

# HOUSING ELEMENT + FAIR SHARE PLAN

Prepared For:



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# INTRODUCTION

This Housing Element and Fair Share Plan will exhibit the Borough of Elmwood Park's (herein the "Borough" or "Elmwood Park" or "the Borough of Elmwood Park") commitment to providing opportunities for the development of affordable housing within the municipality. This document seeks to frame the Borough's efforts based on the current best knowledge of the framework given by the Courts, applicable past rules established by the Council on Affordable Housing (COAH), and past practices. This document is largely derived from the terms agreed to by the Borough in its 2018 Settlement Agreement involving the Fair Share Housing Center.

This Plan follows the requirements of N.J.S.A. 52:27D-310, et seq., N.J.A.C. 5:93, and certain portions of the Third Round Rules (N.J.A.C. 5:97) that have been expressly invalidated by the Appellate and/or Supreme Courts. Following this introduction is a brief history of New Jersey housing policy. In accordance with Municipal Land Use Law, this Plan also includes a Demographic Analysis, Housing Inventory, Employment Analysis, and review of land uses and policies. This Plan will summarize the Borough's obligations, which include a "Prior Round

Need" (new construction obligation from 1987-1999), the rehabilitation obligation known as the traditional "Present Need" or "Indigenous Need" and the Round 3 new construction obligation, which, for purposes of this HEFSP, shall include the "Gap Period Present Need," which is a measure of households formed from 1999 to 2015 that need affordable housing that was recognized by the Supreme Court in *In re Declaratory Judgment Actions filed by Various Municipalities*, 227 N.J. 508 (2017) as well as the traditional Round 3 "Prospective Need" (the new construction obligation between 2015-2025).



Figure 1: Multi-family development along Cory Lane

### 3.1. New Jersey Affordable Housing Policy: A Brief History

#### 1975 – 1985 | Mount Laurel Doctrine & the Fair Housing Act

In 1975 the New Jersey Supreme Court decided *Southern Burlington County NAACP v. the Township of Mount Laurel*, more commonly referred to as “Mount Laurel I,” wherein it interpreted the New Jersey Constitution to create an affirmative obligation for developing municipalities to provide a “realistic opportunity for the construction of low- and moderate-income housing in their communities.” In 1983, the New Jersey Supreme Court expanded the obligation from only developing municipalities to all municipalities in a decision commonly referred to as “Mount Laurel II”. In addition, the Supreme Court required the establishment of each municipality’s fair share obligation and required each municipality, through its zoning, to provide a realistic opportunity for the construction of that established fair share obligation. Subject to several prerequisites, conditions and requirements, Mount Laurel II also created the “builder’s remedy” as a mechanism to enforce the doctrine in instances where a developer successfully demonstrated a municipality’s zoning failed to create the requisite realistic opportunity. Under such circumstances, a plaintiff may be

entitled to have its site rezoned for an inclusionary development with an affordable set aside if the site is available, developable, approvable, and suitable for the proposed project and all other requirements for a successful builder’s remedy are met and all defenses defeated.

In 1985, in response to Mount Laurel II and the flood of litigation stemming from it, the Legislature adopted the Fair Housing Act (“FHA”) to discourage litigation and incentivize voluntary compliance to N.J.S.A. 52-27D-303. The FHA established, among other things, the Council on Affordable Housing (“COAH”) as an administrative alternative to litigation and judicial intervention. COAH was charged with establishing various housing regions in the state, estimating regional affordable housing obligations, and adopting criteria and guidelines for the municipal determination of housing need as well as guidelines for satisfying those obligations. The FHA also linked municipal planning and zoning powers to the satisfaction of affordable housing obligations. Under the Act, a municipal zoning ordinance is presumptively invalid if a municipality fails to adopt a housing element as part of its master plan or enacts zoning regulations that are inconsistent with their housing plan.

## 1987 – 2004 | Establishment of COAH Rules

Subsequent to the adoption of the Fair Housing Act, COAH adopted procedural and substantive rules to effectuate the FHA’s legislative intent in both Round 1 (1987-1993) (N.J.A.C 5:91 and 5:92) and Round 2 (1993-1999) (N.J.A.C. 5:93). The Round 2 substantive regulations (Chapter 93) superseded the Round 1 substantive regulations (Chapter 92) and recalculated the Round 1 obligations. Thus, the Round 2 regulations effectively created a “cumulative” obligation between Rounds 1 and 2 for the years 1987-1999, which are commonly now referred to as the “Prior Round”

Under COAH’s regulations, low-income households are defined as those with incomes no greater than 50 percent of the area median income (AMI), adjusted for household size, and moderate-income households are those with incomes no greater than 80 percent and no less than 50 percent of the median household income. AMI limits are calculated based upon housing regions as established by COAH; the Borough of Elmwood Park is located within Region 1, comprised of Bergen, Hudson, Passaic, and Sussex Counties.

## 2004 – 2010 | Third Round Litigation & Revisions

In December 2004, COAH promulgated its Third Round “Growth Share” methodology (N.J.A.C. 5:95), which adjusted prior round obligations and devised a new system for projecting future municipal housing obligations. Growth Share obligations were based upon municipal growth and the then-Third Round was defined as the period of 1999-2014. The initial Growth Share methodology required municipalities to provide one affordable housing unit for every eight market rate units and one affordable unit for every 25 jobs created.

In January 2007, the Appellate Division invalidated the Growth Share Methodology (In re Adoption of N.J.A.C. 5:94 and 5:95, 390 NJ Super 1) and required COAH to revise its rules, which it did in May 2008 in the Round 3 substantive regulations of Chapter 97 (N.J.A.C. 5-97). Chapter 97 increased municipal housing obligations to one unit for every 5 market-rate units (20%) and one unit for every 16 jobs. The May 2008 amendments also provided:

1. Bonus credits for supportive and special needs housing, new credit for affordable housing in redevelopment areas, and optional plan phasing based on economic feasibility.

2. Density bonuses for developers of residential projects where development provides for either on-site affordable housing or payment-in-lieu contributions.
3. Payment-in-lieu standards (cost of constructing an affordable unit) averaging \$161,000 per affordable unit.
4. Increased development fees for residential and nonresidential development projects.

The third-round rules were further amended in September 2008 to include:

1. Various changes to comport with NJDEP rules and policies including Water Quality Management, Stream Encroachment, and Highland Regional Plan programs.
2. One-third bonus for units within redevelopment areas and those constructed in proximity to mass transit nodes.
3. Established presumptive densities and affordable housing set-asides for inclusionary developments based on the State Development and Redevelopment Plan.

4. In July 2008, the FHA was amended by A-500. This round of amendments, among other things, eliminated Regional Contribution Agreements (“RCA”) and reduced non-residential development fees to 2.5%. Executive Order #114, signed in September 2008, amended the COAH rules to ensure consistency with the Highlands Regional Master Plan.

#### **2010 – Present | COAH’s Noncompliance and Resumption of Court Responsibility**

The last decade has seen continued inaction and increased uncertainty in the realm of affordable housing. COAH has faced a political and administrative deadlock and has therefore not responded to the various judicial orders and failed to discharge its statutory duties.

Just after taking office, Governor Chris Christie signed Executive Order No. 12, establishing the five-member Housing Opportunity Task Force and charging them with a full review of the Fair Housing Act, COAH, and COAH’s regulatory structure. The Task Force framed its recommendations by characterizing the track record of housing production under COAH as a “poor return” on investment. In addition, the Task Force cited an evolution of New Jersey’s socioeconomic landscape, transportation

infrastructure development, and changes in settlement patterns that occurred since development of the Mount Laurel doctrine that were not considered in the formulation and promulgation of COAH rules and methodologies. The task force recommended a “new model”, which included adjusted definitions of present and prospective need, a benchmark of 10 percent growth predicted by the State Planning Commission to guide obligations, and transferring of procedural responsibility from COAH to the Home Mortgage Finance Agency (HMFA).

In October 2010, the Appellate Division invalidated a substantial portion of COAH’s rules (N.J.A.C. 5:96 and N.J.A.C. 5:97) in response to 22 consolidated appeals. Most notably, the Court invalidated the Third Round Growth Share methodology and ordered COAH to revise its rules in accordance with the decision. In addition, the Court prohibited certification of housing plans that rely upon municipally sponsored affordable housing projects without specified funding and required COAH to create an incentive structure for inclusionary developments. Several provisions within COAH’s rules that provided “bonuses” were also invalidated, including rental bonuses for prior round obligations for developments that were not constructed within a reasonable timeframe and “compliance bonuses.” However, the court upheld the

“Smart Growth” and “Redevelopment” bonuses. In addition, the Appellate Division also upheld the methodologies used to determine municipalities’ “rehabilitation share” and “prior round obligation” components of their overall present need. The New Jersey Supreme Court agreed in March 2011 to hear the appeal of this decision that invalidated much of COAH’s existing rules.

Governor Christie sought to work with the legislature to reform affordable housing law, but a compromise was not reached. Both houses of the legislature passed S1/A3447 in January 2011, but Governor Christie conditionally vetoed the legislation, disagreeing with the affordable housing obligations required by the legislation. The respective sponsors of S1/A3447 subsequently withdrew both bills.

On June 29, 2011, Governor Christie issued Reorganization Plan No. 001-2011, which transferred the administration of the State’s affordable housing program from COAH to the New Jersey Department of Community Affairs. The Reorganization Plan was to take effect on August 29, 2011. This executive order effectively sought to abolish COAH.

Upon challenge by the Fair Share Housing Center, the Appellate Court invalidated Governor Christie’s

Reorganization Plan in March 2012. The Supreme Court, in a 5-2 decision, upheld this decision in July 2013, confirming the ruling that the Governor could not reorganize an independent agency “in but not of” the executive branch. In September 2013, the Supreme Court confirmed the invalidation of the previously adopted Third Round regulations (N.J.A.C. 5:96-97), upholding that the methodology used for projecting housing needs in these rules was unconstitutional. In that ruling, the court established a February 2014 deadline for development and adoption of new COAH rules, which was eventually extended to November 2014. COAH proposed new rules (N.J.A.C. 5:98-99) in June 2014 and heard public comments on them, but its Board failed to adopt them in October 2014 in a 3-3 deadlocked vote. The Board did not meet again after this vote.

In March 2015, in the case entitled *In re: Adoption of N.J.A.C. 5:96 & 5:97*, 221 N.J. 1 (2015), more commonly referred to as “Mount Laurel IV” the State Supreme Court determined that COAH was “moribund” and unable to carry out its duties as intended by the Fair Housing Act. The Court further held “that the courts may resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations.”

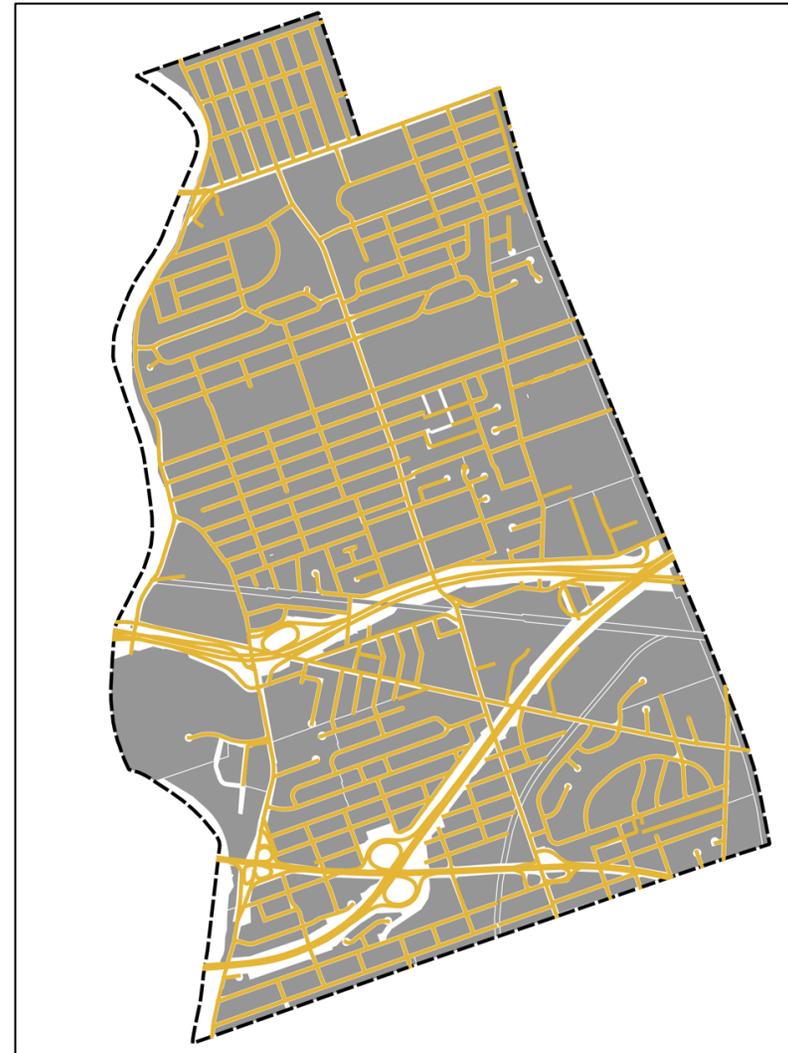


Figure 2: Elmwood Park Borough Grid

Thus, the Court designed a transitional process whereby municipalities could seek judicial approval of their HEFSPs (Mount Laurel IV at 35-36). Those transitional procedures gave municipalities the choice whether to seek compliance voluntarily via a DJ Action or to not file a DJ Action and risk being sued. As part of these procedures, the Supreme Court authorized “a court to provide a town whose plan is under review immunity from subsequently filed challenges during the court’s review proceedings,

even if supplementation of the plan is required during the proceedings” (Ibid at 24). Proactive municipalities were entitled “like treatment” to towns that petitioned COAH for review of their plans in the wake of the FHA and received broad protections from site-specific relief.

## 3.2. Housing Plan Requirements

### Municipal Land Use Law + Fair Housing Act

The Municipal Land Use Law (MLUL), through incorporation of the New Jersey Fair Housing Act (FHA), requires municipalities to include a housing element in their master plans as a prerequisite to the zoning power. The principal purpose of the housing element is to enumerate and provide the data, policies, and methods by which municipalities will meet present and prospective housing needs, with particular attention to low- and moderate-income households. Under the FHA, as amended, the required contents of the housing element are:

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;

- A projection of the municipality’s housing stock, including the probable future construction of low- and moderate-income housing for the upcoming 10 years, taking into account, but not necessarily limited to: construction permits issued, approvals of applications for development and probable residential development of lands;
- An analysis of demographic characteristics;

- An analysis of the existing and probable future employment characteristics of the municipality;
- 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
- 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 belonging to developers who have expressed a commitment to provide low- and moderate-income housing.

### 3.3. Applicable Methodologies

It is impossible to specify the constitutional fair share housing obligation for the period 1987 to 2025 for any municipality. However, there is guidance on determining housing obligations for each municipality based on affordable housing need, as follows:

#### Prior Round Obligation

The prior round obligation is the amount of the municipality’s “new construction” obligation between the years 1987 and 1999, as calculated by COAH in June 1994 when its Round Two regulations were adopted –

these numbers remain unchanged. The prior round need obligation for the Borough of Elmwood Park is 54.

#### Present Need

The present need, or rehabilitation obligation, is an estimate of the number of substandard units occupied by low- and moderate-income households existing within the municipality as determined by Census data. The present need obligation for Elmwood Park is 69.

## Prospective Need

Generally, the prospective need is calculated by estimating the growth in low- and moderate-income households in each of New Jersey's six regions.

Elmwood Park has a prospective need of 328 in accordance with the Settlement Agreement reached with the Fair Share Housing Center. This represents a 35% reduced obligation as determined by Kinsey & Hand in their May 2016 assessment of fair share obligations.



*Figure 3: Multi-family development along 14th Ave*

# MUNICIPAL SUMMARY

The Borough of Elmwood Park is 2.73 square miles and is located in Bergen County along the banks of the Passaic River, roughly nine miles from Manhattan and directly across the river from Paterson in Passaic County. Elmwood Park is a suburban community which has retained many small-town characteristics despite its location within the densely populated northern New Jersey region. The Borough is home to a diverse range of land uses, including large residential neighborhoods of modestly priced homes and apartments, regional industrial sites, office parks, and retail centers. Open space, recreation, and community facilities are located throughout the Borough. The Borough is bounded by Fair Lawn to the north, Saddle Brook to the east, Garfield to the south, and Paterson to the west.

The population of Elmwood Park increased by 709 (3.65%) between 2010 and 2018 to an estimated 20,112 residents. The Borough's median age was 38.6 years for the five-year period from 2015-2019, younger than both Bergen County (41.9 years) and the State (39.9 years).

Detached single family homes make up nearly half (45.7%) of the Borough's housing stock and little (8.0%) of the Borough's housing stock is comprised of multifamily apartment structures with 5 or more units. More than four-fifths (82.2%) of the Borough's housing stock were built before 1980, and more than one-half (61.7%) were built prior to 1960. According to the guidelines established by COAH and adopted by the Courts, Elmwood Park Borough is in Housing Region 1, a region that consists of Bergen, Hudson, Passaic and Sussex counties.



Figure 4: Elmwood Park Recreation Department

### 3.1. A Note on the Data

The following statistics and demographic data are derived from the following sources.

- American Community Survey: The most up to date information is the American Community Survey (ACS) estimates, which are generated between the decennial censuses. ACS figures are based on data collected over a 5-year time period. The estimates represent the average characteristics of population and housing between 2015 and 2018 and DO NOT represent a single point in time. Comparisons will be made with the prior ACS data sets to show change over time.
- Decennial Census: Every ten years, the Census conducts detailed data collection to create an image that is as accurate as possible of the conditions throughout the country in that year. Data from the decennial census is used for comparison when equivalent ACS information is unavailable, as well as for longitudinal analysis.
- State Agency Sources: for select data types, State sources are used instead of the Census Bureau when equivalent Census data does not exist or the State data provides a more complete picture.

It is important to note that these data sets are all from before the COVID-19 pandemic, as the Census Bureau had yet to publish the complete 2020 Decennial Census at the time of drafting this Plan. We expect new, unique trends to manifest from 2020 well into the future as people and the economy respond to the aftermath of the pandemic.

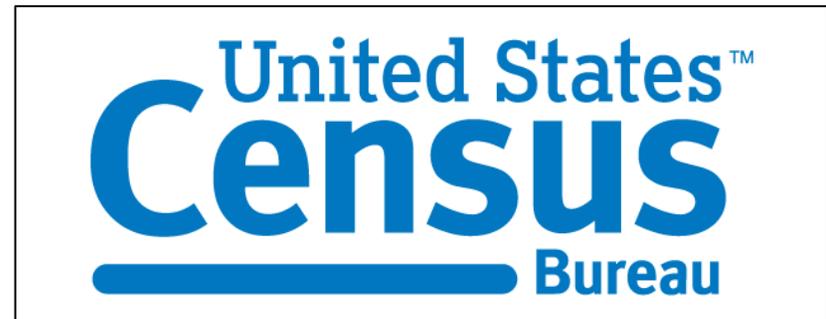


Figure 5: U.S. Census Logo

## 3.2. Demographic Characteristics

### Population

The population estimate for Elmwood Park Borough is 20,112, which represents an increase of 1,187 from the 2010 Census (6.3%). The North Jersey Transportation

Planning Authority (NJTPA) predicts the Borough's population to grow to 22,087 people in 2045.

Year	Population	Change	Percent Change
1940	4,937	N/A	N/A
1950	15,386	10,449	211.65%
1960	19,344	3,958	25.72%
1970	20,511	1,167	6.03%
1980	18,377	-2,134	-10.40%
1990	17,623	-754	-4.10%
2000	18,925	1,302	7.39%
2010	19,403	478	2.53%
2018	20,112	709	3.65%

Source: US Census Bureau and ACS; NJ Department of Labor

Table 1: Historic Population Growth | 1940-2018

Year	Population	Change	Annual % Change
2015	19,820	N/A	N/A
2045	22,087	2,267	0.4%

Source: NJTPA Municipal Population Forecast, 2017

Table 2: Historic Population Growth

### Population Composition by Age

The median age in Elmwood Park is 38.6, younger than both Bergen County (41.9 years). In the Borough the population was spread out with 24.4% under the age of

twenty, 54.1% between twenty to sixty, and 21.5% who were sixty years of age or older.

Age Range	Elmwood Park	Bergen County
Under 5 years	5.80%	5.30%
5 to 9 years	6.50%	6.00%
10 to 14 years	5.70%	6.20%
15 to 19 years	6.40%	6.30%
20 to 24 years	6.40%	5.80%
25 to 34 years	13.20%	11.50%
35 to 44 years	14.80%	13.20%
45 to 54 years	13.60%	15.10%
55 to 59 years	6.10%	7.50%
60 to 64 years	6.30%	6.40%
65 to 74 years	9.40%	9.00%

75 to 84 years	4.30%	5.00%
85 years and over	1.50%	2.70%
Source: American Community Survey 2014-2018		

Table 3: Population by Age in Elmwood Park I 2014-2018

### Households

According to the US Census Bureau’s classification system, people either live in a household, housing unit, or in “group quarters.” Two types of “households” exist: family and non-family. A “household” consists of one or more persons living and eating together separately from other persons who may be in the same building. A “family” is a household with two or more related persons living together in the same housing unit.

The average household size in Elmwood Park is 2.91, which is similar to that of the County (2.65). The average household size in Elmwood Park is smaller than the average family size due to the number of households with one person living alone. Households consisting of one person living alone decreased significantly in Elmwood Park since 2010, decreasing 32.9%, while the share of single-person households at the County level has remained relatively stable (-5.5%).

	Elmwood Park			Bergen County		
	2006-2010	2014-2018	% Change	2006-2010	2014-2018	% Change
Total Households	7,709	6,890	-10.62%	333,874	338,249	1.31%
Total Families	5,204	5,209	0.10%	237,272	244,841	3.19%
Average Household Size	2.71	2.91	7.38%	2.65	2.72	2.64%
Average Family Size	3.23	3.35	3.72%	3.21	3.24	0.93%
Households with 1 person	1,827	1,226	-32.90%	84,470	79,827	-5.50%
Source: American Community Survey 2006 - 2010, 2014 - 2018						

Table 4: Population by Housing Type I 2006 - 2018

## Immigration

Foreign born residents make up approximately 23.6% percent of Elmwood Park’s population, which is consistent with the County (23.5%) level. Half (52.7%) of the

Borough’s residents are born U.S. citizens, a consistent share than that of Bergen County (53.1%) but smaller than the State (63.7%).

	Elmwood Park		Bergen County		New Jersey	
	Count	Percent	Count	Percent	Count	Percent
Born U.S. Citizen	13,886	52.7%	644,881	53.1%	6,913,785	63.7%
Foreign Born	6,226	23.6%	285,118	23.5%	1,968,060	18.1%
Naturalized Citizen	4,824	18.3%	180,119	14.8%	1,098,338	10.1%
Not a Citizen	1,402	5.3%	104,999	8.6%	869,722	8.0%

Source: American Community Survey 2014 - 2018

Table 5: Elmwood Park, Bergen County and New Jersey Residents Place of Birth | 2014 - 2018

## Income

The median household income for Elmwood Park grew from 2010 to 2018, growing 16.7% and consistent with the County (17.3%) but outpacing and the State (13.7%); this growth is so large because the tracked period begins in the depths of the Great Recession and ends right before the most recent recession from COVID-19. The Borough’s per capita and household median income are

below that in Bergen County and the State average. However, the Borough experienced less per capita income growth despite its higher growth in household median income. This may be due to different data types (median vs. average), as well as the Borough’s significant growth in average family size. See data tables on the next page.

	2006-2010*	2014-2018	Change	% Change
Elmwood Park	\$66,719	\$77,887	\$11,168	16.7%
Bergen County	\$81,708	\$95,837	\$14,129	17.3%
New Jersey	\$69,811	\$79,363	\$9,552	13.7%

\* Inflation adjustment from 2012 dollars to 2018 dollars  
Source: American Community Survey 2006 - 2010, 2014 - 2018

Table 6: Household Median Income | 2006 - 2018

	2006-2010*	2014-2018	Change	% Change
Elmwood Park	\$29,959	\$31,390	\$1,431	4.56%
Bergen County	\$42,006	\$48,426	\$6,420	13.26%
New Jersey	\$34,858	\$40,895	\$6,037	14.76%

\* Inflation adjustment from 2010 dollars to 2018 dollars  
Source: American Community Survey 2006 - 2010, 2014 - 2018

Table 7: Per Capita Income | 2006 - 2018

### Poverty Status

In Elmwood Park, 1,593 residents (7.9%) live below the poverty line, an increase from 6.8% in 2012. In this regard, the Borough had a consistent trajectory with Bergen

County, which experienced an increase from 6.6% to 7% over the same period.

Elmwood Park	2008-2012	Percent	2014-2018	Percent	Change
Total Persons	19,411	-	20,090	-	-
Total Below Poverty	1,313	6.8%	1,593	7.9%	16.2%
Bergen County	2008-2012	Percent	2014-2018	Percent	Change
Total Persons	896,852	-	919,555	-	-
Total Below Poverty	59,409	6.6%	64,674	7.0%	6.0%

Source: American Community Survey 2008 - 2012\*, 2014 - 2018. \*5-Year ACS Estimates for data set not available until 2012.

Table 8: Poverty Status | 2008 - 2018

## Household Costs

The tables below show the housing expenditures for those who own and rent in Elmwood Park. The general affordability standard is that no more than 30 percent of gross income should be allocated for housing costs. In Elmwood Park, more than forty percent of homeowners with a mortgage (41.8%) and renters (46.9%) spend more

than 30 percent of their household income on housing costs. These figures indicate that roughly 44.4% of Elmwood Park's households (1,075 owner-occupied households and 1,276 renter households) are burdened by unaffordable housing costs.

	Total	Percent
Total owner-occupied housing units with a mortgage	2,573	-
Less than 20%	555	21.6%
20-24.9%	363	14.1%
25-29.9%	580	22.5%
30-34.9%	215	8.4%
35% or more	860	33.4%
Not Computed	35	-
Source: American Community Survey 2014 - 2018		

Table 9: Monthly Owner Costs as a % of Household Income | 2014-2018

	Total	Percent
Total renter-occupied units	2,719	-
Less than 15%	258	9.5%
15-19.9%	478	17.6%
20-24.9%	422	15.5%
25-29.9%	285	10.5%
30-34.9%	149	5.5%
35% or more	1,127	41.4%
Not Computed	313	-
Source: American Community Survey 2014 - 2018		

Table 10: Gross Rent as a % of Household Income in | 2015-2019

### 3.3. Existing Housing Conditions

#### Housing Unit Data

According to the 2018 ACS, there are an estimated 7,281 housing units in Elmwood Park which represented a 2.5% decrease from 2010. The Borough is predominately comprised of owner-occupied households, which comprise 53% of the Borough’s households. The

remaining 41.6% of households are renters and 5.4% of the Borough’s housing units are vacant. Since 2010, the Borough has seen a shift towards renter-occupied households, going from a 37% in renters to 41.6%.

Housing Units	2006-2010	Percent	2014-2018	Percent	Percent Change
Total	7,471	-	7,281	-	-2.5%
Tenure					
Owner Occupied	4,317	57.8%	3,858	53.0%	-10.6%
Renter Occupied	2,762	37.0%	3,032	41.6%	9.7%
Vacant Units	392	5.2%	391	5.4%	-0.2%
<i>Source: American Community Survey 2006 - 2010 and 2014 - 2018</i>					

Table 11: Housing Tenure and Occupancy in Elmwood Park | 2006-2018

More than half of Elmwood Park’s housing structures were built prior to 1960, and about four out of five were built before 1980. Less than 3% of new housing was built after 2010. While the age of the Borough’s housing stock contributes to its historic identify and unique character, it

also necessitates significant maintenance to upgrade the housing to today’s standards and keep units in habitable condition. The lack of recent housing will be mitigated by the anticipated developments incorporated into this Plan. *See data tables on the next page.*

Year Built	Units	Percent
Total Housing Units	7,281	
2014	105	1.4%
2010-2013	100	1.4%
2000-2009	344	4.7%
1990-1999	277	3.8%
1980-1989	464	6.4%
1970-1979	497	6.8%
1960-1969	1,000	13.7%
1950-1959	2,149	29.5%
1940-1949	1,558	21.4%
1939 or earlier	787	10.8%

*Source: American Community Survey 2014 - 2018*

Table 12: Year Structure Built in Elmwood Park

Since 2010, the share of Borough's single-family housing stock has increased slightly, from 51% to 54.3%. While there was significant growth of 20+ unit apartments, this

growth was countered by decreases in 10-19 unit apartments. The majority of units contained 3+ bedrooms.

Housing Units	2006-2010	Percent	2014-2018	Percent	Percent Change
Total:	7471	-	7281	-	-2.5%
1, detached and attached	3816	51%	3950	54.3%	3.3%
2 apartments	2558	34.2%	2135	29.3%	-16.5%
3 or 4 apartments	449	6.0%	614	8.4%	36.7%
5 to 9 apartments	128	1.7%	184	2.5%	43.8%
10 to 19 apartments	242	3.2%	72	1.0%	-70.2%
20 or more apartments	278	3.7%	326	4.5%	17.3%

*Source: American Community Survey 2006 - 2010 and 2014 - 2018*

Table 13: Housing Type & Size | 2006-2018

Rooms	Total	Percent
Total	7281	-
No Bedroom	87	1.2%
1 Bedroom	620	8.5%
2 Bedrooms	2437	33.5%
3 Bedrooms	3029	41.6%
4 Bedrooms	963	13.2%
5 or more Bedrooms	145	2.0%

Source: American Community Survey 2014-2018

Table 14: Number of Bedrooms Per Unit, 2014-2018

### Housing Values

Since 2010, home values in the Borough have decreased by \$1448,600 (-12.1%) to \$353,100 in 2018. This change is led by a decrease in homes worth more than \$500,000 and an increase in homes worth under \$150,000. However, the decline does not seem to be inherently bad, as lower-priced homes have broadly increased in value. Also, the Borough experienced a significant decrease in

households encumbered by mortgages and home equity loans, indicating better financial standing since the burst of the housing bubble in 2008. This data is not reflective of the recent COVID-19 pandemic impacts on the housing market, which is not available at the time of this report. *See data tables on the next page.*

Value	2006-2010	Percent	2014-2018	Percent	Percent Change
Total	4,318	100.0%	3,858	100.0%	-10.7%
Less than \$50,000	55	1.3	89	2.3	61.8%
\$50,000 to \$99,999	17	0.4	28	0.7	64.7%
\$100,000 to \$149,999	25	0.6	41	1.1	64.0%
\$150,000 to \$199,999	79	1.8	63	1.6	-20.3%
\$200,000 to \$299,999	476	11.0	792	20.5	66.4%
\$300,000 to \$499,999	2,903	67.2	2,485	64.4	-14.4%
\$500,000 to \$999,999	762	17.7	336	8.7	-55.9%
\$1,000,000 or more	0	0.0	24	0.6	N/A
Median (dollars)	401,700	-	353,100	-	-12.1%

Source: American Community Survey 2006 - 2010 and 2014 - 2018

Table 15: Value for Owner-Occupied Housing Units in Elmwood Park I 2006-2018

Mortgage Status	2006-2010	Percent	2014-2018	Percent	Percent Change
Total	4,318	100.00%	3,858	100.00%	
With either a second mortgage or home equity loan, but not both:	711	16.5%	391	10.1%	-45.0%
Second mortgage only	160	3.7%	28	0.7%	-82.5%
Home equity loan only	551	12.8%	363	9.4%	-34.1%
Both second mortgage + home equity loan	19	0.4%	9	0.2%	-52.6%
No second mortgage or home equity loan	804	18.6%	2173	56.3%	170.3%
Housing units without a mortgage	1,603	37.1%	1,285	33.3%	-19.8%

Source: American Community Survey 2006 - 2010 and 2014 - 2018

Table 16: Mortgage Status for Owner-Occupied Housing Units in Elmwood Park I 2006-2018

## Housing Conditions

The table below details the condition of housing within Elmwood Park based on heating fuel, plumbing facilities, kitchen facilities, and overcrowding. These factors help determine the number of inadequate housing units within the Borough. According to the 2014-2018 ACS estimate, minimal housing units (<1%) in Elmwood Park lacked complete plumbing or kitchen facilities, which is

unchanged from 2010. The Borough has seen increases in homes heated by gas, electricity, solar energy, and oil-based heating.

Housing units with more than one occupant per room are considered overcrowded. Overcrowded households in the Borough increased 2%.

	2006-2010	Percent	2014-2018	Percent
Total	7079	100.0%	6890	100.0%
Utility Gas	5744	81.1%	6227	90.4%
Gas (Utility, Bottled, Tank, or LP Gas)	35	0.5%	93	1.3%
Electricity	202	2.9%	311	4.5%
Fuel Oil, Kerosene, etc	1081	15.3%	219	3.2%
Coal, Coke or Wood	9	0.1%	7	0.1%
Solar Energy	0	0.0%	0	0.0%
Other Fuel	8	0.1%	0	0.0%
No Fuel Used	0	0.0%	33	0.5%
<i>Source: American Community Survey 2006 - 2010 and 2014 - 2018</i>				

Table 17: House Heating Fuel Conditions in Elmwood Park

Occupants Per Room	2006-2010	Percent	2014-2018	Percent
1.00 or less	6,942	98.1%	6,750	98.0%
1.01 to 1.50	129	1.8%	106	1.5%
1.51 or more	8	0.1%	34	0.5%
Inadequate Units	2006-2010	Percent	2014-2018	Percent
Total	7,079	100%	6,890	100%
Lacking complete plumbing facilities	54	0.8%	28	0.4%
Lacking complete kitchen facilities	54	0.8%	20	0.3%
No telephone service available	169	2.4%	136	2.0%

*Source: American Community Survey 2006 - 2010 and 2014 - 2018*

Table 18: Occupants per Room + Inadequate Units in Occupied Housing Units



Figure 6: Intersection of Mola Boulevard and Washington Avenue

## 3.4. Employment Data

### Employment Trends

The following tables detail changes in employment from 2010 to 2019 for Elmwood Park, Bergen County, and New Jersey. Unemployment rates dropped from 2010 to 2019 in Elmwood Park and Bergen County due stabilization after the Great Recession. Elmwood Park fared better than

the County, having a lower peak unemployment rate. Elmwood Park’s unemployment rate had its most significant drop in the last year, dropping below 4.0% for the first time in the decade. This data is not reflective of the recent COVID-19 pandemic impacts on employment, which is not available at the time of this report.

Year	Elmwood Park Labor Force	Elmwood Park Employment	Unemployment	Unemployment %
2010	10,512	9,898	614	5.8%
2011	10,736	1,0066	670	6.2%
2012	10,678	10,001	677	6.3%
2013	10,328	9,632	696	6.7%
2014	10,626	9,920	706	6.6%
2015	11,003	10,424	579	5.3%
2016	10,908	10,389	519	4.8%
2017	11,061	10,497	564	5.1%
2018	11,016	10,501	515	4.7%
2019	10,763	10,341	422	3.9%

Source: American Community Survey 5-Year Estimates

Table 19: Employment and Labor Force in Elmwood Park | 2010-2019

Year	Bergen County Labor Force	Bergen County Employment	Unemployment	Unemployment %
2010	479,800	440,700	39,100	8.1%
2011	481,700	444,600	37,100	7.7%
2012	483,700	446,400	37,300	7.7%
2013	479,200	446,400	32,800	6.8%
2014	478,300	452,400	25,900	5.4%
2015	479,900	457,600	22,300	4.6%
2016	480,600	460,600	20,000	4.2%
2017	477,900	459,700	18,100	3.8%
2018	477,000	461,400	15,700	3.3%
2019	484,600	470,900	13,600	2.8%

Source: New Jersey Department of Labor

Table 20: Employment and Labor Force in Bergen County | 2010-2020

Year	NJ Labor Force	NJ Employment	Unemployment	Unemployment %
2010	4,441,800	4,251,800	190,000	4.3%
2011	4,504,400	4,264,000	240,500	5.3%
2012	4,550,600	4,138,600	412,100	9.1%
2013	4,555,300	4,121,500	433,900	9.5%
2014	4,565,300	4,138,500	426,800	9.3%
2015	4,585,300	4,158,600	426,800	9.3%
2016	4,528,500	4,157,600	370,800	8.2%
2017	4,513,600	4,209,700	303,900	6.7%
2018	4,543,800	4,288,800	255,000	5.6%
2019	4,599,000	4,371,600	227,400	4.9%

Source: New Jersey Department of Labor

Table 21: Employment and Labor Force in New Jersey | 2010-2019

## Class of Worker and Occupation

According to 2014-2018 ACS, most employed residents in Elmwood Park were private wage and salary workers (76.3%), followed by government workers (9.2%) and private non-profit employees (6.9%). Private sector

employment and self-employment grew 2010, while public sector employment decreased. These changes were led by a growth in management, professional, and service jobs and a decline in the sales, office category.

Sector	2006-2010	Percent	2014-2018	Percent	% Change
Total	9,898	100.0%	10,501	100.0%	6.09%
Private Sector	7,117	71.9%	8,012	76.3%	12.58%
Public Sector	1,099	11.1%	966	9.2%	-12.07%
Self-Employed	317	3.2%	368	3.5%	16.04%
Private Non-Profit	970	9.8%	725	6.9%	-25.30%
Unincorporated Self-Employed + Unpaid Family Workers	406	4.1%	420	4%	3.50%

*Source: American Community Survey 2006 - 2010, 2014 - 2018*

Table 22: Class of Worker in Elmwood Park | 2006-2018

Occupations	2006-2010	Percent	2014-2018	Percent	% Change
Civilian Employed Population 16 and Older	9,898	100.0%	10,501	100.0%	6.09%
Management, Professional, Related	3,077	31.09%	3,819	36.37%	24.11%
Service	1,210	12.22%	1,596	15.20%	31.90%
Sales, Office	3,464	35.00%	2,747	26.16%	-20.70%
Natural Resources, Construction, and Maintenance	926	9.36%	980	9.33%	5.83%
Production, Transportation, Material Moving	1,221	12.34%	1,359	12.94%	11.30%

*Source: American Community Survey 2006 - 2010, 2014 - 2018*

Table 23: Worker Occupations in Elmwood Park | 2006-2018

## Commuting to Work

According to the ACS 2014-2018 estimates, the mean travel time to work for Elmwood Park residents is 25.1 minutes, which is the same as the 2006-2008 estimates. An overwhelming proportion of workers commute by driving alone (81.4%). Only 6.7% of commuters use public

transportation. This demonstrates that Elmwood Park is very firmly an automobile-dependent suburb which is characteristic of much of suburban America today. This data is not reflective of the recent COVID-19 pandemic impacts on working from home, which is not available at the time of this report.

Travel Time	2006-2010	Percent	2014-2018	Percent	% Change
Total	9,543	100.0%	10,381	100.0%	8.8%
Did not work at home	9,461	99.1%	10,191	98.2%	7.7%
Less than 10 minutes	1,193	12.5%	997	9.6%	-16.5%
10 to 14 minutes	1,651	17.3%	1,671	16.1%	1.2%
15 to 19 minutes	1,174	12.3%	1,536	14.8%	30.9%
20 to 24 minutes	1,527	16.0%	1,848	17.8%	21.0%
25 to 29 minutes	821	8.6%	685	6.6%	-16.5%
30 to 34 minutes	1,078	11.3%	1,547	14.9%	43.4%
35 to 44 minutes	544	5.7%	561	5.4%	3.1%
45 to 59 minutes	601	6.3%	758	7.3%	26.0%
60 or more minutes	945	9.9%	789	7.6%	-16.5%
Mean travel time to work	25.1	-	25.1	-	0.0%

Table 24: Travel Time to Work in Elmwood Park | 2006-2018

Means of Commute	2006-2010	Percent	2014-2018	Percent	% Change
Workers 16 years and over	9,543	100.00%	10,381	100.00%	8.80%
Car, Truck, or van	8,388	87.9%	9,239	89.0%	10.1%
Drove Alone	7,634	80%	8,450	81.4%	10.7%
Carpooled	754	7.9%	789	7.6%	4.7%
Public Transportation	658	6.9%	696	6.7%	5.6%
Walked	305	3.2%	125	1.2%	-59.2%
Bicycle	0	0.0%	10	0.1%	N/A
Other Means	105	1.1%	125	1.2%	18.7%
Worked at home	86	0.9%	187	1.8%	117.6%

Source: American Community Survey 2006 - 2010, 2014 - 2018

Table 25: Travel Means to Work in Elmwood Park | 2006-2018



Figure 7: Train Platform at Broadway Station

## 3.5. Land Use Analysis

Zoning helps determine where growth is expected and where new housing units are likely to be developed in the future. This analysis covers how existing zoning regulations and capital infrastructure provide adequate capacity to accommodate residential and nonresidential growth projections. The section includes the following:

- An analysis of the available existing and planned infrastructure.
- The anticipated demand for types of uses permitted by zoning based on present and anticipated future demographic characteristics of the Borough and anticipated land use patterns.
- The Borough's economic development policies and constraints on development with existing or planned measures to address constraints.

### Infrastructure

Elmwood Park is a fully developed community with road, sewer, and water service throughout the Borough, and the Borough does not anticipate significant increases in

demand for these services. The Borough expects new developments to bear the cost that such developments put upon the Borough's existing infrastructure, including its sewer and water systems, road infrastructure, school facilities, and emergency services. This includes the addition of capacity necessitated by the new development, as well as associated maintenance costs. New development should not be a burden on the Borough's infrastructure.

### **Sewer**

Elmwood Park relies on a municipal sewer system with pump stations, which ultimately flows to the system managed by Passaic Valley Sewerage Commission.

### **Water**

The Borough of Elmwood Park purchases water from the Passaic Valley Water Commission (PVWC) and the City of Garfield. Owned by Paterson, Passaic, and Clifton, the PVWC provides water service to over 26 municipal customers throughout five counties in Northern New Jersey. The PVWC distributes approximately 83 million gallons per day (MGD) to about 800,000 people from two

primary sources: the Little Falls Treatment Plant and the Wanaque Plant, which provide water from the Passaic and Pompton Rivers, respectively. The Garfield Water Department operates fourteen production wells, of which thirteen are active. These water systems have agreements with other water authorities, such as the North Jersey District Water Supply Commission, to ensure sufficient water supply is consistently provided.

### **Municipal Services**

New development will need to determine the net cost to the Borough's police, fire, and EMS services due to increased utilization by the development. New residential developments must also provide an estimated number of school-age children likely to live in the new development.

## **LAND USES**

### **Residential**

Residential development comprises of the largest share of land uses in Elmwood Park, accounting for 36% of land area in the Borough and 92% of parcels. Most residential development in Elmwood Park is composed of 1-4 family homes, which comprises of 33% of the land area and 92%

of parcels. Multi-family uses in the Borough are generally located in the garden apartment complex south of Broadway and developments on Molnar Drive and Riverfront Boulevard.

### **Commercial**

Commercial uses make up 16% of land area and 4% of parcels in the Borough. These uses are generally found along Broadway, Market Street, and River Drive.

### **Industrial**

Industrial uses make up 8% of land area and 1% of parcels in the Borough, which are generally located north of Market Street along River Drive, east of Mola Boulevard and north of Market Street, and along the Borough's eastern border.

### **Other**

Public and quasi-public uses, including the Borough's public infrastructure, schools, open space, churches, and charitable properties, comprise 34.7% of the Borough's land area and 2.0% of its parcels. In addition, 1.9% of land and 0.7% of parcels in the Borough are vacant, which are predominately located in former industrial areas. An additional 1.7% of tax parcels in the Borough are unclassified.

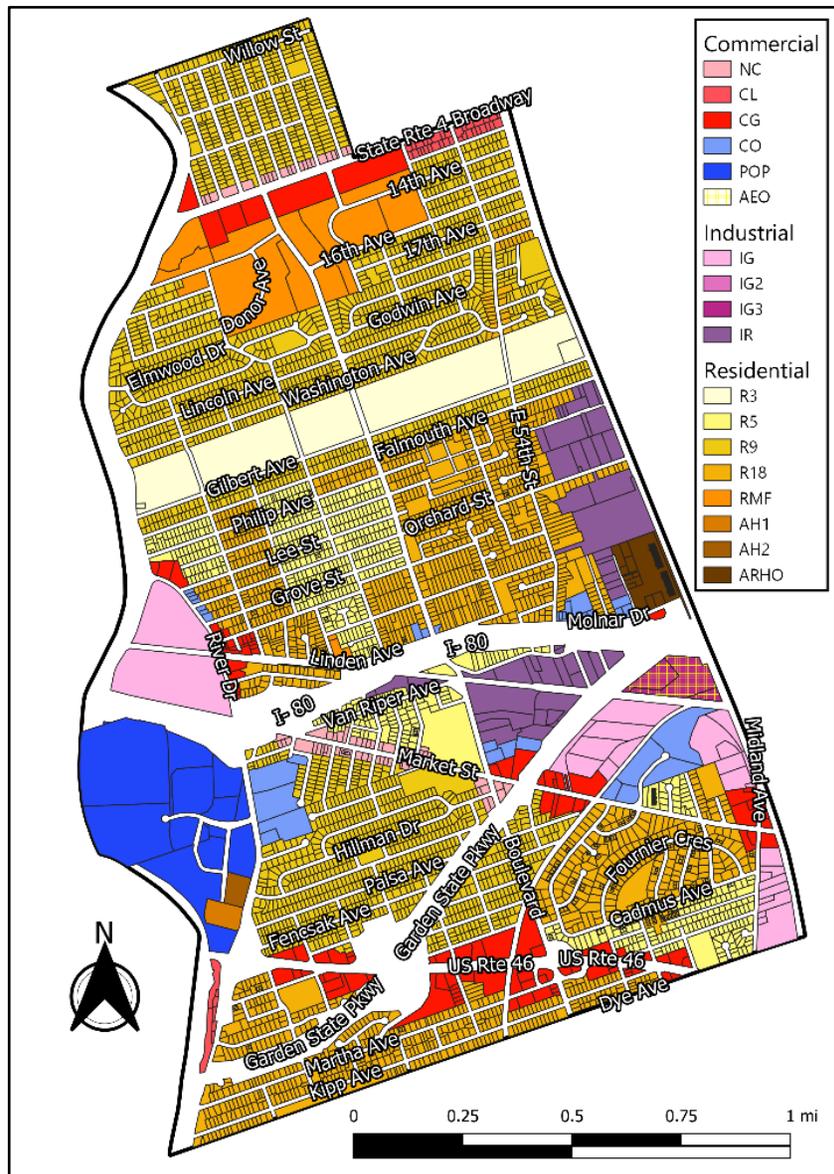


Figure 8: Land Use in Elmwood Park

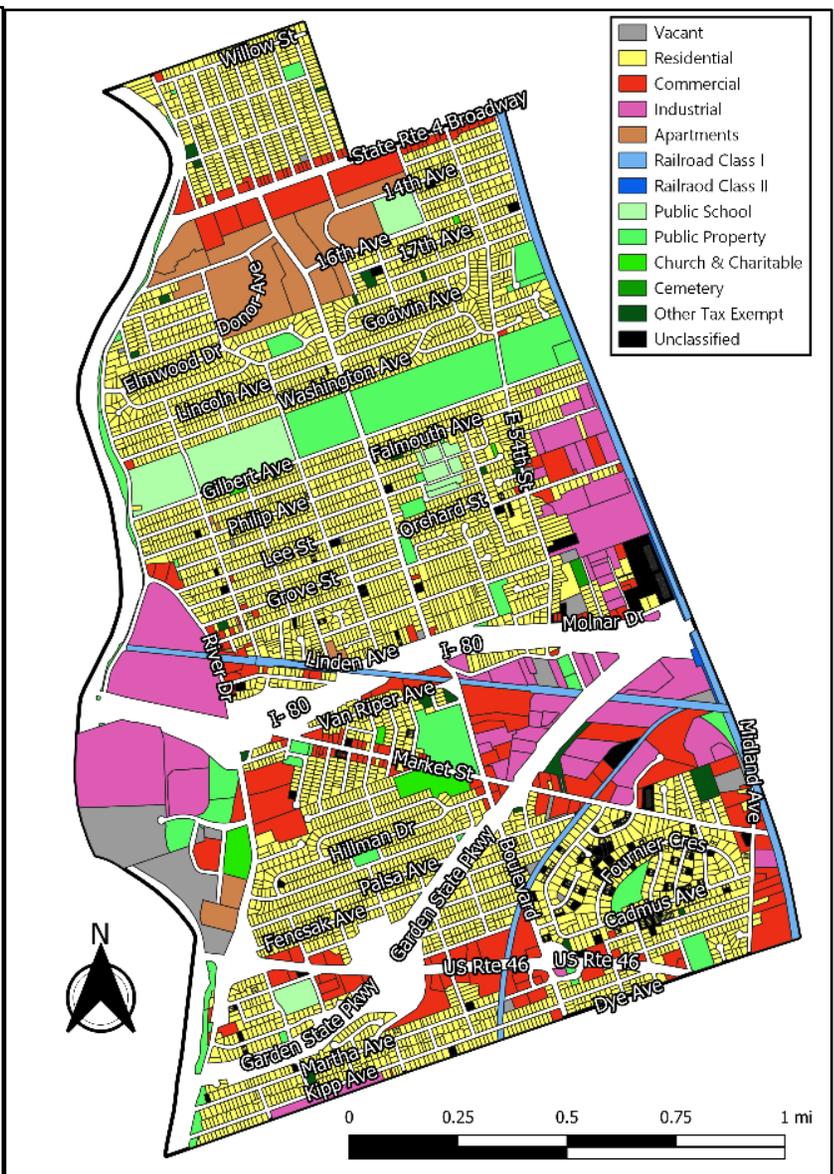


Figure 9: Zoning in Elmwood Park

## ENVIRONMENTAL CONSTRAINTS

### Floodplains and Wetlands

The Borough contains two significant bodies of water: the Passaic River and the Fleischer Brook. To avoid destruction of property and habitat, development within the floodplains is restricted. Given the presence of the Passaic River and the Fleischer Brook, much of the Borough's western portion and areas along the Brook lies within floodplains, wetlands and/or riparian buffers.

### Steep Slopes

Like most of Bergen County, Elmwood Park is built out and most properties have been previously disturbed. Steep slopes should be analyzed on a property-by-property basis.

### Critical Habitats

Potential endangered species are observed in Elmwood Park, such as the Monarch Butterfly and Northern Long-eared Bat. However, no Federally listed, State endangered, or threatened critical habitats are in the

Borough per the U.S. Fish and Wildlife online Information for Planning and Consultation system.

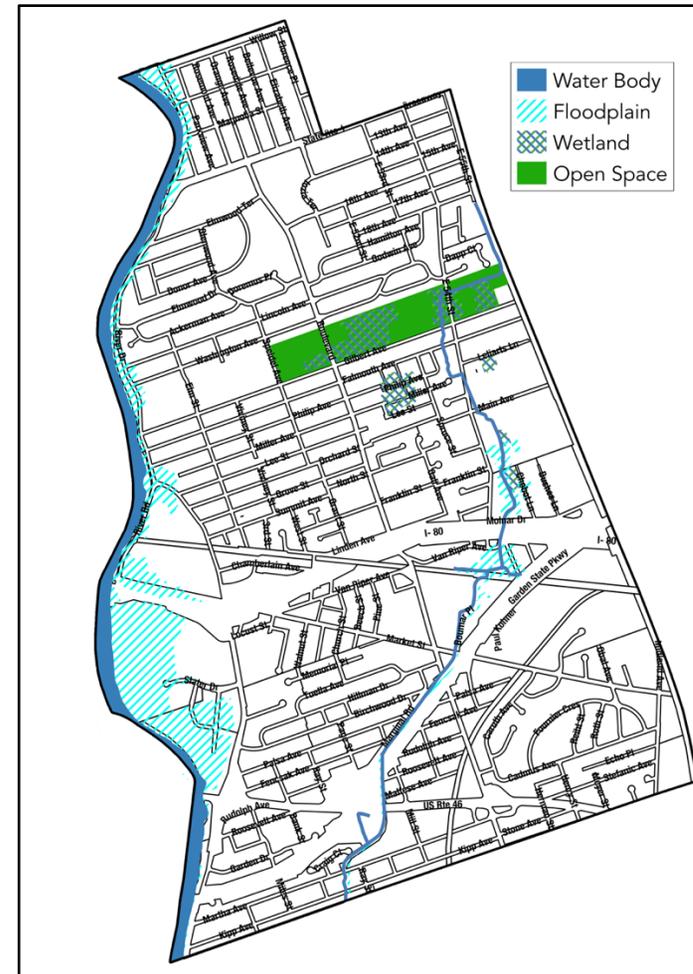


Figure 10: Environmental Constraints in Elmwood Park

## 3.6. Master Plan

The Borough's last adopted a comprehensive Master Plan in 2010 and conducted a Master Plan Reexamination in November 2020. Organized into Land Use and Redevelopment sections; the Reexamination provides a thorough overview of prior planning objectives and updated sets of recommendations for the Borough's planning priorities. The Borough continues to strive to preserve its existing residential neighborhoods, provide buffers and/or transitional zones between incompatible land uses, enforce zoning standards to combat illegal

conversions of homes from single- to two-family, provide a diverse and well-maintained housing stock, and to provide affordable housing through the adoption and implementation of this plan. The Reexamination also provides new recommendations that will facilitate the construction of more housing units, including permitting accessory dwelling units, simplifying and relaxing multifamily bulk standards, developing mixed-use zoning standards, reevaluating parking requirements, and pursuing redevelopment along Market Street and Broadway.

## 3.7. Regional Planning Regulations

### State Development and Redevelopment Plan

According to the State Development and Redevelopment Plan, the Borough is within the Metropolitan Planning Area (PA1). The intent of the PA1 Metropolitan Area is to create and maintain a high quality of life in the region

through cooperative regional programs and processes that empower municipalities to act jointly. Communities in this Planning Area have mature settlement patterns with little vacant land for new development and redevelopment will be the predominant form of growth in the future.

# FAIR SHARE PLAN

The following analysis is reflective of the terms prepared for submission to the Superior Court on behalf of the Borough of Elmwood Park in connection with the New Jersey Supreme Court's March 10, 2015 decision in *In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing*, 221 N.J. 1 (2015) ("Mount Laurel IV"). This action was in response to a failure on the part of the Council on Affordable Housing (COAH) to adopt new rules consistent with the New Jersey Fair Housing Act to establish a methodology to determine statewide municipal housing obligations.

The Court's ruling created a judicial review process through which municipalities could secure approval of their Third Round plans by trial judges. The Court appointed judges to review declaratory judgment actions filed on the part of municipalities seeking a declaration that their Fair Share Plans, as may be supplemented, satisfy their constitutional obligation to plan and provide for their fair share of the region's affordable housing units.

## 3.1. Fair Share Obligation

The housing need consists of the following components: The Prior Round Obligation, Indigenous Need or "Rehabilitation Obligation," the "Gap Present Need", and "Prospective Need" (the municipal share of the regional housing need for 2015-2025). Collectively, the Gap and the Prospective Need are referred to as the

Round 3 obligation. The figures that are presented in the fair share obligations below have been derived from the January 21, 2018 Settlement Agreement, which is based upon the Prior Round methodology and reflects a 35% reduction of Dr. Kinsey's May 2016 calculation of the Borough's Third Round Prospective Need.

Prior Round: 54

Present Need (Rehabilitation Share): 69

Gap + Prospective Need: 328

However, Elmwood Park does not have enough suitable land to address the obligation. Therefore, the Borough sought a vacant land adjustment (“VLA”) under the COAH Second Round Rules (N.J.A.C. 5:93-4.2). Thus, the Borough requested an adjustment of its Third Round new construction obligation to reflect the available and

developable land area within its municipal boundaries. It is the conclusion of this analysis that the Realistic Development Potential (“RDP”), given the capacity for inclusionary development in the Borough of Elmwood Park is seventy-eight (78) and its unmet need is therefore two-hundred-fifty (250).

### 3.2. Prior Round Obligation

COAH allocated to the Borough of Elmwood Park a Prior Round Obligation of 54 credits for the period of 1987-1999, which was first determined in 1993 as part of Round Two. Pursuant to the Borough’s Settlement Agreement,

the parties agreed that the Prior Round prospective need is met as follows with 14 surplus credits:

Project Name	Type of Affordable Unit	# Units / Bedrooms	Rental Bonus	Total Credits
River Drive Development	Family Rental	24*	14**	38
Center for Family Support	Supportive / Special Needs	6 Bedrooms	-	6
Spectrum for Living	Supportive / Special Needs	6 Bedrooms	-	6
ARC of Bergen + Passaic Counties	Supportive / Special Needs	4 Bedrooms	-	4
United Jewish Association	Supportive / Special Needs	6 Bedrooms	-	6

NIPD of New Jersey	Supportive / Special Needs	4	-	4
Spectrum for Living	Supportive / Special Needs	6	-	6
TOTAL	-	56	-	70
(- )Prior Round Obligation	-	-	-	(-)54
<i>*Per Prior Round rules, a 25% rental obligation is applicable to new construction. Therefore, the Borough is in compliance with minimum new construction obligation (i.e. 54 x 25% = 14 units)</i>				
<i>**Per Prior Round rules, rental bonus credits are eligible not to exceed the minimum rental requirement.</i>				

Table 26: Summary of Prior Round Obligation

### 3.3. Present Need (Rehabilitation Share)

COAH defines “indigenous need” as “deficient housing units occupied by low- and moderate-income households within a municipality and is a component of “present need” under N.J.A.C. 5:93-1.3. In the Borough of Elmwood Park, the rehabilitation obligation through the end of Round 3 (i.e. July 2, 2025) has been determined to be sixty-nine (69). The Borough’s efforts to meet its Rehabilitation Share will include participation in the Bergen County rehabilitation program with funding for qualified rehabilitation projects through the Borough’s Spending Plan.

Pursuant to the Settlement Agreement with the Borough and FSHC, the Borough reserves the right, prior to final judgment being entered in this matter, to conduct a Structural Conditions Survey subject to review by the Special Master and FSHC and approval by the Court, to

adjust its rehabilitation obligation pursuant to N.J.A.C. 5:93-5.2.

#### Participation in the County’s Home Improvement Program:

Bergen County provides deferred payment loans to low- and moderate- income homeowners occupying a one- or two-family home in Bergen County, as well as condominium interiors. A 10-year zero interest loan in the amount of assistance required for the rehabilitation work will be made to the homeowner by the County Division of Housing and Community Development. The Home Improvement Program will market the available funds to qualified residents and vet residents to ensure they qualify and manage the repairs. The program will primarily serve owner-occupied units and address homes with lack of

heat, lack of hot water, roof leaks, dangerous electrical problems, broken pipes, problems with sanitary facilities, and other housing conditions that threaten the health, safety, or well-being of the household members per COAH rules (N.J.A.C. 5:93). All rehabilitated units shall remain affordable to low- and moderate-income

households for a period of at least 10 years (the control period). For owner-occupied units, the control period is enforced with a recorded lien; and for renter-occupied units, the control period is enforced with a recorded deed restriction.

### **3.4. Gap and Prospective Need**

#### Consideration of Land Most Appropriate for Affordable Housing

As part of this Fair Share Plan and the preceding settlement process, the Borough has considered land that is appropriate for the construction of low- and moderate-income housing. Although the Borough has limited available and developable land, the Borough successfully satisfied its affordable housing obligation using the vacant land adjustment process and a variety of zoning mechanisms that have created or will create low- and moderate-income housing.

In addition to considering vacant land for the creation of affordable housing, the Borough has amended its zoning to create affordable and inclusionary housing zoning districts that will create low- and moderate-income housing. These sites will meet the “realistic development

potential” or “RDP” and contribute toward the Borough’s unmet need (See Section 3.6 of this Fair Share Plan). With the understanding that affordable housing sites require densities that must be serviced by public water and sewer, the Borough prioritized lands which have such services. Additionally, adoption of the mandatory set-aside ordinance will ensure unforeseen opportunities for affordable housing are captured.

Aside from the intervenors identified in the Housing Obligation and Credits tables below, no property owner or developer offered a site for inclusion in the Borough’s Housing Element and Fair Share Plan. The Borough believes that the mechanisms proposed in this document represent the best options for affordable housing in the Borough and satisfy the Borough’s affordable housing obligation as established through the Settlement Agreement. While the Borough recognizes that

developers may, in the future, present sites that possess characteristics that could lend themselves to affordable housing development, additional sites are not needed to satisfy the obligation at this time. Additionally, the Borough may consider appropriate sites or projects in the future for an inclusionary or 100% affordable housing project.

### Vacant Land Adjustment and Crediting Plan

Pursuant to N.J.A.C. 5:93-4.1(b), a municipality may secure a downward adjustment of its “new construction” obligation by demonstrating that it lacks sufficient vacant, suitable land for the development of affordable housing. Pursuant to N.J.A.C. 5:93-4.2., municipalities calculate their realistic development potential by tallying their vacant, suitable acreage, multiplying that by at least 6 units per acre, and then dividing that figure by five (which assumes a 20-percent set-aside).

As part of the Settlement Agreement process, the Borough performed a vacant land analysis in accordance with N.J.A.C 5:93-4.2 and -5.2, to determine the realistic development potential across all developable vacant

properties within the Borough. Based on that analysis, Elmwood Park’s realistic development potential is **78 units** as the Borough is either fully built out and/or contains environmentally constraint land, and the entirety of the Borough’s prospective need obligation constitutes unmet need.

The Borough of Elmwood Park currently has **78 credits** to apply to its realistic development potential. See *data tables on the next page*.



*Figure 11: Multi-family Development Along River Drive*

Obligation		Realistic Development Potential Credit Analysis	
Round 3 Obligation	328	Total Affordable Units:	44
Realistic Development Potential • Vacant Land: 0* • Settlement Site RDP: 78	78	Rental Bonus (Capped):	20
		Prior Round Surplus	14
		Total Affordable Credits:	78
		Unmet Need:	250
<i>*Per See Appendix A for VLA</i>			

Table 27: 2015 - 2025 Housing Obligation and Credits

Project Name	Tenure	Affordable Units	Rental Bonus	Total
Surplus Credits	-	-	-	14
Riverfront Apartments	Inclusionary / Rental	37	20**	57
Riverfront Apartments	Senior	7*		7
<b>TOTAL</b>				<b>78</b>
<i>*Does not exceed Senior/Non-Family units 25% of RDP cap for crediting.</i>				
<i>**Rental bonuses capped at 25% of RDP for crediting (i.e. 20 credits).</i>				

Table 28: Current Round Credits

Project Name	Physical Units	Very Low Income*	Low Income	Moderate Income
Riverfront Apartments	44	6	22	22
THRESHOLD	-	At least 6 Units (13%)	At least 22 units (50%)	NTE 22 units (50%)
<i>*At least half of VLI requirement shall be family units</i>				

Table 29: Income Parameters of Third Round Physical Units

Project Name	Physical Units	Non-Family	Family
Riverfront Apartments	44	7	37
THRESHOLD	-	NTE 22 units (50%)	At least 22 units (50%)
<i>*At least half of VLI requirement shall be family units</i>			

Table 30: Family vs. Non-Family Parameters of Third Round Physical Units

### 3.5. Site Description and Suitability Analysis

Municipalities shall designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. As such, the criteria for crediting units must meet the following:

- **“Available site”** – a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
- **“Suitable site”** – a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.
- **“Developable site”** – a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area wide water quality management plan (including the wastewater management plan) or is included in an amendment to the area wide water quality management plan submitted to and under review by DEP.

- **“Approvable site”** – a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.

#### Riverfront Apartments (RDD at 400 Riverfront Blvd)

The multi-phase project received its land use approval and is currently being constructed in 2021-22. The building and site design shall provide for welcoming, public access-friendly routes of pedestrian, bicycle, and vehicular travel to the proposed non-residential space, the municipal multi-purpose space, the existing walking path, an expanded floating dock and a canoe launch, which meets the requirements of N.J.A.C. 5:93-1. Development associated with this project satisfies the Realistic Development Potential identified in the foregoing tables. Specific details of the project are:

- **Building A (Phase 1):** a 4-story residential building with a total of 128 residential units. This building

will provide six (6) affordable housing units. The expanded floating dock and a canoe launch shall be completed before the issuance of a building permit for the 129th unit provided that the NJDEP has issued any necessary approvals for same. If the NJDEP cannot issue the necessary approvals, RDD may proceed with the rest of the development plan contemplated herein. If the NJDEP issues a conditional approval, the Parties shall cooperate to satisfy the terms of the conditions and RDD shall be required to comply with the conditions unless said conditions are unreasonable and/or unduly costly.

- Building B (Phase 2): a 3 or 4-story residential building with a total of 54 residential units, including twenty-two (22) affordable units. This is to be the fully age-restricted building, and shall also contain the municipal multi- purpose space comprising approximately 1,100 square footage for a thirty year leasehold period. The Borough shall pay one dollar (\$1.00) annually for the leasehold. The Borough shall also maintain proper insurance coverage and will be responsible for all leasehold utility expenses. The municipal multi-purpose space shall be completed before the

certificate of occupancy for the final senior residential unit in Building B is obtained.

- Building C (Phase 2): a 5-story mixed-use building, including 4 stories of residential with a total of 112 residential units, including twenty-two (22) affordable units, over 1 story of non-residential uses, which shall broadly permit a wide range of non-residential uses, such as but not be limited to retail, restaurants, child care centers and/or personal services (defined more specifically in the ordinance attached hereto as Exhibit B) with at least 10,000 square feet and at most 25,000 square feet of gross leasable floor area. The non-residential use space shall be completed (but is not required to be occupied) before the issuance of the building permit for the 251st unit. The non-residential use space shall be completed (but is not required to be occupied) before the issuance of the building permit for the 251st unit.
- Building D (Phase 3): a 4-story residential building for a total of 96 residential units, including nine (9) affordable units

## 3.6. Recommendations to Meet Unmet Need

As per the terms of the Settlement Agreement, the Borough will address its “unmet need” of 250 units through the following mechanisms:

- 1. Surplus of Senior Units at the Riverfront Apartments:**  
The Borough shall partially address its unmet need with an additional fifteen (15) senior credits from the proposed Riverfront Apartments development.
- 2. Ordinance 15-13 Amendment:** The Borough shall partially address its unmet need with apartments and through adoption of an amendment to Elmwood Park Ordinance 15-13 to require a 15% low- and moderate-income set-aside for all residential development in the N-C Neighborhood Commercial Zone as permitted.
- 3. Mandatory Set-Aside Ordinance:** The Borough will adopt a town-wide set-aside ordinance in a form satisfactory to FSHC and the Special Master, covering the entirety of the Borough, for any multi-family development created through any Planning or Zoning Board action or Redevelopment or Rehabilitation Plan. The ordinance will require a 15% set-aside for rental and 20% set-aside for for-sale residential developments. At least 50% of the units in each

development will be affordable to low-income households including 13% in rental developments affordable to very-low-income households. All such affordable units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, and all other applicable law. Said action shall include subdivision, site plan or use variance applications that provide for densities at or above six units per acre, resulting in five or more units. This does not give any developer the right to any such approval, variance or other relief, or establish any obligation on the part of the Borough to grant such approval, variance or other relief. Language shall be included in the Ordinance to explicitly address that developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.

## 3.7. Administration

### Development Fee Ordinance + Affordable Housing Trust Fund

The Borough anticipates adopting a formal development fee ordinance that is consistent with the “Roberts Bill”, P.L. 2008 c.46. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH’s regulations and the Statewide Non-Residential Development Fee Act.

Within the Borough of Elmwood Park, all residential developers that are not providing affordable housing or are specifically exempted by the Ordinance, shall pay a developer fee of:

- One and a half percent (1.5%) of the equalized assessed value for all new residential development, provided no increased density is permitted; or
- Six percent (6%) percent of the equalized assessed value for each additional unit that may be realized when there is an increase in residential density pursuant to a “d” variance granted under N.J.S.A. 40:55D.

All non-residential developers that are not specifically exempted by the Ordinance, shall pay a developer fee of:

- Two and one-half (2.5%) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

Additionally, the following funds shall be deposited into the AHTF:

- Any payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Borough of Elmwood Park;
- Funds contributed by developers to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
- Rental income from municipally operated units;
- Repayments from affordable housing program loans;
- Recapture funds;

- Proceeds from the sale of affordable units; and
- Any other funds collected in connection with Elmwood Park’s affordable housing program.

Such fees shall be deposited into an interest-bearing local municipal Affordable Housing Trust Fund (AHTF) to be maintained by the Borough of Elmwood Park for the purpose of depositing development fees collected. Developer fees collected shall be used for the sole purpose of providing very low, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

**Spending Plan**

The Borough will adopt a Spending Plan discussing anticipated revenues, collection of revenues, and the use of revenues, that will be prepared in accordance with COAH’s applicable substantive rules. All collected revenues will be placed in the Borough’s Affordable Housing Trust fund and will be dispensed for the use of eligible affordable housing activities including, but not limited to:

- Rehabilitation program;
- New construction of affordable housing units and related development costs;

- Extensions or improvements of roads and infrastructure directly serving affordable housing development sites;
- Acquisition and/or improvement of land to be used for affordable housing;
- Purchase of affordable housing units for the purpose of maintaining or implementing affordability controls;
- Maintenance and repair of affordable housing units;
- Repayment of municipal bonds issued to finance low- and moderate-income housing activity; and
- Any other activity as specified in the approved spending plan.

However, the Borough is required to fund eligible programs in a Court-approved Housing Element and Fair Share Plan, as well as provide affordability assistance.

At least 30% of collected development fees, excluding expenditures made since July 17, 2008, when affordability assistance became a statutory requirement in the Fair Housing Act, shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan.

At least one-third (1/3) of the affordability assistance must be expended on very-low-income units. Additionally, no more than 20% of the revenues collected from development fees each year, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a housing element and fair share plan, and/or an affirmative marketing program.

### **Affordable Housing + Affirmative Marketing**

Elmwood Park will adopt an Affordable Housing Ordinance in accordance with COAH's substantive rules, the Uniform Housing Affordability Control (UHAC) and Fair Housing Administration (FHA) acts. The Affordable Housing Ordinance will govern the establishment of affordable units in the Borough as well as regulating the occupancy of such units. The Borough's Affordable Housing Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, etc.

The Borough will establish the position of the Municipal Housing Liaison and appoint a staff member to the

position. The Borough will permit developers who demonstrate the appropriate experience and expertise to administer their own units, as both are experienced affordable housing administrators.

The affirmative marketing plan is designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children to the affordable units located in the Borough. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are the least likely to apply for affordable units and who reside in the Borough's housing region, Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties. The affirmative marketing plan includes regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance to N.J.A.C. 5:80-26.1 et seq. All newly created affordable units will comply with the 30-year affordability control required by UHAC, N.J.A.C. 5:80-26.5 and 5:80-26.11. This plan must be adhered to by all private, non-profit, and municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit.

## Monitoring

The Borough's settlement agreement with FSHC put in place monitoring provisions consistent with those required by the Fair Housing Act and similar to those required by COAH. The monitoring requires regular tracking of progress toward meeting the affordable housing obligation and ensuring the affordable units and affordable housing trust fund are administered properly. The agreement requires the following:

- On the first anniversary of the entry of final judgment, and every anniversary thereafter through the end of this Agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC. In addition to the foregoing, the Borough may also post such activity on the CTM system and/or file a copy of its report with the COAH or its successor agency at the State level.
- For the midpoint realistic opportunity review date, the parties agree that the midpoint for purposes of this agreement will be July 7, 2020 pursuant to N.J. S. A. 52: 27D- 313 (*Note: Date is from the Settlement Agreement*). The Borough will post the review on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled RDP mechanisms continue to present a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.

For the review of very low-income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of final judgment, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low-income

requirements, including the family very low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the

municipality and FSHC on the issue of whether the municipality has complied with its very low-income housing obligation under the terms of this settlement.