

Amended 2025 Housing Element & Fair Share Plan

Township of Mahwah

February 12, 2026

Prepared for:

Township of Mahwah

Prepared by:

Darlene A. Green, PP, AICP
License No. 33LI00611400

Colliers Engineering & Design
Shelbourne at Hunterdon
53 Frontage Road, Suite 110
Hampton, New Jersey 08827

Main: 908.238.0900
Colliersengineering.com

Amended 2025 Housing Element & Fair Share Plan

Township of Mahwah

Bergen County, New Jersey

Adopted by the Planning Board: March 9, 2026

Endorsed by the Council: March 12, 2026

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

MWT-011S

Table of Contents

I. Introduction.....	1
II. Content of Housing Element.....	9
III. Mahwah’s Population Demographics	12
IV. Mahwah’s Housing Demographics.....	17
V. Mahwah’s Employment Demographics	23
VI. Projection of Housing Stock	27
VII. Capacity for Fair Share	30
VIII. Multigenerational Family Continuity Evaluation.....	40
IX. State Development & Redevelopment Plan Consistency.....	41
X. Fair Share Plan	42
XI. Mahwah’s Affordable Housing Obligation.....	45
XII. Mechanisms & Credits	50
XIII. Implementation Schedule	95
XIV. Implementing Documents.....	98
XV. Highlands Regional Master Plan Compliance	99
XVI. Appendix.....	110

I. Introduction

According to the New Jersey Fair Housing Act, a Housing Plan Element shall be designed to meet the municipality's fair share of its region's present and prospective housing needs, with particular attention to low- and moderate-income housing.

Affordable housing in New Jersey has a long, convoluted history dating back to 1975, when the New Jersey Supreme Court ruled that municipalities could not use their power to zone to exclude the region's low- and moderate-income households. This landmark decision is commonly referred to as Mount Laurel I, as the defendant was the Township of Mount Laurel. In 1983 the New Jersey Supreme Court decided what is commonly referred to as Mount Laurel II, wherein the Supreme Court created a quota system for growing municipalities and invented the "Builder's Remedy" as an enforcement mechanism. In response to the court decisions, the Fair Housing Act ("FHA") was adopted in 1985, which provided an administrative process for municipal compliance. The FHA also created the Council on Affordable Housing ("COAH"), which was responsible for promulgating municipal obligations, adopting regulations, and administering the compliance process. The first round of affordable housing spanned from 1987 to 1993. This was followed by the second round from 1993 to 1999.

The third round of affordable housing commenced in 1999, but COAH failed to establish new affordable housing obligations. Several lawsuits were filed between 2008 and 2015 regarding the obligation. Ultimately, on March 10, 2015, the Supreme Court ruled that COAH failed to act and as a result, the Courts assumed jurisdiction over the Fair Housing Act. The decision and accompanying Order divided municipalities into one of three categories – those that achieved Third Round Substantive Certification, those that filed or petitioned COAH and those that had never participated in the COAH process.

The transitional process created by the Supreme Court tracked the Fair Housing Act procedures for compliance. In this regard, the process permitted municipalities to file a Declaratory Judgment Action during a 30-day window between June 8 and July 8, 2015, that sought an adjudication as to their fair share. This would enable the municipality to comply voluntarily with its constitutional obligation to provide a realistic opportunity for the construction of its fair share of the regions' low- and moderate-income households.

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

Between 2015 and 2024, towns that elected to voluntarily comply with their constitutional obligation participated in mediation sessions, reached settlement agreements, adopted Housing Element and Fair Share Reports, and most towns concluded the process with a judgment of repose and compliance. As a result of COAH's inability to function, the third round period spanned from 1999 to 2025.

Then, on March 20, 2024, Governor Murphy signed legislation that dramatically modified the State's affordable housing regulations. The 75-page bill, known as A4, abolished COAH, modified the process of affordable housing compliance, amended bonus credits, and, among other changes, set forth several important deadlines. P.L. 2024, c.2 ("Amended FHA") charged the Department of Community Affairs ("DCA") with the preparation of fourth round obligations and set forth aggressive timelines for compliance. In October of 2024, DCA published a report on its calculations of regional need and municipal present (Rehabilitation Obligation) and prospective (Fourth Round Obligation) fair share obligations. The Report is entitled "Affordable Housing Obligation of 2025-2035 (Fourth Round) Methodology and Background". The DCA calculated Mahwah's present need obligation as 36 and its prospective need obligation as 629. Municipalities were required to adopt a binding resolution outlining their present and prospective fair share obligations by January 31, 2025. On January 29, 2025, the Township Council adopted Resolution #091-25 accepting the DCA's calculations of the Township's present need obligation, but providing an alternative prospective obligation of 444, subject to vacant land, durational, and/or Highlands build-out adjustment. The Township of Mahwah also filed a Complaint for Declaratory Relief on January 30, 2025 as part of the compliance certification process outlined in the Director of the Administrative Office of the Courts Directive #14-24.

During the 30-day challenge window, four challenges were received from the New Jersey Builder's Association ("NJBA"), Mahwah Town Center Redevelopers ("MTCR"), Kenneth F. Cerullo, Esq. (an attorney who is a resident of Mahwah), and Fair Share Housing Center ("FSHC"). The Township mediated with FSHC, which resulted with the Township agreeing to a present need obligation of 36 units and a prospective need obligation of 495. NJBA, MTCR, and Mr. Cerullo indicated they would not object to these obligations. As a result, the Township Council adopted Resolution #159-25 on March 24, 2025, which commits to a present need obligation of 36 and a prospective need obligation of 495. A "Decision and Order" was entered on May 13, 2025 fixing the Fourth Round Obligation at 495.

This is the Township of Mahwah's Housing Element and Fair Share Plan ("HEFSP") for the period between 2025 and 2035, known as the Fourth Round. Mahwah seeks to voluntarily comply with its constitutional obligation to provide a realistic opportunity for affordable housing. This HEFSP is prepared utilizing the Prior Round Rules¹ and the amendments implemented in P.L. 2024, c.2. Each municipality in the State has a four-part obligation:

1. Rehabilitation Obligation
2. Prior (First and Second Round) Obligations (1987-1999)
3. Third Round Obligation (1999 - 2025)
4. Fourth Round Obligation (2025-2035)

¹ NJAC 5:91 (Procedural) and NJAC 5:93 (Substantive) Rules. They can be found at: [New Jersey Department of Community Affairs | Second Round Regulations](#)

Affordable Housing History

The Township of Mahwah has been active in all four rounds of affordable housing. A summary of Mahwah's historic affordable housing timeline is included below:

- **August 1, 1984** | Mahwah received a Judgment of Compliance and Repose from Judge Smith for the First Round.
- **December 11, 1995** | Mahwah adopted a 1987-1999 HEFSP for the Second Round and filed the plan with COAH without a petition.
- **September 25, 1997** | Mahwah petitioned COAH for Second Round Substantive Certification.
- **July 1, 1998** | Mahwah received Second Round Substantive Certification.
- **June 7, 2010** | Mahwah petitioned COAH for Third Round Substantive Certification.
- **July 6, 2015** | Mahwah filed a Declaratory Judgment Action seeking to comply with its constitutional mandate to provide affordable housing in accordance with the March 10, 2015 New Jersey Supreme Court Order.
- **March 29, 2018** | Mahwah signed a Settlement Agreement with intervenors Crossroads Developers Associates and Garden Crossroads, LLC (collectively known as "Crossroads").
- **March 30, 2018** | Mahwah signed a Settlement Agreement with John Merrill.
- **June 8, 2018** | Mahwah signed a Settlement Agreement with FSHC (see Appendix A.).
- **July 12, 2018** | Preliminary Judgment of Compliance and Repose issued by Judge Farrington.
- **July 30, 2018** | Amended Preliminary Judgment of Compliance and Repose issued by Judge Farrington, which corrected minor errors in the initial document.
- **December 18, 2020** | Final Judgment of Compliance and Repose issued by Judge Farrington (see Appendix B).
- **March 29, 2022** | Township signed a Memorandum of Agreement with Monarch Development Company JV, LLC.
- **July 19, 2022** | Amended Memorandum of Agreement with Monarch Development Company JV, LLC executed.
- **October 11, 2022** | Mahwah signed an Amended Settlement Agreement with FSHC (see Appendix C).
- **November 10, 2022** | Mahwah signed an Amended Crossroads Project Settlement Agreement.
- **January 2023** | Municipal Actions Settlement Agreement with Rio Vista Mahwah Homeowners Association, Inc., Darlington Village Condominium Association, Inc., Township of Mahwah, and Fyke Brook Estates, LLC executed.

- **February 17, 2023** | Order Approving Amendments to Settlement Agreements Between the Township of Mahwah and FSHC and Crossroads issued by Judge Farrington.
- **July 19, 2023** | Order Resolving Location of Affordable Housing Units Associated With the Crossroads Project issued by Judge Farrington.
- **February 20, 2024** | MTCR issues a letter indicating that Monarch (the operator of a multi-level senior care facility) had been “dissolved and divested” and that “MTCR cannot proceed with the development of what is now an unfinanceable assisted living facility without an operator, and the parties cannot agree on an alternative inclusionary development on the property”.
- **May 30, 2024** | Mahwah files Motion for Relief from Settlement in relation to its Agreement with Monarch/MTCR.
- **June 2024** | MTCR files Cross Motion for Relief from the same agreement noted above.
- **June 28, 2024** | Order issued by Judge Farrington granting the Township’s Motion for Relief from Settlement.
- **July 23, 2024** | Second Amendment to the Fair Share Housing Center Settlement Agreement executed (see Appendix D).
- **November 27, 2024** | Amended Final Judgment of Compliance and Repose issued by Judge Farrington (see Appendix E).
- **January 29, 2025** | Township Council adopted Resolution #091-25 Committing to Round 4 Present and Prospective Need Obligations (see Appendix F).
- **January 30, 2025** | Complaint for Declaratory Relief filed (see Appendix G).
- **February 26 – 28, 2025** | Challenges filed by NJBA, MTCR, Mr. Cerullo, and FSHC.
- **March 24, 2025** | Township Council adopted Resolution #159-25 Committing to Round 4 Present and Prospective Need Obligations in Agreement with FSHC (see Appendix H).
- **March 31, 2025** | Recommendation for “Decision and Order on Fair Share Obligation” entered by the Court on behalf of Program Member Bookbinder (see Appendix I).
- **May 13, 2025** | County Level Housing Judge Order entered (see Appendix PP).
- **June 23, 2025** | 2025 Housing Element & Fair Share Plan (“2025 HEFSP”) adopted by the Planning Board and endorsed by the Township Council. Additionally, the Township submitted its adopted 2025 HEFSP to the Affordable Housing Dispute Resolution Program via eCourts.
- **August 29, 2025** | SHG Franklin Lakes, LLC filed a challenge to the Township’s 2025 HEFSP.
- **August 30, 2025** | Fair Share Housing Center filed a challenge to the Township’s 2025 HEFSP.
- **August 31, 2025** | AvalonBay Communities, Inc. filed a challenge to the Township’s 2025 HEFSP.

- **September 2, 2025** | 500 Corporate Drive, LLC filed a challenge to the Township's 2025 HEFSP.
- **December 1, 2025** | Consent Order filed between Mahwah and 500 Corporate Drive, LLC indicating the parties are seeking to use the site consistent with the existing zoning.
- **December 12, 2025** | AvalonBay Communities, Inc. withdrew its challenge to the Township's 2025 HEFSP.
- **December 29, 2025** | Township approves Resolution #425-25 authorizing execution of a Mediation Agreement with FSHC (see Appendix SS).
- **February 2, 2026** | Project Settlement Recommendation – Housing Element and Fair Share Plan issued (see Appendix NN).

Municipal Summary

The Township of Mahwah is a suburban community located in the northwest corner of Bergen County in northern New Jersey. Mahwah is slightly over 26 square miles in size and is adjacent to the New York border. The Ramapo River flows through the Township's midsection in a northeasterly-southwesterly direction. Interstate 287, US State Highway Route 202, and New Jersey State Highway Route 17 all converge in the north-central part of the Township, just north of Ramapo College of New Jersey. Mahwah's train station along Ramapo Avenue provides access via the Main/Bergen County and Port Jervis Lines of New Jersey Transit to Hoboken and Newark and New York City via Secaucus Junction. Mahwah is most heavily developed on the eastern side of Interstate 287 ("I-287"), whereas the western portion of the Township is largely forested and contains the Ramapo Valley County Reservation area. The majority of lands west of I-287 are in the Highlands Preservation Area where development is severely limited, while all the land east of I-287 is in the Planning Area. See the map on page 6 for the locations of the Preservation and Planning Areas within Mahwah.

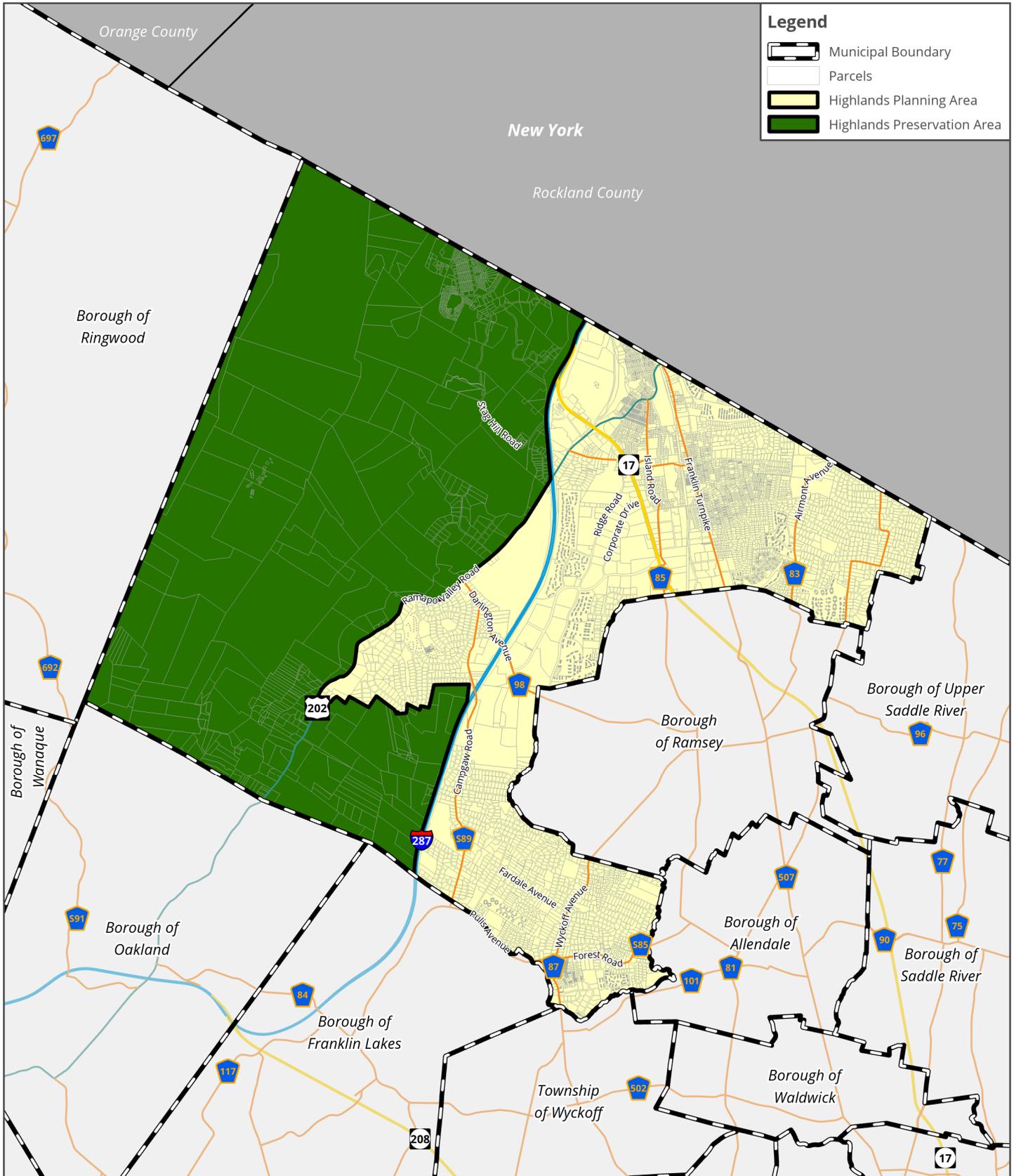
The Township of Mahwah is surrounded by Rockland County in New York to the north, the Boroughs of Upper Saddle River, Ramsey, and Allendale to the east, Township of Wyckoff and Townships of Franklin Lakes and Oakland to the south, and the Borough of Ringwood to the west. See the map on page 7.

Between 2010 and 2020, Mahwah's population decreased slightly by 1.6% from 25,890 in 2010 to 25,487 in 2020.² It should be noted that the 2023 American Community Survey ("ACS"), which is the most recent Survey available, estimates Mahwah's population at 25,375 residents, which represents a loss of 112 residents since the 2020 Census.³ The North Jersey Transportation Planning Authority ("NJTPA") projects that the Township will grow to 34,216 residents by the year 2050.⁴

² Information sourced from <https://data.census.gov/>, accessed May 19, 2025.

³ Ibid.

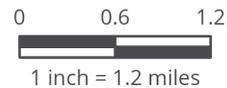
⁴ Information sourced from NJTPA Plan 2050, Appendix E, "Demographic Forecasts", <https://www.njtpa.org/plan2050>, accessed May 19, 2025.



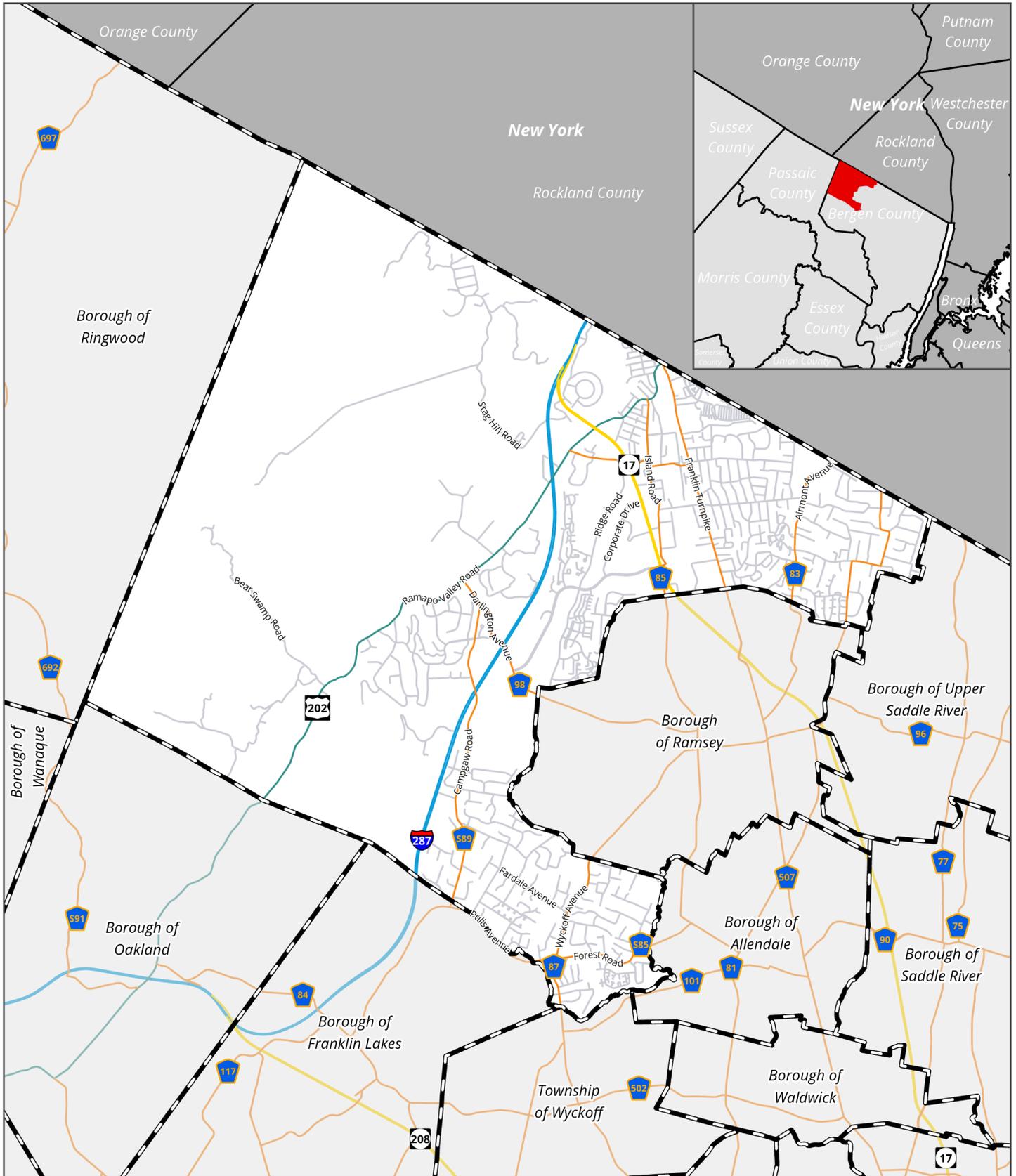
Legend

-  Municipal Boundary
-  Parcels
-  Highlands Planning Area
-  Highlands Preservation Area

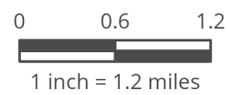
HIGHLANDS PLANNING & PRESERVATION AREAS
 TOWNSHIP OF MAHWAH
 BERGEN COUNTY, NEW JERSEY



This map was developed using GIS digital data from NJDEP, NJDOT, and NJGIN, but this secondary product has not been verified and is not state-authorized.



REGIONAL LOCATION
TOWNSHIP OF MAHWAH
BERGEN COUNTY, NEW JERSEY



This map was developed using GIS digital data from NJDEP, NJDOT, and NJGIN, but this secondary product has not been verified and is not state-authorized.

Affordable Housing Obligation

The Township of Mahwah has committed to a Rehabilitation Obligation of 36 units. The Township’s Prior Round Obligation (“PRO”), as confirmed by the 2018 FSHC Settlement Agreement (see Appendix A) is 350. Mahwah agreed to an 830-unit Third Round Obligation (“TRO”). Finally, the Township’s Fourth Round Obligation (“FRO”) is 495 (see Appendix H).

However, the Township is located within the Highlands Region and, in compliance with the Amended FHA, this Housing Element and Fair Share Plan incorporates the results of the Highlands Build-out analysis. The results of the build-out are in Chapter XI. However, the Township voluntarily increased the Highlands Build-out to 8 during mediation with FSHC.

The chart below illustrates the Township’s four-part obligation.

Affordable Housing Obligation

	Rehabilitation	Prior Round 1987 - 1999	Third Round 1999 - 2025	Fourth Round 2025 - 2035
Obligation	36	350	830	495
Modified Highlands Build-Out	--	--	--	8
Build-Out Unmet Need	--	--	--	487

Township Goal

It is the overall goal of the HEFSP, in combination with the Land Use Plan, to provide the planning context in which access to low- and moderate-income housing can be provided in accordance with the requirements of the Amended Fair Housing Act and the laws of the State of New Jersey, while respecting the character, scale, density, and utility constraints of the Township of Mahwah. Furthermore, the Township’s goal is to provide affordable housing compliant with the Highlands Regional Master Plan.

HOUSING ELEMENT

Township of Mahwah

II. Content of Housing Element

The Amended Fair Housing Act requires that “the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing”. As per the Municipal Land Use Law (“MLUL”), specifically NJSA 52:27D-310, a housing element must contain at least the following items:

- a. 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 conducting this inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. 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;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. 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 (C.52-27D-304.1);
- f. 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;
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multi-generational 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 (C.52D-329.20);
- h. 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 (C.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

- i. 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.

Chapters III. through IX. address a. through i. above except for the determination of the Township's affordable housing obligation (subsection e.) and the Highlands Council (subsection h.). Mahwah's four-part obligation is discussed in Chapter XI. Additionally, Mahwah is under the jurisdiction of the Highlands Council and, as a result, Chapter XV. is dedicated to Highlands Council compliance.

III. Mahwah’s Population Demographics

The Township of Mahwah’s population has seen steady growth since 1900. The population grew by over 50% in the 1900s, 1920s, and 1950s. Between 1940 and 2010, the Township grew by over 21,000 residents, or 662.5%, from 3,908 to 25,890. It should be noted that the Township’s population increased more than the average rate in the 1980s with 5,778 new residents, and in the 1990s with 6,157 new residents. However, in the 2010s, Mahwah’s population shrunk for the first time by 403 residents. The 2023 ACS estimates the population of Mahwah to be 25,375, which is 112 less than reported in the 2020 Census.

Population Growth

Year	Population	Change	Percent
1900	1,220	--	--
1910	1,881	661	54.2%
1920	2,081	200	10.6%
1930	3,536	1,455	69.9%
1940	3,908	372	10.5%
1950	4,880	972	24.9%
1960	7,376	2,496	51.1%
1970	10,800	3,424	46.4%
1980	12,127	1,327	12.3%
1990	17,905	5,778	47.6%
2000	24,062	6,157	34.4%
2010	25,890	1,828	7.6%
2020	25,487	-403	-1.6%

Source: Historical Population Trends in Bergen County, 1900-2020
<https://co.bergen.nj.us/planning-engineering-regional-planning-transportationdata-resources-and-technology/census-data>

The NJTPA projects that the Township’s population will grow to 34,216 residents by 2050 from their baseline 2015 population of 26,289. This represents an increase of 7,927 residents, or an average increase of approximately 226 residents annually over 35 years. However, as noted above, the Township’s estimated population according to the 2023 ACS is 25,487, which is 8,841 less residents than projected by the NJTPA. This translates to an average annual increase of approximately 327 residents over the next 27 years.

Population Projection

Year	Population	Change	Percent
2015	26,289	---	---
2020	25,487	-802	-3.1%
2050	34,216	8,729	34.2%

Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts,
<https://www.njtpa.org/plan2050>; 2020 Census Table P1

Age Distribution of Population

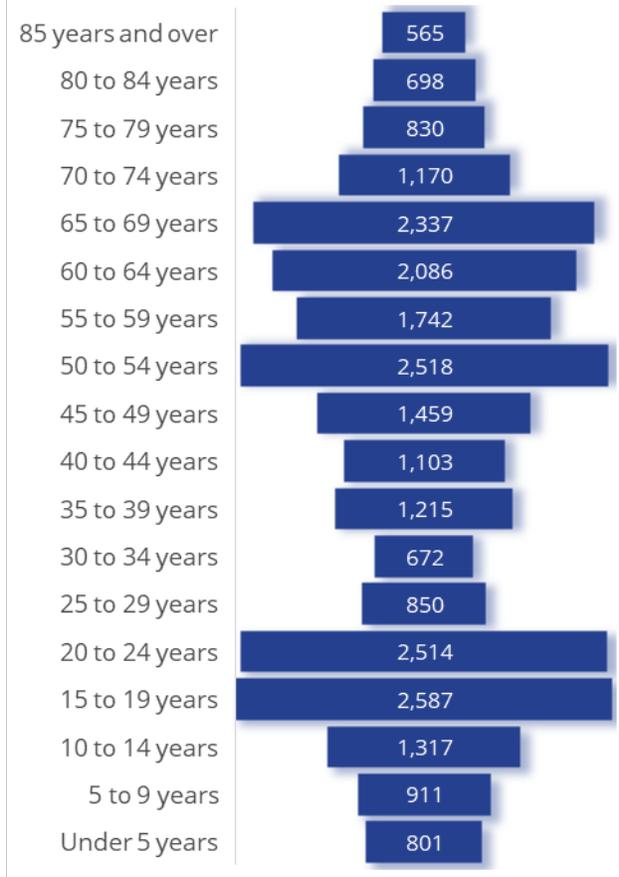
The 2023 ACS estimates 22.1% of Mahwah's population was 65 years or older (5,600) and 19 years or younger (5,616). The largest age cohort was estimated to be those aged 15 to 19 years, which comprised 10.2% (2,587) of the Township's population. Residents aged 50 to 54 years comprised the second-largest age cohort at 9.9% (2,518) of the population, followed closely by those aged 20 to 24 years also at 9.9% (2,514) of the population. The median age was estimated at 48.1 years in the 2023 ACS. See the table and chart below for further details.

Population by Age Cohort

Age	Total	Percent
85 years and over	565	2.2%
80 to 84 years	698	2.8%
75 to 79 years	830	3.3%
70 to 74 years	1,170	4.6%
65 to 69 years	2,337	9.2%
60 to 64 years	2,086	8.2%
55 to 59 years	1,742	6.9%
50 to 54 years	2,518	9.9%
45 to 49 years	1,459	5.7%
40 to 44 years	1,103	4.3%
35 to 39 years	1,215	4.8%
30 to 34 years	672	2.6%
25 to 29 years	850	3.3%
20 to 24 years	2,514	9.9%
15 to 19 years	2,587	10.2%
10 to 14 years	1,317	5.2%
5 to 9 years	911	3.6%
Under 5 years	801	3.2%
Total	25,375	100%

Source: 2023 ACS Table S0101

Population by Age Cohort



Household Size & Type

According to the 2023 ACS, Mahwah had 9,756 households. Most were married-couple households, which comprised over 57% of all households. Of those married-couples, 1,939 households had children under 18 years of age. Female householders with no spouse present comprised a quarter of all households, while male householders with no spouse present comprised only 14.4%. Of all households with no spouse present, 181 had children under the age of 18 (1.8%), while 3,159 were living alone (32.4%). See the table on the following page for complete details.

Household Type

Type	Number	Percent
Married-couple	5,576	57.2%
with children under 18	1,939	19.9%
Cohabiting couple	332	3.4%
with children under 18	29	0.3%
Male householder, no spouse	1,405	14.4%
with children under 18	21	0.2%
living alone	1,310	13.4%
Female householder, no spouse	2,443	25.0%
with children under 18	160	1.6%
living alone	1,849	19.0%
Total	9,756	100%

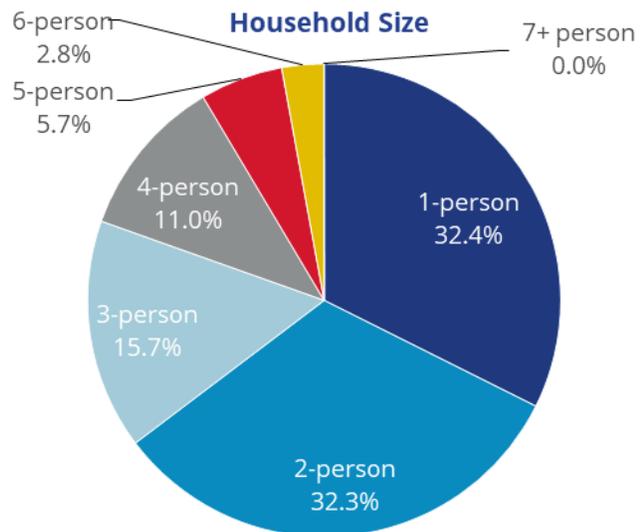
Source: 2023 ACS Table DP02

The most common household size in Mahwah was estimated to be one-person households, which comprised 32.4% of households in 2023. Two-person households comprised the second-largest number of households at 32.3%. Finally, three-person household comprised 15.7% of the 9,756 households in Mahwah. It should be noted that three households, contained seven or more people. The table and pie chart below graphically illustrate the household size composition in Mahwah. Additionally, the 2023 ACS estimated the average household size at 2.37 persons, which is less than reported in the 2010 Census (2.42 persons).

Household Size

Size	Total	Percent
1-person	3159	32.4%
2-person	3,153	32.3%
3-person	1535	15.7%
4-person	1075	11.0%
5-person	553	5.7%
6-person	278	2.8%
7+ person	3	0.0%
Total	9,756	100%

Source: 2023 ACS Table B11016



Income & Poverty Status

The 2023 ACS estimated the median household income for the Township of Mahwah to be \$128,125, which is \$4,410 more than Bergen County's and over \$27,000 more than the State's. Similarly, the median family income for Mahwah was estimated at \$171,825, which is over \$21,000 more than the County's and nearly \$48,000 greater than the State's. Finally, the Township's per capita income was