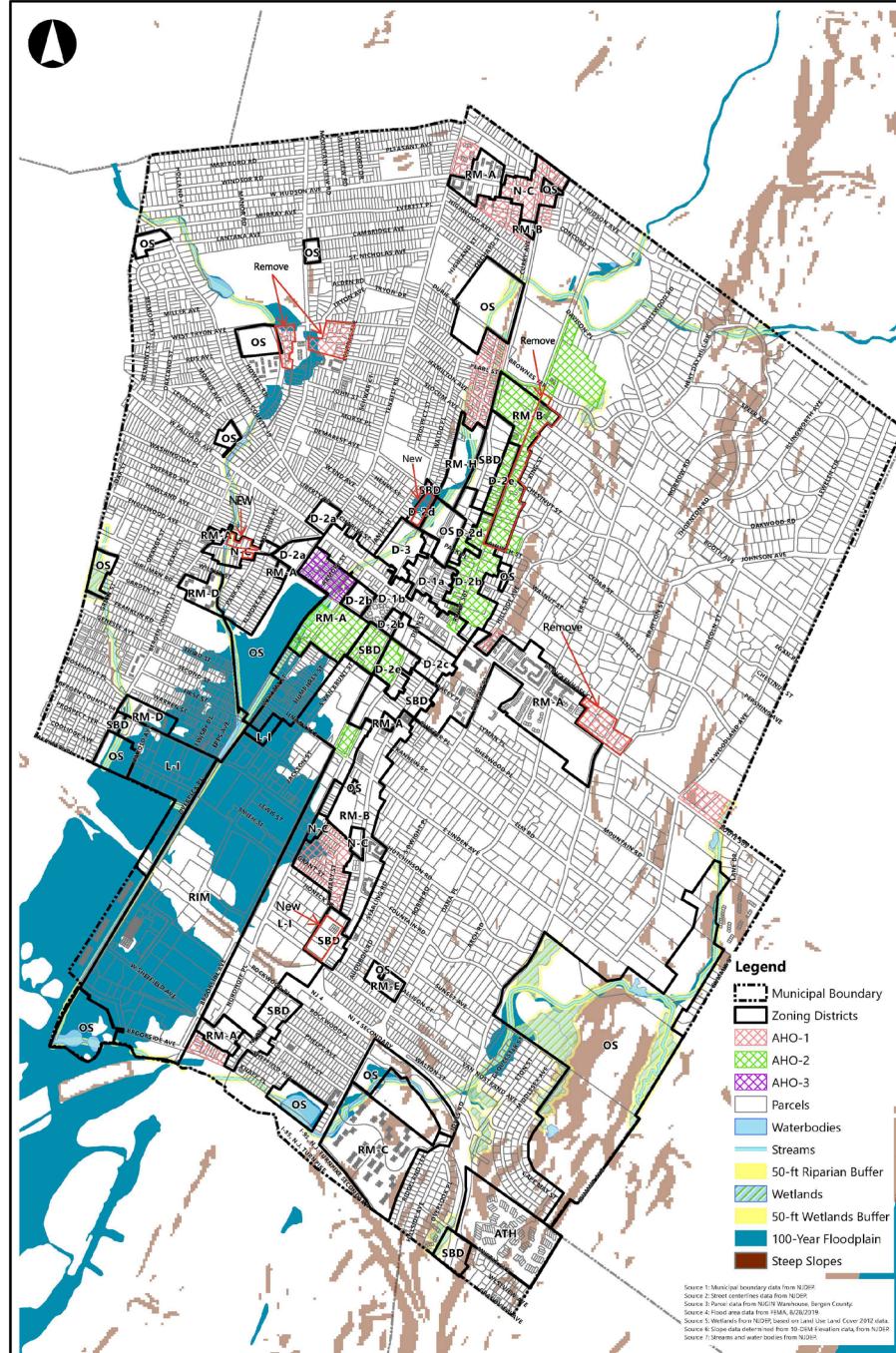
May 8 Joint Council/Planning Board Meeting- needs to be noticed

May 21 Fourth Subcommittee Meeting

June 5 Planning Board Public Hearing and adoption of Housing Element and Fair Share Plan- needs to be noticed 10 days before- may need to hold in a large space

June 17 Council Endorsement of Fair Share Plan by resolution.

***Plan must be adopted no later than June 30, 2025**



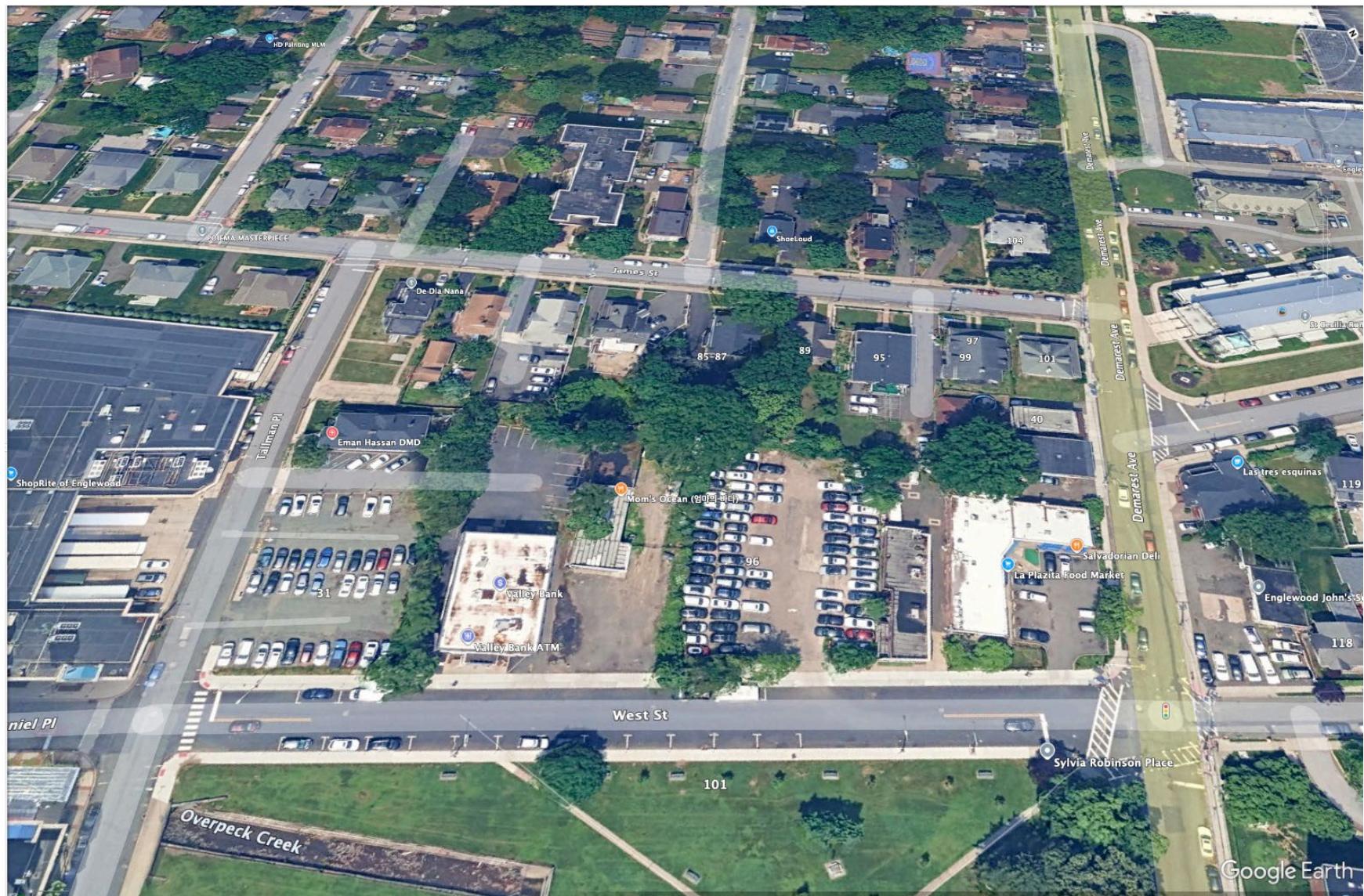
Project Title: Overlay Zoning and Environmental Constraints

Project No.: 3759.28 Date: 12/11/24 Draw No.: DN

BURGESS ASSOCIATES, INC.
COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE
1000 Broad Street, Suite 200 • Englewood, NJ 07632 • (201) 569-9951
E-mail: info@burgessassociates.com • Fax: (201) 569-0309

Project Name: Affordable Housing Litigation
City of Englewood | Bergen County, New Jersey

Scale: 1" = 1,300' Date: Overlay



West Avenue



Englewood Avenue



Grand Avenue