



Housing Element & Fair Share Plan

City Of Englewood
Bergen County, New Jersey

May 22, 2025



DRAFT

2025 HOUSING ELEMENT AND FAIR

SHARE PLAN

**CITY OF ENGLEWOOD
BERGEN COUNTY, NEW JERSEY**

PREPARED FOR:

**CITY OF ENGLEWOOD PLANNING BOARD
BA# 4138.08**

**The original document was appropriately signed and sealed on May 22, 2025 in accordance with
Chapter 41 of Title 13 of the State Board of Professional Planners.**



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**The Housing and Fair Share Plan was adopted by the City of Englewood Planning Board
after public hearing on**

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EXECUTIVE SUMMARY

The following **2025 Housing Element and Fair Share Plan (HE&FSP) of the Master Plan** has been prepared for the City of Englewood, Bergen County, New Jersey.

This plan is designed to outline the manner in which the City will address its affordable housing obligations for the upcoming Fourth Round. As will be discussed in greater detail in this document, these obligations were derived from a variety of different sources including the Council on Affordable Housing (COAH), prior Court-approved Judgments of Compliance and Repose, settlement agreements with Fair Share Housing Center (FSHC), and most recently from Fourth Round obligation calculations provided by the Department of Community Affairs (DCA).

In summary, the City's affordable housing obligation over the prior and current Fourth Round is as follows:

Table 1: Affordable Housing Obligations Summary

Category	Obligation
Present Need (Rehabilitation) Obligation	166
First & Second Round Obligation (1987-1999)	152
Third Round Obligation (1999-2025)	819
Fourth Round Obligation (2025-2035)	359

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

The HE&FSP also included 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 established an RDP of 76 units.

Fourth Round Obligation

Governor Murphy signed the A-40/S-50 Bill into law on March 20, 2024 upon adoption by the State Senate and Assembly. This legislation (FHA-2) amended the Fair Housing Act (FHA or the Act) by abolishing COAH and created a new process that involved the creation of an entity known as the Affordable Housing Dispute Resolution Program (the Program), which is overseen by seven retired Mount Laurel judges. The Program has taken the place of the trial courts and COAH regarding the approval process involving municipal HE&FSPs. The DCA and the Administrative Office of the Courts (AOC) are both also involved in assisting the Program with this process.

FHA-2 directed the DCA to calculate the Present Need (also referred to as the Rehabilitation obligation) and the Prospective Need (also known as the new construction obligation) for Round Four based upon the standards set forth in the Act. The DCA issued its report on October 18, 2024, and, in accordance with the Act, made clear that the obligations generated by the report were advisory only and were non-binding. For the City of Englewood, the DCA Report identified a Present Need 166 units and a Prospective Round Four Need of 381.

Since the DCA report was non-binding, each municipality the legislation provided municipalities the opportunity to study and define why its obligations should be different based on the standards in the Act. This analysis, conducted by Burgis Associates on behalf of the City, established a prospective need of 331 units. The City's calculation of obligation was challenged by the New Jersey Builder's Association who sought higher obligations. Ultimately the matter was settled and the City adopted a binding resolution which committed to the present and prospective need obligations identified by DCA as modified by the Court settlement ultimately resulted in a Fourth Round Obligation of Present Need at 166 units and Round Four Prospective Need at 359 units.

FAIR SHARE OBLIGATION

The following section provides an overview of the City's fair share obligation. It includes a brief overview of the methodology utilized to calculate affordable housing obligations throughout the state.

Accordingly, the remainder of this 2025 HE&FSP is divided into the following sections:

❖ Section 1: Introduction

The first section of the 2025 HE&FSP provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

❖ Section 2: Housing Element

Section 2 contains the Housing Element for the City of Englewood. It offers a community overview of the City, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the City's housing stock and employment.

❖ Section 3: Fair Share Obligation

Next, Section 3 provides an overview of the City's fair share obligation. It includes a brief history of the methodologies utilized to calculate affordable housing obligations throughout the state.

❖ Section 4: Fair Share Plan

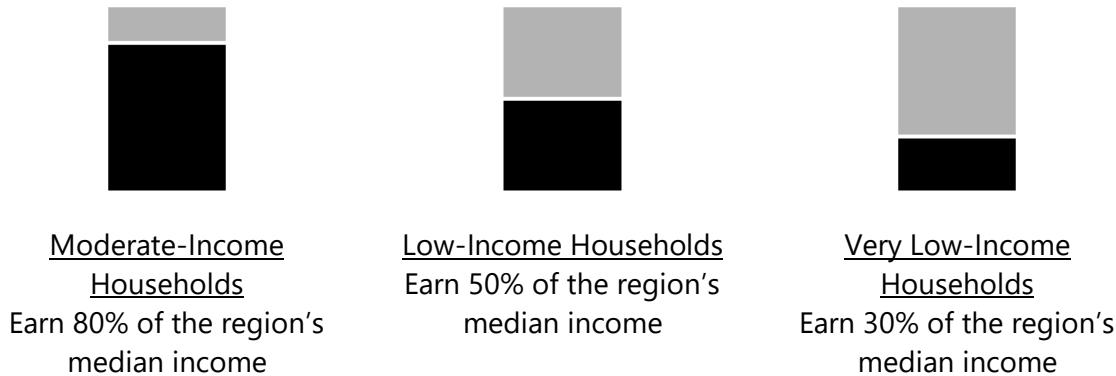
Finally, Section 4 details the manner in which the City has addressed its prior First, Second and Third Round obligations, how it will address its Fourth Round Prospective Need Obligation, and how same is consistent with the FHA, applicable COAH and UHAC regulations, and state planning initiatives.

SECTION I: INTRODUCTION

The following section provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

A. What is Affordable Housing?

Affordable housing is income-restricted housing that is available for sale or for rent. Typically, affordable housing is restricted to very-low, low-, and moderate-income households. These categories are derived from median regional income limits established for the state. New Jersey is delineated into six different affordable housing regions. Englewood is located in Region 1, which includes Bergen, Hudson, Passaic and Sussex counties.



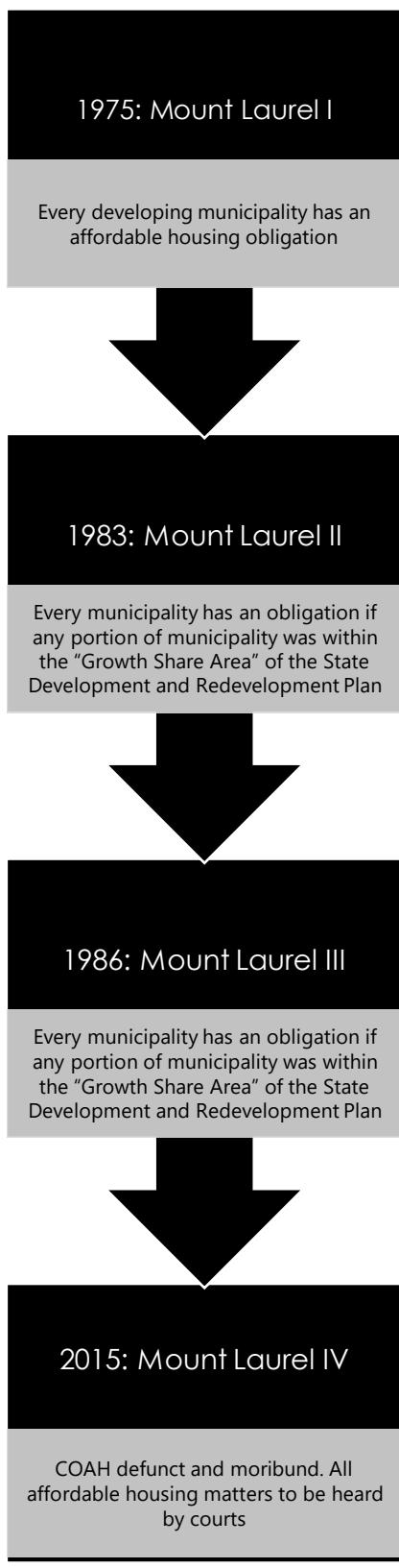
Regional income limitations are updated every year, with different categories established for varying household sizes. Table 2 identifies the 2024 regional income limits by household size for Region 1. As shown, a three-person family with a total household income of no greater than \$86,697 for moderate income and \$54,185 for low income units could qualify for affordable housing in the City's region.

Table 2: 2024 Affordable Housing Region 1 Income Limits by Household Size

Income Level	2 Person	3 Person	4 Person	5 Person
Median	\$96,329	\$108,371	\$120,412	\$130,045
Moderate	\$77,064	\$86,697	\$96,329	\$104,036
Low	\$48,165	\$54,185	\$60,206	\$65,022
Very-Low	\$28,899	\$32,511	\$36,124	\$39,013

One of the most common forms of affordable housing is inclusionary development, in which a certain percentage of units within a multifamily development are reserved for affordable housing. Affordable housing can be found in a variety of other forms, including but not limited to 100% affordable housing developments, deed-restricted accessory apartments, alternative living arrangements such as special need/supportive housing or group homes, assisted living facilities, and age-restricted housing.

B. WHAT IS THE HISTORY OF AFFORDABLE HOUSING IN NEW JERSEY?



The history of affordable housing in New Jersey can be traced back to 1975, when the Supreme Court first decided in *So. Burlington Cty. NAACP v. City of Mount Laurel* (known as Mount Laurel I) that every developing municipality throughout New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent Supreme Court decision in 1983 (known as Mount Laurel II), the Court acknowledged that the vast majority of municipalities had not addressed their constitutional obligation to provide affordable housing.

As such, the Court refined this obligation to establish that every municipality had an obligation, although those within the growth area of the State Development and Redevelopment Plan (SDRP) had a greater obligation. The Court also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result of this decision was the adoption of the Fair Housing Act in 1985, as well as the creation of the New Jersey Council on Affordable Housing (COAH), which became the state agency responsible for overseeing the manner in which New Jersey's municipalities address their low- and moderate-income housing needs.

COAH proceeded to adopt regulations for the First Round obligation, which covered the years 1987 to 1993. It also

established the Second Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the First and Second Rounds, COAH utilized what is commonly referred to as the "fair share" methodology. COAH utilized a different methodology, known as "growth share," beginning with its efforts to prepare Third Round housing-need numbers. The Third Round substantive and procedural rules were first adopted in 2004.

These regulations were challenged and in January 2007, the Appellate Division invalidated various aspects of these rules and remanded considerable portions of the rules to COAH with the directive to adopt revised regulations.

In May 2008, COAH adopted revised Third Round regulations which were published and became effective on June 2, 2008. Coincident to this adoption, COAH proposed amendments to the rules they had just adopted, which subsequently went into effect in October 2008. These 2008 rules and regulations were subsequently challenged, and in an October 2010 decision, the Appellate Division invalidated the Growth Share methodology, and also indicated that COAH should adopt regulations pursuant to the Fair Share methodology utilized in Rounds One and Two. The Supreme Court affirmed this decision in September 2013, which invalidated much of the third iteration of the Third Round regulations and sustained the invalidation of growth share. As a result, the Court directed COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

2017: Gap Period

Finds that gap period (1999-2015) generates an affordable housing obligation

2018: Jacobson Decision

Established methodology in Mercer County for determining housing obligation. Being utilized outside of Mercer County for settlement purposes

2024: A-4/S-50

New Jersey adopts new legislation which overhauls the FHA. COAH is eliminated, and its duties are split between the DCA and the AOC.

Deadlocked with a 3-3 vote, COAH failed to adopt newly revised Third Round regulations in October 2014. Fair Share Housing Center, who was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. The Court heard the motion in January 2015 and issued its ruling on March 20, 2015. The Court ruled that COAH was effectively dysfunctional and, consequently, returned jurisdiction of affordable housing issues back to the trial courts where it had originally been prior to the creation of COAH in 1985.

This 2015 Court decision created a process in which municipalities may file a declaratory judgment action seeking a declaration that their HE&FSP is constitutionally compliant and receive temporary immunity from affordable housing builders' remedy lawsuits while preparing a new or revised HE&FSP to ensure their plan continues to affirmatively address their local housing need as may be adjusted by new housing-need numbers promulgated by the court or COAH.

Subsequently, the Supreme Court ruled on January 18, 2017 that municipalities are also responsible for obligations accruing during the so-called "gap period," the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need, which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

On March 20, 2024, Governor Murphy signed the A4/S50 Bill into law, which amended the FHA for the Fourth Round and beyond. The amendments to the FHA eliminated COAH, moved away from just allowing trial courts to approve municipal HE&FSPs, and created a new entity to approve the plans known as The Program, which consists of seven retired Mount Laurel Judges. FHA-2 also involved the DCA and the AOC in the process.

The DCA was designated by the amended FHA as the entity responsible for calculating the state's regional needs as well as each municipality's present and prospective fair share obligations pursuant to the Jacobson Decision. However, the Amended FHA makes clear that these numbers are advisory and non-binding, and that each municipality must set its own obligation number utilizing the same methodology. The Program was tasked to handle any disputes regarding affordable housing obligations and plans, and to ultimately issue a Compliance Certification to approve a municipality's HE&FSP, which would continue immunity from all exclusionary zoning lawsuits until July 30, 2035.

C. What is a Housing Element and Fair Share Plan?

A HE&FSP serves as the blueprint for how a municipality will address its fair share of affordable housing. It is designed to help a community broaden the accessibility of affordable housing.

While technically a discretionary component of a municipal master plan, a HE&FSP is nevertheless an effectively obligatory plan element. As established by N.J.S.A. 40:55D-62.a of the Municipal Land Use Law (MLUL), a municipality must have an adopted HE&FSP in order to enact its zoning ordinance. Thus, from a public policy perspective, a HE&FSP is an essential community document. Moreover, without an approved HE&FSP, a municipality may be susceptible to a builder's remedy lawsuit in which a developer could file suit to have a specific piece of property rezoned to permit housing at higher densities than a municipality would otherwise allow, provided a certain percentage of units are reserved as affordable.

The Municipal Land Use Law (MLUL) is the enabling legislation for municipal land use and development, planning, and zoning for the State of New Jersey.

The Fair Housing Act, as most recently amended pursuant to FHA-2, establishes the required components of a HE&FSP. These are summarized as follows:

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;
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;
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and 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;
7. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as

expressed in the recommendations of the Multigenerational Family Housing Continuity Commission;

8. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Section 2: Housing Element

The following section provides the housing element for the City of Englewood. It offers a community overview of the City, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the City's housing stock and its employment.

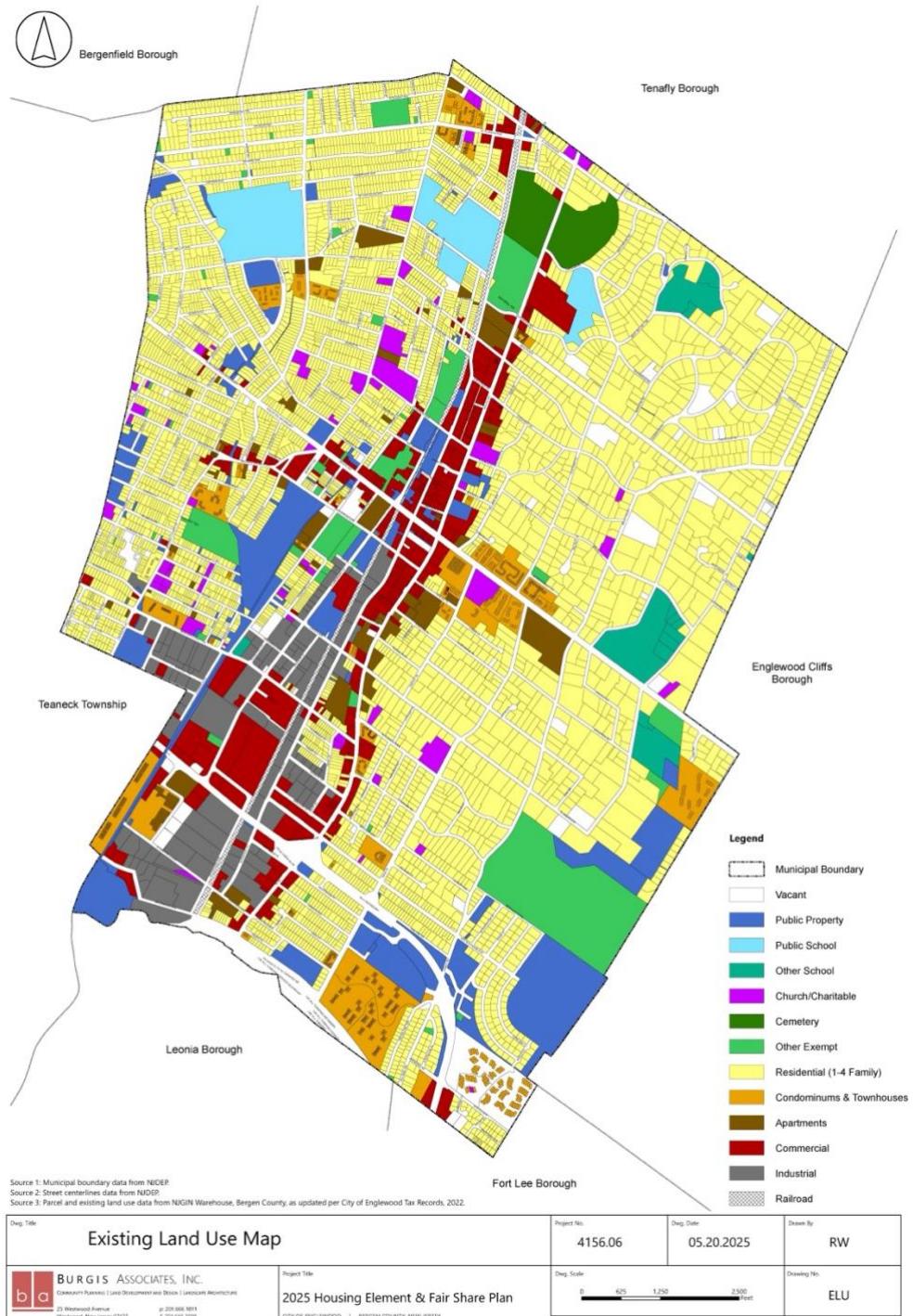
A. COMMUNITY OVERVIEW

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 Cities 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 Lane, 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.

Map 1: Existing Land Use



B. INFORMATION REGARDING DATA SOURCES

The background information contained in Section 2.C entitled "Inventory of Municipal Housing Stock," Section 2.D entitled "Projection of Municipal Housing Stock," Section 2.E entitled "Demographic and Population Data," and Section 2.F entitled "Employment Characteristics and Projections" was obtained from a variety of publicly available data sources. These are summarized below:

United States Decennial Census	New Jersey Department of Community Affairs (DCA)
<p>The US Census is described in Article I, Section 2 of the Constitution of the United States, which calls for an enumeration of the people every ten years for the apportionment of seats in the House of Representatives. Since the time of the first Census conducted in 1790, it has become the leading source of data about the nation's people and economy. Please note that all incomes reported in the Census are adjusted for inflation.</p> <p>American Community Survey (ACS)</p>	<p>The New Jersey Department of Community Affairs is a governmental agency of the State of New Jersey. Its function is to provide administrative guidance, financial support, and technical assistance to local governments, community development organizations, businesses, and individuals to improve the quality of life in New Jersey.</p>
<p>The American Community Survey is a nationwide ongoing survey conducted by the US Census Bureau. The ACS gathers information previously contained only in the long form version of the decennial census, such as age, ancestry, educational attainment, income, language proficiency, migration, disability, employment, and housing characteristics. It relies upon random sampling to provide ongoing, monthly data collection. Please note that all incomes reported in the ACS are adjusted for inflation.</p> <p>New Jersey Department of Health</p>	<p>New Jersey Department of Labor and Workforce Development</p> <p>The New Jersey Department of Labor and Workforce Development is a governmental agency of the State of New Jersey. One of its roles is to collect labor market information regarding employment and wages throughout the state.</p>
<p>The New Jersey Department of Health is a governmental agency of the State of New Jersey. The department contains the Office of Vital Statistics and Registry, which gathers data regarding births, deaths, marriages, domestic partnerships, and civil unions.</p>	

C. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the Housing Element provides an inventory of the City's housing stock, as required by the MLUL. 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 the table below,

Table 3: Dwelling Units (1990-2023)

Year	Dwellings	Numerical Change	% Change
2000	9,614	-	-
2010	11,122	1,508	16%
2023	12,047	925	8%

Sources: U.S. Census, *American Community Survey 5-Year Estimates

The City's housing stock witnessed a 16 percent increase in its housing stock from 2000 to 2010. Since that time housing unit growth declined by 50 percent by 2023. Decline can be due to a number of factors most significantly the lack of available land as well as the COVID epidemic whose effects were felt beyond 2020.

The following table 4 provides details regarding the tenure and occupancy of the City's housing stock. As shown below, since 2010, the City's housing stock remains primarily owner occupied however, the City saw a 3.7percent decline in homeownership while renter occupied units increased by 3.9 over the past decade.

Table 4: Housing Units by Tenure and Occupancy Status (2010 and 2023)

Category	2010		2023*	
	# of Units	%	# of Units	%
Owner Occupied	5,897	53.0%	5,935	49.3%
Renter Occupied	4,477	40.3%	5,323	44.2%
Vacant Units	748	6.7%	789	6.5%
Total	11,122	100.0%	12,047	100.0%

Source: American Community Survey 5-Year Estimates

2. Housing Characteristics. This section provides additional information on the characteristics of the City's housing stock, including the number of units in a structure (Table 5). The City remains primarily a single family community which account for approximately 39.5% percent of the City's housing stock, down from the 44.8% percent reported in 2010.

Table 5: Units in Structure (2010 and 2023)

Units in Structure	2010		2023	
	No.	%	No.	%
Single Family, Detached	4978	44.8%	4753	39.5%
Single Family, Attached	780	7.0%	1043	8.7%
2	953	8.6%	929	7.7%
3 or 4	754	6.8%	424	3.5%
5 to 9	1077	9.7%	833	6.9%
10 to 19	611	5.5%	776	6.4%
20+	1969	17.7%	3288	27.3%
Mobile Home	0	0.0%	1	0.0%
Other	0	0.0%	0	0.0%
Total	11,122		12,047	

Source: American Community Survey 5-Year Estimates

3. Housing Age. Table 6 shows that 51% of the City's housing units were built in 1959 or earlier with a majority of dwellings constructed indicating an aging housing stock. Since 2010, 1,055 units (8.8 percent of all housing units) were built and only 47 reported built post 2019.

Table 6: Year Structures Built

Year Units Built	Number	Percent
2020 or Later	47	0.4%
2010 to 2019	1008	8.4%
2000 to 2009	1427	11.8%
1990 to 1999	679	5.6%
1980 to 1989	1069	8.9%
1970 to 1979	1001	8.3%
1960 to 1969	599	5.0%
1950 to 1959	1357	11.3%
1940 to 1949	1679	13.9%
1939 or earlier	3181	26.4%
Total	12,047	100.0%

Source: American Community Survey 5-Year Estimates

4. Housing Conditions. Table 7 provides an indication of overcrowded housing units, represented by units containing more than one occupant per room which is an indicator used to gauge substandard housing. The data indicates that, in both 2010 and 2023, a small number of the City's dwelling units can be considered overcrowded with only 2.6 and 4.1% indicated in this condition although the percentage of units considered crowded actually increased between that time.

Table 7: Occupants per Room (2010 and 2023)

Occupants Per Room	2010		2023	
	Number	%	Number	%
1.00 or less	10,109	97.4%	10,794	95.9%
1.01 to 1.50	227	2.2%	268	2.4%
1.51 or more	38	0.4%	196	1.7%
Total Occupied Units	10,374	100%	11,258	100.0%

Source: American Community Survey 5-Year Estimates

Table 8 presents additional detail regarding housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. These statistics are also indicators of substandard housing. As shown below, the housing stock reflects only a very small proportion of housing that lack these critical facilities.

Table 8: Equipment and Plumbing Facilities (2010 and 2023)

Facilities	2010		2023	
	Number	Percent	Number	Percent
Kitchen:				
With Complete Facilities	10,303	99.3%	11,237	99.8%
Lacking Complete Facilities	71	0.7%	21	0.2%
Plumbing:				
With Complete Facilities	10,345	99.7%	11,249	99.9%
Lacking Complete Facilities	29	0.3%	9	0.1%
Heating Equipment:				
Standard Heating Facilities	10,336	100%	11,136	98.9%
Other Fuel	38	0.0%	59	0.5%
No Fuel Used	0	0.0%	63	0.6%
Total Occupied Units	10,374	100	11,258	100

Source: American Community Survey 5-Year Estimates

5. Purchase and Rental Values. The City experienced a rise in housing rental and purchase prices between 2010 and 2023, as shown in the following tables. The median gross rent for the City's rental housing stock increased 32.9% between 2010 and 2023, from \$1,179 in 2010 to to \$1,568 in 2023.

Table 9: Gross Rent of Specified Renter-Occupied Units (2010 and 2023)

Rent	2010		2023	
	Number	Percent	Number	Percent
Less than \$500	572	13%	226	4.2%
\$500 to \$999	886	21%	451	8.5%
\$1,000 to \$1,499	1672	39%	854	16.0%
\$1,500 to \$1,999			1219	22.9%
\$2,000 to \$2,499	1178	27%	652	12.2%
\$2,500 to \$2,999			627	11.8%
\$3,000 or more			1103	20.7%
No cash rent	169	X	191	X
Total Occupied units paying rent	4,308	100%	5,323	100%
Median Gross Rent	\$1,179		\$1,568	

Source: American Community Survey 5-Year Estimates

The median value of owner-occupied units in Englewood increased during this period, though perhaps not nearly as much as renter-occupied units. The median value of owner-occupied units in the City increased 14.3% percent between 2010 and 2023, from \$435,200 in 2010 to \$497,500 in 2023.

Table 10: Value of Specified Owner-Occupied Housing Units (2010 and 2023)

Value	2010		2023	
	Number	Percent	Number	Percent
Less than \$50,000	47	0.8%	58	1.0%
\$50,000 to \$99,999	27	0.5%	1	0.0%
\$100,000 to \$149,999	79	1.3%	73	1.2%
\$150,000 to \$199,999	110	1.9%	161	2.7%
\$200,000 to \$299,999	521	8.8%	645	10.9%
\$300,000 to \$499,999	3188	54.1%	2062	34.7%
\$500,000 to \$999,999	1144	19.4%	1755	29.6%
\$1,000,000 or more	781	13.2%	1180	19.9%
Total Owner Occupied	5897	100.0%	5935	100.0%
Median Value	\$435,200		\$497,500	

Source: American Community Survey 5-Year Estimates

6. Number of Units Affordable to Low- and Moderate-Income Households. Based on the Affordable Housing Professionals of New Jersey (AHPNJ) 2024 regional income limits, the median household income for a three-person household in COAH Region 1, Englewood's housing region comprised of Bergen, Passaic, Hudson and Sussex County is \$108,371. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$86,697. A three-person low-income household, established at no more than 50 percent of the median income, would have an income not exceeding \$54,185.

An affordable sales price for a three-person moderate-income household earning 80 percent of the median income is estimated at approximately \$346,788. An affordable sales price for a three-person low-income household earning 50 percent of the median income is estimated at approximately \$216,740. These estimates are based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.1 et seq. Approximately 4.9 percent of Englewood's owner-occupied housing units are valued at less than \$200,000 for low income families. More of the housing stock is available to moderate income families where 50.5 percent are in range and affordable from \$300,000 and less according to the 2023 American Community Survey.

Rental costs are generally more affordable to moderate income families than low. For renter-occupied housing, an affordable monthly rent for a three-person moderate-income household is estimated at approximately \$1,565. An affordable monthly rent for a three-person low-income household is estimated at approximately \$1,128. According to the 2023 American Community Survey, at least 51.6% of Englewood's rental units would be considered affordable to moderate income families whereas, about less than 2% have a gross rent less affordable to lower income families.

7. Substandard Housing Capable of Being Rehabilitated. The DCA utilized a formula for calculating the number of units in a community that are in need of rehabilitation and are not likely to experience "spontaneous rehabilitation." Englewood's rehabilitation share has been determined by the DCA to be ten 166 units.

D. Projection of Municipal Housing Stock

Applicable fair housing 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 445 residential building permits were issued for new construction, most of which consisted of multifamily units. On average that would suggest 44.5 dwelling units per year. However, the table shows that there were two years of significant multifamily construction. These occurred in 2016 and 2019. Since 2019, the City experience a sharp decline in housing construction where only 40 units were constructed.

Table 11: Number of Residential Building Permits issued for New Construction (2014-2023)

Year Issued	One & Two Family	Multi-Family	Mixed- Use	Total
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
2021	9	8	0	17
2022	7	7	0	14
2023	5	4	0	9
Total	51	425	8	484

Source: New Jersey Department of Community Affairs (DCA) Construction Reporter

2. Probable Residential Development of Lands. Considering the rate of residential growth experienced in Englewood over the past decade, current economic uncertainty, and the fact that there are few developable parcels remaining in the City, it is anticipated that Englewood's residential growth over the next decade will primarily be in the form of new inclusionary multi-family development as a result of affordable housing zoning adopted by the City. Presently these housing units have yet to develop.

E. DEMOGRAPHIC AND POPULATION DATA

The MLUL requires that the Housing Element of this plan provide data on the municipality's population, including population size, age and income characteristics.

1. Population Size. As seen in the table below, the City's population declined from 1960 to 1980 but has since experienced modest growth finally surpassing its 1960 population falling in the 2 to 6 percent range.

Table 12: Population Growth (1960-2023)

Year	Population	Population Change	Percent Change
1960	26,057	-	-
1970	24,985	-1072	-4%
1980	23,701	-1284	-5%
1990	24,850	1149	5%
2000	26,203	1353	5%
2010	26,828	625	2%
2020	28,390	1562	6%
2023*	29,342	952	3%

Sources: U.S. Census, *American Community Survey 5-Year Estimates

2. Age Characteristics. The City's age characteristics are represented in Table 16 below. The City is slowly aging as the average age has increased from 40 years of age in 2010 to 43 by 2023. The largest cohort jumps occurred in the age range of 45 to 54 (16%), followed by the 25 to 34 age group (13%). The proportion of elderly age 65+ grew from 13.2 to 19%.

Table 13: Age Characteristics (2010 and 2023)

Age Group	2010		2023	
	Pop	%	Pop	%
under 5	1790	6.7%	1441	5%
5-9	1601	6.0%	1450	5%
10-14	1,851	6.9%	2,418	8%
15-19	1,569	5.8%	1,759	6%
20-24	1,491	5.6%	1,258	4%
25-34	3,284	12.2%	3,874	13%
35-44	4,217	15.7%	3,226	11%
45-54	4,129	15.4%	4,652	16%
55-59	1,633	6.1%	1,743	6%
60--64	1,710	6.4%	2,020	7%
65-74	1941	7.2%	3149	11%
75-84	1090	4.1%	1509	5%
85+	522	1.9%	843	3%
Total	26,828	100.0%	29,342	100%
Median Age	40		43	

Source: American Community Survey 5-Year Estimates

3. Average Household Size. The average size of Englewood households increased slightly from 2020 to 2023 but still less than the average from 2000.

Table 14: Average Household Size (2000-2023)

Year	Total Population	Number of Households	Average Household Size
2000	26,203	9,291	2.79
2010	26,828	10,374	2.57
2020*	28,390	11,064	2.55
2023*	29,342	11,258	2.59

Sources: U.S. Census, *American Community Survey 5-Year Estimates

4. Household Income. The median household income for Englewood households increased significantly over the past decade by approximately 45 percent between 2010 and 2023, rising from a median income of \$69,915 to \$101,398. Detailed household income figures are shown in the table below.

Table 15: Household Income Distribution (2010 and 2023)

Income Category	2010*		2023*	
	Number	%	Number	%
less than \$10,000	748	7%	476	4%
\$10,000 to \$14,999	480	5%	456	4%
\$15,000 to \$24,999	934	9%	281	2%
\$25,000 to \$34,999	974	9%	751	7%
\$35,000 to \$49,999	902	9%	928	8%
\$50,000 to \$74,999	1464	14%	1,458	13%
\$75,000 to \$99,999	1141	11%	1,189	11%
\$100,000 to \$149,999	1666	16%	1,632	14%
\$150,000 to \$199,000	1033	10%	1,590	14%
\$200,000 or more	1,032	10%	2,497	22%
Total households	10,374	100%	11,258	100%
Median Income (Household)	\$69,915		\$101,398	

Source: American Community Survey 5-Year Estimates

F. Employment Characteristics and Projections

The MLUL requires that a Housing Element include data on employment levels in the community. The following tables present information on the City's employment characteristics.

1. Employment Status. Table 16 provides information on Englewood's employment status for the segment of the population 16 and over. Approximately 65.7 percent of the City's population 16 and over was in the labor force in 2023, up from 63.8 percent in 2010. During the same period between 2010 and 2023, the percentage of the City's labor force that was unemployed increased slightly from 4.2 percent in 2010 to 4.5 percent in 2023. Significantly, 29.8% of the

population reported themselves as not in the labor force though a slight reduction from 2010 reflecting a growing segment of the elderly influencing this statistic.

Table 16: Employment Status - Population 16 & Over (2010 and 2023)

Employment Status	2010		2023	
	Number	%	Number	%
In labor force	14,557	68.0%	16,598	70.2%
Civilian labor force	14,557	68.0%	16,598	70.2%
Employed	13,657	63.8%	15,526	65.7%
Unemployed	900	4.2%	1,072	4.5%
% of civilian labor force	--	6.2%	--	6.5%
Armed Forces	0	0.0%	0	0.0%
Not in labor force	6,856	32.0%	7,032	29.8%
Total Population 16 and Over	21,413	100.0%	23,630	100.0%

Source: American Community Survey 5-Year Estimates

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of Englewood residents. Table 17 details employment by occupation and Table 18 details employment by industry.

Table 17: Employed Residents Age 16 and Over, By Occupation (2010 and 2023)

Occupation	2010		2023	
	Number	Percent	Number	Percent
Management, business, science, and arts occupations	5,849	42.8%	7530	48.5%
Service occupations	2107	15.4%	2833	18.2%
Sales and office occupations	3,432	25.1%	3429	22.1%
Natural resources, construction, and maintenance occupations	774	5.7%	703	4.5%
Production, transportation, and material moving occupations	1495	10.9%	1031	6.6%

Total	13,657	100.0%	15,526	100.0%
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Source: American Community Survey 5-Year Estimates

Table 18: Employed Residents Age 16 and Over, By Industry (2010 and 2023)

Industry	2010		2023	
	Number	Percent	Number	Percent
Agriculture, forestry, fishing and hunting, and mining	16	0.1%	0	0.0%
Construction	566	4.1%	602	3.9%
Manufacturing	1225	9.0%	1051	6.8%
Wholesale trade	564	4.1%	648	4.2%
Retail trade	1264	9.3%	1465	9.4%
Transportation and warehousing, and utilities	877	6.4%	803	5.2%
Information	558	4.1%	486	3.1%
Finance, insurance, real estate, and rental and leasing	1655	12.1%	1390	9.0%
Professional, scientific, management, administrative, and waste management services	1578	11.6%	1875	12.1%
Educational, health and social services	3572	26.2%	4483	28.9%
Arts, entertainment, recreation, accommodation and food services	707	5.2%	1754	11.3%
Other services (except public administration)	713	5.2%	697	4.5%
Public administration	362	2.7%	272	1.8%
Total	13,657	100.0%	15,526	100.0%

Source: American Community Survey 5-Year Estimates

- 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. As shown in the table below, employment in Englewood has experienced modest gains in 2022 to 2023 but has fluctuated over the years with job losses and gains with the largest loss of jobs occurring, not surprisingly, in 2020 during the COVID epidemic when the economy shed jobs.

b.

Table 19: Average Covered Employment Trends (2012-2023)

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2012	14,688		
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%
2022	17,329	880	5.1%
2023	17,645	316	1.8%

Sources: New Jersey Department of Labor and Workforce Development

c. 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 in Englewood between 2014 and 2023. During this period, building permits were issued for 842,251 square feet of non-residential space, the majority of which (approximately 71.8 percent or 59,557 square feet) was for office and storage space. On average, the City issued building permits for approximately 84,225 square feet of non-residential space per year over the past decade however, there has been a noticeable decline from the past two years.

Table 20: Non-Residential Space Authorized by Building Permits (2014-2023)

Year Issued	Office	Retail	A-2	A-3	A-4	Institutional	Industrial	Storage	Total
2014	1	2113	0	4800	0	0	0	0	6914
2015	0	1	742	0	0	74812	0	1	75556
2016	31833	11500	0	20466	0	0	23970	0	87769
2017	303650	0	0	19640	0	8900	0	0	332190
2018	3477	0	0	0	0	0	0	0	3477
2019	0	0	0	0	0	0	0	0	0
2020	4477	173335	0	0	0	0	2086	34209	214107
2021	15150	0	0	3250	0	0	0	14678	33078
2022	0	0	0	0	0	0	0	0	0
2023	0	0	0	2745	0	0	0	165408	168153
Total	410858	195101	1483	78996	0	87036	30628	229808	1033910

Source: New Jersey Department of Community Affairs (DCA) Construction Reporter

- d. Probable Non-Residential Development of Lands. As indicated above the City experienced an average of 84,225 square feet of new non-residential space per year over the past decade but shows sign of slowing. The City anticipates redevelopment to occur however, it appears that non-residential construction has stabilized to a much slower pace.
- e. Probable Future Employment Characteristics. As detailed in Table 18 above, employment in Englewood is not expected to experience significant job growth over the next decade which can be expected given the slowing pace of non-residential construction.

SECTION 3: FAIR SHARE OBLIGATION

The following section provides an overview of the City's fair share obligation. It includes a brief overview of the methodology utilized to calculate affordable housing obligations throughout the state.

SUMMARY OF FAIR SHARE OBLIGATION

On March 20, 2024, Governor Murphy signed the A4/S50 Bill into law, which amended the FHA for the Fourth Round and beyond. The amendments to the FHA eliminated COAH, moved away from just allowing trial courts to approve municipal HE&FSPs, and created a new entity to approve the plans known as The Program, which consists of seven retired Mount Laurel Judges. FHA-2 also involved the DCA and the AOC in the process.

The Amended FHA now designates the DCA as the entity responsible for calculating the state's regional needs. Specifically, N.J.S.A. 52:27D-304.2 establishes the methodology to be utilized by the DCA to determine the state's regional prospective needs of low- and moderate-income housing for the ten-year period spanning from July 1, 2025 to June 30, 2035. In summary, the projected household change for this period is estimated by establishing the household change experienced in each region between the most recent federal decennial census and the second-most recent decennial census. This household change, if positive, is then to be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region for the next ten years. This methodology resulted in a statewide prospective need of 84,698 low- and moderate-income units.

Furthermore, the DCA is also the entity responsible for calculating each municipality's present and prospective fair share obligations. However, FHA-2 makes clear that these calculations are advisory and non-binding, and that each municipality may set its own obligation number utilizing the same methodology.

On January 21, 2025, the City of Englewood adopted Resolution #050-01-25, which established its affordable housing obligations for the Fourth Round. A copy of this resolution with the City's filing for Declaratory Relief is located in Appendix A of this plan. As noted in that resolution, the City accepted DCA's Present Need calculation of 166 units however, a detailed analysis of parcels identified by the DCA were found to statutorily exempt and should not have been counted towards the City's developable acreage. This analysis reduced the City's obligation from 381 to 331 units. A subsequent challenge by the NJ Builder's Association, was filed with the Program and by settlement, the prospective need was established by the Program as 359 units.

Table 21: Summary of Fair Share Obligation

Affordable Obligation	Units
Present Need (Rehabilitation)	166
Prospective Need	359

SECTION 4: FAIR SHARE PLAN

The following Fair Share Plan outlines the components and mechanisms the City will utilize to address its affordable housing obligations.

A. PLAN SUMMARY

The Fair Share Plan identifies the manner in which the City's fair share affordable housing obligations – inclusive of a Present Need (Rehabilitation) obligation of 166 units, a First and Second Round obligation of 152 units, a Third Round Prospective Need obligation of 724 units and a Fourth Round obligation of 359 – are to be addressed. These obligations are summarized as follows:

Table 22: Affordable Housing Obligations Summary

Category	Obligation
Present Need (Rehabilitation) Obligation	166
First & Second Round Obligation (1987-1999)	152
Third Round Obligation (1999-2025)	724
Fourth Round Obligation (2025-2035)	359
Total	1,401

B. 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 Section 4.C. of this plan illustrates the location of all developments identified herein.

(1) Present Need (Rehabilitation) Obligation

Englewood has a Present Need obligation of 166 (166) units. The City established a housing rehabilitation program under the Third Round cycle and will continue its program into the Fourth Round and partner with the Bergen County Housing Rehabilitation Program.

(2) First and Second Round RDP

As discussed in Section 3 of this plan, Englewood's combined prior First and Second Round RDP obligation was 152 units. As verified during the Third Round certification process, the City addressed its entire prior round obligation. The following table illustrates the manner in which the City satisfied this obligation.

Table 23: Plan Components Satisfying Prior 1985-1999 First & Second Round RDP

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	

(3) Third Round Prospective Need

The City's affordable housing obligation related to Prospective Need was established by a Vacant Land Adjustment (VLA) and the imposition of a realistic development potential (RDP) analysis, undertaken pursuant to the Third 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 identified 211 lots comprising 176.93 acres of developable land in the community that qualified for RDP analysis. This analysis showed only a fraction of these lots qualified as developable 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.

Additional development was identified that qualified for inclusion in the RDP calculation that added an additional 53 units for a total RDP of 76 units as indicated in Table 24 below.

Table 24: Third Round RDP Calculation

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

From the prior judgement of compliance and repose, the City was entitled to a credit of 95 unit for projects that were constructed and resulted in affordable units. These are highlighted in Table 25.

Table 25: Third Round Credits

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 units complete 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 remaining balance or difference between the City's total Third Round Prospective Need Obligation and RDP resulted in an "Unmet" Need of 640 units (648 less 8-unit credit from the Bristol Senior Assistance Living development).

The City's Third Round plan satisfied the RDP with projects and rental bonuses as indicated in the following table.

Table 26: Plan Components Addressing Third Round RDP

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 was applied towards the City's unmet need.

To satisfy its unmet need the City agreed to create overlay zones over portions of the City to create opportunities for inclusionary development varying densities as indicated below.

Table 27: 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	15
Area 5	50
Area 7	35
Area 9	35

A map identifying the locations of the overlay zones is appended to this document.

In addition to creating overlay zones, the City agreed to the following other additional compliance mechanisms to address unmet need were required.

- a. The City committed to engage non-profit affordable housing organizations to construct a 100% affordable housing project with the goal of providing 25 additional units for families. As required by the settlement agreement the City is to take the following actions:
 1. Englewood is to 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 agreed 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.
 3. The City also agreed to hold an annual meeting in which local and regional non-profits are invited to participate in sharing ideas and making

proposals.

4. Englewood agreed 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 is to provide a written report regarding its efforts during the past year at least two weeks prior to the annual meeting.
5. 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, it was acknowledged Englewood would have no financial obligation to pay for or subsidize the 25 units addressed in this section. This meant that Englewood would not be required to adopt a "Resolution of Intent to Bond" and would not be required to use funds other than Affordable Housing Trust Funds to support these units. The City acknowledged that a Resolution of Need, tax abatement or other similar actions require formal actions by the governing body may be required under certain affordable housing laws or as a condition precedent to the award of certain public subsidy programs.

- b. The City 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 mandatory set-aside was amended to require a 20% affordable housing set-aside for eligible developments subject to the ordinance pursuant to the settlement with FSHC.

Significantly, as part of the settlement agreement, the City reserved its right to revisit its claim to credits related to Rock Creek Terrace apartments or the Park View Terrace apartments and to address the creditworthiness of those units in the Fourth or subsequent Rounds. These credits were the subject of disagreement between the City and FSHC and rather than litigate the issue, both parties agreed to defer the controversy for a later round. The City will validate and affirm the entitlement to utilize these credits through an official determination by the Program confirming the City's right to apply these credits for use in the Fourth Round or for future rounds.

It needs to also be noted that the City has fulfilled its obligations under the Third Round and took all of the required actions under its settlement agreement with FSHC and the Court Judgement of Compliance and Repose. However, at this time, the City has yet to capture affordable units under its Third Round plan. It should be acknowledged that the normal time period for an affordable housing period is ten years. The City only just received its judgement of compliance and repose as a result of a compliance hearing held on January 20, 2023 which is only a year and half ago and more time

is needed to allow the plan to progress. The City maintains that the Third Round Plan is still viable and remains committed to implementing the plan which will continue into the Fourth Round.

(4) Fourth Round RDP

- a. By settlement with the New Jersey Builder's Association through the Program settlement process, the City of Englewood has a Fourth Round Prospective need of 359 affordable units. The City will address its Fourth Round obligation in the following manner.
- b. Pursuant to N.J.A.C. 5:97-5.1(d) and the Township's 2018 Settlement Agreement with FSHC, the City is entitled to rely on the previous Vacant Land Adjustments which established its RDP and that said RDP shall not be revisited absent any substantial "changed circumstances". FSHC vs Twp. of Cherry Hill, 173 NJ. 303 (2002) is the leading case that called for the possible recalibration of an RDP based upon changed circumstances.

Based upon the above, a detailed vacant land analysis of potential changed circumstances to evaluate whether any such change would warrant a recalibration of the RDP previously assigned and agreed upon, including a review of all vacant Class 1, Class 3B and Class 15 properties in the Township was conducted.

The analysis confirmed that there were no properties representing a changed circumstance requiring a 4th Round RDP obligation. This is largely due to the fact that the City lacks developable land as demonstrated by the VLA. As such, the City's RDP is 0.

Because the City has a 4th Round RDP obligation of zero (0) units, the entirety of the City's 4th Round Prospective Need obligation of 359 units is considered Unmet Need.

FHA-2 includes language requires VLA municipalities to satisfy a 25% portion of their Fourth Round RDP obligation by identifying sites likely to redevelop and then applying "realistic zoning," an undefined term, to those parcels. Specifically, amended Section 1 of P.L.1995, c.231 (C.52:27D-310.1) of FHA-2 reads as follows:

Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.

For the Fourth Round, Englewood's "prospective need obligation that has been adjusted" (i.e., its RDP obligation) is zero (0) units. As such, the City has no redevelopment obligation to address, as 25 percent of zero (0) is zero (0).

Compliance mechanisms to address unmet need is discussed below.

C. Plan Components

The following mechanisms form the basis of the City's Fourth Round compliance plan for unmet need.

- (1) All compliance mechanisms of the Third Round Plan will remain in place with the exception that the City will modify the current overlay zone map by removing certain overlay zones and replacing same with substitute sites. The City has determined this on the basis that, through public outreach, concerns were raised about neighborhood impacts, and the City identification of other areas it deems better suited to address unmet need. A map identifying the sites more specifically is appended to this plan.
- (2) Specific parcels to be added as substitute sites include the following properties.

- a. West side of West Street Between Tallman Place and W. Demarest Avenue
Identified as Block 605, Lots 3-7; Total acreage: 1.32 acres.

The area is located in the D-2d zone and are underutilized parcels located on the fringe of the downtown area. Land uses include open parking areas, a bank and small strip center. Although partially located in a flood zone, the City anticipates that development will occur on these properties. Furthermore, the area is located within the fringe of the City's downtown but has excellent proximity to shops and services including Treeco Plaza situated directly across the street to the south, and a municipal park directly across the street to the east. Furthermore, the recently adopted 2024 City Master Plan recommends housing be concentrated in and near the downtown area where higher densities are considered more appropriate for multifamily development thereby fulfilling a City master plan policy.

West side of West Street Between Tallman Place and W. Demarest Avenue



Source: Google Earth

b. 215 West Englewood Avenue on north side heading East to Cottage Place

Identified as Block 2008, Lots 18-20 & Block 2009, Lots 20-22; Total acreage: 1.22 acres.

The property is zoned NC, Neighborhood Commercial. The properties are characterized by abandoned buildings, nearly all pavement with little vegetative relief and is need of redevelopment. Metzler Brook runs along the westerly property line, however the associated flood plain is confined to the stream edge itself. The surrounding area is developed with other multifamily uses with local businesses.

Repurposing this area to residential would revitalize an area that is otherwise underutilized and characterized by disinvestment that is detrimental to the neighborhood.

215 West Englewood Avenue on north side heading East to Cottage Place



Source: Google Earth

c. 370-406 Grand Avenue

Identified as Block 2910 Lots 3 & 4.01 and Block 2912 Lot 6

The Grand Avenue site is located in the SBD, Special Business Zone and is presently developed with car dealerships that are characterized by vast expanse of parking with stacked vehicles for sale fully visible to the public. The surrounding area is a mix of low rise commercial buildings. The site is less than 300 feet from the intersection of Grand Avenue and Route 4.

The site offers an opportunity to revitalize and introduce a mixed use development where there would be storefronts with apartments above thereby eliminating the vast amount of pavement and vehicle storage and creating a new and vibrant street.

370-406 Grand Avenue



Source: Google Earth

3. Amending the Current Mandatory Set Aside Ordinance. As part of the settlement agreement with FSHC in the Third Round, the City adopted a mandatory set aside ordinance requiring a 20% set aside for any development of five (5) units or more, for overlay areas, rezonings and use variance. However, current zoning permits residential development within the downtown zones and NC, Neighborhood Commercial zones where the mandatory set aside ordinance would not apply given the present language of the code leaving the possibility of residential development occurring but without the obligation to provide affordable housing. Consequently, the Mandatory Set Aside section of the code will be amended to apply to any residential development of five units or more as a mechanism to expand the opportunity to create further opportunity to produce affordable housing units by capturing dwelling units for affordable housing that might otherwise be lost.

Given the expanse of the current overlay zones supplemented by an expanded mandatory set aside ordinance there is more than ample opportunities to provide for affordable housing development that achieve the following goals:

- Provide for affordable housing in or near the downtown area as recommended by the City master plan; and

- Provide opportunity to repurpose and revitalize areas that are in decline, exhibiting disinvestment or are otherwise underutilized.

D. OTHER PROVISIONS

The following additional requirements are noted:

1. Fourth Round Bonuses. Fourth Round bonuses will be applied in accordance with N.J.A.C. 52:27d-311.k.
2. Very-Low Income and Low-Income Units. At least 50 percent of the units addressing the Fourth Round Prospective Need obligation shall be affordable to very low-income and low-income households with the remainder affordable to moderate-income households. A minimum of 13 percent of the affordable units will be made available to very low-income households, defined as households earning 30 percent or less of the regional median income by household size.
3. Rental Component. At least 25 percent of the Fourth Round Prospective Need obligation shall be met through rental units, including at least half in rental units available to families.
4. Families. At least half of the actual units created to address the Fourth Round Prospective Need obligation must be available to families.
5. Age-Restricted Cap. No more than 30 percent of all units developed or planned to meet the Fourth Round Prospective Need obligation shall be met with age-restricted units.

E. REJECTED DEVELOPMENT SITES

The City formed a subcommittee whose members included the Mayor, two Councilpersons and two Class IV members of the Planning Board. The City also held public presentations to solicit public input. The City was reviewed and determinations made as to how best to comply with the FHA-2. Given the lack of developable land, the subcommittee focused on opportunities to promote affordable housing while using redevelopment as a tool to revitalize areas. Sites that were severely impacted by environmental constraints such that development would exacerbate existing conditions or otherwise were located in areas that would not be compatible with the surrounding neighborhood were avoided.

The City was approached by developers interested in developing a 150 unit multifamily development on property located at 7 North Woodland Street and 405-431 East Palisade Avenue further identified as Block 1902, Lots 501, 7 & 8. The 5.29 acre parcel is presently developed with an historic single family home and is impacted by the presence of wetlands that limits

development to buildable area of approximately 3 acres. The parcel also abuts a low density single family residential neighborhood.

The property has already been assessed by the City for multifamily development in the prior Third Round and included in the City's housing plan within the AHO-1, affordable housing zone, that permits a residential density of 15 dwelling units per acre.

For these reasons, the assigned density was deemed appropriate for the property and placed in the AHO-1 zone which could result in the development potential of 78 dwellings producing 20 affordable units where the proposal presented was seeking to double that density. Upon review of the proposal, the City saw no change in conditions from the Third round that would warrant a change in designation or density for this round.

The final conclusion of the subcommittee was that the current affordable housing overlay zones created during the Third Round, as to be modified consistent with this plan, supplemented by an expanded mandatory set aside ordinance, satisfies the City's affordable housing unmet need obligation for the Fourth Round.

F. OTHER PROVISIONS

The following additional requirements are noted:

1. Fourth Round Bonuses. Fourth Round bonuses will be applied in accordance with N.J.A.C. 52:27d-311.k.
2. Very-Low Income and Low-Income Units. At least 50 percent of the units addressing the Fourth Round Prospective Need obligation shall be affordable to very low-income and low-income households with the remainder affordable to moderate-income households. A minimum of 13 percent of the affordable units will be made available to very low-income households, defined as households earning 30 percent or less of the regional median income by household size.
3. Rental Component. At least 25 percent of the Fourth Round Prospective Need obligation shall be met through rental units, including at least half in rental units available to families.
4. Families. At least half of the actual units created to address the Fourth Round Prospective Need obligation must be available to families.
5. Age-Restricted Cap. No more than 30 percent of all units developed or planned to meet the Fourth Round Prospective Need obligation shall be met with age-restricted units.

G. CONSISTENCY WITH STATE PLANNING INITIATIVES

As noted in Section 1 of this plan, a HE&FSP must also include:

- ❖ An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission; and
- ❖ An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Accordingly, the following subsection analyzes the consistency of this HE&FSP to the above referenced state planning initiatives.

1. Multigenerational Family Housing Continuity Commission

The Multigenerational Family Housing Continuity Commission was established by the State of New Jersey in 2021. As noted in N.J.S.A. 52:27D-329.20, one of the primary duties of the Commission is to "prepare and adopt recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas."

As of the date of this HE&FSP, the Multigenerational Family Housing Continuity Commission has not yet adopted any recommendations.

2. State Development and Redevelopment Plan

As established by N.J.S.A. 52:18A-200(f), the purpose of the State Development and Redevelopment Plan (SDRP) is to "coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination."

As such, the SDRP establishes a number of goals and strategies related to a number of

different topics, including the development of affordable housing, the redevelopment of existing properties to avoid sprawl, and promoting smart growth principles.

As indicated by the SDRP's Policy Map, the entirety of Englewood City is located in the PA-1, Metropolitan Planning Area which encompasses cities and their surrounding areas and where development and redevelopment is to be directed.

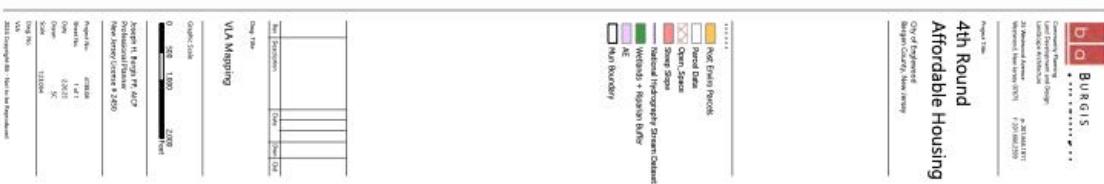
Accordingly, this HE&FSP is consistent with the intents of the PA-1 designation. Specifically, it is designed to encourage redevelopment and growth in addressing its affordable housing obligation by repurposing existing developed sites while revitalizing otherwise underutilized or deteriorated site conditions.

Appendices

Vacant Land Analysis



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (C) OpenStreetMap contributors, and the GIS User Community. Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User



Overlay Map

