

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE HOUSING PLAN

CITY OF HACKENSACK



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The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

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APPENDIX AA.1	Planning Board Resolution Adopting the 2024 Amended Housing Element and Fair Share Plan, dated August 14, 2024.
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- APPENDIX BB.2** Resolution No. 297-24 Adopting Ordinance No. 33-2024, Ordinance Adopting Essex Street Redevelopment Plan Consisting of Block 66, Lots 26, 27, 28, 29, 30, 38, 41, 43, 45, and 48.
- APPENDIX BB.3** Planning Board Resolution Approving the 1 Essex Street Preliminary and Final Site Plan and Lot Consolidation Application, dated February 12, 2025.
- APPENDIX CC.1** June 18, 2024 Affordable Housing Trust Fund Report.
- APPENDIX CC.2** September 16, 2024 Affordable Housing Trust Fund Report.
- APPENDIX CC.3** September 16, 2024 Project/Unit Monitoring Report.
- APPENDIX CC.4** Proof of Affordable Housing Trust Fund and Project/Unit Monitoring Data Submission on the Affordable Housing Monitoring System (“AHMS”) for February 15, 2025 Deadline.



THE CITY OF HACKENSACK FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

I. INTRODUCTION

This document is presented in two parts, which includes (i) the City of Hackensack Master Plan Housing Element, and (ii) the City of Hackensack Fair Share Plan. This Housing Element and Fair Share Plan ("HEFSP") addresses the City's compliance with the Municipal Land Use Law ("MLUL"), relevant Council on Affordable Housing ("COAH") regulations, relevant Uniform Housing Affordability Controls ("UHAC") regulations, the requirements of the New Jersey Fair Act, N.J.S.A. 52:27D-301 et seq. as amended by the A4/S50 legislation signed into law on March 20, 2024, and other applicable law.

The Master Plan Housing Element will examine the City's employment characteristics, population, and demographic characteristics, along with the housing stock and historic trends throughout the decades. A Housing Plan according to the MLUL N.J.S.A. 40:55D-28b(3) must include, but is not limited to, residential standards and proposals for the construction and improvement of housing. According to N.J.S.A. 52:27D-310, the Housing Element shall contain at least the following:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- 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 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, as established pursuant to section 3 of P.L.2024, c.2 (N.J.S.A. 52:27D-304.1);
- A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
- An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (N.J.S.A. 52:27D-329.20);

- For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (N.J.S.A. 13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
- An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

The Housing Element and Fair Share Plan reiterates the City's Court-approved Round 3 Housing Element and Fair Share Plan and Round 3 Conditional Judgment of Compliance and Repose, entered on October 2, 2024 (attached hereto as *Appendix E.4*), and will also address the plan to meet the City of Hackensack's fair share obligation for the Fourth Round as adopted by the City in its binding resolution on January 28, 2025 (attached hereto as *Appendix A*), and affirmed by the Court in its Order entered on DATE¹ (attached hereto as *Appendix C*). The Housing Element and Fair Share Plan is part of the City of Hackensack's request via its Declaratory Judgment Complaint filed January 29, 2025 (attached hereto as *Appendix B*) to acquire compliance certification from the Affordable Housing Dispute Resolution Program ("the Program") and will include the projects and strategies addressing the City's affordable housing obligations.

II. CITY OF HACKENSACK FOURTH ROUND HOUSING ELEMENT

A. OVERVIEW

This Fourth Round Housing Element and Fair Share Plan has been prepared in response to the requirements set forth in the amendments to the Fair Housing Act known as Bill A4/S50 ("FHA Amendments") signed into law on March 20, 2024. The law reformed municipal responsibilities regarding the provision of affordable housing for the fourth round and beyond in 10-year rounds of housing obligations beginning on July 1, 2025. The changes and regulations of the FHA Amendments are further explained in Section II.D and Section II.E of this Plan.

In accordance with the MLUL at N.J.S.A. 40:55D-28b(3), this Housing Element and Fair Share Plan ("HEFSP") has been prepared pursuant to N.J.S.A. 52:27D-310, which specifies that the HEFSP must include 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, as established pursuant to section 3 of P.L.2024, c.2 (N.J.S.A. 52:27D-304.1)." In accordance with the requirements of section 304.1, this HEFSP addresses its affordable housing obligations for the Fourth Round, as adopted by the City in its binding resolution on January 28, 2025, as memorialized by the Court on behalf

¹ The Court Order fixing the City's Fourth Round affordable housing obligations has not yet been issued at the time of the preparation of this Housing Element and Fair Share Plan. Once provided, the Court Order will be attached as an appendix to this Housing Element and Fair Share Plan.



of the Program in its Order.² The Housing Element and Fair Share Plan has also been prepared to comply with all requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. Mount Laurel case law, and all applicable regulations.

B. AFFORDABLE HOUSING HISTORY PRIOR TO THE FOURTH ROUND

New Jersey affordable housing law began with the New Jersey Supreme Court's creation of the Mount Laurel doctrine in its landmark case, So. Burl. Cty. N.A.A.C.P. v. Tp. of Mt. Laurel, 67 N.J. 151 (1975) also known as "Mount Laurel I". In Mount Laurel I, the Supreme Court decided that under the State Constitution, each municipality "must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there," including those of low and moderate income. Thus, the Mount Laurel I decision prohibits municipalities from using zoning powers to prevent the potential for the development of affordable housing.

Displeased with progress under its earlier decision, in 1983, the N.J. Supreme Court decided, So. Burlington Ct. N.A.A.C.P. v. Mount Laurel Tp., 92 N.J. 158 (1983) or "Mount Laurel II." Because the Legislature had not yet acted to implement the holding in Mount Laurel I, the Court in Mount Laurel II fashioned a judicial remedy, now commonly referred to as a "Builder's Remedy." That remedy created a special process by which builders could file suit against a municipality for the opportunity to construct housing at much higher densities than a municipality otherwise would allow, creating affordable housing in the process. In essence, Builder's Remedy lawsuits seek to force towns to meet their affordable housing obligations.

Responding to the chaos created by the implementation of the Supreme Court's Mount Laurel decisions and the many Builder's Remedy lawsuits that followed, the State Legislature passed the Fair Housing Act (hereinafter "FHA") in 1985, which the Supreme Court upheld in Hills Dev. Co. v. Bernards Twp., 103 N.J. 1 (1986) or "Mount Laurel III".

The FHA created the Council on Affordable Housing ("COAH"), and required COAH to (1) enact regulations that established the statewide affordable housing need, (2) assign to each municipality an affordable housing obligation for its designated region and (3) identify the techniques available to municipalities to meet its assigned obligation. The FHA included a process for municipalities to obtain Substantive Certification, which, if granted by COAH, would protect municipalities against Builder's Remedy lawsuits, or a lawsuit from a housing advocate, for a defined period of time. The FHA also transferred pending Builder's Remedy litigation to COAH for resolution through an administrative process, and established a process for bringing municipalities into compliance.

To implement the FHA requirements, COAH adopted a series of regulations. Round 1 regulations were enacted in 1987. Round 2 regulations were adopted by COAH in 1994. Round 3 regulations were supposed to be adopted in 1999 when the Round 2 rules were set to expire, but the first iteration of Round 3 rules were not adopted by COAH until 2004.

In 2007, the Appellate Division affirmed portions of COAH's 2004 Round 3 rules, but invalidated other aspects of them; See In Re Adoption of N.J.A.C. 5:94 & 5:95, 390 N.J. Super. 1 (App. Div.

² The Court Order fixing the City's Fourth Round affordable housing obligations has not yet been issued at the time of the preparation of this Housing Element and Fair Share Plan. Once provided, the Court Order will be attached as an appendix to this Housing Element and Fair Share Plan.

2007). The opinion remanded the matter to COAH for adoption of new regulations that address the Court's decision, and gave the agency six months to do so. The Appellate Division granted COAH two extensions, and COAH finally adopted a second set of Round 3 rules in September of 2008. Many municipalities submitted Round 3 affordable housing plans to COAH and to courts for approval in December of 2008 in response to the new Third Round rules.

On October 8, 2010, the Appellate Division concluded that COAH's revised 2008 regulations suffered from many of the same deficiencies as the first set of Round 3 rules, and it invalidated substantial portions of the 2008 Round 3 regulations; See In re Adoption of N.J.A.C. 5:96 & 5:97, 416 N.J. Super. 462 (App. Div. 2010). The Court specifically directed COAH to use a methodology for determining prospective affordable housing needs similar to the methodologies used in the prior rounds.

During this same time period, Governor Christie initiated a series of steps to abolish or reduce the role of COAH. During this time period the Legislature introduced a Bill, which would have radically transformed the affordable housing world. The S-1 Bill in its initial form was supported by Governor Christie. By the time it went through the Assembly, however, a very different bill passed and the Governor conditionally vetoed the Bill.

Frustrated with the lack of movement by COAH to adopt updated Round 3 rules, the Supreme Court issued an Order on March 14, 2014, which required COAH to adopt new Round 3 regulations by October 22, 2014. COAH proposed the third version of Round 3 regulations on April 30, 2014. However, in October of 2014, the COAH Board deadlocked 3-3 when voting to approve the regulations and the rules were not adopted.

In response, on March 10, 2015, the Supreme Court issued its decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), in which it (1) found that COAH had violated the March 14, 2014 Order by failing to adopt new Round 3 regulations by October 22, 2014; (2) held that, without new Round 3 regulations, COAH could not process municipalities' petitions for substantive certification; (3) directed trial courts to assume COAH's functions; (4) authorized municipalities under COAH's jurisdiction to file Declaratory Judgment Actions along with a motion for Temporary Immunity by July 8, 2015, or risk exposure to Builder's Remedy lawsuits; and (5) ruled that municipalities would have to prepare and file a Housing Element and Fair Share Plan with a trial court for review. The Supreme Court declined to determine fair share allocations, however, instead assigning this task to the trial court judges with the directive that they use a methodology similar to that used in COAH's first and second round Rules.

Hackensack did not petition COAH during the First Round or Second Round. The City adopted a HEFSP to address its Third Round Obligation on October 26, 2006 and filed the Plan with COAH, but it did not petition for substantive certification. A subsequent HEFSP was adopted on November 11, 2010 and endorsed by Resolution 447-13 dated November 12, 2013 by the City Council to be filed with COAH without petition of Substantive Certification.

In response to the Supreme Court's decision in Mount Laurel IV, the City of Hackensack filed a Declaratory Judgment action on June 15, 2015 in the Superior Court of New Jersey, Bergen County, within the requisite time period, and received temporary immunity from the Court. Subsequent to the filing, the City entered into a Settlement Agreement with Fair Share Housing Center ("FSHC") on September 10, 2020 to resolve the City's Declaratory Judgment action on a global level



(attached hereto as *Appendix D.1*). On October 22, 2020, the Court held a Fairness Hearing, at which all of the aforementioned agreements were approved by the Court. An Order memorializing the Court's findings at the Fairness Hearing was entered by the Court on November 5, 2020 (see attached *Appendix E.1*).

As per the deadlines in the November 5, 2020 Court Order, the City prepared a HEFSP, along with all supporting documents, and the plan was heard and adopted by the City's Planning Board on January 13, 2021 and endorsed by the City Council on January 26, 2021.

The Compliance Hearing was then scheduled for March 3, 2021. Prior to the hearing, a developer withdrew its proposed inclusionary project that was a crucial component of the City's Plan, and the Compliance Hearing was postponed. The Settlement Agreement was subsequently amended for the first time to include a new inclusionary Redevelopment project for a City-owned parcel known as "Parking Lot T." The amended Settlement Agreement was signed by FSHC and was approved by the governing body on November 9, 2021, wherein the Mayor was authorized to execute the amended agreement, which is included as *Appendix D.2*.

An amended Third Round HEFSP which, along with supporting documents, reflected the compliance plan detailed in the First Amendment to the Settlement Agreement, was adopted by the City's Planning Board on February 9, 2022 and endorsed by the City Council on March 8, 2022. The City requested, with the consent of FSHC and the Court Master, that the Court schedule a combined Fairness and Compliance Hearing for March 29, 2022. After the March 29, 2022 duly-noticed Fairness and Compliance Hearing, the Court approved the First Amendment to the Settlement Agreement and the City's amended HEFSP and granted the City a Conditional Judgment of Compliance and Repose ("2022 Conditional JOR") in an Order entered on April 22, 2022 (see *Appendix E.2*).

Since the Court entered the 2022 Conditional JOR, the City began diligent work on satisfying the conditions set forth in the Order. During that time, the Hackensack Housing Authority ("HHA") subsequently proposed a project located at 60 Kansas Street that could be incorporated into the City's HEFSP. Additionally, NRP Holdings, LLC. came forward with a 100% affordable, family rental project on 111 Essex Street and 142-44 Kansas Street within the City's inclusionary overlay zone, and Greater Bergen Community Action proposed a maximum 24-unit, 100% affordable family rental project at 251 West Railroad Avenue. In order for these projects to pursue funding from the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") during the Third Round, the projects had to be included in an amended HEFSP and a Court-approved Settlement Agreement between the City and FSHC. Consequently, the City and FSHC agreed to a Second Amendment to the FSHC Settlement Agreement (see *Appendix D.3*) that included the municipally sponsored affordable housing projects that were not reflected in the prior HEFSP and Settlement Agreement. This Second Amendment to the Settlement Agreement was signed by FSHC and approved by the Council on March 12, 2024 (see *Appendix D.3*). The Honorable Gregg A. Padovano, J.S.C. held a duly-noticed Fairness Hearing on April 11, 2024 and entered an Order memorializing the Court's findings on May 13, 2024 (see attached *Appendix E.3*).

In accordance with the MLUL, the Fair Housing Act, applicable COAH regulations, and Mount Laurel caselaw, and in accordance with the terms and conditions of the Second Amendment to the FSHC Settlement Agreement and the Court's May 13, 2024 Order, the City prepared an amended Third Round Housing Element and Fair Share Plan, which was adopted by the Planning Board on August 14, 2024 (see attached *Appendix AA.1*) and endorsed by the City Council by Resolution No. 301-

24 on September 10, 2024 (see attached *Appendix AA.2*). In advance of the Compliance Hearing, an Adjudicator's Report for a Mount Laurel Compliance Hearing was prepared on September 9, 2024 (see *Appendix V.2*). The duly-noticed Compliance Hearing was held on September 12, 2024, whereupon the Court approved the City's amended Third Round HEFSP and granted the City an amended Conditional Judgment of Compliance and Repose ("2024 Conditional JOR") in an Order entered on October 2, 2024 (see *Appendix E.4*), which remains in effect through July 2, 2025. Since the entry of the 2024 Conditional JOR, the City has been working on satisfying the conditions while also preparing for the Fourth Round.

In accordance with the FHA Amendments, the City adopted Resolution No. 36-25 on January 28, 2025, committing to its Present Need and Prospective Need obligations for Round 4, beginning on July 1, 2025. On January 29, 2025, pursuant to the Administrative Office of the Courts' Directive No. 14-24, the City filed a Declaratory Judgment Action in Superior Court, Docket No. BER-L-724-25, requesting that the Program: (1) approve its Round 4 obligations set forth in its January 28, 2025 binding resolution; (2) approve its Round 4 HEFSP; and (3) continue the City's immunity from Mount Laurel related lawsuits, as granted by the Court in Round 3.

No objections to the City's adopted Round 4 obligations were received by the statutory deadline of February 28, 2025, so according to the FHA Amendments, the City's adopted obligations set forth in its binding resolution are automatically set as the City's Round 4 obligations. In an Order dated DATE³, the Court memorialized the City's Present and Prospective Need obligations on behalf of the Program, declaring that the City is a Qualified Urban Aid Municipality ("QUAM"), and setting the City's Prospective Need at zero and its Present Need (also known as rehabilitation obligation) at 593.

C. SUMMARY OF HACKENSACK PAST AFFORDABLE HOUSING HISTORY & ACTIVITIES

While Hackensack did not petition COAH during the First Round or Second Round, the City adopted an HEFSP to address its Third Round Obligation on October 26, 2006 prepared by Stan Slachetka, AICP, P.P. and filed the plan with COAH but did not petition for substantive certification. As a result of the invalidation of COAH's first iteration of its Third Round Rules, a subsequent HEFSP was prepared on November 22, 2010 and adopted by Planning Board Resolution on April 2, 2011. The City later endorsed the plan and directed it to be filed with COAH without petition on November 12, 2013 by Resolution No. 447-13. The City remained under COAH's jurisdiction until it filed a Declaratory Judgment Action on June 15, 2015, in response to the Supreme Court's Mount Laurel IV decision. The City adopted its required binding resolution on January 28, 2025 accepting its Round 4 obligations and filed the required Declaratory Judgment Complaint to enter the Program on January 29, 2025 to seek approval of its Round 4 HEFSP. On DATE⁴, the Court, on behalf of the Program, entered an Order memorializing the City's Round 4 obligations set forth in its January 28, 2025 binding resolution.

This report involves extensive research into the creditworthiness of units in the October 26, 2006, HEFSP and amended Third Round HEFSP, which was endorsed by City Council on September 10,

³ The Court Order fixing the City's Fourth Round affordable housing obligations has not yet been issued at the time of the preparation of this Housing Element and Fair Share Plan. Once provided, the Court Order will be attached as an appendix to this Housing Element and Fair Share Plan.

⁴ The Court Order fixing the City's Fourth Round affordable housing obligations has not yet been issued at the time of the preparation of this Housing Element and Fair Share Plan. Once provided, the Court Order will be attached as an appendix to this Housing Element and Fair Share Plan.



2024, and in various locations in the City of Hackensack. The City of Hackensack has had a long history of providing affordable housing. The following affordable housing units have been created in the City prior to 2010, some of which are creditworthy under the former Mount Laurel/COAH framework and/or the FHA Amendments, and some of which are not. The subsequent sections of this report will elaborate on which units are being included as part of Prior Rounds and Fourth Round compliance mechanisms to satisfy the respective obligations.

Table II.1: Previously Constructed Affordable Units City of Hackensack, Bergen County, New Jersey				
Project Name	Address	Unit type	Units/ Beds	Year Constructed
Franklin Gardens Condos	23 Franklin Street	Family/Sale	2	1984 (Prior Cycle Credits)
Pulaski Place Condos	2-8 Pulaski Place	Family/Sale	4	1982 (Prior Cycle Credits)
Patrick DiZenzo Court	175 West Railroad Avenue	Senior/Rental	50	1982
Clinton Terrace Condos	164 Clinton Place	Family/Sale	24	1994
Barsalona Court	164 Beech Street	Senior/Rental	50	1959
Harry Berkie Gardens	60 Kansas Street	Senior/Rental	100	1967
Oratam Court	170 Sussex Avenue	Family/Rental	144	1951
Bergen County Homeless Shelter	120 S. River Street	Homeless Shelter	90	2009
Hope Bao	158 Hudson Street	Rooming/Boarding Home	4	1986
YMCA	360 Main Street	Rooming/Board Home	36	1986
Just Rooms 315, LLC	315 Park Street	Rooming/Board Home	12	1986
Just Rooms 343, LLC	345 Park Street	Rooming/Board Home	10	1986
Just Rooms 32, LLC	32 Poplar Street	Rooming/Board Home	11	1986
Warner House	261 State Street	Rooming/Board Home	34	1986
Chadwick House	265 State Street	Rooming/Board Home	4	1986
Brian Murray	263 Union Street	Rooming/Board Home	17	1986

The Glory House LLC	267 Union Street	Rooming/Board Home	12	1986
A & A Title Installation	271 Union Street	Rooming/Board Home	9	1986
PLJ Union LLC	325 Union Street	Rooming/Board Home	14	1986
Anderson Inn, LLC	221 Anderson Street	Rooming/Boarding Home	15	1926
Janet & Fred Rich	179 Berry Street	Rooming/Boarding Home	8	1916
Just Rooms One, LLC	190 Berry Street	Rooming/Boarding Home	10	1920
Owen Right	161 Central Avenue	Rooming/Boarding Home	8	1926
Just Rooms Four, LLC	167 Central Avenue	Rooming/Boarding Home	13	1926
Luis Rivas	104 Elm Avenue	Rooming/Boarding Home	5	1916
Warren Iozzia	95 Essex Street	Rooming/Boarding Home	11	1907
Warren Iozzia	89 Essex Street	Rooming/Boarding Home	10	1907
Warren Iozzia	100 Essex Street	Rooming/Boarding Home	16	1917
LJ 65 Euclid LLC	65 Euclid Avenue	Rooming/Boarding Home	19	1916
K&E Collins Partnership	66 Euclid Avenue	Rooming/Boarding Home	10	1916
Barbara Lynch	240 First Street	Rooming/Boarding Home	20	1962
Four Brothers	89 Maple Avenue	Rooming/Boarding Home	5	1896
Just Rooms 429, LLC	429 Park Street	Rooming/Boarding Home	9	1950
Robert Dietsche	439 Park Street	Rooming/Boarding Home	5	1910
Dover Motel	229 Union Street	Rooming/Boarding Home	21	1916
Selwyn Arnold	279 Union Street	Rooming/Boarding Home	4	1880
Luis Atimbay	331 Union Street	Rooming/Boarding Home	4	1916
AAH Bergen County	266 Spring Valley Avenue	Group Home	5	1995



Advance Housing, Inc.	279 Clark Street	Supportive Shared Housing	2	1999
Advance Housing, Inc.	10 Orchard Street	Supportive Shared Housing	2	1999
Advance Housing, Inc.	451 Heath Place	Supportive Shared Housing	2	1999
Advance Housing, Inc.	75 Union Street	Supportive Shared Housing	2	2000
Advance Housing, Inc.	461 Heath Place	Permanent Supportive Housing	1	2004
Advance Housing, Inc.	25 Kansas Street	Supportive Shared Housing	6	2006
Community Action for Independent Living	155 Poor Street	Group Home	5	1996
Bergen & Passaic ARC	Confidential	Group Home	4	1980
NJ ARC Bergen-Passaic Unit	279 Lookout Avenue	Group Home	6	1980
Comprehensive Behavioral Healthcare, Inc.	298 Jackson Avenue	Group Home	7	1988
Alston Arms	13-31 Newman Street	Family Apartments	103	1928

It is understood that all documentation required by the Affordable Housing Dispute Resolution Program and/or Special Adjudicator for Prior Round units will be necessary to establish their validity. Any unsatisfactory documentation may require supplement as part of a condition attached with a compliance certification.

D. FOURTH ROUND OF AFFORDABLE HOUSING BACKGROUND

On March 20, 2024, Governor Murphy signed the FHA Amendments into law. The FHA Amendments established new guidelines for determining and regulating the affordable housing obligations of New Jersey municipalities for the Fourth Round and subsequent 10-year rounds as mandated by the Mount Laurel Doctrine and N.J. Fair Housing Act. This section outlines the key provisions instituted by the FHA Amendments.

Major Items of the FHA Amendments

- The Council on Affordable Housing (“COAH”) is abolished, and its regulatory powers and functions are transferred to the Department of Community Affairs (“DCA”) and the Administrative Office of Courts (“AOC”).
- The DCA is responsible for calculating the regional need and municipal present and prospective fair share obligation for each municipality using the methodology established in sections 6 and 7 of P.L.2024, c.2. The March 8, 2018 Superior Court, Law Division, Mercer

County, In re Application of Municipality of Princeton (also known as the “Jacobson opinion”) serves as the basis for any datasets or methodologies not directly addressed in the FHA Amendments. This Fourth Round methodology is further explained in Section II.E below.

- Per N.J.S.A. 52:27D-302, as amended, “the changes made to affordable housing methodologies, obligations, and fair share plans, as determined to be a necessity by the Legislature, through the enactment of [P.L.2024, c.2] are made with the intention of furthering consistency with the State Development and Redevelopment Plan.”
- A municipality will still be permitted to conduct a vacant land adjustment (VLA).
- A municipality may take into consideration the DCA calculations in determining its present and prospective need obligations, but the DCA calculations are not binding on any municipality. Each municipality establishes its own obligation number, and a municipality may deviate from DCA’s calculations in determining its obligation, provided that it adheres to the methodology established by the FHA Amendments.
- The Affordable Housing Dispute Resolution Program (“Program”) is established within the AOC and is responsible for handling any dispute regarding a municipality’s determination of and/or compliance with its fair share obligation. The Administrative Director of the Courts makes appointments to the Program, which consists of 3-7 retired Mount Laurel judges. These judges include Hon. Thomas C. Miller (chair), Hon. Ronald E. Bookbinder, Hon. Thomas F. Brogan, Hon. Stephan C. Hansbury, Hon. Mary C. Jacobson, Hon. Julio L. Mendez, and Hon. Paulette M. Sapp-Peterson.
- The availability of bonus credits has been expanded but credits remain capped. Notable credit provisions include:
 - More than one type of bonus credit may not be received for the same unit.
 - A maximum of 25% of a municipality’s prospective need obligation may be satisfied by bonus credits.
 - The rental bonus credit is eliminated.
 - A summary of the types of bonus credits is provided in the table below:

Table II.2: Previously Constructed Affordable Units	
Description	Bonus
Special Needs or Supportive Housing Units	1.0 bonus credit for each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing.
100% Affordable Developments with Municipal Contribution of Land or Funds	1.0 bonus credit for each unit of low- or moderate-income housing in a 100% affordable housing project for which the municipality contributes to the cost of the project. This contribution can either be real property or contributions from the municipal affordable housing trust fund that covers no less than 3% of the project costs.
Market-to-Affordable	1.0 bonus credit for each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from market rate to affordable. A municipality may only rely on this



	bonus credit as part of its fair share plan and housing element if the municipality demonstrates that a commitment to follow through with this market to affordable agreement has been made and: (a) this agreement has been signed by the property owner; or (b) the municipality has obtained ownership of the property.
Non-Profit Partnership for For-Sale Housing	0.5 bonus credit for each unit of low- or moderate-income ownership unit created in partnership with a non-profit housing developer.
Proximity to Transit	0.5 bonus credit for each unit of low- or moderate-income housing located within a 0.5 mile radius (or 1 mile radius if located in a Garden State Growth Zone) surrounding a NJ Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations.
Redevelopment	0.5 bonus credit for each unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space.
Age-Restricted Units (with 10% Cap)	0.5 bonus credit for a unit of age-restricted housing (Bonus credit only applicable to 10% of all age-restricted housing built that count towards the municipality's affordable housing obligation).
Family Housing	0.5 bonus credit for each unit of low- or moderate-income family housing with at least three bedrooms above the minimum number required by the bedroom distribution. This bonus credit shall be calculated by taking into account the full municipal fair share plan and housing element, and the number of units with at least three bedrooms required for projects satisfying the minimum 50 percent family housing requirements.
Very Low-Income Units Beyond Minimum	0.5 bonus credit for each unit of very low-income housing for families above the 13% of units required to be preserved for very low-income housing.
Extension of Affordability Controls	0.5 bonus credit for each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new term, and the municipality contributes funding towards the costs necessary for this preservation.

- A municipality must adopt and file with the Program a Housing Element and Fair Share Plan and drafts of the appropriate zoning and other ordinances and resolutions implementing its present and prospective obligation by June 30, 2025. The Housing Element and Fair Share Plan must assess the degree to which the municipality has complied with its obligations for the prior three rounds and determine whether the municipality has credits in excess of its prior round obligations. If any units are determined to be unfulfilled from prior rounds, the Plan must address how this unmet obligation will be fulfilled, as well as explain how it plans to meet its Fourth Round obligation. The Plan must also include a spending plan for current funds in the municipal affordable housing trust fund and projected funds towards the round.
- The law establishes several limitations to how units may be counted towards fulfilling a municipality's fair share obligation:
 - A maximum of 30% of the units counted toward the prospective need obligation may be age-restricted units, exclusive of bonus credits.
 - A minimum of 50% of the units used toward the prospective need obligation, exclusive of bonus credits, must be available to families with children.
 - A minimum of 25% of the units used toward the prospective need obligation, exclusive of bonus credits, must be rental units and at least half of that number must be available to families with children.
 - A minimum of 13% of affordable housing units must be available to very low-income households and at least half of that number must be available to families with children.
 - A maximum of 10% of a municipality's fair share obligation may be counted by transitional housing credits.
 - A municipality may lower its prospective need obligation to prevent an obligation of more than 1,000 housing units or a number exceeding 20% of the total number of households in the municipality.
- The law increases the minimum period requiring affordability controls to 40 years for rental units and maintains a 30-year period for for-sale units. The minimum requirement for affordability controls cannot be reduced.
- The law establishes new development fee rules:
 - By June 18, 2024, any municipality that is or has been authorized to impose and collect nonresidential development fees must provide the DCA with a detailed accounting of such fees that have been collected and expended since the inception of the municipal authorization of such fees. This deadline was then retroactively moved by the State to coincide with the September 16, 2024 unit and program monitoring report deadline. A detailed accounting is then due by February 15 of every year.
 - By September 16, 2024, any municipality that is or has been authorized to impose and collect residential development fees or payments in lieu of constructing affordable housing must provide the DCA with a detailed accounting of such fees that have been collected and expended since the inception of the municipal authorization of such fees. A detailed accounting is then due by February 15 of every year.
 - Development fees cannot be used to pay for: (i) administrative costs, attorney fees or court costs to obtain a judgment of repose; (ii) to contest a determination of the



municipality's fair share obligation; (iii) on costs of any challenger in connection to a challenge to the municipality's obligations, housing element, or fair share plan.

- Development fees are capped at 20% for being used for administrative purposes.

Deadlines Established by the FHA Amendments

- **June 18, 2024:** Deadline for the municipality to submit to the DCA a detailed accounting of all nonresidential development fees collected and expended since it was authorized to collect such fees. This deadline was retroactively moved to coincide with the September 16, 2024 unit and program monitoring report deadline.
 - Beginning in 2025 and for every year thereafter, by February 15, the municipality must submit to the DCA a detailed accounting of all nonresidential development fees collected and expended from the previous year.
- **September 16, 2024:** Deadline for the municipality to submit to the DCA a detailed accounting of all residential development fees collected and expended since it was authorized to collect such fees. Starting in September 2024, the DCA released a new affordable housing monitoring system as required by the FHA Amendments for all municipalities to record and report all affordable housing trust fund and unit monitoring activity.
 - Beginning in 2025 and for every year thereafter, by February 15, the municipality must submit to the DCA a detailed accounting of all residential development fees collected and expended from the previous year.
- **September 16, 2024:** Deadline for the municipality to submit a unit and program monitoring report to the DCA.
 - Beginning in 2025 and for every year thereafter, by February 15, the municipality must submit to the DCA a municipal status report of unit and program monitoring data from the previous year.
- **October 20, 2024:** Deadline for DCA to prepare and submit a report on the calculation of regional need and municipal obligations for each region.
 - A new report is due August 1 of the year prior to the start of each 10-year round. Upon the release date of DCA's calculated regional need and municipal fair share obligations, a municipality will have until January 31 of the following year to review the DCA numbers and decide whether to accept them or propose an adjusted municipal fair share obligation for any legitimate reason.
- **January 31, 2025:** Deadline for a municipality to adopt its fair share obligation numbers via binding resolution, which will either accept the DCA numbers, or describe why the numbers should be adjusted and what those adjusted numbers should be. The municipality's determination of its obligation shall have a presumption of validity in any challenge initiated through the Program, so long as the obligation is established in accordance with the provisions and methodologies of the FHA Amendments. Failure to meet this deadline will result in loss of immunity from exclusionary zoning litigation until such time as the municipality is determined to come into compliance.
- **48 hours following adoption of the resolution:** Deadline for a municipality to file an action with the Program regarding the adopted resolution and committing to its fair share numbers. The resolution must be published on the municipal website. Failure to meet this deadline will result in loss of immunity from exclusionary zoning litigation until such time as the municipality

is determined to come into compliance. Exclusionary zoning litigation is defined in the FHA Amendments as “litigation to challenge the fair share plan, housing element, or ordinances or resolutions implementing the fair share plan or housing element of a municipality based on alleged noncompliance with the ‘Fair Housing Act,’ P.L.1985, c.222 (N.J.S.A. 52:27D-301 et al.) or the Mount Laurel Doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder’s remedy.”

- **February 15, 2025:** Deadline for the municipality to submit to the DCA a detailed accounting of all nonresidential and residential development fees collected and expended from the previous year and a municipal status report of unit and program monitoring data from the previous year.
- **February 28, 2025:** Deadline for an interested party to challenge a municipality’s adopted numbers.
- **March 1, 2025:** If no challenges, the municipality’s numbers are established by default and immunity from exclusionary zoning litigation remains in effect.
- **March 31, 2025:** Deadline for the Program to settle challenges to a municipality’s fair share obligation numbers. The Program must issue a decision on any challenges to the municipality’s fair share obligation by (i) making a finding that the municipality’s determination of its present and prospective need obligation did not facially comply with the law and revoking the municipality’s immunity, (ii) making an adjustment to the municipality’s determination to comply with the law without revoking immunity or (iii) rejecting the challenge and affirming the municipality’s determination of its fair share obligation.
- **June 30, 2025:** Deadline to adopt and endorse a Housing Element and Fair Share Plan and propose drafts of the appropriate zoning and other ordinances and resolutions implementing the municipality’s present and prospective obligation.
- **June 30, 2025 or 48 hours following the Plan’s adoption (whichever is sooner):** Deadline for the municipality to file the Housing Element and Fair Share Plan and drafts of resolutions and ordinances to implement its present and prospective obligation with the Program. The Plan and appropriate resolutions and ordinances must be posted on the municipal website. If a municipality does not adopt a Housing Element and Fair Share Plan by June 30, 2025, the Rules of Court may permit the Program or County Level Judge to allow the municipality to secure a grace period. Failure to meet this deadline or to secure a grace period will result in loss of immunity from exclusionary zoning litigation until such time as the municipality is determined to come into compliance.
- **August 31, 2025:** Deadline for an interested party to challenge compliance of the municipality’s Housing Element and Fair Share Plan with the Fair Housing Act or Mount Laurel Doctrine. If no challenge is filed to the Plan by August 31, 2025, then the Program shall review the Plan for consistency and compliance with the Fair Housing Act and Mount Laurel Doctrine and will issue a compliance certification, unless objective standards are not met. A compliance certification protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which was formerly known as “judgment of compliance” or “judgment of repose.” Immunity from exclusionary zoning litigation shall not limit the ability of an interested party to challenge a municipality for failure to comply with the terms of its



compliance certification or that, despite the issuance of compliance certification, a municipality's fair share obligation, fair share plan, housing element, or ordinances implementing the fair share plan or housing element are in violation of the Mount Laurel doctrine. However, a municipality's actions to comply with the terms of its compliance certification and the decisions of the Program shall retain a presumption of validity if challenged.

- **December 31, 2025:** If the municipality's Housing Element and Fair Share is challenged by an interested party, the municipality has until December 31, 2025 to settle the challenge or provide an explanation as to why it will not make all, or some, of the requested changes. Upon resolution of a challenge, the Program shall issue a compliance certification, conditioned on the municipality's commitment, as necessary, to revise its Housing Element and Fair Share Plan in accordance with the resolution of the challenge. The Program can terminate immunity if it finds that the municipality is determined to not come into compliance.
- **March 15, 2026:** Deadline for a municipality to adopt the resolutions and ordinances implementing its affordable housing obligations, incorporating any changes from the Program. The adopted implementing ordinances and resolutions must immediately be filed with the Program through the Program's website. Failure to meet this deadline will result in a municipality losing immunity from exclusionary zoning litigation. However, if a dispute with an objector is still ongoing by this point in time, a municipality may adopt a resolution stating that it will adopt all of its implementing resolutions and ordinances as soon as the dispute is resolved.

E. FOURTH ROUND METHODOLOGY

Per N.J.S.A. 52:27D-304.1.d, "For the fourth round of affordable housing obligations, the [Department of Community Affairs] shall prepare and submit a report to the Governor, and, pursuant to [N.J.S.A. 52:14-19.1], to the Legislature providing a report on the calculations of regional need and municipal obligations for each region of the State within the earlier of seven months following the effective date of P.L.2024, c.2 (C.52:27D-304.1 et al.) or December 1, 2024." On October 18, 2024, the Department of Community Affairs (DCA) released a report titled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background," inclusive of a calculation spreadsheet, which detailed the datasets and calculations used to generate the affordable housing obligation for each municipality within New Jersey for the Fourth Round. This report was amended several days later to include revised language on the methodology for the land capacity factor calculation. Per this report, the City of Hackensack was calculated to have a Fourth Round present need of 593 units, and due to its status as a Qualified Urban Aid municipality, was calculated to have a Fourth Round prospective need of 0 units. The subsections below outline the methodology for calculating the City's Fourth Round affordable housing obligation per the DCA report and in accordance with the FHA Amendments.

Qualified Urban Aid Municipality Calculation

Every year, the Division of Local Government Services releases an Urban Aid List, which as specified by the DCA report, "relies on a statutory formula that considers the municipal tax rate, equalized valuation, number of children participating in the TANF program, population, and population density." The City of Hackensack was included in the FY2025 Urban Aid list released by the Division of Local Government Services.

Per N.J.S.A. 52:27D-304.3, as amended, “[i]f a municipality is a qualified urban aid municipality, the municipality shall be exempt from responsibility for any fair share prospective need obligation for the upcoming 10-year round. For the purposes of this section, a municipality is a qualified urban aid municipality if the municipality, as of July 1 of the year prior to the beginning of a new round, is designated by the department, pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), to receive State aid and the municipality meets at least one of the following criteria:

(a) The ratio of substandard existing deficient housing units currently occupied by low- and moderate-income households within the municipality, compared to all existing housing in the municipality, is greater than the equivalent ratio in the region;

(b) The municipality has a population density greater than 10,000 persons per square mile of land area; or

(c) The municipality has a population density of more than 6,000, but less than 10,000 persons per square mile of land area, and less than five percent vacant parcels not used as farmland, as measured by the average of:

(i) The number of vacant land parcels in the municipality as a percentage of the total number of parcels in the municipality; and

(ii) The valuation of vacant land in the municipality as a percentage of total valuations in the municipality.”

Using the Division of Local Government’s FY2025 Urban Aid list, the DCA conducted an analysis to determine if the municipalities in this Urban Aid list “qualified” as Qualified Urban Aid Municipalities in accordance with the criteria of the FHA Amendments. The DCA report found that the City of Hackensack met all three of the criteria used to determine Qualified Urban Aid Municipalities per N.J.S.A. 52:27D-304.3 (see above), and therefore “qualifies” as a Qualified Urban Aid Municipality. Due to the City of Hackensack’s designation as a Qualified Urban Aid municipality, the City is exempt from a Fourth Round prospective need obligation.

Present Need

Per the FHA Amendments, “A municipality’s present need obligation shall be determined by estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, following a methodology comparable to the methodology used to determine third round present need, through the use of datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof” (N.J. Stat. § 52:27D-304.2). The FHA Amendments further define “deficient housing units” as “housing that: (1) is over fifty years old and overcrowded; (2) lacks complete plumbing; or (3) lacks complete kitchen facilities” (N.J.S.A. 52:27D-304).

In the Third Round, municipal present need calculations were based on the number of housing units lacking complete kitchen facilities, the number of units lacking complete plumbing facilities, and the number of overcrowded units. The present need calculations for the Fourth Round conducted by the DCA similarly use datasets measuring these three factors, but as explained in their report, “The US Department of Housing and Urban Development (HUD) and the US Census Bureau publish separate tables on housing age, lack of plumbing facilities, lack of kitchen facilities, and overcrowding.



However, there is no data source that reports the number of units that meet any one of those three conditions. Therefore, this number must be estimated using data from existing tables, with measures taken to account for overlap and to narrow the scope to deficient housing units occupied by low- and moderate-income [(LMI)] households.” The DCA therefore used a combination of the latest data from HUD’s Comprehensive Housing Affordability Strategy (CHAS) LMI dataset corresponding to the latest Census Bureau American Community Survey (ACS) data (which was 2017-2021 5-Year Estimates at the time of the report’s release), data from the IPUMS Center for Data Integration, and the ACS Public Data Microdata Sample (PUMS) at the Public Use Microdata Area (PUMA) level to estimate the number of substandard/deficient low- and moderate-income occupied units (“present need”) for each municipality in New Jersey.

Per the methodology outlined above and described in further detail in the DCA report, the Fourth Round present need obligation for the City of Hackensack was calculated as 593.

Prospective Need

The statewide obligation for the Fourth Round has been calculated as 84,698. This obligation is distributed among the State’s municipalities, excluding Qualified Urban Aid municipalities. Since the City of Hackensack is designated as a Qualified Urban Aid municipality, the City is exempt from any responsibility for any fair share prospective need obligation for the Fourth Round and therefore has been assigned a Fourth Round prospective need obligation of 0. However, the process for calculating municipal prospective need obligations for the Fourth Round for non-Qualified Urban Aid municipalities is summarized below to provide a comprehensive understanding of the allocation of the prospective need obligation in the Housing Region.

As described in the FHA Amendments and summarized in the DCA report, a municipality’s Fourth Round prospective need obligation is calculated by multiplying its average allocation factor to the total prospective need of its corresponding Housing Region.

Per the FHA Amendments, the State is broken into six regions as follows:

Housing Region	Counties
1	Bergen, Hudson, Passaic, and Sussex
2	Essex, Morris, Union, and Warren
3	Hunterdon, Middlesex, and Somerset
4	Mercer, Monmouth, and Ocean
5	Burlington, Camden, and Gloucester
6	Atlantic, Cape May, Cumberland, and Salem

The average allocation factor is the average of three measures indicative of a municipality’s capacity/potential to address the regional prospective need: the equalized nonresidential valuation factor, the income capacity factor, and the land capacity factor.

The Fourth Round prospective need for each Housing Region is determined by calculating the change in the number of households within each Housing Region between the 2010 Census and 2020 Census. Per the FHA Amendments, “this household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations. If household change is zero or

negative, the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region and the regional prospective need shall be zero" (N.J.S.A. 52:27D-304.2).

The City of Hackensack is in Housing Region 1, which consists of Bergen County, Hudson County, Passaic County, and Sussex County. The regional prospective need for Housing Region 1 was calculated as 27,743. Due to the City's designation as a Qualified Urban Aid municipality, the City is exempt from any responsibility for any fair share prospective need obligation for the Fourth Round, and the City's average allocation factor was therefore calculated as 0.00%. The regional need of 27,743 multiplied by the City's average allocation factor of 0.00% therefore results in a Fourth Round prospective need obligation calculation of 0.

Equalized Nonresidential Valuation Factor

The equalized nonresidential valuation factor is one of the three components of the average allocation factor for each municipality. The equalized nonresidential valuation factor is representative of a municipality's share of the change in nonresidential property value within its Housing Region.

This factor was calculated as follows:

1. The valuations of commercial properties and industrial properties in each municipality in 2023, per data from the NJ Division of Local Government Services, were summed and then divided by the 2023 State Equalization Table Average Ratio corresponding with the municipality to obtain a total equalized nonresidential valuation for 2023.
2. The valuations of commercial properties and industrial properties in each municipality in 1999, per data from the NJ Division of Local Government Services, were summed and then divided by the 1999 State Equalization Table Average Ratio corresponding with the municipality to obtain a total equalized nonresidential valuation for 1999.
3. The difference in total equalized nonresidential valuation from 1999-2023 was calculated for each municipality.
4. The difference in total nonresidential valuation from 1999-2023 was summed for all municipalities (excluding Qualified Urban Aid municipalities) within each Housing Region.
5. The difference in total nonresidential valuation from 1999-2023 for each municipality was divided by the sum of differences in total nonresidential valuation from 1999-2023 for its corresponding Housing Region to compute the municipality's share of the regional nonresidential valuation change from 1999-2023.

Due to the City's designation as a Qualified Urban Aid municipality, the City is exempt from any responsibility for any fair share prospective need obligation for the Fourth Round, and the City's equalized nonresidential valuation factor was therefore calculated as 0.00% by the DCA.

Income Capacity Factor

The second component of the average allocation factor for each municipality is the income capacity factor. The income capacity factor measures the degree to which a municipality's median household income differs from an income floor of \$100 below the lowest median household income in its Housing Region. As calculated in the DCA report, the income floor of Housing Region 1 was \$52,092 (\$100 below the lowest median household income in Housing Region 1 of \$52,192, which belongs to the City of Paterson).



The income capacity factor was calculated by averaging two measures:

1. The municipal share of the sum of the differences for each municipality in the Housing Region (excluding Qualified Urban Aid municipalities) from the Housing Region's income floor.
2. The municipal share of the sum of the differences for each municipality in the Housing Region (excluding Qualified Urban Aid municipalities) from the Housing Region's income floor, weighted by the number of households in each municipality.

Per the DCA report, data for median household income and number of households was sourced from the Census Bureau's American Community Survey 2018-22 5-Year Estimates.

Due to the City's designation as a Qualified Urban Aid municipality, the City is exempt from any responsibility for any fair share prospective need obligation for the Fourth Round, and the City's income capacity factor was therefore calculated as 0.00% by the DCA.

Land Capacity Factor

The third component of the average allocation factor for each municipality is the land capacity factor. The land capacity factor indicates the percentage share of total "developable" land in a Housing Region accounted for by each municipality within that Region, excluding land area corresponding to Qualified Urban Aid municipalities. The DCA conducted a GIS analysis to identify the "developable" land within the state using several publicly-available datasets, including but not limited to 2020 land use/land cover (LULC) data, New Jersey State Plan Planning Areas weighted by area type, statewide parcel data, open space and preserved farmland, category 1 waterways and wetlands, steep slopes, and open waters.

The steps below provide a summary of the methodology used to identify the vacant land in the state, and consequently identify each municipality's share of developable land within its corresponding Housing Region.

1. Weights were applied to all New Jersey State Plan Planning Areas as specified in the FHA Amendments.
2. The layer of weighted Planning Areas was merged with land use/land cover (LULC) data for the entire state sourced from 2020 aerial imagery. 18 different types of LULC, such as cropland and pastureland, deciduous forest, and coniferous forest, were identified and extracted as "vacant, developable land" from this merged dataset.
3. Of these areas identified as "developable" from the merged dataset, areas without underlying parcel data and areas with MOD-IV Property Tax data with property class codes for residential, commercial, industrial, apartment, railroad, and school uses were removed to prevent rights-of-way, tree-covered rear yards on residential properties and buffer areas on non-residential development from being included in the "developable" land calculation.
4. Municipally-reported construction permit data to the DCA was used to remove properties otherwise identified as vacant through the LULC analysis.
5. Areas mapped as open space, preserved farmland, category 1 waterways and wetlands (and associated buffers based on special resource area restrictions) were removed from the "developable" land dataset.

6. Using 10 foot digital elevation LiDAR data, steep slope areas exceeding 15% and steep slope areas consisting of 5,000 square feet or less were removed from the “developable” land dataset.
7. DCA reviewed an unspecified 22,000 vacant parcels to further remove homeowner association common areas, detention basins, and road and utility rights of way.
8. After the removal of all the aforementioned layers from the “developable” land dataset, remaining “slivers” of land with an area of 2,500 square feet or less were also removed due to their inability to support any kind of development.
9. The remaining land was identified as “developable” land and was summed based on the limits of each Housing Region and its corresponding municipalities.
10. The municipality’s percentage of total identified “developable” land within its Housing Region constitutes its land capacity factor.

Due to the City’s designation as a Qualified Urban Aid municipality, the City is exempt from any responsibility for any fair share prospective need obligation for the Fourth Round, and the City’s land capacity factor was therefore calculated as 0.00% by the DCA.

DCA Calculated Fourth Round Prospective Need Obligation

As specified above and supported by the DCA, the City of Hackensack meets the criteria to be designated as a Qualified Urban Aid municipality and therefore is exempt from any responsibility for any fair share prospective need obligation for the Fourth Round. Due to the City’s status as a Qualified Urban Aid municipality, the DCA computed an equalized nonresidential valuation factor of 0.00% for the City, an income capacity factor of 0.00% for the City, and a land capacity factor of 0.00% for the City, therefore resulting in an average allocation factor of 0.00%. The average allocation factor of 0.00% multiplied by the Housing Region 1 regional prospective need of 27,743 results in the City’s Fourth Round prospective need obligation of 0 as provided in the DCA report.

F. MUNICIPAL DETERMINATION OF FOURTH ROUND PRESENT NEED AND PROSPECTIVE NEED OBLIGATIONS

As required by N.J.S.A. 52:27D-304.1, “[e]ach municipality shall determine its municipal present and prospective obligations in accordance with the formulas established in [N.J.S.A. 52:27D-304.2 -304.3] and may take into consideration the calculations in the report published by the department.” Furthermore, “For the fourth round of affordable housing obligations, this determination of present and prospective fair share obligation shall be made by binding resolution no later than January 31, 2025” (N.J.S.A. 52:27D-304.1). The City reviewed and evaluated the DCA’s non-binding calculations of the City’s Fourth Round present need and prospective need, and as provided in the Resolution No. 36-25 adopted by City Council on January 28, 2025 (see *Appendix A*), the Mayor and City Council “commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 593 and the DCA Fourth Round Prospective Need (New Construction) Obligation of Zero (0)” subject to all reservations of rights as specified in the Resolution. The City’s plan for satisfying its adopted Fourth Round present need and prospective need obligations is detailed further in Section III of this Fourth Round HEFSP.



G. HOUSING, DEMOGRAPHIC AND EMPLOYMENT INFORMATION

The following Housing, Demographic, and Employment data for the City of Hackensack describe the characteristics of the City over time and relate them to the current and future housing demand in the municipality and region. This analysis will include population demographics, housing characteristics, regional comparison, and recent trends.

The City of Hackensack is in southern Bergen County and has a population of 46,030 in a geographic land area of 4.2 square miles, per 2020 Census data. The Hackensack River runs the length of City's eastern border. The City sits directly across the river from the town of Bogota. The Township of South Hackensack and the Borough of Hasbrouck Heights are located directly south of Hackensack, while the Borough of River Edge is located to the north. Maywood Borough borders Hackensack to the west.

The City has multiple public transit opportunities, with the Pascack Valley line traversing south through Hackensack from Rivers Edge Borough. The line makes two stops in Hackensack at Essex Street Station and Anderson Street Station and exits through South Hackensack. The City of Hackensack is well connected with multiple modes of public transportation. Bus Routes 162 through 165 provide access to New York through the Lincoln Tunnel, while Route 178 and 182 provide access to New York via the George Washington Bridge. There are a number of other Bus Routes that provide access to portions of New Jersey including Paramus, Willowbrook, North Bergen and Passaic.

The City has several local and regional routes that traverse through it, including the north/south directional Interstate 80 in the western portion of Hackensack. Interstate 80 runs for 68.54 miles from the Delaware Water Gap Toll Bridge at the Pennsylvania state line to its eastern terminus at I-95 in Teaneck, Bergen County. The Department of Transportation identifies I-80 within the state of New Jersey as Christopher Columbus Highway. County Road 503 and 51 run parallel to each other along the eastern border of Hackensack.

1. Analysis of Population and Demographics

The following tables analyze the population trends in Hackensack from the United States Census Bureau Decennial Census and American Community Survey (ACS). This analysis will help the City plan for the range of people that live and work within its borders. Comparison to the larger regional area is important to understand the present conditions and how they relate to future opportunities. This demographic profile was broken down into functional areas including community demographics, housing stock, and employment data.

POPULATION

Hackensack is a densely developed municipality. Table 1 depicts that the population has been growing steadily since 1930, with the largest spike in population happening between 1960 and 1990, increasing from 30,521 to 37,049 people. According to the U.S. Census, 46,030 residents lived in Hackensack in 2020. There was virtually no population change between 2000 and 2010 and a small jump from 2010 to 2020. Recent data suggest that Hackensack's population will continue to grow steadily.

Table 1: Population 1930 – 2020 City of Hackensack		
Year	Total Population	% Change
1930	24,568	-
1940	26,279	6.9%
1950	29,219	11.1%
1960	30,521	4.4%
1970	36,008	17.9%
1980	36,039	No Change
1990	37,049	18.5%
2000	42,677	15.1%
2010	43,010	0.1%
2020	46,030	7.0%
<i>Source: U.S. Census Bureau, 1930-2020 Decennial Censuses</i>		

As shown in Table 2 below, population data from Hackensack demonstrates that over the last 40 years, the City has grown more quickly than Bergen County as a whole. From 1980 to 1990, Hackensack experienced its largest influx of residents in a decade when Bergen County was losing residents. The City grew at a proportionately higher rate than the County from 1990 to 2000: the City experienced a 15.1% increase in population while Bergen County only experienced a population growth rate of 7.1% over the same period. From 2000 to 2010, Hackensack's growth in population slowed slightly; however, 2020 Census data demonstrates that the City's population once again is growing at a faster rate than the County (a 7.02% increase in Hackensack compared to a 5.59% increase in Bergen County), which is indicative of an overall trend of urbanization throughout New Jersey.

Table 2: Population 1990-2020 City of Hackensack and Bergen County				
Year	Hackensack	% Change	Bergen County	% Change
1980	36,039	-	845,385	-
1990	37,049	18.5%	825,380	-2.4%
2000	42,677	15.1%	884,118	7.1%
2010	43,010	0.10%	905,116	2.3%
2020	46,030	7.02%	955,732	5.59%
<i>Source: U.S. Census Bureau, 1990-2020 Decennial Censuses</i>				



AGE CHARACTERISTICS

It is important to understand the age characteristics of a community when planning for new housing, resources, and the future of the City as a whole. Tables 3 and 4 depict the age and sex distribution of the City. As of the 2020 Census, the largest age group in the City are residents aged 25-34, making up 17.1% of the population. However, while young adults still make up the majority of the City's population, this population has declined over the last two decades, as residents aged 25-34 made up 20.7% of the City's population in 2000 and 19.0% of the City's population in 2010. The second largest age group are people aged over 65, which make up 16.1% of the City's population. This is a significant increase

in the senior cohort's share of the City's population compared to the prior decade, where the 65 and over population only made up 12.4% of the population in 2010. The median age of the City has also increased over the last two decades, as the median age was 36.2 years in 2000, 37.5 years in 2010, and has jumped to 40.1 years as of the 2020 Census. Additionally, school-aged children, ages 5 to 17, make up 12.5% of the population in Hackensack, which is a minimal increase compared to 12.3% in 2010. Furthermore, the share of the City's population consisting of individuals under 5 years old and individuals aged 35-44 also decreased compared to prior decades, indicating a decrease in young families within the City. These age cohorts suggest that Hackensack consists largely of young professionals without children and residents aging in place.

Table 4 complements the data in Table 3 and further compares Hackensack City to Bergen County over time. In Hackensack, individuals aged 25-34 have consistently remained the largest age cohort in the City throughout the 21st century. However, the predominant age cohort in Bergen County has varied significantly across recent decades. In 2000, the largest age cohort within the County consisted of individuals aged 35-44, which made up 17.3% of the population. However, in 2010, the predominant age cohort shifted to individuals aged 5-17, which made up 17.0% of the County's population, and was followed by individuals aged 45-54, which made up 16.3% of the County's population. This trend suggested that young adults prevalent at the beginning of the 2000s remained in Bergen County and continued to rear their families within the County into 2010. By the 2020 Census, the largest age group within Bergen County consisted of individuals aged 65 and over, which increased from 15.1% in 2010 to 17.7% in 2020. Like Bergen County, Hackensack has similarly experienced an increasingly aging population; however, Hackensack remains "younger" than the County as a whole, as the median age of Hackensack is 40.1 compared to 42.0 within the County, and 17.1% of the City's population consists of individuals aged 25-34 compared to only 11.8% in Bergen County.

Table 3: Population by Sex and Age 2020, City of Hackensack			
	All	Male	Female
Total 2020 Census Population	46,030	22,652	23,378
Under 5	2,292	1,195	1,097
5 to 9 years	2,064	1,071	993
10 to 14 years	2,352	1,250	1,102
15 to 19 years	2,303	1,213	1,090
20 to 24 years	2,520	1,354	1,166
25 to 29 years	3,752	1,871	1,881
30 to 34 years	4,130	2,116	2,014
35 to 39 years	3,560	1,852	1,708
40 to 44 years	3,163	1,580	1,583
45 to 49 years	2,908	1,490	1,418
50 to 54 years	3,186	1,584	1,602
55 to 59 years	3,280	1,515	1,765
60 to 64 years	3,101	1,492	1,609
65 +	7,419	3,069	4,350
Median age (years)	40.1	38.3	41.9
<i>Source: U.S. Census Bureau, Table DP1, 2020 Decennial Census</i>			

**Table 4: Population by Age 2000-2020,
Hackensack and Bergen County**

Age	2000				2010				2020			
	Hackensack City		Bergen County		Hackensack City		Bergen County		Hackensack City		Bergen County	
	#	%	#	%	#	%	#	%	#	%	#	%
Under 5	2,465	5.8	55,363	6.3	2,774	6.4	50,281	5.6	2,292	5.0	48,025	5.0
5 to 17	5,306	12.4	147,691	16.7	5,257	12.3	154,124	17.0	5,756	12.5	152,473	16.0
18 to 24	3,670	8.6	58,728	6.6	3,580	8.3	67,253	7.4	3,483	7.6	76,552	8.0
25 to 34	8,833	20.7	117,992	13.4	8,153	19.0	104,847	11.6	7,882	17.1	112,362	11.8
35 to 44	7,549	17.7	152,636	17.3	6,723	15.6	129,334	14.3	6,723	14.6	126,200	13.2
45 to 54	5,740	13.4	129,190	14.6	6,202	14.4	147,648	16.3	6,094	13.2	133,859	14.0
55 to 64	3,785	8.9	87,698	9.9	5,003	11.6	114,526	12.7	6,381	13.9	136,983	14.3
65 & Over	5,329	12.5	134,820	15.2	5,318	12.4	137,103	15.1	7,419	16.1	169,278	17.7
Total	42,677	100	884,118	100	43,010	100	905,116	100	46,030	100	955,732	100.0
Median Age	36.2		39.1		37.5		41.1		40.1		42.0	

Source: U.S. Census Bureau, Summary File 1 General Profile 1, Table P12, Table P13, 2000, 2010, and 2020 Decennial Censuses

ETHNICITY AND RACE

Hackensack is a racially and ethnically diverse City, and this diversity has only increased further throughout the last decade. Table 5 shows the racial and ethnic breakdown of the population in both Hackensack and Bergen County per the 2010 Census and 2020 Census. A large portion of the population of Hackensack identifies as Hispanic or Latino (41.8%) compared to Bergen County as a whole (21.4%). However, the Hispanic or Latino population grew in both the City and County from 2010 to 2020, as the percentage of Hispanics or Latinos increased from 35.3% to 41.8% in the City and from 16.1% to 21.4% in the County over this time period.

The City's Non-Hispanic or Latino population does not consist of a majority racial subgroup. The largest Non-Hispanic or Latino subgroups consist of White alone (41.2%) and Black or African American alone (35.7%) individuals, with the third largest subgroup consisting of Asian alone (17.7%) individuals. The Non-Hispanic or Latino population of Bergen County predominantly consists of White alone (68.2%) and Asian alone (21.0%) individuals. However, in both Hackensack and Bergen County, the percentage of Non-Hispanic or Latino White alone individuals decreased significantly between 2010 and 2020 while the percentage of Hispanic or Latino individuals and Non-Hispanic or Latino Asian alone individuals experienced notable influxes.



**Table 5: Hispanic/Latino, Race 2010-2020,
Hackensack and Bergen County**

Ethnicity/Race	2010				2020			
	Hackensack		Bergen County		Hackensack		Bergen County	
	#	%	#	%	#	%	#	%
Hispanic or Latino	15,186	35.3	145,281	16.1	19,220	41.8	204,683	21.4
Not Hispanic or Latino	27,824	64.7	759,835	83.9	26,810	58.2	751,049	78.6
White alone	12,845	46.2	566,053	74.5	11,053	41.2	511,919	68.2
Black or African American alone	9,693	34.8	46,850	6.2	9,558	35.7	49,909	6.6
American Indian/Alaska Native alone	67	0.2	869	0.1	62	0.2	811	0.1
Asian alone	4,372	15.7	130,491	17.2	4,734	17.7	157,500	21.0
Native Hawaiian/Other Pacific Islander alone	5	0.0	173	0.0	7	0.0	130	0.0
Some Other Race alone	178	0.6	2,568	0.3	435	1.6	6,464	0.9
Two or More Races	664	2.4	12,831	1.7	860	3.6	24,316	3.2
Total Population	43,010	100	905,116	100	46,030	100	955,732	100

Source: U.S. Census Bureau, Table P9, 2010 and 2020 Decennial Censuses

HOUSEHOLD SIZE AND CHARACTERISTICS

Household size is important in characterizing the City's residents and housing stock. Decennial Census data from 2000 to 2020 demonstrate that the average household size in Hackensack increased slightly between 2000-2010, but has since remained stable at 2.30 persons per household over the last decade (see Table 6). Hackensack has a smaller average household size than Bergen County, which experienced a jump in household size from 2.64 in 1990 to 2.70 in 2000. Both the household population and number of occupied housing units for the City and County have steadily increased over this time; however, slightly larger families are moving into the County rather than the City, which reflects Hackensack's urban nature and make-up of young professionals and senior residents.

**Table 6: Households and Population 1990-2020,
City of Hackensack and Bergen County**

	2000			2010			2020		
	HH Population	Occupied Housing Units	Avg HH Size	HH Population	Occupied Housing Units	Avg HH Size	HH Population	Occupied Housing Units	Avg HH Size
Hackensack	41,015	18,113	2.26	41,709	18,142	2.30	44,071	19,132	2.30
Bergen County	872,769	330,817	2.64	894,694	335,730	2.66	945,146	350,664	2.70

Source: U.S. Census Bureau, Table H8, Table P16, Table DP1, 2000, 2010 and 2020 Decennial Censuses

Table 7 shows that according to 2023 American Community Survey 5-Year Estimates, one-person households are the most common household size in the City at 41.5% of occupied housing units. The percentage of one-person households in the City has only increased in recent years, as one-person households only made up 38.5% of occupied housing units per 2018 ACS 5-Year Estimates. Furthermore, as of the 2023 ACS 5-Year Estimates, a combined 68.4% of units in Hackensack have one or two persons.

Table 7: Household Size (Occupied Units), 2023 ACS, 5- Year Estimates City of Hackensack		
Household Size	Number of Households	Percent
1 Person	8,424	41.5%
2 Persons	5,469	26.9%
3 Persons	3,101	15.3%
4 Persons or More	3,311	16.3%
Total Occupied Housing Units	20,305	100%
<i>Source: 2023 American Community Survey 5-Year Estimates, Table S2501</i>		

The household size data in Table 7 also indicates that 58.5% (11,881) of households in Hackensack are family households (two or more persons) and 41.5% (8,424) are non-family households (one person). By measuring household size as a function of only family households, the most common size for a family in Hackensack is a two-person household with 46.0%. However, this analysis recognizes that defining family households based on household size may further understate the presence of non-family households in the City, as many individuals may share households with non-family members. The next most common family household size is a four-person household,

which makes up 27.9% of family households, and three-person households make up 26.1% of family households. The data on household size in the City supplements the analysis highlighted by the age cohort data that the City is home to many young professionals who have not started families, as well as senior individuals/couples who no longer have children in their household.

Additional housing characteristics which evaluate the physical occupancy in the City are shown in Table 8. 2023 ACS Five-Year Estimates data indicate that 48.7% of housing units have no bedroom (studio) or one bedroom, and 44.2% of housing units have two or three bedrooms. Dwellings with four or more bedrooms are less common, with 7.1% of Hackensack housing units being this size. Per 2023 ACS Five-Year Estimates data, the average household size in Hackensack is 2.30 persons, and the average family size is 3.03 persons. Given the high stock of studio and one-bedroom units in the City in comparison to the average household size and family size in the City, it can be interpreted that many housing units are occupied by young or senior couples with no children, or that young families are living in smaller units.

Table 8: Number of Bedrooms, 2023 ACS, 5- Year Estimates City of Hackensack		
Bedrooms	Number	Percent
No Bedroom	1,728	8.1%
1 Bedroom	8,703	40.7%
2 or 3 Bedrooms	9,451	44.2%
4 or More Bedrooms	1,523	7.1%
Total Housing Units	21,405	100%
<i>Source: 2023 American Community Survey 5-Year Estimates, Table DP04</i>		
<i>Note: Percentages May Not Add to 100% Due to Rounding</i>		



Table 9 shows the number of rooms by household per 2023 ACS 5-Year Estimates data. The median number of rooms in Hackensack is 3.8 rooms, indicating that Hackensack has a majority of smaller units for single or two-person occupancy. By dividing the household population in Hackensack by the number of rooms that exist in the City, we can find an approximate number of persons per room. Persons per room can indicate if there are overcrowding issues in the City. Based on a population of 45,768 people in the City of Hackensack per 2023 American Community Survey 5-Year Estimates, the number of persons per room in the City is approximately 0.52. Additionally, 2023 ACS 5-Year Estimates data on occupants per room indicate that 95.4% of the City's housing units have 1.0 or less occupants per room. This indicates that overcrowding is unlikely in Hackensack.

Table 9: Housing Size by Number of Rooms – 2023 ACS, 5- Year Estimates City of Hackensack		
Number of Rooms	City of Hackensack	
	Number of Units	Percent
1 Room	1,388	6.5%
2 Rooms	1,878	8.8%
3 Rooms	6,272	29.3%
4 Rooms	4,654	21.7%
5 Rooms or More	7,213	33.7%
Total	21,405	100%
<i>Source: 2023 American Community Survey 5-Year Estimates, Table DP04</i>		

INCOME

The most recent American Community Survey data, which is the 2023 ACS 5-Year Estimates dataset at the time of this Plan's preparation, was utilized to evaluate Hackensack's income characteristics compared to Bergen County and the State. Table 10 shows that the per capita income and the median household income in Hackensack are \$49,224 and \$82,212 respectively. Both estimates are lower than Bergen County and New Jersey. Bergen County possesses a per capita income of \$62,986 and median household income of \$123,715, while New Jersey has a per capita income of \$53,118 and median household income of \$101,050.

Additionally, the percent of persons whose income is below poverty level is higher in Hackensack (11.3%) compared to Bergen County (6.7%) and New Jersey (9.8%). Poverty level is determined by the Census Bureau and is based on income, family size and family composition.

Of the estimated 4,256 individuals below poverty level who are aged 16 years and older, 2,944 individuals did not work (69.2%) and 1,046 individuals worked less than full time (24.6%). Given the increasing number of senior citizens within the City, many of the individuals below the poverty level who reported as did not work may be retired individuals.

Table 10: Income Characteristics – 2023 ACS, 5- Year Estimates City of Hackensack and Bergen County			
	City of Hackensack	Bergen County	State of New Jersey
Median Household Income	\$82,212	\$123,715	\$101,050
Median Family Income	\$108,134	\$150,475	\$123,892
Per Capita Income	\$49,224	\$62,986	\$53,118
Percent of Persons Below Poverty Level	11.3%	6.7%	9.8%
<i>Source: 2023 American Community Survey 5-Year Estimates, Table DP03, Table S1701</i>			

The income limits in Table 11 were produced by the Affordable Housing Professionals of New Jersey in 2024 to set the Affordable Housing Regional Income Limits. The table shows the very low income, low income, and moderate-income thresholds for Bergen County for each household size. Specific rows are for calculating the pricing for one and three-bedroom sale and rental units per N.J.A.C. 5:80-26.4(a).

Table 11: Affordable Housing Professionals of New Jersey 2024, Affordable Housing Regional Income Limits Region 1 – Bergen County, New Jersey			
Household Size	Moderate Income	Low Income	Very Low Income
1 Person	\$67,431	\$42,144	\$25,286
1.5 Persons*	\$72,247	\$45,164	\$27,093
2 Persons	\$77,064	\$48,165	\$28,899
3 Persons	\$86,697	\$54,185	\$32,511
4 Persons	\$96,329	\$60,206	\$36,124
4.5 Persons*	\$100,183	\$62,614	\$37,568
5 Persons	\$104,036	\$65,022	\$39,013
6 Persons	\$111,742	\$69,839	\$41,903
7 Persons	\$119,449	\$74,655	\$44,793
8+ Persons	\$127,155	\$79,472	\$47,683
<i>Source: Affordable Housing Professionals of New Jersey</i>			
<i>* These are for calculating the pricing for one and three-bedroom sale and rental units per N.J.A.C. 5:80-26.4(a)</i>			

2. Analysis of Housing Characteristics

This section of the Housing Element provides an inventory of the community's housing stock. Per N.J.S.A. 52:27D-310, one of the components of a municipality's housing element is "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." Each of these items is



identified in this section of the report. To supplement and update the information provided by the U.S. Census, information from the N.J. Department of Community Affairs ("DCA") Construction Reporter was reviewed.

AGE OF HOUSING

Hackensack is a historic and developed community. Table 12 shows the year housing units were built over time in the City. 16.5% of the City's existing housing units were built before 1939. There was a slight slowdown in construction between 1940 and 1949; however, between 1950 and 1989, the majority of the City's existing housing stock was constructed, as approximately 13,141 (or 61.4%) of the City's existing housing units were built during this period. Compared to the number of existing housing units built during the mid-20th century, fewer housing units have been constructed in the City over the last several decades. Only 14.9% of the City's existing housing stock was built between 1990 to present. Coupled with the fact that most of Hackensack has been built up and much of the housing is older than 50 years, redevelopment is one of the only ways to provide for new housing stock.

Table 12: Age of Housing – 2023 ACS, 5- Year Estimates City of Hackensack		
Year Housing Unit Built	City of Hackensack	
	Number of Units	Percent
2020 or later	421	2.0%
2010 – 2019	911	4.3%
2000 – 2009	845	3.9%
1990 – 1999	1,022	4.8%
1980 – 1989	2,692	12.6%
1970 – 1979	3,826	17.9%
1960 – 1969	3,911	18.3%
1950 – 1959	2,712	12.7%
1940 – 1949	1,530	7.1%
1939 or earlier	3,535	16.5%
Total	21,405	100%
Source: 2023 American Community Survey 5-Year Estimates, Table DP04 Note: Percentages May Not Add to 100% Due to Rounding		

Hackensack has recently experienced a redevelopment boom to supplement its aging housing stock. Table 13 demonstrates that between 2000-2009, 775 residential permits were issued, while 2,180 residential permits were issued between 2010-2019 — almost three times the amount of permits issued in the prior decade. Notably, a sudden spike in residential building permits occurred in 2017 in which 726 permits were issued. According to New Jersey Department of Labor and Workforce data, 720 of these permits were issued to buildings with 5 units or more. Another spike in the City's residential permits occurred in 2019, in which 784 permits were issued. 781 of these 784 permits were for buildings with 5 units or more, highlighting the increase in the construction of multi-family projects throughout the City. Prior to the beginning of the boom in 2017, Hackensack averaged approximately 80 residential building permits per year from 2000 to 2016. During the period of economic downturn, 2010 to 2013, Hackensack still saw an average of 68.75 permits issued per year. Recently, from 2020-2024, the City has issued 1,001 residential permits, or approximately 200 permits per year. While residential construction in the City has not occurred at as high of a rate as the 2010s, residential permits are still being issued at a much higher frequency than the early 2000s. Despite being built out, Hackensack has seen steady investment and redevelopment over the past 15 years. The pattern of development and issuance of building permits for housing units suggests that large developments are replacing an older housing stock and attracting new residents.

Table 13: Residential Building Permits, 2000-2024 City of Hackensack	
Year	Residential Building Permits
2000-2009	775
2010	7
2011	228
2012	5
2013	35
2014	119
2015	154
2016	38
2017	726
2018	84
2019	784
2020	416
2021	66
2022	293
2023	16
2024	210
Total (2000-2024)	3,956
<i>Source: New Jersey Department of Labor and Workforce Development</i>	

Table 14 below indicates housing occupancy in Hackensack and the vacancy rate associated with owner or renter occupancy based on the 2020 Decennial Census. Most of the housing in Hackensack is renter occupied – about 67.2% of occupied housing units. The vacancy rate for both owner-occupied and renter-occupied households indicate that there are enough housing units to meet the current demand. In 2020, 1,158 housing units (or 5.7%) were vacant.

Table 14: Tenure and Housing Vacancy Rates, 2020 City of Hackensack			
	Total	Owner Occupied	Renter Occupied
Total Housing Units	20,290		
Occupied Units	19,132	6,283	12,849
Vacant Units	1,158	64	703
Vacancy Rate	5.7	1.0	5.2
<i>Source: U.S. Census Bureau, Table DP1, 2020 Decennial Census</i>			

Table 15 shows the value of owner-occupied housing in the City of Hackensack and Bergen County based on the 2023 American Community Survey 5-Year Estimates dataset. The ACS estimates that 26.9% of owner-occupied housing in Bergen County is valued between \$300,000-\$499,999, while 40.4% of owner-occupied housing units in Hackensack are valued at this level. Additionally, 37.6% of Hackensack's owner-occupied housing is valued below \$299,999, while in comparison only 10.0% of units in Bergen County are valued at this level. The incongruity between Bergen County and Hackensack is further illustrated in the number of units valued above \$500,000 — with Hackensack having 22.0% and Bergen County having 63.0% at this level.



Table 15: Value of Owner-Occupied Housing, 2023 ACS, 5- Year Estimates City of Hackensack and Bergen County				
Housing Value	City of Hackensack		Bergen County	
	Number of Units	Percent	Number of Units	Percent
Under \$50,000	309	4.0%	4,241	1.8%
\$50,000 to \$99,999	75	1.0%	2,583	1.1%
\$100,000 to \$149,999	305	3.9%	2,366	1.0%
\$150,000 to \$199,999	509	6.5%	2,680	1.2%
\$200,000 to \$299,999	1,736	22.3%	11,285	4.9%
\$300,000 to \$499,999	3,150	40.4%	62,212	26.9%
\$500,000 to \$999,999	1,668	21.4%	115,000	49.8%
\$1,000,000 or more	50	0.6%	30,556	13.2%
Total	7,802	100%	230,923	100%
Median Value	\$370,300		\$593,200	
Source: 2023 American Community Survey 5-Year Estimates, Table DP04				
Note: Percentages May Not Add to 100% Due to Rounding				

Table 16 depicts the rent in Hackensack based on 2023 American Community Survey 5-Year Estimates data. Most rental units cost between \$1,500 to \$1,999 per month, with 33.4% of units in this range. Additionally, approximately 37.3% of units have an asking rent of less than \$1,500, and approximately 11.4% of units cost more than \$2,500 per month. Under the general assumption that a rent-burdened household spends 30% or more of its income on rental costs, and based on the median household income of \$82,212 for Hackensack per the 2023 ACS Five-Year Estimates,

Table 16: Contract Rent Levels, 2023 ACS, 5- Year Estimates City of Hackensack		
Rent	Number of Units	Percent
Less than \$500	780	6.2%
\$500 to \$999	661	5.3%
\$1,000 to \$1,499	3,221	25.8%
\$1,500 to \$1,999	4,174	33.4%
\$2,000 to \$2,499	2,247	18.0%
\$2,500 to \$2,999	621	5.0%
\$3,000 to \$3,499	350	2.8%
\$3,500 or more	275	2.2%
No cash rent	174	1.4%
Total	12,503	100%
Source: 2023 American Community Survey 5-Year Estimates, Table B25056		
Note: Percentages May Not Add to 100% Due to Rounding		

a monthly rent of no more than \$616 would be affordable to those making less than 30% of the median household income. While the 30% recommendation is not a hard and fast rule, it is a good benchmark to assess the percentage of income burdened renters in Hackensack. This data demonstrates that Hackensack renters are becoming increasingly burdened by rental costs.

SUBSTANDARD HOUSING

Based on the 2023 American Community Survey 5-Year Estimates, there are 21,405 housing units in the City of Hackensack, of which 20,305 (or 94.9%) are occupied housing units and 1,100 (or 5.1%) are vacant units. Of the 20,305 occupied units, 7,802 (or 38.4%) are estimated to be owner-occupied and 12,503 (or 61.6%) are estimated to be renter-occupied. In order to measure the occurrence of substandard housing, the American Community Survey measures the occurrence of complete plumbing and kitchen facilities. Regarding kitchen facilities, the survey asks if there is a sink, a stove, and a refrigerator.

As shown in Table 17, 0.4% of the City's owner-occupied housing units do not have complete plumbing and 0.9% the City's owner-occupied units do not have complete kitchen facilities. For renter-occupied units, it is estimated that 0.4% of units do not have complete plumbing and 0.8% of units do not have kitchen facilities. Overall, this data indicates that Hackensack does not have a significant issue with substandard housing.

Table 17: Physical Housing Characteristics, 2023 ACS, 5- Year Estimates City of Hackensack				
Label	Owner-Occupied Housing Units	Percent	Renter-Occupied Housing Units	Percent
Total Units	20,305	100%	12,503	100%
COMPLETE FACILITIES				
With complete plumbing	20,215	99.6%	12,447	99.6%
With complete kitchen facilities	20,121	99.1%	12,397	99.2%
Units without plumbing	90	0.4%	56	0.4%
Units without kitchen facilities	184	0.9%	106	0.8%
<i>Source: 2023 American Community Survey 5-Year Estimates, Table S2504</i>				

3. Analysis of Employment Characteristics

Economic data about Hackensack and Bergen County help describe the outlook of occupations in the local and regional economy. The data in Table 18 below, retrieved from the New Jersey Department of Labor and Workforce Development, show the major occupational groups in Bergen County and their growth projection from 2022 to 2032. The majority of occupational sectors in Bergen County are projected to grow or remain stable; however, five occupational groups are projected to decline by 2032: 1) Farming, Fishing, and Forestry; 2) Office and Administrative Support; 3) Production; 4) Protective Services; and 5) Sales and Related. The largest projected growth in Bergen County is in the Healthcare Support occupational group, which is projected to grow by 15.4% by 2032.

Table 18: Occupation Projections (2022-2032) County of Bergen				
Occupational Group	Base Employment 2022	Projected Employment 2032	Outlook	% Change
Architecture and Engineering	5,567	5,760	Stable	3.5%



Arts, Design, Entertainment, Sports and Media	8,227	8,275	Stable	0.6%
Building, and Grounds Cleaning and Maintenance	15,832	16,105	Stable	1.7%
Business and Financial Operations	29,584	30,186	Stable	2.0%
Community and Social Service	7,554	8,355	Growing	10.6%
Computer and Mathematical	17,994	19,752	Growing	9.8%
Construction and Extraction	14,993	15,712	Stable	4.8%
Educational Instruction and Library	30,559	32,078	Stable	5.0%
Farming, Fishing, and Forestry	556	525	Declining	-5.6%
Food Preparation and Serving Related	30,099	30,934	Stable	2.8%
Healthcare Practitioners and Technical	32,379	35,699	Growing	10.3%
Healthcare Support	24,000	27,706	Growing	15.4%
Installation, Maintenance, and Repair	17,515	18,010	Stable	2.8%
Legal	3,710	3,790	Stable	2.2%
Life, Physical, and Social Science	4,731	4,999	Growing	5.7%
Management Occupations	36,373	38,275	Growing	5.2%
Office and Administrative Support	66,830	62,416	Declining	-6.6%
Personal Care and Service	17,306	19,139	Growing	10.6%
Production	21,279	20,802	Declining	-2.2%
Protective Service	10,211	10,157	Declining	-0.5%
Sales and Related	47,312	45,457	Declining	-3.9%
Transportation and Material Moving	50,479	52,997	Stable	5.0%
Source: New Jersey Department of Labor and Workforce Development				

Table 19 shows the educational attainment of Hackensack residents based on 2023 American Community Survey 5-Year Estimates data. For the population aged 25 years and older, 87.5% of residents have attained a High School Degree or higher, with 41.7% of residents having a Bachelor's degree or higher. This data can assist the City in understanding regional employment trends.

Per 2023 ACS 5-Year Estimates data, of the 39,581 Hackensack residents who are aged 16 years and over, 27,600 (or 69.7%) of these individuals are in the labor force. Of these 27,600 individuals in the City's civilian labor force, 25,796 individuals (or 93.5%) are employed while 1,804 individuals (or 6.5%) are unemployed. Table 20 shows the percentage of the City's employed civilian labor force within each industry sector. The most common industry sectors of Hackensack residents are Educational Service, and Health Care and Social Assistance; Professional, Scientific, and Management, and

Table 19: Educational Attainment City of Hackensack	
For population 25 years and over	
No High School Diploma	12.6%
High School Graduate	23.3%
Some College	16.4%
Associate's Degree	6.0
Bachelor's Degree	26.7%
Graduate or Professional Degree	15.0%
Percent High School Graduate or Higher	87.5%
Percent Bachelor's Degree or Higher	41.7%
Source: Table S1501, 2023 American Community Survey 5-Year Estimates	

Administrative and Waste Management Services; and Retail Trade. Together, 52.4% of the Hackensack working population is employed in one of these three sectors, with over a fourth of working Hackensack residents being employed by the Educational Services, and Health Care and Social Assistance industry.

Table 20: Percent of Employed Civilian Labor Force per Industry City of Hackensack	
Educational Services, and Health Care and Social Assistance	28.4%
Professional, Scientific, and Management, and Administrative and Waste Management Services	14.4%
Retail Trade	9.6%
Arts, Entertainment, and Recreation, and Accommodation and Food Services	8.2%
Manufacturing	7.3%
Transportation and Warehousing, and Utilities	6.9%
Finance and Insurance, and Real Estate and Rental and Leasing	6.4%
Construction	6.0%
Other Services, except Public Administration	5.5%
Wholesale Trade	2.8%
Information and Communication	2.3%
Public Administration	2.2%
Agriculture, Forestry, Fishing and Hunting, and Mining	0.0%
<i>Source: Table DP03, 2023 American Community Survey 5-Year Estimates</i>	

Table 21 provides commuting characteristics of working Hackensack residents based on 2023 ACS Five-Year Estimates data. About 65.8% of Hackensack residents work in Bergen County, while 16.3% of residents work outside of Bergen County but within New Jersey. 10.6% of Hackensack's working residents are estimated to work from home, which increased from 8.6% as reported in the 2022 ACS Five-Year Estimates dataset. Additionally, over the last five years, the mean time travel to work has notably reduced for Hackensack residents, which may reflect a growing number of Hackensack residents working locally and/or within the Bergen County region. Per the 2018 ACS Five-Year Estimates, the mean travel time to work for Hackensack residents was 31.4 minutes, while the mean travel time to work for Hackensack residents per the 2023 ACS Five-Year Estimates is 28.8 minutes.

Table 21: Commuting Characteristics City of Hackensack	
Place of Work	Estimates
Worked in State	82.1%
Worked in County of residence	65.8%
Worked outside County of residence within State of residence	16.3%
Worked outside State of residence	17.9%
Means of Transportation to Work	Estimates
Drove alone (car, truck, van)	60.6%
Carpooled (car, truck, van)	7.1%
Public transportation (excluding taxicab)	13.2%
Walked	5.2%



Bicycle	0.2%
Taxicab, motorcycle, or other means	3.1%
Worked from home	10.6%
Travel Time to Work	Estimates
Less than 10 minutes	12.1%
10 to 14 minutes	12.7%
15 to 19 minutes	15.0%
20 to 24 minutes	13.6%
25 to 29 minutes	5.0%
30 to 34 minutes	13.5%
35 to 44 minutes	5.3%
45 to 59 minutes	7.5%
60 or more minutes	15.2%
Mean travel time to work	28.8 minutes
<i>Source: Table S0801, 2023 American Community Survey 5-Year Estimates</i>	

Every four years, the North Jersey Transportation Planning Authority (NJTPA) conducts regional forecasts for population, households and employment as part of updating its long range transportation plan. The latest set of formal forecasts was released in 2021. Per these forecasts, the population of Hackensack was projected out from 2015 through 2050. As shown in Table 22 below, the NJTPA projects the City's population will grow to 53,676, or 0.6% annually over a 35-year period, by 2025.

Table 22: 2015-2050 Population Projection, City of Hackensack			
Year	Population	Change (#)	Percent Change
2015	43,655	-	-
2050	53,675	10,021	0.6%

Source: NJPTA Employment Forecast by County and Municipality 2015-2050

The same forecasts from the North Jersey Transit Planning Authority reported that in 2015 there were 40,277 jobs in the City of Hackensack. By 2050, the City is projected to have 42,799 jobs. This reflects a 2,522 job increase, or a 0.2% annualized employment increase over current conditions. This is an increase of roughly 72 jobs per year.

Table 23: 2015-2050 Employment Projection, City of Hackensack			
Year	Population	Change (#)	Percent Change
2015	40,277	-	-
2050	42,799	2,522	0.2%

Source: NJPTA Employment Forecast by County and Municipality 2015-2050

4. Projection of City Housing Stock

As per the MLUL, specifically, N.J.S.A. 52:27D-310.b, a housing element must contain a projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction

permits issued, approvals of applications for development and probable residential development of lands

The Department of Community Affairs' Division of Codes and Standards website provides data on Certificates of Occupancy and demolition permits for both residential and non-residential development. Within the Division of Codes and Standards website is the New Jersey Construction Reporter, which contains building permit, certificate of occupancy and demolition data that is submitted by the municipal construction officials within the State each month. The New Jersey Construction Reporter has information dating back to 2000, which can be used to show the City's historic development trends, and data is provided for the City of Hackensack through the end of 2023.

As shown in Table 24, 465 new housing units were built between 2009 and 2023. During this period, 85 housing units were demolished. This yields a net gain of 380 housing units over this 15-year period, or an average of about 25 units per year.

Table 24: Historic Trend of Certificates of Occupancy and Demolition Permits (2009-2023), City of Hackensack

Type	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	Total
CO	42	1	5	4	44	231	19	11	82	8	0	2	0	14	2	465
Demo	7	8	8	6	14	3	8	7	5	1	0	2	9	6	1	85
Net	35	-7	-3	-2	30	228	11	4	77	7	0	0	-9	8	1	380

Source: NJ DCA Housing Units Certified and NJ DCA Development Trends Viewer

Over the last five years of available permit data for the City per DCA's Development Trend Viewer (2018-2022), the City issued an average of 464 permits per year for new housing units. Using this average, the City projects 10 years out for residential development between the present and 2035. The projected development includes an extrapolation of the historic trend of residential certificates of occupancy, and anticipated development through the projects in this Plan. Based on the data below, the City anticipates 5,555 new residences (inclusive of residential development permits for new housing units and certificates of occupancy) between now and the end of 2035. Table 25 below provides a loose approximation of the timing of residential development based upon this Plan intended to depict that units will be constructed over time in the next 10 years and is no way an exact prediction.

Table 25: 10-Year Projection of Residential Development, City of Hackensack

Type	July 1, 2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	June 30, 2035	Total
1. Approved New Residential Development Permits Issued	232	464	464	464	464	464	464	464	464	464	232	4,640
2. Projected Historic Trends	25	25	25	25	25	25	25	25	25	25	25	275
3. Other Projected Development												



Lot T Inclusionary Redevelopment	--	--	--	--	--	--	268	--	--	--	--	268
60 Kansas Street (100% Affordable Development)	--	--	--	--	--	--	30	--	--	--	--	30
111 Essex Street and 142-44 Kansas Street (100% Affordable Development)	--	--	--	--	--	--	68	--	--	--	--	68
251 West Railroad Avenue (100% Affordable Development)	--	--	--	--	--	--	24	--	--	--	--	24
1 Essex Street Inclusionary Development	--	--	--	--	--	--	250	--	--	--	--	250
Total Projected Residential Development	257	489	489	489	489	489	1,129	489	489	489	257	5,555

Of the 5,555 projected new residences (inclusive of residential development permits for new housing units and certificates of occupancy) between 2020 and 2030, 3.73% of the units are anticipated to be reserved for low- and moderate-income households in the City (see Table 26).

**Table 26: Projection of Affordable Units
City of Hackensack**

Type	July 1, 2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	June 30, 2035	Total
1. Approved New Residential Development Permits Issued	--	--	--	--	--	--	--	--	--	--	--	0
2. Other Projected Development												
Lot T Inclusionary Redevelopment	--	--	--	--	--	--	60	--	--	--	--	60
60 Kansas Street (100% Affordable Development)	--	--	--	--	--	--	30	--	--	--	--	30
111 Essex Street and 142-44 Kansas Street (100% Affordable Development)	--	--	--	--	--	--	68	--	--	--	--	68

251 West Railroad Avenue (100% Affordable Development)	--	--	--	--	--	--	24	--	--	--	--	24
1 Essex Street Inclusionary Development	--	--	--	--	--	--	25	--	--	--	--	25
Total Projected Development	--	--	--	--	--	--	207	--	--	--	--	207

5. A Consideration of Lands of Developers Who Have Expressed a Commitment to Provide Affordable Housing

Pursuant to the Fair Housing Act (N.J.S.A.52:27D-310.f) and the Municipal Land Use Law N.J.S.A. 40:55D-28b(3), a Housing Element must include “a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.” Thus, it is the City’s responsibility to consider sites offered for affordable housing. However, the City does not have an obligation to include every parcel a developer has proposed. In this case, a number of developers have expressed interest in the construction of affordable housing and their site has been included in this Plan below.

Note: All Block and Lot references in the City’s Round 3 HEFSP and FSHC Settlement Agreement, as amended, are based on the City of Hackensack tax maps in effect prior to the adoption of new City tax maps by the New Jersey Division of Taxation on October 25, 2022, which revised the Block and Lot numbering system throughout the City. The former Block and Lot numbers have been kept for the purposes of maintaining consistency with the language of all Court-approved documentation relating to the City’s affordable housing obligation.

- Meridia Hackensack 70, Urban Renewal LLC has entered into a Redevelopment Agreement with the City of Hackensack to redevelop City-owned “Parking Lot T” with a minimum of 60 affordable family rental units, or 20% of the total number of residential units (see *Appendix P.3*). The parcel is located at 189 State Street and 70 Trinity Place (Block 305, Lot 2), and a Redevelopment Plan was adopted by Ordinance No. 21-2021 at the May 20, 2021 City Council meeting. An amendment to the Redevelopment Plan was adopted by Ordinance No. 06-2022 at the February 22, 2022 Council meeting, which included updated affordable housing language and requirements. The Planning Board of the City of Hackensack granted preliminary and final site plan, minor subdivision and variance approvals for the application concerning 70 Trinity Place located in the Lot “T” Redevelopment Area by resolution on February 8, 2023 (see *Appendix P.4*).
- Greater Bergen Community Action, Inc. (“GBCA”) is proposing the construction of a maximum 24-unit, 100% affordable housing project on the City-owned parcel located at 251 West Railroad Avenue (Block 356, Lot 1). The City has adopted a Redevelopment Plan for this project, which was first included in the 2020 Settlement Agreement, and is supporting Greater Bergen Community Action in their application for funding for an additional two years. If the project does not receive funding by July 1, 2026, the City will remove its support from the project.



- The Housing Authority of Bergen County ("HABC") is evaluating the feasibility of a mixed-use, 100% affordable project along Hudson Street, Jackson Avenue, Lodi Street, and Broadway. The HABC has acquired Block 58, Lots 1.02, 3, 4, 5, 19.02, 36 and 39, and may be in the process of acquiring an additional parcel for the project. Should the City choose to support this project, it will enter into a Memorandum of Understanding (MOU) with HABC and support the project's application for 9% low-income housing tax credits for at least two years of funding cycles.
- The Hackensack Housing Authority is proposing a 30-unit, 100% affordable, age restricted rental project, with a residency preference, on the HHA-owned property located at 60 Kansas Street (Block 66, Lot 17) pursuant to a prior agreement whereby the City agreed to assist the HHA in determining if any City-owned land could be developed into a 100% affordable housing project of up to 60 units. The Second Amendment to the Settlement Agreement requires the City to enter into an agreement with the HHA for the project and to support the project's application for funding through at least two years of funding cycles.
- NRP Holdings, LLC. has proposed a 68-unit, 100% affordable family rental project at 111 Essex Street (Block 76, Lot 45) and 142-44 Kansas Street (Block 76, Lot 7.03). The City has adopted a Redevelopment Study and Redevelopment Plan (see *Appendix Z.1* and *Appendix Z.2*) for this project and will enter into a redeveloper's agreement with NRP Holdings, LLC. On September 11, 2024, the Planning Board of the City of Hackensack adopted a resolution approving the 111 Essex Street and 142-44 Kansas Street site plan and variance application (see *Appendix Z.3*).
- Essex One Urban Renewal Company, LLC has proposed a mixed-use development at 1 Essex Street (Block 66, Lots 26-30, 38, 41, 43, 45 & 48) consisting of 250 residential units, inclusive of 25 affordable units, and commercial/retail space. On September 10, 2024, the City Council adopted Ordinance No. 33-2024, which adopted the Essex Street Redevelopment Plan consisting of Block 66, Lots 26, 27, 28, 29, 30, 38, 41, 43, 45 and 48 (see *Appendix BB.1* and *Appendix BB.2*). On February 12, 2025, the Planning Board of the City of Hackensack adopted a resolution approving the 1 Essex Street preliminary and final site plan and lot consolidation application (see *Appendix BB.3*).

6. Consistency with State Plan and Redevelopment Plan

Pursuant to the Fair Housing Act (N.J.S.A.52:27D-310.i) and the Municipal Land Use Law N.J.S.A. 40:55D-28b(3), a Housing Element must include "an analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission." Per the existing State Development and Redevelopment Plan (SDRP), which was adopted in 2001, the City of Hackensack is located in the Metropolitan Planning Area (PA1). As stated in the 2001 SDRP, the State Plan's intention in PA1 is to "provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities." The SDRP further elaborates that "these goals will be met by strategies to upgrade or replace aging infrastructure; retain and expand employment opportunities; upgrade and expand housing to attract a balanced residential population; restore or stabilize a threatened environmental base through brownfields redevelopment and metropolitan park and greenway enhancement; and manage traffic effectively

and create greater opportunities for public transportation connections within the Metropolitan Planning Area and between the Metropolitan Planning Area, suburban employment centers, and the Philadelphia and New York areas.”

On December 4, 2024, the State Planning Commission approved the updated Preliminary State Development and Redevelopment Plan. Per the Preliminary SDRP, Hackensack remains in Metropolitan Planning Area (PA1). The Preliminary SDRP provides that the intent of the Metropolitan Planning Area is to "provide for much of the state's future growth in compact development and redevelopment; revitalize cities, towns and neighborhoods, and in particular overburdened neighborhoods; address existing legacy issues such as air pollution, urban heat islands, lead contamination, Brownfields, urban highways, and combined sewer systems; prevent displacement and gentrification; promote growth that occurs in Centers, other appropriate areas that are pedestrian friendly, and in compact transit-oriented forms; rebalance urbanization with natural systems; promote increased biodiversity and habitat restoration; stabilize and enhance older inner ring suburbs; redesign and revitalize auto oriented areas; protect and enhance the character of existing stable communities.” Given that the final updated SDRP is not expected to be adopted until late Fall 2025, the consistency of the City's Fourth Round Housing Element with the State Development and Redevelopment Plan is evaluated based on the 2001 SDRP. The City reserves the right to amend this Housing Element and Fair Share Plan to reevaluate its consistency with the updated SDRP after its adoption.

Housing development in Hackensack over the last decade has primarily been carried out through redevelopment, which is a core objective of the existing SDRP and Preliminary SDRP for PA1. Since 2015, over 2,000 residential units have been completed through the implementation of Redevelopment Plans, and over 1,200 units from approved redevelopment projects are currently undergoing construction. Many of these developments were catalyzed by the implementation of the City of Hackensack Rehabilitation Plan for the Main Street Area, which was adopted in June 2012. The City has since prioritized redevelopment efforts in its downtown, which has brought an influx of residential development to the City's urban core, improved walkability and infrastructure, and leveraged access to the City's two NJ Transit rail stations and regional bus station. By concentrating higher-density development in the City's downtown, and simultaneously orienting development around existing transit hubs within the City, Hackensack is providing for its future growth in “compact” form as envisioned by the SDRP. The City is continuing to promote redevelopment as a tool for the provision of affordable housing units as part of its compliance with its Fourth Round affordable housing obligations. The City evaluates the viability of all planned and prospective affordable housing sites with respect to utility access, environmental impacts, and traffic/circulation. The projects contemplated for compliance towards the City's Fourth Round affordable housing obligation are further evaluated in this Housing Element and Fair Share Plan.



III. CITY OF HACKENSACK FOURTH ROUND FAIR SHARE PLAN

A. SATISFACTION OF COMPLIANCE MECHANISMS PRIOR TO THE FOURTH ROUND

Compliance with Fourth Round Deadlines

As described in Section II.D of this Housing Element and Fair Share Plan, the FHA Amendments established several deadlines prior to the commencement of the Fourth Round on July 1, 2025. This section details the City's compliance with the deadlines mandated by the FHA Amendments leading up to the preparation of this Housing Element and Fair Share Plan.

- **June 18, 2024:** Deadline for the municipality to submit to the DCA a detailed accounting of all nonresidential development fees collected and expended since it was authorized to collect such fees. This deadline was retroactively moved to coincide with the September 16, 2024 unit and program monitoring report deadline. The City formally submitted an affordable housing trust fund report inclusive of all residential and non-residential fees through December 31, 2023 to DCA Commissioner Jacquelyn A. Suarez on June 18, 2024 (see Appendix CC.1).
- **September 16, 2024:** Deadline for the municipality to submit to the DCA a detailed accounting of all residential development fees collected and expended since it was authorized to collect such fees. Starting in September 2024, the DCA released a new Affordable Housing Monitoring System (AHMS) as required by the FHA Amendments for all municipalities to record and report all affordable housing trust fund and unit monitoring activity. The City formally submitted all affordable housing trust fund activity through September 6, 2024 on the AHMS on September 16, 2024 (see Appendix CC.2).
- **September 16, 2024:** Deadline for the municipality to submit a unit and program monitoring report to the DCA. The City formally submitted all affordable housing project and unit monitoring data through September 16, 2024 on the AHMS on September 16, 2024 (see Appendix CC.3).
- **October 20, 2024:** Deadline for DCA to prepare and submit a report on the calculation of regional need and municipal obligations for each region. The DCA released a report titled "Affordable Housing Obligations for 2023-20235 (Fourth Round) Methodology and Background" on October 18, 2024.
- **January 31, 2025:** Deadline for a municipality to adopt its fair share obligation numbers via binding resolution, which will either accept the DCA numbers, or describe why the numbers should be adjusted and what those adjusted numbers should be. The City Council of the City of Hackensack adopted Resolution No. 36-25 on January 28, 2025 (see Appendix A), which stated that the Mayor and City Council "commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 593 and the DCA Fourth Round Prospective Need (New Construction) Obligation of Zero (0)", subject to all reservations of rights as specified in the Resolution.

- **48 hours following adoption of the resolution:** Deadline for a municipality to file an action with the Program regarding the adopted resolution and committing to its fair share numbers. The resolution must be published on the municipal website. On January 29, 2025, the City filed a "Complaint for Declaratory Relief pursuant to AOC Directive #14-24" with the Program (see Appendix B). The City of Hackensack posted Resolution No. 36-25 on the municipal website within 48 hours of its adoption, which may be found on <https://www.hackensack.org/affordable/>.
- **February 15, 2025:** Deadline for the municipality to submit to the DCA a detailed accounting of all nonresidential and residential development fees collected and expended from the previous year and a municipal status report of unit and program monitoring data from the previous year. The City formally submitted and confirmed all affordable housing trust fund activity through December 31, 2024 on the AHMS on January 3, 2025, and the City formally submitted and confirmed all affordable housing project and unit monitoring data through December 31, 2024 on the AHMS on February 11, 2025 (see Appendix CC.4).
- **February 28, 2025:** Deadline for an interested party to challenge a municipality's adopted numbers. The City received no challenges to its adopted Fourth Round present need and prospective need obligations by the February 28, 2025 deadline.
- **March 1, 2025:** If no challenges, the municipality's numbers are established by default and immunity from exclusionary zoning litigation remains in effect. The City's Fourth Round present need and prospective need obligations adopted on January 28, 2025 were established as the City's Fourth Round obligation numbers.
- **March 31, 2025:** Deadline for the Program to settle challenges to a municipality's fair share obligation numbers. The Program must issue a decision on any challenges to the municipality's fair share obligation by (i) making a finding that the municipality's determination of its present and prospective need obligation did not facially comply with the law and revoking the municipality's immunity, (ii) making an adjustment to the municipality's determination to comply with the law without revoking immunity or (iii) rejecting the challenge and affirming the municipality's determination of its fair share obligation. The City received no challenges to its adopted Fourth Round present need and prospective need obligations by the February 28, 2025 deadline, therefore the Program was not required to settle any challenges to the City's Fourth Round fair share obligation numbers.
- **June 30, 2025:** Deadline to adopt and endorse a Housing Element and Fair Share Plan and propose drafts of the appropriate zoning and other ordinances and resolutions implementing the municipality's present and prospective obligation. This Fourth Round HEFSP, inclusive of all ensuing attachments and appendices, has been prepared for review and adoption by the City Council of the City of Hackensack prior to the June 30, 2025 deadline.



- **June 30, 2025 or 48 hours following the Plan's adoption (whichever is sooner):** Deadline for the municipality to file the Housing Element and Fair Share Plan and drafts of resolutions and ordinances to implement its present and prospective obligation with the Program. The Plan and appropriate resolutions and ordinances must be posted on the municipal website. This Fourth Round HEFSP, inclusive of all ensuing attachments and appendices, has been prepared for review and adoption by the City Council of the City of Hackensack prior to the June 30, 2025 deadline. The City shall comply with the filing and posting requirements prior to June 30, 2025 or 48 hours following the Plan's adoption (whichever is sooner).

Fair Share Obligations Prior to the Fourth Round

Based upon the terms of the City's 2024 Conditional JOR, the requirements set forth in the FHA Amendments, and the DCA's October 20, 2024 municipal obligations calculations, the City of Hackensack has the following Fair Share Obligations for the Prior Round, Third Round, and Fourth Rounds:

Table III.1: City of Hackensack Fair Share Obligations	
Fourth Round Rehabilitation Obligation (2025-2035):	593
Prior Round Obligation (1987-1999):	201
Third Round Prospective Need Obligation (1999-2025):	0
Fourth Round Prospective Need Obligation (2025-2035):	0

As specified in the City's adopted Third Round HEFSP, the City of Hackensack met the qualifications of an Urban Aid Municipality for the Third Round. This designation signified that the City was exempt from any allocation of regional prospective need through the end of the Third Round (which in this case is the Gap Period of 1999 - 2015 and 2015 – June 30, 2025). For the Third Round, the following criteria were used to determine an Urban Aid Municipality:

1. It has substandard housing in need of rehabilitation greater than its region's average.
2. It has a population density greater than 10,000 persons per square mile of land area (15.6 persons per acre), or
3. It has a population density of 6,000 to 10,000 persons per square mile (9.4 persons/acre to 15.6 persons/acre) and less than 5% vacant, non-farm parcels, as measured by the average of:
 - a) The number of vacant land parcels as a percentage of the total number of parcels in the municipality; and
 - b) Vacant land valuation (ratables) as a percentage of total valuations by municipality.

Additionally, as explained in Section II.E of this HEFSP, the City continued to meet the criteria for designation as an Urban Aid Municipality for the Fourth Round, which signified that the City was exempt from any allocation of regional prospective need for the Fourth Round (July 1, 2025 – June 30, 2035).

Satisfaction of Prior Round Obligation

Per the City's Third Round Settlement Agreement, as amended, Hackensack was assigned a 201-unit Prior Round obligation, which has been satisfied as detailed below.

1. Prior Round Rental Obligation

Under the COAH rules applicable to the City's Prior Round obligation, the City's Prior Round rental obligation was 25% of 201, or 51 units. The City has applied 60 units from the proposed Lot T Inclusionary Redevelopment Project to satisfy the Prior Round rental obligation.

2. Prior Round Age-Restricted Cap

Under the COAH rules applicable to the City's Prior Round obligation, a total of 25 percent of the new construction obligation for the Prior Round is to be satisfied with age-restricted housing. The City has applied 50 units from Patrick DiZenzo Court. In keeping with the Settlement Agreement, the City entered into an agreement with the Hackensack Housing Authority on August 17, 2021 to remove the residency preference from the deed restriction for 50 units at this property, beginning with the first unit vacancy occurring after October 22, 2022. Additionally, the same agreement details that the fifty (50) units in this Plan will be affirmatively marketed with the first vacancy to occur after October 22, 2022. A copy of the signed agreement with the Hackensack Housing Authority is attached as *Appendix M* to this report.

The City's Administrative Agent and the HHA have finished the affirmative marketing and generated the new list of very-low, low, and moderate-income households to begin filling units as vacancies occur.

3. Prior Round Rental Bonus Credits

In accordance with COAH's Substantive Rules during the Second Round, specifically N.J.A.C. 5.93-5.15(d), the City is entitled to Prior Round rental bonus credits generated by projects described in Table III.4 below. A maximum of 51 rental bonus credits are permitted based on the 201-unit Prior Round obligation. The City has applied 51 units from the proposed Lot T Inclusionary Redevelopment Project, utilizing the entirety of the allotted rental bonus.

4. Very-Low Income Monitoring

Pursuant to the 2008 amendments to the FHA at N.J.S.A. 52:27D-329.1, municipalities must ensure that 13% of all affordable units proposed, approved and constructed after July 17, 2008 are affordable to very low-income households at 30% of the regional median income. Therefore, the City is required to ensure that at least 13% within each bedroom distribution of the proposed Lot T Inclusionary Redevelopment Project, the proposed 111 Essex Street and 142-44 Kansas Street Development Project, the proposed 60 Kansas Street Development Project, the proposed 251 West Railroad Avenue Project, the proposed Housing Authority of Bergen County Project (Block 58, Lots 1.02, 3, 4, 5, 19.02, 36 and 39), any other future 100% affordable project that may be constructed, and any units produced via any residential project occurring within the inclusionary overlay zones, will be affordable to households earning 30% or less of area median income.



The City has authorized a financial agreement with Meridia Hackensack 70, Urban Renewal, LLC./ to construct 60-units of affordable housing in the Lot T Redevelopment Area consistent with the Lot T Redevelopment Plan, of which 13% of affordable units will be very-low income within each bedroom distribution. Table III.2 below displays the 13% very-low-income requirement in the bedroom distribution pursuant to N.J.A.C. 5:93-7.3:

Table III.2 – Proposed Income & Bedroom Distribution for Parking Lot T			
Income Distribution	1 Bedroom	2 Bedroom	3 Bedroom
Very Low income	2	4	2
Low income	4	14	4
Moderate income	6	18	6

The Third Round Housing Element and Fair Share Plan was amended to include the 68-unit, 100% affordable family rental project at 111 Essex Street and 142-44 Kansas Street proposed by NRP Holdings, LLC. as credit towards its Prior Round obligation. The proposed bedroom distribution for this project is 12 one-bedroom units, 41 two-bedroom units, and 15 three-bedroom units. The 13% very-low-income requirement in the bedroom distribution therefore mandates that 2 one-bedroom units, 6 two-bedroom units, and 2 three-bedroom units be affordable to very low-income households at 30% of the regional median income.

The maximum 24-unit, 100% affordable family rental project at 251 West Railroad Avenue (Block 356, Lot 1) proposed by Greater Bergen Community Action is subject to the 13% very-low-income requirement in the bedroom distribution and is established in the 251 West Railroad Avenue Redevelopment Plan (see Appendix Y.1) as follows:

Table III.3 – Proposed Income & Bedroom Distribution for 251 West Railroad Avenue			
Income Distribution	1 Bedroom	2 Bedroom	3 Bedroom
Very Low income	1	2	1
Low income	1	5	2
Moderate income	2	7	3

The mixed-use, 100% affordable project along Hudson Street, Jackson Avenue, Lodi Street, and Broadway (Block 58, Lots 1.02, 3, 4, 5, 19.02, 36 and 39) proposed by the Housing Authority of Bergen County is also subject to the 13% very-low-income requirement in the bedroom distribution. The unit count and bedroom distribution have not yet been provided for this project; however, upon finalization of these items, 13% of the units for each bedroom type shall be affordable to very low-income households at 30% of the regional median income.

5. Satisfaction of Prior Round Obligation

The City was granted a Conditional JOR for its Amended Third Round HEFSP, having satisfied its entire 201-unit Prior Round obligation. The City satisfied a portion of its Prior Round obligation with a combination of 114 existing, constructed and occupied units, inclusive of 28 family for-sale units, 50 senior rental units, and 36 supportive/special needs housing units. The remainder of the Prior Round obligation is to be fulfilled by a prospective inclusionary family rental development inclusive of 60 affordable units located in the Lot T Redevelopment Area, a prospective 68-unit 100% affordable project located at 111 Essex Street and 142-44 Kansas Street, and a prospective 24-unit 100% affordable project located at 251 West Railroad Avenue — therefore leading to a 116-unit surplus that will be applied in the Fourth Round toward the City's Rehabilitation obligation.

Table III.4 Prior Round Affordable Housing Fulfillment City of Hackensack, Bergen County, NJ			
	Total Units	Bonus Credits	Total Credits
Family For-Sale Units	28		28
Clinton Terrace Condos Block 436, Lots 7-9	22 (of 24 units)		22
Pulaski Place Condos Block 13, Lot 1	4		4
Franklin Gardens Condos Block 32, Lots 16 and 17	2		2
Senior Rental Units	50		50
Patrick DiZenzo Court Block 231, Lot 21	50		50*
Supportive and Special Needs Housing Units	36		36
Group Homes	21		21
266 Spring Valley Avenue AAH Bergen County	3		3
155 Poor Street Community Action for Independent Living	5		5
298 Jackson Avenue Comprehensive Behavioral Healthcare, Inc.	7		7
279 Lookout Ave NJ ARC Bergen-Passaic Unit	6		6
Supportive Shared Housing	14		14
75 Union Street Advance Housing, Inc.	2		2
25 Kansas Street Advance Housing, Inc.	6		6
279 Clark Street Advance Housing, Inc.	2		2
10 Orchard Street Advance Housing, Inc.	2		2
451 Heath Place Advance Housing, Inc.	2		2
Permanent Supportive Housing	1		1
461 Heath Place Advance Housing, Inc.	1		1
SUBTOTAL EXISTING	114		114
Inclusionary Development - Proposed			
Lot T Redevelopment (Block 305, Lot 2) – Family Rental Units	60	51**	111
100% Affordable Rental - Proposed			
111 Essex Street and 142-44 Kansas Street (Block 76, Lots 45, 7.03) – Family Rental Units	68		68
251 West Railroad Avenue (Block 356, Lot 1) – Family Rental Units	24		24
SUBTOTAL PROPOSED	152	51	203
TOTAL	266	51	317
SURPLUS	317 credits – 201 unit obligation		116
* Maximum 25% cap on age-restricted units			
** 25% rental bonus cap.			



6. Detailed Summary of Prior Round Satisfaction

The City satisfied and exceeded its Prior Round obligation of 201 credits through the following mechanisms:

a. 78 existing affordable units from the following constructed and occupied units:

i. 22 affordable family for-sale units from **Clinton Terrace condos** at 164 Clinton Place (Block 436, Lot 7, 8, and 9)

1. Clinton Terrace includes twenty-four (24) affordable for-sale family units, with twelve (12) 2-bedroom units and twelve (12) 3-bedroom units. Twenty-two (22) units are included in the Prior Round satisfaction. The units were built by the Housing Development Corporation of Bergen County via HUD Community Development funding, and administered by the Bergen County Housing Authority, which was recorded by Master Deed on December 6, 1995, included under Appendix S.1 to this Plan. The HDC provides the resale amounts to sellers and the sales are subject to the terms of the Master Deed. As noted in the Deeds, the units are based upon HUD Standards, and therefore, the units are not able to be categorized according to the standard UHAC income distribution categories.

2. The Master Deed indicates affordability controls on the units in Paragraph 11.1, "Resale Price Restrictions," on page 31 as follows:

"Unit Owner(s) shall reside in their condominium unit for a period of two (2) years from the date of purchase by said Unit Owner; provided, however, that the Unit Owner may sell said unit and move therefrom within the said period where a change of circumstances with respect to health, employment, finance or marital status or other reason approved by Sponsor reasonably necessitates moving from subject premises. When such change of circumstances occurs, the Unit Owner shall notify the Sponsor, in writing, and shall request prior written approval from the Housing Development Corporation of Bergen County, which approval shall not be unreasonably withheld. Said approval, if granted, may be conditioned upon the limitation of the re-sale price to a sum which may be less than otherwise allowable pursuant to this Paragraph 11.1, but in no event less than the Unit owner's base price. With respect to any sale or re-sale of a unit (whether by the original unit owner or subsequent purchaser), the Housing Development Corporation of Bergen County shall have an exclusive first option to purchase the subject property at a purchase price which shall be computed as follows:

$$\text{Purchase Price} = \text{Base Price} + \frac{((\text{Current CPI} - \text{Base CPI})}{\text{Base CPI}} \times \text{Base Price})$$

...In the event that the Sponsor shall fail to exercise said option, the unit owner may sell his unit for a purchase price not to exceed the' purchase price computed as set forth above and subject to the exclusions and/or reductions set forth in this Paragraph to a family which meets the eligibility criteria promulgated by Sponsor or the Housing Authority of Bergen County under its Affordable Housing Program, or such other replacement program as may then be administered by Sponsor or Housing Authority of Bergen County."

3. Paragraph 26 on page 47 of the Master Deed provides the duration of the Master Deed and its controls, noting that *"The covenants and restrictions set forth in this Master Deed, including the provisions of Paragraph 11. 1, shall run with and bind all of the land included in the condominium and shall inure to the benefit of and be enforceable by the Association, and the owners of any land subject to this Master Deed, their respective successors, assigns, heirs, executors, administrators and personal representatives, for a period of forty (40) years from the date this Master Deed is recorded in the Office of the Bergen County Clerk, at the end of which period such covenants and restrictions shall automatically be extended for successive periods of ten (10) years each, unless the Housing Development Corporation of Bergen County and at least two-thirds (2/3) of all association members at the time of the expiration of the initial period, or of any extension period, shall sign an instrument or instruments, in which they shall agree to change said covenants and restrictions in whole or in part."*
4. Original Deeds of Sale.

Table III.8-C.4 – Bedroom Distribution for Clinton Terrace Condos				
Unit #	Affordability Notes in Deed	Original Deed Recording Date	Original Sale Price	# of Bedrooms
Unit 1A	Affordable According to HUD Standards	Deed Book 7918, Page 860 – October 9, 1996	\$79,900	3
Unit 1B	Affordable According to HUD Standards	Deed Book 7880, Page 865 – May 29, 1996	\$54,000	2
Unit 1C	Affordable According to HUD Standards	Deed Book 7858, Page 993 – February 28, 1996	\$66,900	2
Unit 1D	Affordable According to HUD Standards	Deed Book 8047, Page 394 – February 20, 1998	\$79,900	3
Unit 1E	Affordable According to HUD Standards	Deed Book 7964, Page 891 – March 25, 1996	\$79,900	3



Unit 1F	Affordable According to HUD Standards	Deed Book 7906, Page 751, August 29, 1996	\$66,900	2
Unit 1G	Affordable According to HUD Standards	Deed Book 7871, Page 19 – March 12, 1996	\$66,900	2
Unit 1H	Affordable According to HUD Standards	Deed Book 7875, Page 17 – May 7, 1996	\$79,900	3
Unit 2A	Affordable According to HUD Standards	Deed Book 7862, Page 716 – March 18, 1996	\$79,900	3
Unit 2B	Affordable According to HUD Standards	Deed Book 8078, Page 728 – June 30, 1998	\$66,900	2
Unit 2C	Affordable According to HUD Standards	Deed Book 7866, Page 723 – March 29, 1996	\$66,900	2
Unit 2D	Affordable According to HUD Standards	Deed Book 7984, Page 842 – July 2, 1997	\$63,000	3
Unit 2E	Affordable According to HUD Standards	Deed Book 7884, Page 569– June 11, 1996	\$63,000	3
Unit 2F	Affordable According to HUD Standards	Deed Book 7883, Page 982 – June 5, 1996	\$54,000	2
Unit 2G	Affordable According to HUD Standards	Deed Book 7978, Page 608 – June 10, 1997	\$66,900	2
Unit 2H	Affordable According to HUD Standards	Deed Book 8049, Page 392 – March 4, 1998	\$79,900	3
Unit 3A	Affordable According to HUD Standards	Deed Book 7898, Page 307 – July 29, 1996	\$79,900	3
Unit 3B	Affordable According to HUD Standards	Deed Book 7878, Page 634 – May 21, 1996	\$66,900	2
Unit 3C	Affordable According to HUD Standards	Deed Book 7894, Page 674 – July 16, 1996	\$66,900	2
Unit 3D	Affordable According to HUD Standards	Deed Book 7951, Page 871 – January 10, 1997	\$63,000	3

Unit 3E	Affordable According to HUD Standards	Deed Book 7875, Page 48 – March 26, 1996	\$79,900	3
Unit 3F	Affordable According to HUD Standards	Deed Book 7920, Page 124 – October 17, 1996	\$66,900	2
Unit 3G	Affordable According to HUD Standards	Deed Book 7924, Page 100 – October 31, 1996	\$66,900	2
Unit 3H	Affordable According to HUD Standards	Deed Book 8048, Page 668 – February 27, 1998	\$79,900	3

ii. 2 affordable family for-sale units from **Franklin Gardens condos** at 23 Franklin Street (Block 32, Lot 16)

- Franklin Gardens includes two (2) three-bedroom affordable for-sale family units, known as 23A and 23B Franklin Street. The units were built in a two-family structure by the Housing Development Corporation of Bergen County via HUD Community Development funding, and administered by the Bergen County Housing Authority, which was recorded by Master Deed dated August 18, 1982, included under Appendix S.2 of this Plan and supplemented by Appendix R.3. Based upon the construction date of these units, they are considered Prior Cycle credits.
- The Master Deed indicates affordability controls on the condominium units in Paragraph “g” on page 23 as follows:

“Unit Owner(s) shall reside in their condominium unit for a period of 3 years from the original date of purchase; provided, however, that the owner may sell said property and move therefrom within the said period where a change of circumstances with respect to health, employment, finance or marital status reasonably necessitates moving from subject premises. When such change of circumstances occurs, owner shall notify, in writing, the other association members and holder of the first mortgage and shall receive prior written approval from the Housing Development Corporation of Bergen County, which approval shall not be unreasonably withheld. In this event, and in any future sale beyond the 3 year period, the Housing Development Corporation of Bergen County, shall have an exclusive first option to purchase the subject property at a purchase price which shall be computed as follows:



$$\text{Purchase Price} = \text{Base Price} + \frac{((\text{Current CPI} - \text{Base CPI})}{\text{Base CPI}} \times \text{Base Price})$$

... In the event the Sponsor, Housing Development Corporation of Bergen County, declines to exercise said option, the Unit Owner may sell his unit at a purchase price computed as set forth above to a family which meets the eligibility criteria promulgated by the Housing Authority of Bergen County.”

3. Paragraph 26 on page 41 of the Master Deed provides the duration of the Master Deed and its controls, noting that “The covenants and restrictions set forth in Section 11 of the Master Deed shall run with and bind all of the land included in the Condominium and shall insure to the benefit of and be enforceable by the Franklin Gardens Condominium Association and the owners of any land subject to this Master Deed, their respective successors, assigns, heirs, executors, administrators and personal representatives, for a period of forty years from the date this Master Deed is recorded in the Office of the Bergen County Clerk, at the end of which period such covenants and restrictions shall automatically be extended for successive periods of ten (10) years each, unless all association members at the time of the expiration of the initial period, or of any extension period, shall sign an instrument or instruments, in which they shall agree to change said covenants and restrictions in whole or in part”.
4. Original Deeds of Sale.
 - a. **Unit 23A** - Deed recordings for the property provide that Unit 23A was purchased from the Housing Development Corporation of Bergen County in September 1982 and recorded by Deed Book 6711, Page 49.
 - b. **Unit 23B** - Deed recordings for the property provide that Unit 23B was originally purchased in September 1983 by Deed Book 6778, Page 601.
- iii. 4 affordable family for-sale units from **Pulaski Place condos** at 2-8 Pulaski Place (Block 13, Lot 1)
 1. Pulaski Place provides four (4) affordable for-sale family units. The units were built as two (2) two-family units by the Housing Development Corporation of Bergen County via HUD Community Development funding and administered by the Bergen County Housing Authority, which was recorded by Master Deed on August 18, 1982, included under Appendix S.2 to this Plan. Based upon the construction date of these units, they are considered Prior Cycle credits. Deeds from the original sale provide the original date of occupancy and have been included in Appendix S.2 of this Plan and are supplemented by Appendix R.4.
 2. The Master Deed indicates affordability controls on the condominium units in Paragraph “g” on page 23 as follows:

"Unit Owner(s) shall reside in their condominium unit for a period of 3 years from the original date of purchase; provided, however, that the owner may sell said property and move therefrom within the said period where a change of circumstances with respect to health, employment, finance or marital status reasonably necessitates moving from subject premises. When such change of circumstances occurs, owner shall notify, in writing, the other association members and holder of the first mortgage and shall receive prior written approval from the Housing Development Corporation of Bergen County, which approval shall not be unreasonably withheld. In this event, and in any future sale beyond the 3 year period, the Housing Development Corporation of Bergen County, shall have an exclusive first option to purchase the subject property at a purchase price which shall be computed as follows:

$$\text{Purchase Price} = \text{Base Price} + \frac{((\text{Current CPI} - \text{Base CPI})}{\text{Base CPI}} \times \text{Base Price})$$

... In the event the Sponsor, Housing Development Corporation of Bergen County, declines to exercise said option, the Unit Owner may sell his unit at a purchase price computed as set forth above to a family which meets the eligibility criteria promulgated by the Housing Authority of Bergen County."

3. Paragraph 26 on page 42 of the Master Deed provides the duration of the Master Deed and its controls, noting that *"The covenants and restrictions set forth in Section 11 of the Master Deed shall run with and bind all of the land included in the Condominium and shall insure to the benefit of and be enforceable by the Pulaski Place Condominium Association and the owners of any land subject to this Master Deed, their respective successors, assigns, heirs, executors, administrators and personal representatives, for a period of forty years from the date this Master Deed is recorded in the Office of the Bergen County Clerk, at the end of which period such covenants and restrictions shall automatically be extended for successive periods of ten (10) years each, unless all association members at the time of the expiration of the initial period, or of any extension period, shall sign an instrument or instruments, in which they shall agree to change said covenants and restrictions in whole or in part"*.
4. Original Deeds of Sale.
 - a. **Unit 2A** - Deed recordings for the property provide that Unit 2A was purchased from the Housing Development Corporation of Bergen County in August 1982 and recorded by Deed Book 6710, Page 427.
 - b. **Unit 2B** - Deed recordings for the property provide that Unit 2B was originally purchased in August 1982 for \$42,000, recorded by Deed Book 6710, Page 417.



- c. **Unit 8A** - Deed recordings for the property provide that Unit 8A was originally purchased in August 1982 for \$42,000, recorded by Deed Book 6711, Page 813.
 - d. **Unit 8B** - Deed recordings for the property provide that Unit 8B was originally purchased in August 1982 for \$42,000, recorded by Deed Book 6710, Page 422.
 - iv. *50 age-restricted affordable rental units from Patrick DiZenzo court at 175 West Railroad Ave (Block 231, Lot 21)*
 - 1. Due to the maximum 25% cap on age-restricted units on the Prior Round obligation, the City has included fifty (50) of the units from the Patrick DiZenzo Court site in its Plan. The affordability controls in place are established by HUD and the income limits are set annually. The limits for the project are categorized by HHA as low, very low, and extremely low.
 - 2. The units are owned and managed by the Hackensack Housing Authority, which previously had a residency preference in place on the units. However, the residency preference has been removed for the first 50 of the 60 units to become vacant after October 22, 2022 via an Executed Agreement dated August 17, 2021 and passed by Resolution 337-21, which is attached as *Appendix M* to this Plan. A Certificate of Occupancy was received from the HHA dated 1982. The HHA executes a Rental Assistance Demonstration (RAD) Use agreement with the US Department of Housing and Urban Development (HUD), and the units are RAD Project Based Voucher (PBV). RAD was created in order to give public housing authorities (PHAs) a powerful tool to preserve and improve public housing properties. RAD allows public housing agencies to leverage public and private debt and equity in order to reinvest in the public housing stock. The Use Agreement is recorded under RAD to enforce HUD's long-term interest and ensures that the units remain permanently affordable to low-income households. The agreement includes the following income restriction: "Additionally, rents must not exceed 30% of 80% of median income for an appropriately sized unit." The contract rents under the RAD program are \$709 for studio units and \$765 for 1-bedroom units.
 - 3. Pursuant to the Agreement between the HHA and the City, the City will prepare the affirmative marketing plan for the HHA, who will then act as Administrative Agent (AA) for these units or will contract with a qualified AA that may or may not be the City's AA. The City's Administrative Agent and the HHA have performed the requisite affirmative marketing and assembled a new list of very-low, low, and moderate-income households to fill units as vacancies occur.
 - b. **36 existing special needs and supportive housing units** from the following constructed and occupied units. All supporting crediting documentation is included

under Appendix S.3 to this Plan. Additionally, group home licenses and surveys are attached under Appendix T.

- i. *6 group home units from NJ ARC Bergen-Passaic Unit at 279 Lookout Ave (Block 442, Lot 56)*
 1. The NJ ARC Bergen- Passaic site includes a six (6) bedroom group home located at 279 Lookout Avenue. The group home was established in 1980 and provides services to very-low income adults with developmental disabilities. An updated DCA Supportive & Special Needs Survey confirms six bedrooms exist. However, the updated license provided by Bergen-Passaic ARC expired July 22, 2022, therefore proof of a renewed license has been requested to confirm continued compliance.
- ii. *5 group home units from Community Action for Independent Living at 155 Poor Street (Block 117, Lot 23)*
 1. The Community Action for Independent Living (or Community Options) site includes a five (5) bedroom group home located at 155 Poor Street. This group home was built in 1996 and serves very low-income adults with development disabilities. An updated license was provided with an expiration date of December 31, 2021, therefore proof of a renewed license has been requested to confirm continued compliance. Community Options states there is no deed restriction; however, it has been income based since 1996.
- iii. *7 group home units from Comprehensive Behavioral Healthcare, Inc. at 298 Jackson Avenue (Block 32, Lot 8)*
 1. The Comprehensive Behavioral Healthcare, Inc. site includes a seven (7) bedroom group home located at 298 Jackson Avenue. The group home was established in 1988 and serves DMHS referrals based upon diagnosis. An updated DCA Supportive & Special Needs Survey has been requested to confirm continued compliance.
- iv. *3 group home units from AAH Bergen County at 266 Spring Valley Avenue (Block 615, Lot 11)*
 1. The AAH Bergen County site includes a five (5) bedroom group home located at 266 Spring Valley Avenue. Only three of the five bedroom units are used towards the Prior Round obligation in this Plan. The group home was established in 1995. An updated license has been requested to confirm continued compliance.
- v. *2 supportive housing units from Advance Housing, Inc. at 75 Union Street (Block 219, Lot 25)*



1. The Advance Housing, Inc. site at 75 Union Street includes two (2) supportive shared housing units. These units were established in 2000 and serve very low-income mental health consumers. A DCA Supportive & Special Needs Survey dated April 8, 2021 has been provided, and an updated survey has been requested to confirm continued compliance. No license was provided since they are not required for 2 or less units.
- vi. *6 supportive housing units from Advance Housing, Inc. at 25 Kansas Street (Block 69, Lot 19.01)*
1. The Advance Housing, Inc. site at 25 Kansas Street includes six (6) supportive shared housing units. These units were established in 2006 and serve very low-income residents with mental health needs. A DCA Supportive & Special Needs Survey dated April 8, 2021 and license with an expiration date of July 19, 2022 have been provided by Advance Housing, Inc.; an updated survey and license have been requested to confirm continued compliance.
- vii. *2 supportive shared housing units from Advance Housing, Inc. at 279 Clark Street (Block 106, Lot 13)*
1. The Advance Housing, Inc. site at 279 Clark Street includes (2) supportive shared housing units. These units were established in 1999 and serve very low-income residents with mental health needs. An updated DCA Supportive & Special Needs Survey dated April 8, 2021 has been provided. No license was provided since they are not required for 2 or less units.
- viii. *2 supportive shared housing units from Advance Housing, Inc. at 10 Orchard Street (Block 537, Lot 1)*
1. The Advance Housing, Inc. site at 10 Orchard Street (incorrectly identified as 10 Orchid Street in the Settlement Agreement) provides two (2) supportive shared housing units. These units were established in 1999 and serve very low-income residents with mental health needs. An updated DCA Supportive & Special Needs Survey dated April 8, 2021 has been provided. No license was provided since they are not required for 2 or less units.
- ix. *2 supportive shared housing units from Advance Housing, Inc. at 451 Heath Place (Block 351, Lot 113)*
1. The Advance Housing, Inc. site at 451 Heath Place provides two (2) supportive shared housing units. These units were established in 1999 and serve very low-income residents with mental health needs. An updated DCA Supportive & Special Needs Survey dated April 8, 2021 has been provided. No license was provided since they are not required for 2 or less units.

- x. *1 permanent supportive housing unit from Advance Housing, Inc. at 461 Heath Place (Block 351, Lot 113)*

- 1. The Advance Housing, Inc. site at 461 Heath Place includes one (1) permanent supportive housing unit. This unit was established in 2004 and serves very low -income residents with mental health needs. A DCA Supportive & Special Needs Survey dated April 8, 2021 has been provided, and an updated survey has been requested to confirm continued compliance. No license was provided since they are not required for 2 or less units.

c. 203 proposed affordable family rental units from the following projects:

- i. **60 affordable family rental units from the Lot T Inclusionary Redevelopment Project + 51 rental bonus credits:** The City has adopted a Redevelopment Plan for the “Parking Lot T” property located at 189 State Street and 70 Trinity Place (Block 305, Lot 2). The Plan was introduced on April 20, 2021 and adopted by Ordinance No. 21-2021 at the May 20, 2021 City Council meeting. The Plan permits up to 268 units, and requires that a “minimum of 60 affordable housing units shall be constructed on site as part of the project.” More specifically, Section 4.E. on page 7 stipulates that “The developer shall construct a minimum of sixty (60), or 20% of the total units as UHAC qualified affordable housing units within the development to assist the City in meeting its affordable housing obligations.” An amendment to the Redevelopment Plan, dated February 2022, was adopted by Ordinance No. 06-2022 at the February 22, 2022 Council meeting. The amended Plan contains additional affordable housing requirements, including but not limited to, very-low-income unit requirements, phasing, income/bedroom distribution requirements, integration, access to amenities, and deed restriction requirements. The updated affordable housing language included in the amended Redevelopment Plan is included in *Appendix P.1*, which was adopted by Ordinance No. 06-2022 (see *Appendix P.2*).

On February 8, 2023, the Planning Board of the City of Hackensack granted preliminary and final site plan, minor subdivision and variance approvals for the application concerning 70 Trinity Place located in the Lot “T” Redevelopment Area by resolution (see *Appendix P.4*).

The City and the Redeveloper, Meridia Hackensack 70, Urban Renewal LLC, entered into a Redevelopment Agreement on April 20, 2023 (see *Appendix P.3*). The affordable units will be subject to the requirements of the City’s Affordable Housing Ordinance, the terms of the FSHC Settlement Agreement, as amended, and the Uniform Housing Affordability Controls (UHAC).

Subject to the 25% rental bonus cap requirement applicable to the Prior Round, the project is eligible for a maximum of 51 bonus credits.

- ii. **68 affordable family rental units from the 100% affordable 111 Essex Street and 142-44 Kansas Street Project:** NRP Holdings, LLC. is currently proposing a 100% affordable family rental project, consisting of 68 affordable family



rental units, at 111 Essex Street (Block 76, Lot 45) and 142-44 Kansas Street (Block 76, Lot 7.03). According to the Master's Report on the Second Amended Settlement Agreement for the City of Hackensack, dated April 4, 2024 (see Appendix V.1), "The City is currently going through the redevelopment process in order to enable the proposed project, will enter into a redeveloper's agreement with NRP Group, and will support NRP's funding applications for at least two years of funding cycles." A concept plan has been provided by the developer (see Appendix X), and as condition for including this project in its Prior Round compliance, the Master's Report on the Second Amended Settlement Agreement for the City of Hackensack states that the "City must provide the adopted redevelopment plan, executed redeveloper's agreement, a financial pro forma and implementation timeline, and capacity-to-serve letters for water and sewer service to the NRP site." A Redevelopment Plan has been prepared for 111 Essex Street and 142-44 Kansas Street, dated March 2024 (see Appendix Z.1) and was adopted by Ordinance No. 08-2024 on March 19, 2024 (see Appendix Z.2). On September 11, 2024, the Planning Board of the City of Hackensack adopted a resolution approving the 111 Essex Street and 142-44 Kansas Street site plan and variance application (see Appendix Z.3).

- iii. **24 affordable family rental units from the 100% affordable 251 Railroad Avenue Project:** Greater Bergen Community Action is currently proposing a 100% affordable family rental project, consisting of a maximum of 24 affordable family rental units, at 251 West Railroad Avenue (Block 356, Lot 1). As stated in the Master's Report on the Second Amended Settlement Agreement for the City of Hackensack, dated April 4, 2024, "The City has adopted a Redevelopment Plan for this project, which was first included in the 2020 Settlement Agreement, and is supporting Greater Bergen Community Action in their application for funding for an additional two years. If the project does not receive funding by July 1, 2026, the City will remove its support from the project." The Redevelopment Plan for this project is attached as Appendix Y.1 of this Plan and was adopted by Ordinance No. 19-2023 at the City of Hackensack City Council meeting on April 25, 2023 (see Appendix Y.2). On August 12, 2024, the City Council of the City of Hackensack adopted Resolution No. 267-24, which designated the Redeveloper and authorized the Redevelopment and Purchase and Sale Agreement with Greater Bergen Community Action acting through 251 Railroad Place LLC for the Redevelopment of Block 356, Lot 1 within the 251 Railroad Avenue Redevelopment Plan Area (see Appendix Y.3 and Appendix Y.4).

Third Round Prospective Need

The City did not have a Third Round Prospective Need obligation as discussed above because the City meets the qualifications of an Urban Aid Municipality. This designation means the City is exempt from any allocation of regional Prospective Need, which in this case is the Gap Period of 1999-2015 and 2015-2025.

B. FOURTH ROUND PLAN COMPLIANCE MECHANISMS**Fourth Round Present Need (Rehabilitation) Obligation**

As stated in Section II.F of this HEFSP, the City of Hackensack committed to a Fourth Round Present Need (Rehabilitation) obligation of 593. Municipalities are able to use a combination of rehabilitation programs and the construction of new units to satisfy their Rehabilitation Obligation. Since the City has created enough realistic opportunities for the creation of affordable housing to fully satisfy its Prior Round obligation, resulting in surplus credits, the City plans to satisfy its Round 4 Present Need Obligation through a combination of surplus credits from projects satisfying the Prior Round Obligation, the HHA's 60 Kansas Street 100% affordable project that was not finalized by the end of the Third Round, continued participation in the Bergen County Home Improvement Program, and a policy change to require that all affordable units created through redevelopment in the Inclusionary Overlay (IO) Zones have a "residency preference" for very-low, low- and moderate-income households who currently live and work in the City of Hackensack. The policy and intention behind the Qualified Urban Aid Municipality designation is for such municipalities to focus on improving the housing stock for the indigenous poor of the municipality. The City of Hackensack believes that, due to the success of its Redevelopment campaign over the past few years, that the IO Zones are ripe for inclusionary redevelopment that focuses on providing affordable units for Hackensack residents. The new inclusionary development at 1 Essex Street is a prime example of the anticipated success of the IO Zones in providing new affordable units with a residency preference.

The City has been an ongoing participant in the Bergen County Home Improvement Program ("BCHIP") for housing rehabilitation. The program uses Community Development Block Grant ("CDBG") money to provide interest-free loans of up to \$25,000 for household improvements, the program is available to low- and moderate-income residents who own and live in their homes. The City plans to continue participation in the BCHIP to facilitate the rehabilitation of existing units as part of its Fourth Round Rehabilitation obligation.

Additionally, as explained in further detail in this Plan, the City has adopted a redevelopment plan (see *Appendix BB.1* and *Appendix BB.2*) and provided preliminary and provided final site plan approval (see *Appendix BB.3*) for a 250-unit mixed-use project at 1 Essex Street (Block 66, Lots 26-30, 38, 41, 43, 45 & 48), which will include 25 affordable units. At its future discretion, the City reserves the right to apply any or all of the 25 units from this project towards its Fourth Round Rehabilitation obligation and/or any future Prospective Need obligation.

Should the number of units credited to the City's Prior Round surplus change for any reason, the City reserves the right to apply units from future creditable Fourth Round projects towards compliance with the Prior Round.

Additionally, should any of the proposed 100% affordable projects from the Court-approved Third Round HEFSP obtain funding, the City reserves the right to apply those units toward its Fourth Round Present Need obligation, or toward any future Prospective Need Obligation in future rounds, if applicable. As stated in its Third Round Conditional JOR and Settlement Agreement with FSHC, the City will not be required to bond to construct any 100% affordable projects.

The table below provides a summary of how the City plans to satisfy its 593-unit Rehabilitation obligation for the Fourth Round.



Table III.5: Fourth Round Rehabilitation Obligation Crediting City of Hackensack, Bergen County, NJ		
Project	Total Units	Project Status
Prior Round Unit Surplus*	116	
60 Kansas Street	30	
1 Essex Street Redevelopment Project (IO Zone)**	25	Approved
IO Zone (Inclusionary Overlay Zones)	422	Zoning Adopted in Third Round
Bergen County Home Improvement Program		Current Contract
Total Units Toward Rehabilitation Obligation	593	
<p>* Should the number of units credited to the City's Prior Round surplus change for any reason, the City reserves the right to apply units from future creditable Fourth Round projects towards compliance with the Prior Round.</p> <p>** The City reserves the right to apply any or all of the 25 units from this project towards its Fourth Round Rehabilitation obligation and/or any future Prospective Need obligation.</p>		

Fourth Round Prospective Need Obligation

As stated detailed in Section II.E and Section II.F of this HEFSP, the City of Hackensack committed to a Fourth Round Prospective Need (New Construction) Obligation of Zero (0). Due to the City of Hackensack's designation as a Qualified Urban Aid municipality, the City is exempt from a Fourth Round Prospective Need obligation.

C. CONSIDERATION OF SITES FOR INCLUSIONARY/100% AFFORDABLE DEVELOPMENT

Fourth Round Rehabilitation Obligation

As shown in Table III.5 of this Plan, the City is seeking to apply 30 units to the City's Rehabilitation obligation through a new 100% affordable age-restricted rental project, with a residency preference, proposed by the Hackensack Housing Authority on its property at 60 Kansas Street. Additionally, 25 affordable units from a 250-unit mixed-use project at 1 Essex Street is proposed to be applied towards the City's Fourth Round Rehabilitation obligation; however, the City also reserves the right to apply any or all of the units from this project towards any future Prospective Need obligation. The following analyzes the Criteria for Compliance Through Inclusionary Development and 100% Affordable Development for these projects as required by the Second Round COAH regulations, as well as a site suitability analysis demonstrating that the sites are available, approvable, developable, and suitable.

1. 60 Kansas Street (Block 66, Lot 17)

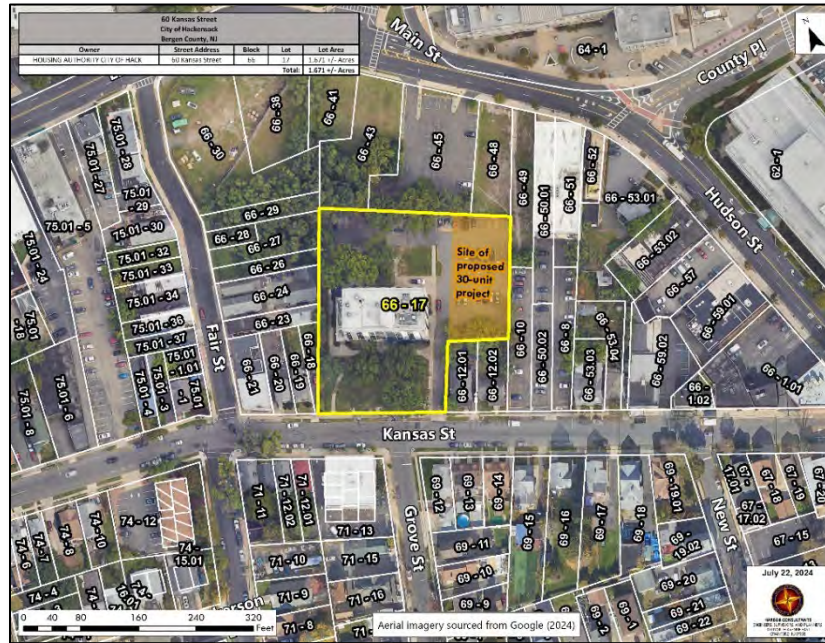


Figure A – Aerial Map of 60 Kansas Street

a. Criteria for Compliance Through a Municipally Sponsored Project

- i. 60 Kansas Street is located at Block 305, Lot 2 on the Hackensack Tax Map.⁵ The lot has an area of 1.67 AC and is currently occupied by the HHA's 100-unit Harry Berkie Gardens age-restricted apartment building and a surface parking lot. The Harry Berkie Gardens building will remain on site, and the parking area is to be redeveloped with the proposed 30-unit, 100% affordable age-restricted rental project. The lot has approximately 178.06 feet of frontage on Kansas Street.
- ii. According to the Second Amendment to the Settlement Agreement, the City and the Hackensack Housing Authority "have entered into an agreement where the City will assist the HHA in determining if any City-owned land can be developed into a 100% affordable housing project of up to 60 units. This agreement also removes the 'residency preference' on 50 of the DiZenzo Court units beginning with the first vacancy after October 22, 2022. The City will explore opportunities with the HHA for the development on City-owned land of a municipally sponsored project of up to 60 units that is creditworthy in accordance with COAH and UHAC regulations and income guidelines. Should the City and the HHA agree upon a proposed project, the City will enter into a Memorandum of Understanding (MOU) with the HHA in support

⁵ New City tax maps were adopted by the New Jersey Division of Taxation on October 25, 2022, which revised the Block and Lot numbering system throughout the City. The former Block and Lot numbers have been kept for the purposes of maintaining consistency with the language of all Court-approved documentation relating to the City's affordable housing obligation.



of the project. Once an MOU is signed, the City will support the project's application for 9% Low Income Housing Tax Credits (LIHTC)." The HHA has submitted concept plans for a 30-unit, 100% affordable age-restricted rental project to the City, and a Redevelopment Plan will be prepared in order to facilitate development of the project. The City shall enter into an Agreement with HHA regarding the project and support the project's application for funding for at least two years of funding cycles.

- iii. The City and the Redeveloper, the Hackensack Housing Authority, will be working together on a Redevelopment Agreement for the project. According to the Master's Report on the Second Amended Settlement Agreement for the City of Hackensack, dated April 4, 2024, "The City must provide the adopted redevelopment plan and the fully executed agreement with the HHA for development of the project, must provide a financial pro forma and implementation timeline, and must provide capacity-to-serve letters for water and sewer service to the additional units in the new building." The affordable units will be subject to the requirements of the City's Affordable Housing Ordinance, the terms of the FSHC Settlement Agreement, as amended, and the Uniform Housing Affordability Controls (UHAC).
- iv. Site Control. The Hackensack Housing Authority owns Block 66, Lot 17.
- v. Proforma and Construction Schedule. A proforma and implementation timeline will be provided as the project moves forward.
- vi. Administrative Agent. The Redevelopment Plan, which is yet to be prepared, will require that the redeveloper hire an experienced administrative agent to affirmatively market and fill the units, as well as properly income qualify the tenants. The City will also enter into a Redevelopment Agreement which stipulates the redeveloper of the project to establish an administrative mechanism to ensure that all applicants for the project are properly income qualified in compliance with the Uniform Housing Affordability Controls Rules, N.J.A.C. 5:80-26.1 et seq.

b. Site Suitability

The site for the municipally sponsored project is available, approvable, developable, and suitable. The proposed 30-unit project at 60 Kansas Street complies with N.J.A.C. 5:93-5.6 that requires all new construction sites to be available, approvable, developable, and suitable. This consistency is demonstrated as follows:

- i. There are no known encumbrances that would prohibit or otherwise effect the development of the property in general. The HHA is currently working on providing a title report and a property survey for Block 66, Lot 17.
- ii. The site has access to appropriate streets and is adjacent to compatible land uses. The property is in the R-2B zoning district, which permits single-family homes, two-family homes, and townhouses, and it is largely surrounded by

single-family and two-family residences, as well as an existing 100% affordable HHA building (Harry Berkie Gardens) on the same lot, and low-rise office and professional uses. There is bus service proximate to the site located on Essex Street/Hudson Street with service between Westwood and New York City, between Hackensack and Newark, between Hackensack and Willowbrook Mall, and between Passaic and Englewood Hospital. Bus service from nearby State Street runs between Hackensack and Newark and between New Milford and the American Dream shopping mall.

- iii. The site has access to water infrastructure and is located in a sewer service area.
- iv. It is anticipated the site can be developed with sufficient off-street parking spaces to support the new development as well as provide sufficient off-street parking for the existing development.
- v. The site location is consistent with the adopted State Development and Redevelopment Plan. It is located in Planning Area 1, where development is encouraged.
- vi. Per NJDEP mapping, there are no freshwater wetlands located on any portion of the site.
- vii. Per FEMA floodplain mapping, the rear of the site is within FEMA's Flood Zone X, the 500-year floodplain, which anticipates average flood depths of less than one foot. The proposed building will be constructed above an existing surface parking lot that extends partially into the flood zone.
- viii. There are no steep slopes on the site.
- ix. Per NJDEP mapping, the site is not covered by critical habitat.
- x. Per NJDEP mapping, the site is not located within 300 feet of a currently designated Category One waterbody.
- xi. Per NJDEP, the site is not a Known Contaminated Site.



2. 1 Essex Street (Block 66, Lots 26-30, 38, 41, 43, 45 & 48)

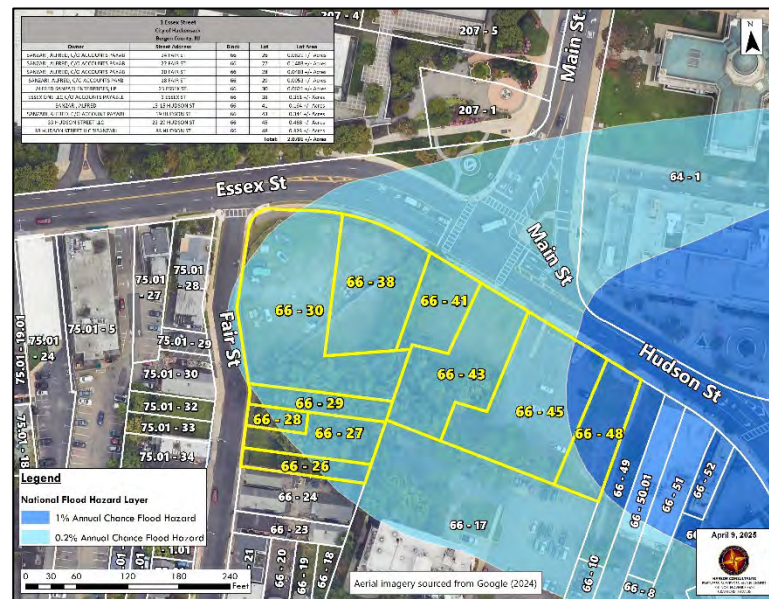


Figure B – Aerial of 1 Essex Street Site

a. Site Description and Project History

- i. The subject site is located at 1 Essex Street (Block 66, Lots 26-30, 38, 41, 43, 45 & 48) on the Hackensack Tax Map.⁶ All lots on the site will be consolidated, and the total area of the site is approximately 2.56 AC. The site has approximately 345 feet of frontage on Essex Street/Hudson Street and approximately 88 feet of frontage on Fair Street. The property was formerly used as a two-story office building with associated parking, but the structure on the property has since been demolished. The majority of the site has been cleared and is occupied by surface parking and vacant land. A grove of deciduous trees currently occupies the rear of the site.
- ii. The City has adopted a Redevelopment Plan for the 1 Essex Street property (see Appendix BB.1). The Plan was adopted by Ordinance No. 33-2024 at the September 10, 2024 City Council meeting. The Plan permits up to 250 units, and requires that “at least 10% [or 25 units] of all residential units created pursuant to the redevelopment plan standards shall be set aside for low and moderate income households consistent with the requirements of Chapter 45A, ‘Affordable Housing’ or any superseding section of the City’s regulatory code and all applicable superseding State and Federal statutes and regulations including the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq. (with the exception that very-low income units shall comprise at least 13% of affordable units and be affordable for

⁶ New City tax maps were adopted by the New Jersey Division of Taxation on October 25, 2022, which revised the Block and Lot numbering system throughout the City. The former Block and Lot numbers have been kept for the purposes of maintaining consistency with the language of all Court-approved documentation relating to the City’s affordable housing obligation.

households earning 30% of regional median income) and COAH regulations at N.J.A.C. 5:93-1 et seq.” The Council resolution adopting Ordinance No. 33-2024 is included in *Appendix BB.2*.

- iii. The Planning Board of the City of Hackensack granted preliminary and final site plan approval and lot consolidation for the application concerning 1 Essex Street by resolution on February 12, 2025 (see *Appendix BB.3*).
- iv. Site Control. Essex One Urban Renewal Company, LLC has acquired and consolidated all subject lots pertaining to the site.
- v. Proforma and Construction Schedule. A proforma and implementation timeline will be provided as the project moves forward.
- vi. At its future discretion, the City reserves the right to apply any or all of the 25 units from this project towards its Fourth Round Rehabilitation obligation and/or any future Prospective Need obligation.

b. Site Suitability

The site for this project is available, approvable, developable, and suitable. The proposed 250-unit mixed-use project, of which 25 units will be affordable family rental units, complies with N.J.A.C. 5:93-5.6 that requires all new construction sites to be available, approvable, developable, and suitable. This consistency is demonstrated as follows:

- i. The site has access to appropriate streets and is adjacent to compatible land uses. The site is located within a half mile of the Essex Street train station and Hackensack bus terminal. The site is located within the 1 Essex Street Redevelopment Area, and the underlying zoning of the site is split between the B-2 Zone and R2B Zone. The site is surrounded by office, commercial and retail uses.
- ii. The subject site has been designated “An Area in Need of Redevelopment” and a Redevelopment Plan was adopted by the City Council on September 10, 2024. The preliminary and final site plan approval and lot consolidation application submitted by Essex One Urban Renewal Company, LLC for the site was approved by the Planning Board on February 12, 2025.
- iii. The site has access to water infrastructure and is located in a sewer service area.
- iv. It is anticipated the site can be developed consistent with the Residential Site Improvement Standards and the appropriate number of parking spaces in accordance with City standards.
- v. The site location is consistent with the adopted State Development and Redevelopment Plan. It is located in Planning Area 1, where development is encouraged.



- vi. Per NJDEP mapping, there are no freshwater wetlands located on any portion of the site.
- vii. Per FEMA floodplain mapping, the site is located in the 1% Annual Chance Flood Hazard Area and 0.2% Annual Chance Flood Hazard Area. The Applicant will work with NJDEP to obtain all necessary floodplain development and environmental constraint permits. Otherwise, there are no known encumbrances that would prohibit or otherwise effect the development of the property in general.
- viii. There are no steep slopes on the site.
- ix. Per NJDEP mapping, the site is not covered by critical habitat.
- x. Per NJDEP mapping, the site is not located within 300 feet of a currently designated Category One waterbody.
- xi. Per NJDEP, the site is not a Known Contaminated Site.

Prior Round Obligation

As shown in Table III.4 of this Plan, the City is seeking 152 credits and 51 rental bonuses from three proposed developments to fulfill the remaining portion of the Prior Round obligation, of which 116 credits will remain as surplus to be applied toward the City's Fourth Round Rehabilitation Obligation. These three projects include 60 affordable family rental units and 51 rental bonuses from the inclusionary development located at Parking Lot T (Block 305, Lot 2), 68 affordable family rental units from the 100% affordable project located at 111 Essex Street and 142-44 Kansas Street (Block 76, Lots 45, 7.03), and 24 affordable family rental units from the 100% affordable project located at 251 West Railroad Avenue (Block 356, Lot 1). The following analyzes the Criteria for Compliance Through Inclusionary Development and 100% Affordable Development for these projects as required by the Second Round COAH regulations, as well as a site suitability analysis demonstrating that the sites are available approvable, developable, and suitable.

1. Parking Lot T (Block 305, Lot 2)



Figure C – Aerial Map of Parking Lot T

a. Site Description and Project History

- i. Parking Lot T is located at 189 State Street and 70 Trinity Place (Block 305, Lot 2) on the Hackensack Tax Map.⁷ The lot is irregularly shaped with an area of 1.77 AC. The lot has frontage on Union Street, State Street and Trinity Place. The lot is entirely paved and is currently used as a City parking lot. There is approximately 390 feet of frontage on Trinity Place, and 234 feet of frontage on State Street and Union Street. The frontage along Trinity Place includes that of Block 305, Lot 4, which is presently developed as a building utilized as an Islamic Center.
- ii. The City has adopted a Redevelopment Plan for the Parking Lot T property. The Plan was introduced on April 20, 2021 and adopted by Ordinance No. 21-2021 at the May 20, 2021 City Council meeting. The Plan permits up to 268 units, and requires that a “minimum of 60 affordable housing units shall be constructed on site as part of the project.” More specifically, Section 4.E. on page 7 stipulates that “The developer shall construct a minimum of sixty (60), or 20% of the total units as UHAC qualified affordable housing units within the development to assist the City in meeting its affordable housing obligations.” An amendment to the Redevelopment Plan, dated February 2022, was adopted by Ordinance No. 06-2022 at the February 22, 2022 Council meeting. The amended Plan contains additional affordable housing requirements, including but not limited to, very-low-income unit requirements,

⁷ New City tax maps were adopted by the New Jersey Division of Taxation on October 25, 2022, which revised the Block and Lot numbering system throughout the City. The former Block and Lot numbers have been kept for the purposes of maintaining consistency with the language of all Court-approved documentation relating to the City’s affordable housing obligation.



phasing, income/bedroom distribution requirements, integration, access to amenities, and deed restriction requirements. The updated affordable housing language included in the amended Redevelopment Plan is included in *Appendix P.1*.

- iii. The Planning Board of the City of Hackensack granted preliminary and final site plan, minor subdivision and variance approvals for the application concerning 70 Trinity Place located in the Lot "T" Redevelopment Area by resolution on February 8, 2023 (see *Appendix P.4*).
- iv. The City and the Redeveloper, Meridia Hackensack 70, Urban Renewal LLC, entered into a Redevelopment Agreement on April 20, 2023 (see *Appendix P.3*). The affordable units will be subject to the requirements of the City's Affordable Housing Ordinance, the terms of the FSHC Settlement Agreement, as amended, and the Uniform Housing Affordability Controls (UHAC).
- v. Site Control. The City owns Block 305, Lot 2.
- vi. An Administrative Mechanism. The amended Redevelopment Plan requires that the redeveloper hire an experienced administrative agent to affirmatively market and fill the units, as well as properly income qualify the tenants. The City has also entered into a Redevelopment Agreement, dated April 20, 2023, which stipulates the redeveloper of the project to establish an administrative mechanism to ensure that all applicants for the project are properly income qualified in compliance with the Uniform Housing Affordability Controls Rules, N.J.A.C. 5:80-26.1 et seq.

b. Site Suitability

The site for this project is available, approvable, developable, and suitable. The proposed 268-unit inclusionary project, of which 60 units will be affordable family rental units, complies with N.J.A.C. 5:93-5.6 that requires all new construction sites to be available, approvable, developable, and suitable. This consistency is demonstrated as follows:

- i. There are no known encumbrances that would prohibit or otherwise effect the development of the property in general.
- ii. The site has access to appropriate streets and is adjacent to compatible land uses. The site is located within a half mile of the Hackensack Bus station and is in close proximity to the Downtown Rehabilitation Area. The property is in the B-2 Zone and is surrounded by commercial and retail uses. The lot abuts a railroad parcel along the rear lot line.
- iii. The subject site has been designated "An Area in Need of Redevelopment" and a Redevelopment Plan was adopted by the City Council on May 20, 2021. The Redevelopment Plan was amended in February 2022 and was adopted by Ordinance No. 06-2022 at the February 22, 2022 Council

meeting. The amended Redevelopment Plan can be referenced in *Appendix P.1* of this Plan.

- iv. The site has access to water infrastructure and is located in a sewer service area (see *Appendix U.1*).
- v. It is anticipated the site can be developed consistent with the Residential Site Improvement Standards and the appropriate number of parking spaces in accordance with City standards.
- vi. The site location is consistent with the adopted State Development and Redevelopment Plan. It is located in Planning Area 1, where development is encouraged.
- vii. Per NJDEP mapping, there are no freshwater wetlands located on any portion of the site.
- viii. Per FEMA floodplain mapping, there is no floodplain on the site.
- ix. There are no steep slopes on the site.
- x. Per NJDEP mapping, the site is not covered by critical habitat.
- xi. Per NJDEP mapping, the site is not located within 300 feet of a currently designated Category One waterbody.
- xii. Per NJDEP, the site is not a Known Contaminated Site.



2. 111 Essex Street and 142-44 Kansas Street (Block 76, Lots 45, 7.03)

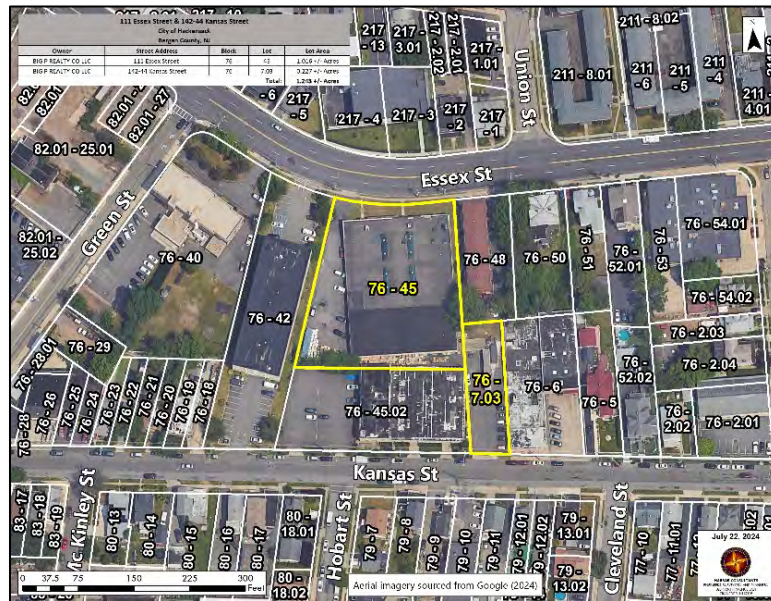


Figure D – Aerial Map of 111 Essex Street and 142-44 Kansas Street

a. Criteria for Compliance Through a Municipally Sponsored Project

- i. The site associated with 111 Essex Street and 142 Kansas Street is located at Block 76, Lot 45 and Block 76, Lot 7.03, respectively, on the Hackensack Tax Map.⁸ Lot 45 has an area of approximately 1.016 AC, and Lot 7.03 has an area of approximately 0.227 AC, totaling to an area of approximately 1.243 AC for the site. Lot 45 has approximately 150 feet of street frontage at 111 Essex Street, and Lot 7.03 is a narrower lot, adjacent and diagonally southeast of Lot 45, with approximately 50 feet of street frontage at 142-144 Kansas Street. Lot 45 currently has a one-story industrial building occupying most of the lot that will be demolished to accommodate the proposed multi-family building. Lot 7.03 is currently vacant and will be used for access and parking on the site.
- ii. According to the Second Amendment to the Settlement Agreement, “NRP Group is proposing a 68-unit, 100% affordable, family rental project within the City’s Inclusionary Overlay Zone at 111 Essex Street,” of which 68 units will be applied to City’s 201-unit Prior Round (Second Round) obligation.
- iii. The City and the Redeveloper, NRP Holdings, LLC., will be working together on a Redevelopment Agreement for the project. According to the Second Amendment to the Settlement Agreement, “The City is currently undergoing the Redevelopment process for this project, and will enter into a

⁸ New City tax maps were adopted by the New Jersey Division of Taxation on October 25, 2022, which revised the Block and Lot numbering system throughout the City. The former Block and Lot numbers have been kept for the purposes of maintaining consistency with the language of all Court-approved documentation relating to the City’s affordable housing obligation.

Redeveloper's Agreement with NRP Group and support NRP Group's funding applications for at least two years of funding cycles." The affordable units will be subject to the requirements of the City's Affordable Housing Ordinance, the terms of the FSHC Settlement Agreement, as amended, and the Uniform Housing Affordability Controls (UHAC).

- iv. Site Control. Both Block 76, Lot 45 and Block 76, Lot 7.03 are under contract by NRP Holdings, LLC.
- v. Proforma and Construction Schedule. A proforma and implementation timeline will be provided as the project moves forward.
- vi. Administrative Agent. A Redevelopment Plan was prepared for 111 Essex Street and 142-44 Kansas Street, dated March 2024 (see *Appendix Z.1*), and was adopted by Ordinance No. 08-2024 on March 19, 2024 (see *Appendix Z.2*). The City will also enter into a Redevelopment Agreement which stipulates the redeveloper of the project to establish an administrative mechanism by hiring an Administrative Agent to ensure that all applicants for the project are properly income qualified in compliance with the Uniform Housing Affordability Controls Rules, N.J.A.C. 5:80-26.1 et seq. On September 11, 2024, the Planning Board of the City of Hackensack adopted a resolution approving the 111 Essex Street and 142-44 Kansas Street site plan and variance application (see *Appendix Z.3*).

b. Site Suitability

The site for this municipally sponsored project is available, approvable, developable, and suitable. The proposed 68-unit project at 111 Essex Street and 142-44 Kansas Street complies with N.J.A.C. 5:93-5.6 that requires all new construction sites to be available, approvable, developable, and suitable. This consistency is demonstrated as follows:

- i. There are no known encumbrances that would prohibit or otherwise effect the development of the property in general.
- ii. The site has access to appropriate streets and is adjacent to compatible land uses. The lots are in the City's IO-1 inclusionary overlay zone, which permits residential densities of between 35 and 50 units per acre, with a minimum affordable housing set-aside of 10%. Surrounding the property are single-family and low-rise multi-family residences and low-rise office and professional uses. There is bus service a short distance away on both Essex Street and State Street, with service between Westwood and New York City, between Hackensack and Newark, between Hackensack and Willowbrook Mall, between Passaic and Englewood Hospital and between New Milford and the American Dream shopping mall. In addition, the Essex Street train station, served by NJ Transit's Pascack Valley Line, is less than a quarter-mile away.



- iii. The site has access to water infrastructure and is located in a sewer service area.
- iv. It is anticipated the site can be developed consistent with the parking standards established within the Redevelopment Plan.
- v. The site location is consistent with the adopted State Development and Redevelopment Plan. It is located in Planning Area 1, where redevelopment and the provision of affordable housing are encouraged.
- vi. Per NJDEP mapping, there are no freshwater wetlands located on any portion of the site.
- vii. Per FEMA floodplain mapping, the site is not located within a flood hazard area.
- viii. There are no steep slopes on the site.
- ix. Per NJDEP mapping, the site is not covered by critical habitat.
- x. Per NJDEP mapping, the site is not located within 300 feet of a currently designated Category One waterbody.
- xi. Per NJDEP, the site is not a Known Contaminated Site.

3. 251 West Railroad Avenue Family Apartments (Block 356, Lot 1)



Figure E – Aerial of 251 West Railroad Avenue

Greater Bergen Community Action is proposing a maximum 24-unit, 100% affordable family rental project at 251 West Railroad Avenue (Block 356, Lot 1). According to the Master's Report on the Second Amended Settlement Agreement, dated April 4, 2024, "The City has adopted a Redevelopment Plan for this project, which was first included in the 2020 Settlement Agreement, and is supporting Greater Bergen Community Action in their application for funding for an additional two years. If the project does not receive funding by July 1, 2026, the City will remove its support from the project."

a. *Criteria for Compliance Through a Municipally Sponsored Project*

- i. 251 West Railroad Ave is located at Block 356, Lot 1 on the Hackensack Tax Map.⁹ The lot is a rectangular shape is approximately +/- 26,000 SF (0.5969 AC) with frontage on Railroad Place, Railroad Avenue, Clay Street and Central Avenue. There is approximately 520 feet of frontage on Railroad Place and West Railroad Avenue, and 50 feet of frontage on Central Avenue and Clay Street. The property is in the R-2 Single and Two-Family Residential Zone. The property is currently developed with a Municipal Parking Lot and swing-set located along Clay Street. Greater Bergen Community Action is evaluating the possibility of developing a 24-unit 100% affordable project.
- ii. Site Control. The City owns Block 356, Lot 1.

⁹ New City tax maps were adopted by the New Jersey Division of Taxation on October 25, 2022, which revised the Block and Lot numbering system throughout the City. The former Block and Lot numbers have been kept for the purposes of maintaining consistency with the language of all Court-approved documentation relating to the City's affordable housing obligation.



- iii. An Administrative Mechanism. As the project moves forward, the City will enter into a developers agreement which stipulates the redeveloper of the project to establish an administrative mechanism to ensure that all applicants for the project are properly income qualified in compliance with the Uniform Housing Affordability Controls Rules, N.J.A.C. 5:80-26.1 et seq.
- iv. Proforma and Construction Schedule. A proforma and construction schedule will be provided as the project moves forward.
- v. Resolution to Bond. The City adopted a resolution of intent to bond on January 26, 2021, which is attached as *Appendix L* to this Plan.
- vi. Construction Schedule. No Construction schedule is currently available.

b. Site Suitability

The site for the municipally sponsored project is available, approvable, developable, and suitable. The proposed project complies with N.J.A.C. 5:93-5.5 that requires all new construction sites to be available, approvable, developable, and suitable. This consistency is demonstrated as follows:

- i. There is 20-foot-wide utility easement owned by PSE&G which traverses the property between Railroad Place and Railroad Avenue approximately +/- 35 feet north of Central Avenue. It is anticipated that this project can be developed while maintaining this easement. The City may need to address a title issue via a quiet title action in order to provide clear title to this property.
- ii. The site has access to appropriate streets and is adjacent to compatible land uses. In terms of setting, the property is located along Railroad place which is comprised mostly of residential and low-rise commercial uses. Central Avenue provides access to two bus stops and there is a multi-family apartment building across from the site at the corner of Central and Railroad Place. West Railroad Avenue is an Urban Major Collector roadway.
- iii. The site has access to water infrastructure and is located in a sewer service area (see *Appendix U.2*).
- iv. It is anticipated the site can be developed with the appropriate number of parking spaces, but close proximity to mass transit will allow for some flexibility with the number of spaces provided.
- v. The site location is consistent with the adopted State Development and Redevelopment Plan. It is located in Planning Area 1 where development is encouraged.
- vi. Per NJDEP mapping, there are no freshwater wetlands located on any portion of the site.

- vii. Per FEMA floodplain mapping, there is no floodplain on the site.
- viii. There are slopes in excess of 15 percent on a +/- 3,996.89 SF portion of the site fronting on West Railroad Avenue, resulting a net developable area of +/- 22,004.07 SF.

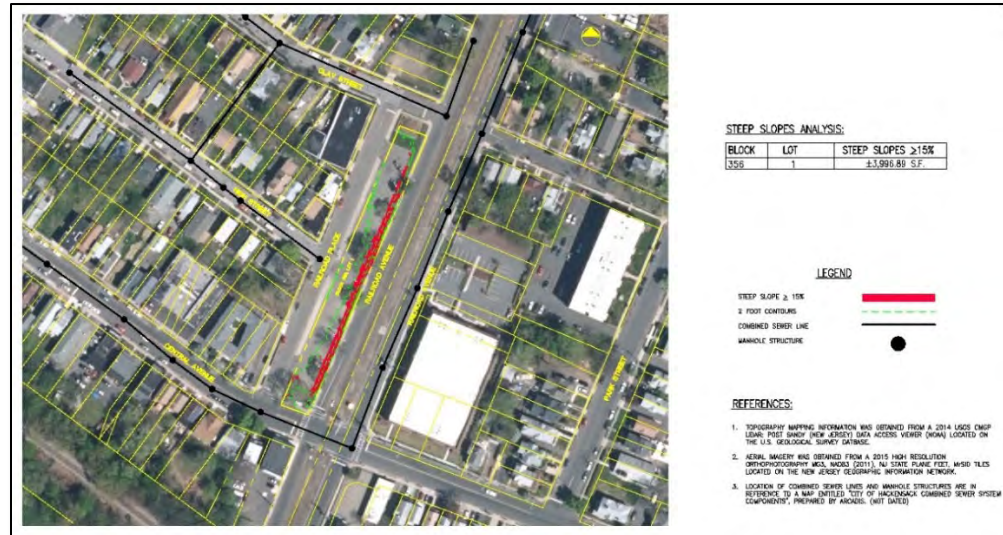


Figure F – Steep Slopes Map for 251 West Railroad Avenue

- ix. Per NJDEP mapping, the site is not covered by critical habitat.
- x. Per NJDEP mapping, the site is not located within 300 feet of a currently designated Category One waterbody.
- xi. Per NJDEP, the site is not a Known Contaminated Site.



Other Sites and Projects Offered for Consideration

The City is also considering additional development of affordable units from the following projects, as outlined below. The following provides a brief description and site suitability analysis of these sites.

1. **Housing Authority of Bergen County (“HABC”) (10 Lodi Street Rear, 18 Lodi Street, 147-153 Hudson Street, 155 Hudson Street, 3-7 Jackson Avenue (Block 58, Lots 1.02, 3, 4, 5, 19.02, 36, and 39))**

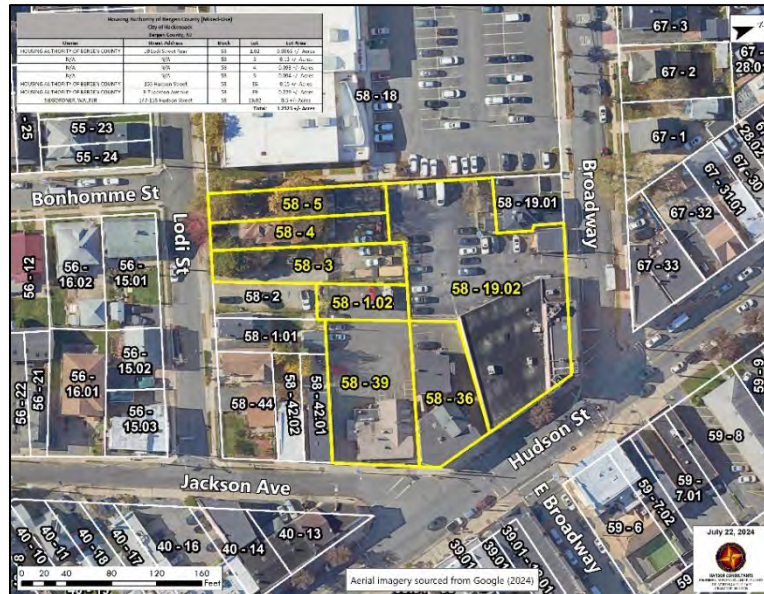


Figure G – Aerial of HABC Proposed Site (Block 58, Lots 1.02, 3, 4, 5, 19.02, 36, and 39)

HABC is proposing a mixed-use, 100% affordable project along Hudson Street, which, as of the date of this Plan, continues to be in its due diligence period. Should the City choose to support this project, it will enter into a Memorandum of Understanding with HABC and support the project's application for 9% LIHTC tax credits for at least two years of funding cycles.

a. **Criteria for Compliance Through a Municipally Sponsored Project**

- i. The site is comprised of seven (7) parcels on the City of Hackensack Tax Map known as Block 58, Lots 1.02, 3, 4, 5, 19.02, 36, and 39.¹⁰ HABC has acquired all the above-listed blocks and lots and is still in the process of acquiring an additional parcel for the project. Lot 3 has approximately 28 feet of frontage on Lodi Street, Lot 4 has approximately 24.5 feet of frontage on Lodi Street, Lot 5 has approximately 26 feet of frontage on Lodi Street, Lot 19.02 has approximately 135 feet of frontage on

¹⁰ New City tax maps were adopted by the New Jersey Division of Taxation on October 25, 2022, which revised the Block and Lot numbering system throughout the City. The former Block and Lot numbers have been kept for the purposes of maintaining consistency with the language of all Court-approved documentation relating to the City's affordable housing obligation.

Broadway and approximately 89.5 feet of frontage on Hudson Street, Lot 36 has approximately 53.7 feet of frontage on Hudson Street and 18.5 feet of frontage on Jackson Avenue, and Lot 39 has approximately 77.6 feet of frontage on Jackson Avenue. The site is located in the B-3 General Business Zone. Located closely east to site is the R-2 One- and Two-Family Zone. Hudson Street is comprised of business and retail uses. The size and scope of the project has not been determined yet.

- ii. Site Control, Administrative Mechanism, Proforma and Construction Schedule. The City remains supportive of the efforts to develop this project but does not have specific information regarding site control, proforma, or construction schedule.
- iii. Resolution to Bond. The City adopted a resolution of intent to bond on January 26, 2021 which is attached as *Appendix L* to this Plan.

b. Site Suitability

The site for this municipally sponsored project is available, approvable, developable, and suitable. The proposed project complies with N.J.A.C. 5:93-5.5 that requires all new construction sites to be available, approvable, developable and suitable. This consistency is demonstrated as follows:

- i. There are no known encumbrances that would prohibit or otherwise effect the development of the property in general. If the development moves forward a title report will be requested for review by the City.
- ii. The site has access to appropriate streets and is adjacent to compatible land uses. In terms of setting, the property is located along Hudson Street, Jackson Avenue Lodi Street, and Broadway, which are comprised mostly of residential uses and low-rise commercial uses. Hudson Street provides access to two bus stops and commercial uses. Lodi Street is an Urban Major Collector roadway.
- iii. The subject site is in the B-3 Zone and the R-2 Zone.
- iv. The site has access to water infrastructure and is located in a sewer service area.
- v. It is anticipated the site can be developed with the appropriate number of parking spaces, but close proximity to mass transit will allow for some flexibility with the number of spaces provided.
- vi. The site location is consistent with the adopted State Development and Redevelopment Plan. It is located in Planning Area 1 where development is encouraged.
- vii. Per NJDEP mapping, there are no freshwater wetlands located on any portion of the site.



- viii. Per FEMA floodplain mapping, the site is in the 1% Annual Chance of Flood Hazard zone.
- ix. There are no steep slopes in excess of 15% on the site.
- x. Per NJDEP mapping, the site is not covered by critical habitat.
- xi. Per NJDEP mapping, the site is not located within 300 feet of a currently designated Category One waterbody.
- xii. Per NJDEP, the site is not a Known Contaminated Site.

D. NON-INCLUSIONARY HOUSING REQUIREMENTS

Regarding projects used to satisfy the City's Third Round affordable housing obligations, the Settlement Agreement, as amended, sets forth requirements for providing evidence that the City has "adequate and stable funding for any non-inclusionary affordable housing developments" in accordance with N.J.A.C. 5:93-5.5. Per the Settlement Agreement, "The municipality is required to provide a pro forma of both total development costs and sources of funds and documentation of the funding available to the municipality and/or project sponsor, and any applications still pending. In the case where an application for outside funding is still pending, the municipality shall provide a stable alternative source in the event that the funding request is not approved."

The Settlement Agreement, as amended, establishes that the City meets this obligation by intending to fund a project with nine percent (9%) tax credits, if such funding is applicable to the particular project. In the event that none of the projects specified above are able to secure nine percent (9%) tax credits within the parameters set forth above, the City may utilize other available funds, including four percent (4%) tax credits, alternative funding sources, and bonding for the project(s) that have not secured funding, or secure redevelopment agreements.

Additionally, the Settlement Agreement, as amended, establishes that "In accordance with N.J.A.C. 5:93-5.5, for non-inclusionary developments, a construction or implementation schedule, or timetable, shall be submitted for each step in the development process, including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction. The municipality shall indicate the entity responsible for undertaking and monitoring the construction and overall development activity. The City will choose a project and developer of that project, and will provide a proposed Construction Schedule and Pro Forma for the proposed project." The status of the pro forma and construction schedule for each proposed municipally sponsored, 100% affordable project is listed under the project's corresponding description in Section C above.

E. INCLUSIONARY OVERLAY ZONING

The City will continue its commitment to providing affordable housing through the implementation of the IO-1 Inclusionary Overlay Zone, which is broken into the IO-1A, IO-1B, and IO-1C sub-zone areas based on geographic location. The overlay ordinance was deemed consistent with the City's

Master Plan by the Planning Board on January 13, 2021 and was adopted by the City Council January 26, 2021, as Ordinance 02-2021 (see *Appendix G.1*). The IO-1 Inclusionary Overlay Zone, under Article IX, Section 175-9.1 of the Hackensack Zoning Code, provides that “the IO-1A, 1B, and 1C sub-zone districts shall both permit mixed commercial/residential development (except that mixed commercial/residential is prohibited east of Railroad Avenue in the IO-1C sub-zone) or sole-use multi-family residential development meeting the use, bulk, and design standards contained hereinafter provided that at least 10% of all residential units created pursuant to the overlay zone standards shall be set aside for low- and moderate-income households as provided for elsewhere in this ordinance.” The overlay zone provides an alternative to the underlying zone districts’ regulatory provisions, which are and shall remain in force.

Additionally, Section 175-7.5, “Affordable Housing Requirements Applicability for all Zoning Districts & Redevelopment Areas,” was amended to include the following mandatory set-aside language: “development on a property located within the boundaries of the Inclusionary Overlay Zoning District (IO-1, or its sub-zones IO-1A, 1B, or 1C) shall be subject to a 10% affordable housing set-aside requirement consistent with the requirements of that overlay zone (see §175-9.1), regardless of whether the development is intended to comply with the standards of the Overlay Zoning District or the underlying districts” (see *Appendix G.2*). This Amendment was adopted by the City Council in early 2022.

F. REDEVELOPMENT SITES GENERATING AFFORDABLE HOUSING

The City has adopted a Redevelopment Plan for the Parking Lot T property. The Plan was introduced on April 20, 2021 and adopted by Ordinance No. 21-2021 at the May 20, 2021 City Council meeting. The Plan permits up to 268 units, and requires that a “minimum of 60 affordable housing units shall be constructed on site as part of the project.” More specifically, Section 4.E. on page 7 of the Redevelopment Plan stipulates that “The developer shall construct a minimum of sixty (60), or 20% of the total units as UHAC qualified affordable housing units within the development to assist the City in meeting its affordable housing obligations.” An amendment to the Redevelopment Plan, dated February 2022, was adopted by Ordinance No. 06-2022 at the February 22, 2022 Council meeting. The amended Plan contains additional affordable housing requirements, including but not limited to, very-low-income unit requirements, phasing, income/bedroom distribution requirements, integration, access to amenities, and deed restriction requirements. The updated affordable housing language included in the amended Redevelopment Plan is included in *Appendix P.1*.

On February 8, 2023, the Planning Board of the City of Hackensack granted preliminary and final site plan, minor subdivision and variance approvals for the application concerning 70 Trinity Place located in the Lot “T” Redevelopment Area by resolution (see *Appendix P.4*).

The City and the Redeveloper, Meridia Hackensack 70, Urban Renewal LLC, entered into a Redevelopment Agreement on April 20, 2023 (see *Appendix P.3*). The affordable units will be subject to the requirements of the City’s Affordable Housing Ordinance, the terms of the FSHC Settlement Agreement, as amended, and the Uniform Housing Affordability Controls (“UHAC”).

Additionally, the City has adopted a Redevelopment Plan for the 1 Essex Street site (Block 66, Lots 26-30, 38, 41, 43, 45 & 48). The Redevelopment Plan was adopted by Ordinance No. 33-2024 at the September 10, 2024 City Council meeting (see *Appendix BB.2*). The Plan permits up to 250



units, and requires that “at least 10% [or 25 units] of all residential units created pursuant to the redevelopment plan standards shall be set aside for low and moderate income households consistent with the requirements of Chapter 45A, ‘Affordable Housing’ or any superseding section of the City’s regulatory code and all applicable superseding State and Federal statutes and regulations including the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq. (with the exception that very-low income units shall comprise at least 13% of affordable units and be affordable for households earning 30% of regional median income) and COAH regulations at N.J.A.C. 5:93-1 et seq.”

The Planning Board of the City of Hackensack granted preliminary and final site plan approval and lot consolidation for the application concerning 1 Essex Street by resolution on February 12, 2025 (see *Appendix BB.3*). The project shall be subject to all UHAC regulations as amended and adopted at the start of the Fourth Round.

In accordance with its Court-approved Third Round Settlement Agreement with FSHC, as amended, if the City is unable to move forward for any reason with any of the proposed mechanisms set forth above to satisfy its Prior Round obligation, the City shall adopt a Redevelopment Plan for an appropriate portion of the area known as the IO-1 Zone, or for another site outside of the IO-1 zone that will allow densities of 35-50 units/acre and a ten (10) percent affordable housing set aside without a residency preference for Hackensack residents.

G. AFFORDABLE HOUSING ORDINANCE AND AFFIRMATIVE MARKETING PLAN

As part of the Third Round, the City adopted a new Affordable Housing Ordinance and prepared an Affirmative Marketing Plan that is applicable to all new and existing affordable housing created within Hackensack. The Affordable Housing Ordinance was adopted on December 22, 2020 (see *Appendix H.1*) prior to the Compliance Hearing with the Court as Ordinance No. 51-2020, which was subsequently amended by Ordinance No. 27-2021, adopted on June 15, 2021 (see *Appendix H.2*), to reflect recommendations by the Special Master. The Court approved the City’s Affordable Housing Ordinance in its Conditional JOR, which was entered on April 22, 2022. The Affordable Housing Ordinance was subsequently amended by Ordinance No. 25-2022, which was adopted on May 24, 2022 (see *Appendix H.3*). An Affirmative Marketing Plan was adopted by City Council Resolution No. 37-21 on January 26, 2021, and was subsequently revised in accordance with the requirements set forth in the Master’s Report prepared for the 2022 Compliance Hearing. The revised Affirmative Marketing Plan was adopted by City Council Resolution No. 416-24 on December 10, 2024 and is included as *Appendix I* to this Plan. The City will prepare an updated Affirmative Marketing Plan for the Fourth Round as necessary.

On January 26, 2022, the City advertised a Request for Proposals and Qualifications in order to select a qualified affordable housing administrator to act as the Administrative Agent to manage the affordability controls and the affirmative marketing plan. Resolution 490-21 authorizing the issuance of Requests for Proposals and Qualifications was passed on December 7, 2021. The City Council adopted Resolution No. 211-22 on April 26, 2022, which appointed Triad Advisory Services as the City’s Affordable Housing Administrative Agent (see *Appendix O.1*). A professional service agreement between Triad Advisory Services and the City of Hackensack, dated May 16, 2022, is contained in *Appendix O.2*. At the time of this Plan’s preparation, Triad Advisory Services remains as the City’s Affordable Housing Administrative Agent.

The City has also appointed Albert Dib as the Municipal Housing Liaison to be responsible for oversight and/or administration of affordable units created within the City, which was passed by Resolution 49-21 on January 26, 2021, and is included as *Appendix N* to this Plan. At the time of this Plan's preparation, Albert Dib remains as the City's Municipal Housing Liaison.

H. DEVELOPMENT FEE ORDINANCE AND SPENDING PLAN

Respective to the Third Round, the City prepared an amended Development Fee Ordinance ("DFO") prior to the Compliance Hearing with the Court, which was adopted as Ordinance No. 52-2020 on December 22, 2020 (see *Appendix J.1*). The Court approved the City's amended Development Fee Ordinance by Consent Order, dated December 13, 2021, which is included in the *Appendix J.2* of this Plan. The DFO was amended and re-adopted by the City Council in February 2022 prior to the Compliance Hearing held on March 29, 2022 (see *Appendix J.3*).

The City has prepared an updated Spending Plan for the Fourth Round (see *Appendix F*). The Spending Plan outlines the anticipated collection and distribution of mandatory development fees and in lieu contributions and the City's proposals for spending the money that comes into the Affordable Housing Trust Fund. The City understands that no funds may be expended for mechanisms not already approved by the Court to implement the City's Third Round Plan without the Court's approval of the Fourth Round Spending Plan. The approved Third Round Spending Plan included an earmarking of funds set-aside as a means to account for a portion of the remaining 133-unit Third Round Rehabilitation obligation, which is to be rehabilitated through the Bergen County Home Improvement program, in the case municipal financial assistance is required or requested by the County. The City will continue to rely on the County HIP for its Rehabilitation obligation. The Third Round Spending Plan also earmarked funds toward the three (3) municipally sponsored 100% affordable housing projects listed in this Plan and the Second Amendment to the Settlement Agreement: 60 Kansas Street (Block 66, Lot 17), 111 Essex Street and 142-44 Kansas Street (Block 76, Lots 45, 7.03), and 251 West Railroad Avenue (Block 356, Lot 1). Separate from the implementation of the Third Round Spending Plan, the Spending Plan prepared for the Fourth Round sets aside projected affordable housing funds accrued from July 1, 2025 – June 30, 2035 towards Fourth Round projects, inclusive of rehabilitation projects and the costs associated with the new construction of affordable units. Finally, the City will expend funds for affordability assistance and administration.

The City's Affordability Assistance Manual has been prepared and adopted as part of Third Round, and is attached as *Appendix K*. The manual details four (4) programs: 1. Down Payment and/or Closing Cost Assistance, 2. Emergency Repairs, 3. First Month's Rent, and 4. Creation of Additional Very-Low-Income Units. All applicants selected for affordability assistance must be income certified and currently residing in an affordable unit in Hackensack as their primary residence. The City will prepare an updated Affordability Assistance Manual for the Fourth Round as necessary.

The down payment assistance/closing cost assistance program will have a mortgage and note in favor of the City with the following terms – "*the loan principal is forgiven at 10% per year for a period of 10 years and is secured by a second mortgage and note.*" The remaining programs are grants, therefore no repayment is necessary. The Emergency Repairs program will assist owners of low-and-moderate income units to make emergency related repairs of at least \$1,000. The procedure and forms are located in the manual under *Appendix K* of this report.



I. CONCLUSION

In summary, the following map provides a visual depiction of all affordable mechanisms that are existing or proposed within the City of Hackensack.

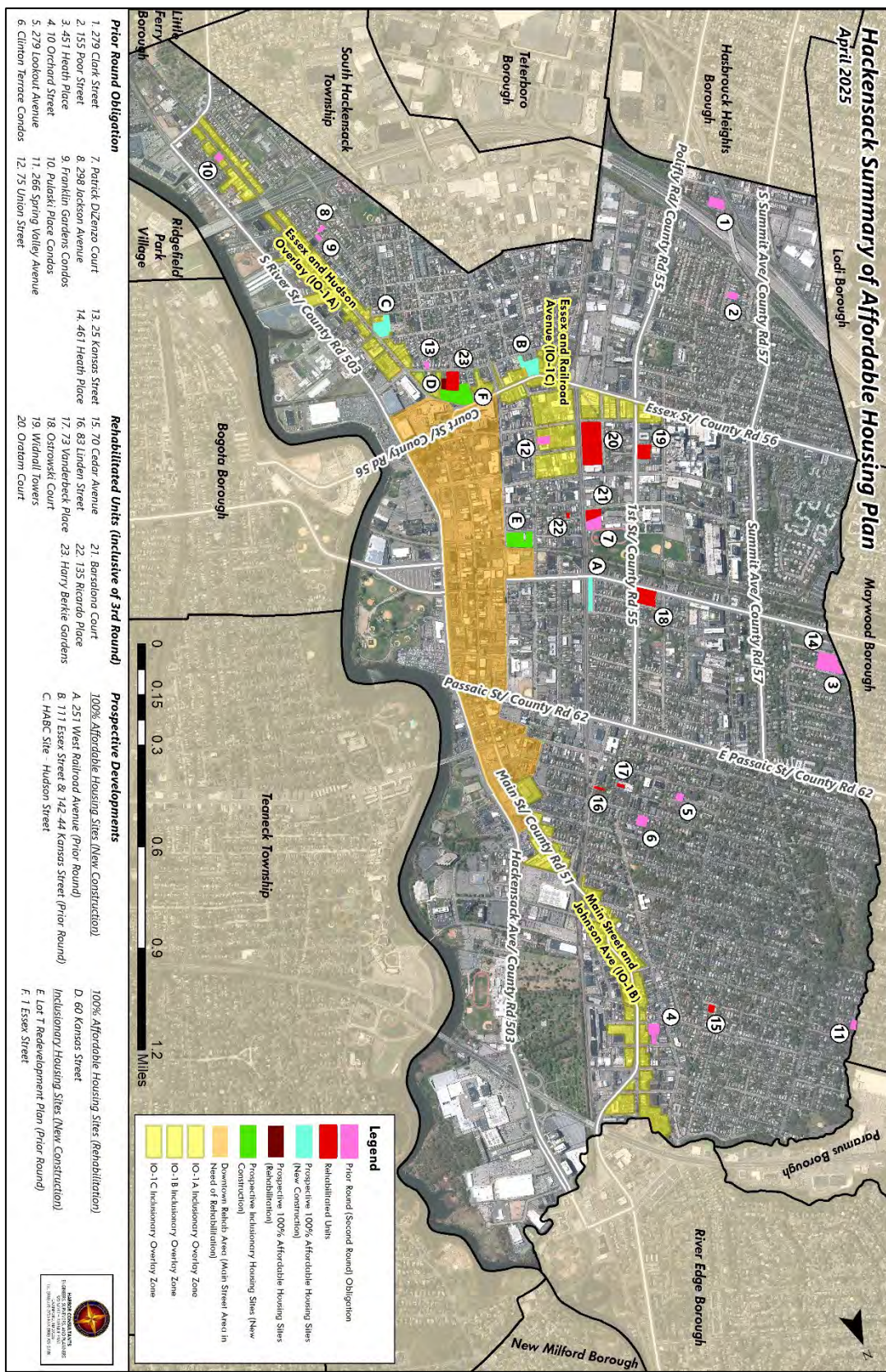


Figure H – Map of All Affordability Mechanisms in the City of Hackensack



IV. APPENDICES