

**THIRD ROUND HOUSING ELEMENT  
AND FAIR SHARE PLAN  
CITY OF ENGLEWOOD: 2014 REVISION**

**City of Englewood Planning Board  
Bergen County, New Jersey**

In consultation with

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The original copy of this document was signed and sealed  
in accordance with N.J.S.A. 45:14 A-1 et seq.

A handwritten signature in black ink, reading "Richard M. Preiss", is written over a horizontal line.

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## **Executive Summary: Englewood Third Round Housing Element and Fair Share Plan: 2014 Revision**

Englewood's Third Round Housing Element and Fair Share Plan: 2014 Revision addresses the obligations required by New Jersey's Fair Housing Act and the New Jersey Constitution. Specifically, this revised version addresses all three parts of the obligation: the rehabilitation share and prior round obligation of 194 units and 152 units respectively that stem from the validated portions of COAH's third round rules, and a prospective obligation of 95 units of affordable housing pursuant to an amendment to the Settlement Agreement reached between the City of Englewood, ERA South LLC, and Fair Share Housing Center.

### ***A. Rehabilitation Share***

To date, Englewood's 194-unit rehabilitation share has been partially fulfilled. Since April 1, 2000, 48 units have been rehabilitated via the Bergen County Home Improvement Program. In addition, the City Housing Authority has completed interior improvements of the 152-unit Tibbs Senior Housing Development and has nearly completed an exterior renovation of the building. Utilizing COAH's recognized standard of crediting one unit per \$10,000 spent on the rehabilitation of existing substandard units occupied by low- and moderate-income households, the City is currently eligible for 129 rehabilitation credits toward its Third-Round rehabilitation share. The City anticipates continued rehabilitation of the remaining 65-unit rehabilitation share obligation through County Home Improvement Program funds and the City Housing Authority. The City anticipates that the rehabilitation obligation will be met by 2018.

### ***B. Prior-Round Obligation***

COAH has determined that Englewood is responsible for a 152-unit prior-round obligation (from rounds 1 and 2). The City has provided sufficient affordable units to satisfy its 152-unit prior-round obligation through prior-cycle credits, group homes and family affordable housing construction, including: Westmoor Gardens (64 units); Shepherd House (12 units plus 12 bonus credits); Independence Hall (8 units plus 1 bonus credit); J-ADD (formerly UJC) group home (4 credits); PSCH Phelps Avenue group home (4 credits); PSCH Knickerbocker Avenue group home (4 credits); 167-169 Morse Place (4 units); Garrett Apartments (34 units); and First Baptist Church group home (5 units).

### ***C. Prospective Obligation***

Pursuant to the aforementioned amendment to the Settlement Agreement, Englewood proposes to fulfill a Third Round Prospective obligation of 95-unit through: the extension of the affordability controls of the 64-unit Westmoor Gardens affordable development; four units constructed by Habitat for Humanity; a three-unit expansion of the existing Foti housing development; a three-unit supportive and special needs housing project by Vantage Health Systems; six senior units to be built at 109 West Englewood Avenue; and by including 15 low- and moderate-income units in the 195-unit Flatrock Square project to be developed by ERA South LLC. The 95-unit obligation would be met within 5 years (that is, by 2019).

## 1. INTRODUCTION

### A. *Required Third Round Housing Element and Fair Share Plan: 2014 Revision*

The City of Englewood's Third Round Housing Element and Fair Share Plan: 2014 Revision amends and supersedes all prior Housing Elements and Fair Share Plans of the City of Englewood. This Housing Element and Fair Share Plan has been prepared in accordance with the Municipal Land Use Law ("MLUL") per *NJSA 40:55D-28b.(3)* as well as those portions of the Third Round Substantive Rules (*NJAC 5:97*) and Procedural Rules (*NJAC 5:96*) of the New Jersey Council on Affordable Housing (COAH) which were not invalidated by the Supreme Court decision of September 26, 2013. COAH adopted its initial ("*previous rules*") Third Round methodology and regulations on November 22, 2004, which became effective on December 20, 2004. However, in January 2007 the New Jersey Appellate Court invalidated portions of COAH's Third Round rules. As a result, COAH adopted significant revisions to its rules effective June 2, 2008, with amendments effective October 20, 2008 and April 6, 2009 ("*revised rules*"). However, certain portions of these rules were invalidated by the Appellate Court on October 8, 2010, a decision which was appealed to the Supreme Court. On September 26, 2013 the Supreme Court affirmed the decision of the Appellate Division and invalidated the growth share portion of the third round rules adopted by COAH. The Supreme Court directed COAH to adopt new affordable housing rules consistent with the requirements of the Fair Housing Act. These new rules are expected to be released on May 1, 2014.

This Third Round Housing Element and Fair Share Plan: 2014 Revision has therefore been prepared in accordance with the Fair Housing Act and those portions of COAH's third round rules which remain intact, as well as the terms of an Amendment to a Settlement Agreement between ERA South LLC, the City of Englewood and the Fair Share Housing Center, dated 4/8/14, which is further detailed below.

### B. *Affordable Housing and COAH History in the City of Englewood*

At the time the New Jersey State Legislature enacted the Fair Housing Act in 1985, the City of Englewood already had a long history of providing affordable housing for its residents through local and Federal government programs. Essentially fully developed and built out since the early 1970s, the City has utilized a range of techniques to provide affordable housing and supportive social programs, including: forming a Housing Authority and utilizing HUD funds and other available funding to build affordable housing; incorporating affordable housing in redevelopment projects; construction of new affordable housing and group homes; the adoption of rehabilitation programs; and providing social services and financial assistance programs to assure the creation and support of affordable housing in the City.

As far as Englewood's history specific to COAH is concerned, a Housing Element and Fair Share Plan was filed with COAH on March 26, 2001 in response to its required 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. As indicated above, portions of COAH's *previous* Third Round Rules were invalidated by the court, requiring an amendment to COAH's Third Round Rules. This necessitated Englewood preparing a second, amended Third Round Housing Element and Fair Share Plan. Such a document 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 remained intact. On September 26, 2013 the Supreme Court affirmed the decision of the Appellate Division and invalidated the third round rules adopted by COAH. The Supreme Court directed COAH to adopt affordable housing new rules consistent with the requirements of the Fair Housing Act. These new rules are expected to be released on May 1, 2014.

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 Martinotti 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 be addressed in a revised Fair Share Plan, and that a period of repose against any further Mt. Laurel suits be granted for 5 years. The Amended Settlement Agreement also provides 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.

This document therefore supersedes and replaces the adopted September 2011 Housing Element and Fair Share Plan report.

## 2. HOUSING ELEMENT/FAIR SHARE PLAN REQUIREMENTS

The Fair Housing Act requires that a “municipality’s Housing Element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing.” The following items must be provided in order to fulfill the tenets of the Fair Housing Act and the purposes of the MLUL:

- 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 next ten (10) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends.
- An analysis of the municipality’s demographic characteristics, including, but not necessarily limited to, household size, income level, and age.
- An analysis of the existing and probable future employment characteristics of the municipality.
- A determination of the municipality’s present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing.
- A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.

In addition, per the validated portions of COAH’s Third Round Substantive Rules (*NJAC 5:97*), a Housing Element and Fair Share Plan is required to address a rehabilitation share and the municipal prior round obligation. The Supreme Court has invalidated COAH’s rules regarding the “growth share approach” towards satisfying the community’s prospective obligation, the third component of the fair share obligation. Nevertheless, a prospective obligation is still required per the New Jersey Fair Housing Act, and in accordance with the aforementioned Amendment to the Settlement Agreement between ERA South LLC, the City of Englewood and the Fair Share Housing Center. As such, this Fair Share Plan addresses a prospective obligation as well.

### 3. HOUSING STOCK AND DEMOGRAPHIC ANALYSIS

#### A. Housing Stock Inventory

According to the 2012 American Community Survey, there were 11,315 housing units in the City of Englewood, of which 838 or 7% were vacant. Of the 10,477 occupied units, 55.5% were owner occupied and 44.5% were renter occupied. See Table 1, Housing Tenure by Number of Units in Structure for a detailed explanation of the City's housing units in 2012.

**Table 1. Housing Tenure by Number of Units in Structure**

Tenure and Occupancy Status	2000	2010	2012
Owner Occupied Units	5,508	5,897	5,819
Renter Occupied Units	3,765	4,477	4,658
<b>Total Occupied Units</b>	<b>9,273</b>	<b>10,374</b>	<b>10,477</b>
Vacant for Rent	96	230	289
Vacant for Sale	57	120	135
Rented or Sold, Not Occupied	35	198	181
For Seasonal, Recreational or Occasional Use	38	16	0
For Migrant Workers	-	24	20
Other Vacant	115	160	213
<b>Total Vacant Units</b>	<b>341</b>	<b>748</b>	<b>838</b>
<b>Total Housing Units</b>	<b>9,614</b>	<b>11,122</b>	<b>11,315</b>

Source: 2000 United States Census, 2006-2010 American Community Survey, 2008-2012 American Community Survey

Table 2, Occupied Housing Units by Age of Structure, indicates the age of the City's housing stock. Englewood experienced the majority of its growth prior to 1960, in which nearly 60% of the housing stock was constructed. In comparison, just 22% of the City's overall housing stock was constructed after 1980. Overall, 41% of the existing dwellings in the City were completed between 1960 and 2010 or later.

**Table 2. Occupied Housing Units by Age of Structure**

Year Built	2012		Units
	Owner Occupied	Renter Occupied	
2010 or later	0	12	12
2000 – 2009	196	659	855
1990 – 1999	155	176	331
1980 – 1989	731	368	1,099
1970 – 1979	128	513	641
1960 – 1969	745	645	1,390
1950 – 1959	893	606	1,499
1940 – 1949	930	786	1,716
1939 or earlier	2,041	893	2,934
<b>Total</b>	<b>5,819</b>	<b>4,658</b>	<b>10,477</b>

Source: 2008-2012 American Community Survey

As seen in Table 3, Housing by Units in Structure, the City of Englewood is a community with a mixed housing stock that contains a majority of one- and two-family dwellings. In 2012, nearly 60% of the existing housing stock consisted of one- and two-family units. In fact, 44% of housing units within the City consist of detached one-family units. On the other end of the spectrum, 33% of the housing stock contains five or more dwelling units. According to the Census Bureau, structures with 20 to 50 or more units comprised 20% of housing within the City in 2012, an increase of 59% from 2000.

**Table 3. Housing by Units in Structure**

Type of Structure	2000	2010	2012
1, detached	4,502	4,978	4,972
1, attached	745	780	716
2	1,074	953	1,024
3 or 4	586	754	809
5 to 9	746	1,077	931
10 to 19	523	611	627
20 to 49	636	948	965
50 or More	759	1,021	1,257
Mobile Home or Trailer	43	0	14
Other (Boat, RV, Van, etc.)	0	0	0
<b>Total</b>	<b>9,614</b>	<b>11,122</b>	<b>11,315</b>

*Source: 2000 United States Census, 2006-2010 American Community Survey, 2008-2012 American Community Survey*

Table 4, Housing Value, Owner-Occupied Units, 2012, provides a detailed description of housing values within the City of Englewood. Based on review of the data, the diversity of Englewood’s housing stock is reflected in the wide range of housing values. Approximately 18% of all owner-occupied buildings are valued below \$300,000, while 32% are valued in excess of \$500,000. Approximately 50% of the City’s owner-occupied units are valued between \$300,000 and \$499,999. It should be noted that median home value in 2012 measured \$410,100 in Englewood. While Englewood’s median home value exceeds that of the State of New Jersey (\$337,900), it falls below Bergen County (\$461,400) as a whole.

**Table 4. Housing Value, Owner-Occupied Units, 2012**

<b>Owner-Estimated Value</b>	<b>Number of Units</b>
Less than \$50,000	36
\$50,000 - \$59,999	22
\$60,000 - \$69,999	8
\$70,000 - \$79,999	16
\$80,000 - \$89,999	20
\$90,000 - \$99,999	0
\$100,000 - \$124,999	10
\$125,000 - \$149,999	42
\$150,000 - \$174,999	26
\$175,000 - \$199,999	211
\$200,000 - \$249,999	200
\$250,000 - \$299,999	469
\$300,000 - \$399,999	1,731
\$400,000 - \$499,999	1,171
\$500,000 - \$749,999	743
\$750,000 - \$999,000	408
\$1,000,000 or more	706
<b>Total</b>	<b>5,819</b>
<b>Median Value</b>	<b>410,100</b>

*Source: 2008-2012 American Community Survey*

In 2012, average monthly contract rent (not including utilities) in the City of Englewood was just about the same as that of Bergen County (\$1,196 per month v. \$1,191 per month). In the City, 15% of renters paid between \$500 and \$1,000 in rent. Approximately 69% of renters paid more than \$1,000 per month in rent, 38% of which paid between \$1,000 and \$1,500 per month in rent. Similarly, 69% of Bergen County renters paid more than \$1,000 per month in rent, and 43% paid between \$1,000 and \$1,500 per month in rent. For detailed figures, see Table 5, City of Englewood Monthly Rental Cost, 2012.

**Table 5. City of Englewood Monthly Rental Cost, 2012**

<b>Monthly Rental</b>	<b>Number of Units</b>
Less than \$100	98
\$100 - \$149	0
\$150 - \$199	125
\$200 - \$249	22
\$250 - \$299	70
\$300 - \$349	87
\$350 - \$399	116
\$400 - \$449	43
\$450 - \$499	0
\$500 - \$549	58
\$550 - \$599	52
\$600 - \$649	25
\$650 - \$699	16
\$700 - \$749	22
\$750 - \$799	42
\$800 - \$899	305
\$900 - \$999	187
\$1,000 - \$1,249	1,229
\$1,250 - \$1,499	529
\$1,500 - \$1,999	648
\$2,000 or more	789
No cash rent	195
<b>Total</b>	<b>4,658</b>
<b>Median Contract Rent</b>	<b>\$1,196</b>

*Source: 2008-2012 American Community Survey*

Despite the number of pre-1960 dwelling units within the City, Census statistics indicate a well-maintained housing stock. Approximately 2% of all occupied housing units within Englewood lack complete plumbing and/or kitchen facilities. Concurrently, while the Census Bureau has no actual definition for overcrowding (i.e., occupants per room), it is generally accepted that housing units with more than one occupant per room constitute an overcrowded dwelling unit. It appears that 3% of occupied housing units in Englewood contain more than one occupant per room. This statistic seems attributable to the mix of dwelling types within the City. See Table 6, Number of Housing Units by Condition of Unit, 2012.

**Table 6. Number of Housing Units by Condition of Unit, 2012**

Household Condition	2012
Units with more than one person per room	357
Units lacking complete plumbing	85 60 Owner Occupied 25 Renter Occupied
Units lacking complete kitchen	129 82 Owner Occupied 47 Renter Occupied
No telephone service available	94 60 Owner Occupied 34 Renter Occupied
Total Occupied Units	10,477

Source: 2008-2012 American Community Survey

**B. General Population Characteristics**

According to Census figures, population in the City of Englewood has generally grown steadily, except for a respective 4% and 9% population decline throughout the 1960s and 1970s. A subsequent population increase occurred throughout the 1980s and 1990s, leading to a reported year 2000 population total in excess of the previous 1960 peak. Bergen County's population has experienced similar peaks and valleys. While population in Bergen County increased between 1960 and 1970, population decreased in both the 1970s and 1980s. Similar to Englewood, Bergen County gained population during the 1990s and 2000s, but an overall population loss occurred in the County between 1970 and 1990. See Table 7, Population Growth, 1960 to 2010.

**Table 7. Population Growth, 1960 to 2010**

Year	Total Population
1960	26,057
1970	24,985
1980	23,701
1990	24,850
2000	26,203
2010	27,147

Source: 1960, 1970, 1980, 1990, 2000, 2010 US Census

Englewood's age distribution, as seen in Table 8, Englewood Age Distribution, 2000 to 2010, is spread somewhat evenly. Considering that the combined population of residents under age 24, and from age 35 to 54 comprises nearly 60% of the total City population, much of the City's population includes children in families. Between 2000 and 2010, a decrease in population occurred for all age cohorts under 14 years. Conversely, population within all age cohorts from 45 to 69 increased during the same time period. Greater gains in population were observed in the older age cohorts, particularly in the 62 to 64 age group, which saw a 35% increase between 2000 and 2010.

Due to these fluctuations in the age of the overall population, median age in the City increased slightly between 2000 and 2010, from 37.2 to 38.9.

**Table 8. Englewood Age Distribution, 2000 to 2010**

Age Cohort	2000			2010		
	Male	Female	Total	Male	Female	Total
Under 5 years	905	909	1,814	905	878	1,783
5 to 9 years	929	849	1,778	860	831	1,691
10 to 14 years	898	809	1,707	791	755	1,546
15 to 17 years	470	487	957	518	485	1,003
18 and 19 years	287	257	544	316	276	592
20 years	150	141	291	172	131	303
21 years	121	130	251	153	147	300
22 to 24 years	420	443	863	439	463	902
25 to 29 years	823	868	1,691	909	960	1,869
30 to 34 years	1,047	1,092	2,139	1,009	1,024	2,033
35 to 39 years	1,032	1,140	2,172	983	1,003	1,986
40 to 44 years	939	1,052	1,991	918	1,035	1,953
45 to 49 years	877	1,005	1,882	913	1,030	1,943
50 to 54 years	787	1,087	1,874	894	1,094	1,988
55 to 59 years	671	851	1,522	826	955	1,718
60 and 61 years	239	288	527	302	357	659
62 to 64 years	317	392	709	392	566	958
65 and 66 years	189	250	439	221	311	532
67 to 69 years	262	310	572	307	397	704
70 to 74 years	389	514	903	366	521	887
75 to 79 years	275	406	681	273	416	689
80 to 84 years	168	291	459	207	311	518
85 years and over	125	314	439	186	341	527
<b>Total</b>	<b>12,318</b>	<b>13,885</b>	<b>26,206</b>	<b>12,860</b>	<b>14,287</b>	<b>27,147</b>
Median Age	35.5	39.2	37.2	38.9	40.9	38.9

Source: 2000, 2010 US Census

### C. Household Characteristics

As defined by the Census Bureau, a household includes all persons who occupy a single housing unit, regardless of blood relation. Thus, a household may also include a group of unrelated individuals sharing group quarters. The Census further identifies a family as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. In 2010 there were 10,057 households in the City, with an average of 2.68 persons per household and an average of 3.24 persons per family. Approximately 81% of the City's total population resides within families; of these family households, approximately 67% were comprised of married couples with or without children. Additionally, 33% of all households in Englewood were comprised of non-family households.

#### **D. Income Characteristics**

The City of Englewood generally mirrors Bergen County in terms of the percentage breakdown of wage earners highlighted within Table 9, Household Income – City of Englewood, 2012. Approximately 37% of households in Englewood earned incomes over \$100,000 in 2012 compared to 42% in Bergen County. Where 13% of households in the County earned incomes greater than \$200,000 annually, approximately 12% did so in the City of Englewood. On the other side of the income scale, 30% of households in Bergen County earned under \$50,000 per year, as opposed to 38% of households in the City of Englewood. As such, County wage earners have greater median household incomes and median family incomes than those in the City of Englewood. According to the 2012 American Community Survey, median household income in Englewood was \$69,557, as opposed to \$84,255 in Bergen County. Similarly, the 2012 American Community Survey indicated that median family income in Englewood was \$86,741 as compared to \$102,653 in Bergen County.

The poverty threshold in 2012, as defined by the U.S. Census Bureau, was \$11,945 for a one-person household under age 65 and \$23,492 for a household that includes a family of four. Census data does not provide a breakdown of household income by household size. However, it does provide information concerning individuals and families under the poverty threshold. According to the 2012 American Community Survey, of the total population in which poverty status is determined, approximately 12% live below the poverty level in the City. This percentage is greater than Bergen County as a whole, in which approximately 7% of County residents fall below the Census poverty level. The 2012 American Community Survey data also indicates that approximately 9% of families live below the poverty level in Englewood.

**Table 9. Household Income - City of Englewood, 2012**

Income Range	2012 No. of Households
Less than \$10,000	707
\$10,000 - \$14,999	624
\$15,000 - \$19,999	339
\$20,000 - \$24,999	484
\$25,000 - \$29,999	330
\$30,000 - \$34,999	445
\$35,000 - \$39,999	291
\$40,000 - \$44,999	469
\$45,000 - \$49,999	336
\$50,000 - \$59,999	622
\$60,000 - \$74,999	1,010
\$75,000 - \$99,999	965
\$100,000 - \$124,999	1,100
\$125,000 - \$149,999	588
\$150,000 - \$199,999	918
\$200,000 or more	1,249
<b>Total</b>	<b>10,477</b>
Median Household Income	\$69,557
Median Family Income	\$86,741

Source: 2008-2012 American Community Survey

**E. Employment Characteristics**

Table 10, Employment Status for Population 16 Years and Over, provides insight into the number of employed and unemployed persons in the City of Englewood. Of the total persons 16 years and over, 64% are employed, 5% are unemployed, and 31% do not participate in the labor force.

**Table 10. Employment Status for Population 16 Years and Over**

Employment Status	Persons
Total population 16 years and over	21,633
Employed persons in the civilian labor force	13,872
Unemployed persons in the civilian labor force	1,111
Persons not in the labor force	6,650

Source: 2008-2012 American Community Survey

Table 11, Distribution of Employment by Industry, Employed Englewood Residents, 2012 indicates the distribution of employment by industry for employed City residents. The four industries that captured the largest portion of the employed population in Englewood were educational services, and health care and social assistance at 28%; professional, scientific, and management, and administrative and waste management services at 11%; finance and insurance, and real estate and rental and leasing at 11%; and retail trade at 10%.

**Table 11. Distribution of Employment by Industry, Employed Englewood Residents, 2012**

<b>Industry</b>	<b>Units (Jobs)</b>
Agriculture, forestry, fishing and hunting, mining	13
Construction	399
Manufacturing	1,267
Wholesale trade	758
Retail trade	1,366
Transportation, warehousing and utilities	706
Information	642
Finance and insurance, and real estate and rental and leasing	1,483
Professional, scientific, and management, and administrative and waste management services	1,576
Educational services, and health care and social assistance	3,867
Arts, entertainment, and recreation, and accommodation and food services	679
Other services, except public administration	811
Public administration	305
<b>Total Employed Civilians</b>	<b>13,872</b>

*Source: 2008-2012 American Community Survey*

#### 4. THIRD ROUND FAIR SHARE PLAN: 2014 REVISION

##### A. Overview

The City of Englewood's Third Round affordable housing obligation consists of three parts: (1) rehabilitation share; (2) fulfillment of a prior round affordable housing obligation; and (3) a prospective obligation. Per the validated portions of COAH's Substantive Rules, COAH has calculated Englewood's required Third Round rehabilitation share as 194 units (as provided for in Appendix B of COAH's Substantive Rules), and a prior round obligation of 152 units (per Appendix C in COAH's Substantive Rules). The prospective obligation of 95 units has been determined pursuant to the aforementioned Amendment to the Settlement Agreement between ERA South, the City of Englewood and FSHC.

**Table 12. Rehabilitation Share, Prior Round and Prospective Housing Obligation**

<b>Component</b>	<b>Obligation (dwelling units)</b>
1. Rehabilitation	194
2. Prior Round Obligation	152
3. Prospective Obligation	95

##### 1. Rehabilitation Share

COAH's Third Round rehabilitation share for the City of Englewood is 194 units. COAH has utilized the number of substandard housing units identified in the 2000 US Census to determine this figure. COAH rules indicate that any units rehabilitated in Englewood after April 1, 2000 can be credited against its Third Round rehabilitation share obligation. Since April 1, 2000, the City Housing Authority has completed interior improvements to the 152-unit Tibbs Senior Housing development, and has nearly completed an exterior renovation of the building façade. In addition, 48 City homeowners have utilized low-interest loans from the Bergen County Home Improvement Program to rehabilitate dwellings since April 1, 2000 (See Table 14, City of Englewood - Rehabilitated Units Since April 1, 2000). COAH rules indicate that in order to receive credit for units rehabilitated in the Third Round, a minimum of \$10,000 per unit must be spent for rehabilitation. Upon application of a \$10,000 per-unit monetary average to the overall value of the above-rehabilitated units, the City is eligible to receive credit for 129 units. This represents the total monetary value of rehabilitation improvements divided by \$10,000. In order to fulfill the remaining 65-unit rehabilitation share, the City proposes to provide ongoing rehabilitation of units through the Englewood Housing Authority and continued use of the Bergen County Home Improvement Program.

**Table 13. City of Englewood - Rehabilitated Units since April 1, 2000**

ADDRESS	BLOCK	LOT	LOAN/FUNDS EXPENDED (\$)	# OF UNITS	YEAR
<b><i>City of Englewood Eligible Rehabilitation Units - Tibbs Senior Housing</i></b>					
Tibbs Senior (111 West Street)	910	10.01		152	
Kitchen Remodeling (All units)			\$207,000		2002
Elevator Repair			\$89,440		2008
Exterior Masonry Repair/Protection			\$240,000		2009
<b><i>Bergen County Home Improvement Program Loans</i></b>					
253 W. Englewood Avenue	2012	14	\$25,000	2	2008
46 Belmont Street	301	5	\$10,500	1	2005
			\$14,300		2013
50 Lafayette Avenue	2301	21	\$21,400	1	2001
184 Third Street	2113	11	\$17,500	1	2004
298 W. Forest Avenue	2212	4	\$10,000	2	4/1/2000-2009
186 Third Street	2113	10	\$15,980	1	2003
368 Washington Place	2003	2	\$14,500	1	2003
11 Cottage Place	2301	14	\$16,930	1	2002
161 Crescent Court	202	6	\$17,500	1	4/1/2000-2009
377 Tryon Avenue	207	17	\$14,300	1	2001
301 Mary Street	2905	25	\$5,400	1	2005
124 First Street	2209	5	\$18,000	1	2000
67 Knapp Place	3010	16	\$25,000	2	2004
91 Reis Avenue	308	3	\$17,500	1	2006
163 Third Street	2112	2	\$17,481	1	2001
280 Garden Street	2106	9	\$17,500	1	2003
44 Brookway Street	2008	12	\$25,000	2	2005
250 Franklin Road	2109	12	\$17,500	1	2000
127 Oak Street	2014	12	\$8,050	1	2001
170 W. Demarest Avenue	606	5	\$25,000	2	2006
23 E. Forest Avenue	2802	21	\$17,500	1	2003
63 Brook Avenue	806	9	\$13,450	1	2001
103 Glenbrook Parkway	306	9	\$17,500	1	2003
20 Cleveland Street	314	13	\$13,800	1	2003
305 Levinsohn Place	311	9	\$13,050	1	2003
11 Belmont Street	302	22	\$12,400	1	2004
258 Thomson Avenue	2219	5	\$15,698	1	2001
15 Belmont Street	302	23	\$30,165	1	2007
120 Wood Street	2014	7	\$24,125	1	2006
201 Warren Street	2201	20	\$20,300	1	2006
381 Greenleaf Street	202	14	\$17,490	1	2005
110 Otsego Place	601	40	\$17,500	1	2003
66 Spring Lane	1209	2	\$23,900	2	2001
64 Herzog Place	308	10	\$20,225	1	2001
146 Morse Place	602	6	\$2,850	1	2001
154 Warren Street	2207	6	\$17,425	1	2003
354 Howell Road	304	3	\$17,450	1	2010
149 Slocum Avenue	508	23	\$21,800	1	2009
17 Cleveland Street	612	14	\$22,200	1	2010
123 E. Sheffield Avenue	3008	32	\$12,900	1	2010
414 Tyron Avenue	302	1	\$26,500	1	2012
243 Epps Avenue	2210	3	\$16,250	1	2012
<b><i>Total Rehabilitation Funds Utilized: Englewood Housing Authority &amp; Bergen County Home Program</i></b>			<b>\$1,285,259</b>	<b>200</b>	
<b><i>Eligible Rehabilitation Credits (Total Rehab Funds/\$10,000)</i></b>			<b>129</b>		

## 2. Prior Round Obligation

COAH regulations permit municipalities to receive credit for affordable housing activity completed during and also preceding the prior round as long as these units meet certain affordability criteria. COAH has recalculated Englewood’s prior round obligation as 152 total units. The City is sufficiently able to meet its prior round affordable obligation through credit for 134 previously constructed affordable units, a five-unit group home constructed in the Third Round, and 13 eligible rental bonus credits. Table 15 provides a summary of the affordable units that are eligible for credit toward the City’s prior round obligation for the period between 1987 and 1999. This is followed by a detailed explanation of each of the projects.

**Table 14. City of Englewood – Prior Round Affordable Obligation**

<i>Development</i>	<i>Type</i>	<i>Total Credit</i>
i. Westmoor Gardens (1984)	64-unit family rental; No bonus (prior cycle credit-1980 to 1986)	64
ii. Shepherd House (1998)	12-unit group home; family rental; *Bonus eligible (12)	24 (12 + 12)
iii. Independence Hall (1998)	8-unit group home; family rental; *Bonus eligible (1.5)	9.5 (8 + 1.5)
iv. J-ADD (UJC) Group Home (1988)	4-unit group home; family rental; Bonus eligible but exceeds maximum bonus	4
v. PSCH-Phelps Avenue (1999)	4-unit group home; family rental; Bonus eligible but exceeds maximum bonus	4
vi. PSCH-Knickerbocker Rd. (2002)	4-unit group home; family rental; Bonus eligible but exceeds maximum bonus	4
vii. 167-169 Morse (1993-1994)	4-unit family; reconstruction (fire)	4
viii. Garrett Apartments (1982)	34-unit family rental; No bonus (prior cycle credit-1980 to 1986)	34
SUB-TOTAL FOR PRIOR ROUND (WITH ELIGIBLE RENTAL BONUS)		147.5
ix. First Baptist Church (2009)	5-unit group home; family rental; bonus-eligible but exceeds maximum bonus	5
TOTAL WITH ADDITION OF THIRD ROUND PROJECT		152.5
*Bonus = 0.25 x (total obligation – prior cycle credits)		
= 0.25 x (152 – 64 (Westmoor Gardens) - 34 (Garrett Apartments)) = 13.5		

### a. Affordable Housing Units Eligible for Prior Round Credits

#### i. Westmoor Gardens (Block 910, Lot 8.01) – 64 Project-Based Section 8 Units

The City of Englewood Housing Authority manages Westmoor Gardens, a 64-unit Project-Based Section 8 development on West Street constructed in 1984. Per COAH rules, all 64 units are eligible for credit in the prior round as “prior cycle” credits (i.e., built between 1980 and 1986). While these units are family rentals, because they are prior cycle units, they are not eligible for rental bonus credits.

*ii. Shepherd House (Block 605, Lot 2) – 12 Single-Room Occupancy Rental Units*

The Bergen County Community Action Partnership (BCCAP) operates a single-room occupancy supportive and special needs housing development on Demarest Avenue known as Shepherd House. BCCAP reconstructed the 12-unit building for occupancy in 1998. This project is eligible for credit in the second round, as well as bonus rental credits. Thus, 24 total units of credit are generated by Shepherd House.

*iii. Independence Hall (Block 605, Lot 15) – 8 Single-Room Occupancy Rental Units*

The Bergen County Community Action Partnership (BCCAP) operates a single-room occupancy rental development known as Independence Hall. BCCAP reconstructed the building into an 8-unit transitional development reserved for mentally ill and chemically dependent persons in 1998. Since the building was entirely reconstructed (not merely rehabilitated), it is eligible for prior round credits. As a rental project, it is also eligible for rental bonuses. However, since Englewood is eligible for only 13 units of rental bonuses, only 1 unit is counted as a rental bonus.

*iv. J-ADD (formerly UJC) Group Home (Block 111, Lot 12) – 4-Unit Supportive Housing*

The Jewish Association for Developmental Disabilities (J-ADD) operates a four-bedroom group home occupied by eligible developmentally disabled persons. The home began operating in 1988 through a program funded by the New Jersey Department of Human Services.<sup>1</sup>

*v. PSCH-Phelps Avenue (Block 3006, Lot 36) – 4-Unit Supportive Housing*

Promotions Specialized Care and Health (PSCH) manages a four-bedroom supportive and special needs housing development for disabled persons on Phelps Avenue. The group home has operated since 1999.

*vi. PSCH-Knickerbocker Rd. (Block 401, Lot 21) – 4-Unit Supportive Housing*

PSCH operates an additional four-bedroom supportive and special needs housing development for disabled persons on Knickerbocker Road. The group home has operated since 2002.

*vii. 167-169 Morse Place (Block 601, Lot 32) – 4-Unit Affordable Rental*

The Englewood Housing Authority reconstructed the building at 167-169 Morse, which had been damaged by fire, into four two-bedroom affordable family rental units in 1993-1994.

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<sup>1</sup> In previous COAH documentation, the group home was referenced as the United Jewish Community of Bergen County (UJC) group home.

The Housing Authority currently utilizes Section 8 vouchers to fill these units. As a project-based Section 8 Housing project, it is eligible for 4 credits in the prior round.

*viii. Garrett Apartments (Block 2408, Lot 21) – 34 Project Based Section 8 Units*

Thirty-four (34) apartments within the Garrett Apartments were created through a reconstruction project within an existing building in 1982 as a Project-Based Section 8 affordable development. Within the past few years the affordability controls for the Garrett Apartments expired, and the owner of the building decided against extending the controls. However, the City is eligible to count this project toward its prior round obligation as “prior cycle” credits.

*ix. First Baptist Church (Block 2011, Lot 28) – 5-Unit Supportive Housing*

The First Baptist Church of Englewood completed a reconstruction project resulting in a five-unit supportive and special needs housing development for homeless women and their families. The dwelling began operation in mid-2009 and is located adjacent to the Church.

**b. *Prior Round Rental Obligation and Rental Bonus***

Per COAH’s prior round Substantive Rules, certain minimum and maximum parameters are applicable to Fair Share Plans. For example, no community may have more than 50% of its obligation satisfied by Regional Contribution Agreements (Englewood has zero (0)), and no more than 25% of the units can be age-restricted (again Englewood has none). The only parameters applicable to Englewood’s prior round obligation are the rental obligation—which is a minimum of 25% of the total obligation (minus prior cycle credits<sup>2</sup>), and the maximum rental bonus, which is equal to the minimum rental obligation. As applied to Englewood, there are two projects built between 1980 and 1986 which are considered prior cycle credits, and thus which must be deducted from the minimum rental obligation. The two projects are Westmoor Gardens and the Garrett Apartments. Thus, Englewood’s rental obligation is calculated as follows:

$$\begin{aligned} & 25\% \times \text{Prior Round Obligation} - \text{Prior Cycle Credits} \\ & = 0.25 \times (152 - 64 \text{ (Westmoor Gardens)} - 34 \text{ (Garrett Apartments)}) = 13.5, \text{ or} \\ & \text{rounded, } 13.0 \text{ units} \end{aligned}$$

Englewood has exceeded its rental obligation of 13 units; in fact, all of the projects that Englewood is utilizing to satisfy its prior round obligation are rental projects.

In terms of the maximum bonus that may be received, a municipality may receive rental bonuses equal to, but no more than, the required rental obligation, which in this case is 13.0 units. The City of Englewood is eligible for 13.0 rental bonus credits based upon 12 bonus credits from Shepherd House and 1 bonus unit from Independence Hall.

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<sup>2</sup> Prior cycle credits are units created and occupied between April 1, 1980 and December 15, 1986.

### 3. Prospective Obligation

Pursuant to the Settlement Agreement between Englewood, ERA South, and FSHC, the City of Englewood has a 95-unit Third Round affordable housing obligation. Table 15, City of Englewood – Third Round Growth Share Plan provides a summary of the City’s proposed Third Round affordable plan, which consists of a mix of already-constructed and proposed affordable housing projects to be developed during the Third Round period. More detailed explanations of each project follow Table 18.

**Table 15. City of Englewood – Third Round Prospective Plan**

<i>Development</i>	<i>Type</i>	<i>Total Credit</i>
i. Westmoor Gardens (1984)	64 units; Extension of expiring controls	64
ii. Habitat for Humanity (2006-2008)	4-unit for sale family	4
iii. Foti	3-unit addition to existing development	3
iv. Vantage Health (2009/2011)	3-unit group home	3
vii. Englewood Avenue Senior (Future)	6-unit senior rental	6
viii. Flatrock Square (Future)	15 units, low and moderate income units	15
	SUBTOTAL FOR THIRD ROUND	95
	*TOTAL	95

*i. Westmoor Gardens (Block 910, Lot 8.01) – 64 Unit Extension of Controls*

In the next five years, the City is proposing to enter into an agreement with the City of Englewood Housing Authority to impose or extend the affordability controls for another 30 years on the existing 64-unit Project-Based Section 8 rental development known as Westmoor Gardens, which is eligible for credit under COAH’s Third Round rules. To the extent that this requires that some or all of these units must be physically rehabilitated in order to be eligible for credit, the City will provide funds (which it may seek from other sources) to fund the rehabilitation.

*ii. Habitat for Humanity (Block 2112, Lots 4.01, 4.02; Block 2114, Lots 6.01, 6.02, 7.01, 7.02) – 4 For-Sale Affordable Family Units*

Habitat for Humanity of Bergen County completed two two-family dwellings on Third Street (a total of four dwelling units). Each of the units is currently occupied by eligible families and can be included for Third Round COAH credit.

*iii. Foti (Block 2409, Lot 30) – 3 Affordable Rental Units*

The Englewood Housing Authority utilized funding from its HOME grant to construct an addition to the existing 8-unit Foti development at 115 Humphrey Street in the form of three affordable rental units, which are eligible for credit under COAH's Third Round rules.

*iv. Vantage Health System Group Home (Block 2006, Lot 2) – 3 Unit Supportive Housing*

Vantage Health System has developed a three-unit supportive and special needs housing development within an existing dwelling on Shepard Avenue, utilizing Neighborhood Stabilization Funding from Bergen County. This supportive and special needs housing development is consistent with 5:97-6.10 of the COAH rules, which limit eligible credits to "residential health care facilities as licensed and/or regulated by DCA or the New Jersey Department of Health and Senior Services if the facility is located with, and operated by, a licensed health care facility; group homes for people with developmental disabilities and mental illness as licensed and/or regulated by the New Jersey Department of Human Services; permanent supportive housing; and supportive shared living housing. Long-term health care facilities including nursing homes, and Class A, B, C, D, and E boarding homes do not qualify as supportive and special needs housing."

*v. Englewood Avenue Senior – 6 Senior Affordable Rental Units*

109 West Englewood LLC is the owner of a 0.18-acre parcel on Englewood Avenue between Armory Street and Bennett Road that contains an existing vacant structure damaged by fire. The property owner proposes to complete a reconstruction project on the site which will yield six senior affordable rental units.

*vi. Flatrock Square – 15 Low- and Moderate-Income Units*

Pursuant to the amended Settlement Agreement involving the City of Englewood, ERA South LLC, and Fair Share Housing Center, a 195-unit multi-family housing project approved at the site will be amended to include 15 units of low- and moderate-income housing (a 7.5% affordable set-aside). The project, known as Flatrock Square, is located to the north of Route 4. Of the 15 affordable 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 those terms are defined by N.J.S.A. 52-27D-304. Also, 20 percent of the units set aside for low- and moderate-income households will be three-bedroom units.

vi. "Hotel Pad"

In addition to the 95 units of low- and moderate-income housing credits that will be provided by this plan as set forth above, if pursuant to paragraph 11(B) of the aforementioned settlement agreement, the plaintiffs (ERA South LLC) transfer the so-called "Hotel Pad" (located south of Route 4) to the City of Englewood or its designee, and the City or its designee chooses to develop the "Hotel Pad" for residential uses, 12.5 percent of the housing units constructed on the "Hotel Pad" will be for low- and moderate-income housing. Fifty percent will be low-income units and 50 percent moderate-income households. If the low- and moderate-income units are rental units, 20 percent of the low-income units will be units available to very low-income families as defined by NJSA 52:27D-304, and otherwise conform to the standards established in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.

## 5. SUMMARY

The City of Englewood's cumulative fair share obligation (1987 through 2018) consists of a 194-unit rehabilitation share, a 152-unit prior round affordable housing obligation, and a 95-unit Third Round prospective obligation. A summary of the affordable housing mechanisms by which the City of Englewood proposes to meet its rehabilitation share, prior round, and Third Round prospective affordable obligation are as follows:

- *Rehabilitation Share* – Overall, the City is currently eligible to receive 129 rehabilitation credits in pursuit of its 194-unit required rehabilitation share. Englewood's rehabilitation credits have been achieved by way of funds from the Englewood Housing Authority and through the Bergen County Home Improvement Program. Englewood anticipates that the remaining 65 units within its rehabilitation share will be fulfilled through the ongoing rehabilitation of units through the Bergen County Home Improvement Program, and through the continued work of the City Housing Authority.
- *Prior Round obligation* – Englewood's prior round affordable obligation of 152 units and rental obligation has been fulfilled by way of credits for a variety of already-completed affordable housing developments, one supportive and special needs housing development constructed in the Third Round, and eligible rental bonuses. A project-by-project summary of the City's entire prior round obligation is included in Table 14, City of Englewood – Prior Round Affordable Obligation.
- *Third Round Prospective Obligation Share* – Englewood proposes to fulfill its 95-unit Third Round obligation through the extension of the affordability controls within the 64-unit Westmoor Gardens affordable development, through four constructed Habitat for Humanity units, a three-unit expansion of the existing Foti housing development, a three-unit supportive and special needs housing project, a 6-unit senior project on Englewood Avenue, and 15 units at Flatrock Square. A project-by-project summary of the City plan to meet its Third Round Prospective obligation is included in Table 15, City of Englewood–Third Round Prospective Plan.

**CITY OF ENGLEWOOD**

**RESOLUTION #119-05-13-14**

**ENDORSEMENT OF THE HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Planning Board of the City of Englewood ("Planning Board"), County of Bergen, State of New Jersey, adopted the Housing Element of the Master Plan on May 1, 2014; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Housing Element is attached hereto; and

**WHEREAS**, the Planning Board adopted the Fair Share Plan on May 1, 2014; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached hereto; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-313, the Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

**WHEREAS**, in connection with the lawsuit captioned ERA South, LLC, et al. v. City of Englewood, et al., Superior Court of New Jersey, Bergen County, Law Division, Docket No. L-233-09 (the "ERA South" matter), the Superior Court has been asked to review the Housing and Element and Fair Share Plan and the zoning ordinances of the City of Englewood ("City") to determine whether the City is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

**WHEREAS**, the Governing Body desires to endorse the Housing Element and Fair Share Plan adopted by the Planning Board and to submit the same to the Superior Court as abovementioned.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the City of Englewood, County of Bergen, State of New Jersey hereby endorses the Housing Element and Fair Share Plan as adopted by the Planning Board; and

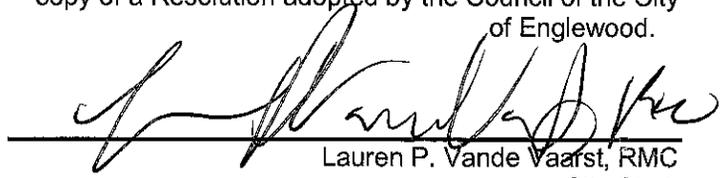
**BE IT FURTHER RESOLVED** that the Governing Body of the City of Englewood, pursuant to the provisions of N.J.S.A. 52:27D-313, hereby submits the Housing Element and Fair Share Plan and this petition to the Superior Court for review and requests that the Superior Court enter an Order granting the City of Englewood protection and repose against exclusionary zoning litigation for a five year period commencing on the date of the Judgment or until May 31, 2019 whichever occurs first; and

**BE IT FURTHER RESOLVED** that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan shall be included with the submission to the Superior Court; and

**BE IT FURTHER RESOLVED** that notice of the hearing on this matter requesting an Order granting the City of Englewood protection and repose against exclusionary zoning litigation shall be provided in the form and manner as directed by the Superior Court.

<b>COUNCIL</b>	<b>MOTION</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>	X	X			
<i>Hamer</i>		X			

I do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Council of the City of Englewood.

A handwritten signature in black ink, appearing to read "Lauren P. Vande Vaarst", is written over a solid horizontal line.

Lauren P. Vande Vaarst, RMC  
City Clerk  
City of Englewood