



Engineering
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Fourth Round Housing Element & Fair Share Plan

Township of Saddle Brook

June 6, 2025

Prepared for:

Township of Saddle Brook
Bergen County, New Jersey

Prepared by:

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Township of Saddle Brook

Bergen County, New Jersey

Adopted by the Planning Board: **June 16, 2025**

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

SDP-003

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I. Introduction

According to the New Jersey Fair Housing Act of 1985 (L. 1985, c. 222, s. 1, eff. July 2, 1985), a Housing Plan Element shall 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.

This is the Township of Saddle Brook's Housing Element and Fair Share Plan ("HEFSP") for the period between 2025 and 2035 (known as the Fourth Round). Saddle Brook Township 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, Third Round Rules² (as applicable), and the amendments implemented in P.L. 2024, c.2. Each municipality in the State has a four-part obligation:

1. Present Need (Rehabilitation Obligation)
2. Prior Round Obligation (1987-1999)
3. Third Round Obligation (1999-2025)
4. Fourth Round Prospective Need Obligation (2025-2035)

Affordable Housing History

Mount Laurel Doctrine

Affordable housing planning in New Jersey dates back to 1975, when the New Jersey Supreme Court ruled in *Southern Burlington County NAACP v. the Township of Mount Laurel*, 67 N.J. 151 (1975), 336 (Mount Laurel I), that each municipality within New Jersey has a constitutional obligation to provide a realistic opportunity for the construction of their fair share of affordable housing. *Mount Laurel I* is the landmark decision that created what is commonly referred to as the "Mount Laurel Doctrine". The Supreme Court found that Mount Laurel Township's zoning ordinance only permitted one type of housing—single-family detached dwellings, while all other types of multi-family housing, such as garden apartments, townhomes, or mobile home parks, were prohibited, which the court determined resulted in economic discrimination and exclusion of substantial segments of the area population, and therefore the zoning ordinance was unconstitutional and invalid.

In 1983, the New Jersey Supreme Court issued *Southern Burlington County NAACP v. Township of Mount Laurel*, 92 N.J. 158 (1983), another monumental decision which became known as the "*Mount Laurel II*" decision. In this case, the Supreme Court upheld and expanded upon the *Mount Laurel I* decision. *Mount Laurel II* clarified that the constitutional obligation applies to all municipalities, not just the "developing" municipalities as referenced in *Mount Laurel I*. Each municipality is required to establish zoning that provides a realistic opportunity for the construction of affordable housing to comply with the municipality's fair share obligation. *Mount Laurel II* established the "Builder's Remedy" as a judicial mechanism to enforce the *Mount Laurel* Doctrine. A Builder's Remedy lawsuit allows a plaintiff (typically a developer) to challenge a municipality's zoning ordinance if it fails to create a realistic opportunity to provide affordable housing units to meet the constitutional fair share obligation.

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

² N.J.A.C. 5:96 (Procedural) and N.J.A.C. 5:97 (Substantive) Rules, which can be found at: <https://nj.gov/dca/dlps/hss/thirdroundregs.shtml>

In 1985, the Fair Housing Act ("FHA") was enacted in response to the court decisions, which provided an administrative process for municipal compliance. The FHA also created the New Jersey Council on Affordable Housing ("COAH"), which was the governmental agency responsible for promulgating municipal obligations, adopting regulations, and administering the compliance process.

Prior Rounds (1993-1999)

Under COAH, the First Round of affordable housing spanned from 1987 to 1993, followed by the Second Round from 1993 to 1999. The First Round Substantive Rules were enacted under N.J.A.C. 5:92 and the Second Round Substantive Rules were enacted under N.J.A.C. 5:93.

Saddle Brook's Prior Round Compliance

Saddle Brook was granted a Judgement of Repose ("JOR") for its Second Round Housing Plan on April 8, 2004. Saddle Brook Township's Second Round certified plan was subsequently extended by COAH to December 31, 2008 for all municipalities. Saddle Brook's Second Round Plan addressed a 1987-1999 pre-credited need of 124 units, which was adjusted downward to a realistic development potential ("RDP") of 4 units via a vacant land adjustment.

Third Round (1999-2025)

The Third Round of affordable housing commenced in 1999, which was supposed to end in 2018; however, due to numerous legal challenges and court orders, the Third Round was ultimately extended through 2025.

The first version of COAH's Third Round Substantive Rules was enacted under N.J.A.C. 5:94 in 2004. This version of the rules was challenged and in January 2007 the Appellate Court issued a decision requiring COAH to revise its rules.

In October 2008, COAH adopted numerous amendments to its substantive and procedural regulations to address the Third Round fair housing requirements. The Third Round methodology, adopted in September 2008, required that a municipality's fair share consist of three elements: the 1) rehabilitation share, 2) any remaining Prior Round obligation that was not provided for, and 3) the Growth Share or Third Round, which is based upon one affordable housing unit for every four market-rate units built and one affordable unit for every 16 new jobs created. In addition to these new rules, COAH assigned new rehabilitation, Prior Round and Third Round obligation numbers to each municipality. Additionally, the State legislature passed Assembly Bill A-500 (now P.L. 2008), which made significant changes to COAH's rules.

In 2009, appeals were filed regarding the new Third Round Rules' growth share methodology. The case worked its way through the Appellate Division and finally went before the Supreme Court. The Supreme Court issued a decision on September 26, 2013, finding that the key set of rules establishing the growth share methodology as the mechanism for calculating "fair shares" was inconsistent with the FHA and the Mount Laurel Doctrine. The Supreme Court instructed COAH "to adopt new third round rules that use a methodology for determining prospective need similar to the methodologies used in the first and second rounds," within five months, which was later extended to November 2014.

In July 2014, COAH proposed new Third Round under N.J.A.C. 5:98 and 5:99. However, the new rules were never formally adopted by COAH.

After COAH failed to promulgate its revised rules by the November 2014 deadline, the Supreme Court made a ruling on March 10, 2015 entitled In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), which allows for judicial review for constitutional compliance, as was the case before the FHA was enacted. The ruling allowed low- and moderate-income families and their advocates to challenge exclusionary zoning in court, rather than having to wait for COAH to issue rules that may never come. The process provided a municipality that had sought to use the FHA's mechanisms the opportunity to demonstrate constitutional compliance to a court's satisfaction before being declared noncompliant and then being subjected to the remedies available through exclusionary zoning litigation, including a builder's remedy.

The transitional process created by the Supreme Court tracked the FHA 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 decided In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant to The Supreme Court's Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mount Laurel V"), which held 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, municipalities that elected to voluntarily comply with their constitutional obligation participated in mediation sessions, reached settlement agreements, adopted Third Round Housing Element and Fair Share Plans, and most municipalities concluded the process with a Third Round Judgment of Compliance and Repose ("Third Round JOR") from the courts. As a result of COAH's inability to function, the Third Round period spanned from 1999 to 2025, a 26-year long period as opposed to the 6-year periods for the first and second rounds. The Third Round is set to expire on June 30, 2025.

Saddle Brook's Third Round Compliance

Saddle Brook adopted a Housing Element and Fair Share Plan in 2006 to address the Third Round Substantive Rules in N.J.A.C. 5:94. Saddle Brook submitted a petition for Third Round Substantive Certification on December 20, 2005. This HEFSP was never certified by COAH due to lawsuits involving the Third Round rules.

Under N.J.A.C. 5:97, COAH determined that Saddle Brook had a rehabilitation obligation of 38 units, a Prior Round obligation of 127 units, and a Third Round growth share obligation of 68 units. Saddle Brook adopted a Housing Element and Fair Share Plan in December 2008 to address these obligations. Saddle Brook's Third Round petition was submitted to COAH on January 5, 2009, and

ruled complete by COAH on May 5, 2009. The petition was never reviewed by COAH for substantive certification.

Pursuant to the Mount Laurel IV Supreme Court decision, the Township of Saddle Brook filed for declaratory judgement on July 21, 2015, seeking a judicial declaration that its Housing Element and Fair Share Plan satisfied the Township's constitutional obligation to address its fair share of the regional need for low- and moderate-income housing.

A Settlement Agreement was reached between the Township and the Fair Share Housing Center ("FSHC") on November 12, 2018, setting forth the extent of Saddle Brook's Rehabilitation, Prior Round, and Third Round fair share obligations, providing a brief description of the compliance mechanisms by which Saddle Brook proposes to address those obligations, and setting forth other terms relevant to compliance and monitoring. The Settlement Agreement outlined Saddle Brook Township's affordable housing obligations as follows:

- Present Need (Rehabilitation Obligation): 38 units
- Prior Round Obligation: 124 units
- Third Round Prospective Need: 418 units, which was adjusted to an RDP of 36 units

On February 11, 2019, a Fairness Hearing was held by the New Jersey Superior Court, which found the Settlement Agreement to be fair and reasonable to low- and moderate-income households and deemed it to be preliminarily in compliance with the Township's affordable housing fair share obligation.

The Saddle Brook Planning Board adopted a Housing Element & Fair Share Plan on August 24, 2021, to effectuate the terms of the Settlement Agreement. The Township received a preliminary Third Round Judgment of Compliance and Repose on November 21, 2019.

Fourth Round (2025-2035)

On March 20, 2024, Governor Murphy signed legislation that dramatically modified the State's affordable housing regulations. The 75-page bill, known as the A4/S50 Bill, 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 the FHA (hereinafter the "Amended FHA") and charged the Department of Community Affairs ("DCA") with the preparation of Fourth Round obligations and set forth aggressive timelines for compliance. In October 2024, DCA published a report on its calculations of regional need and municipal present need (Rehabilitation Obligation) and prospective fair share obligations (Fourth Round Obligation). The report is entitled "Affordable Housing Obligation of 2025-2035 (Fourth Round) Methodology and Background".

The DCA calculated Saddle Brook Township's Present Need (Rehabilitation) Obligation as **42 units** and its Fourth Round Prospective Need Obligation as **279 units**.

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 0125-24 accepting the DCA's calculations of the Township's Present Need Obligation of **42 units** and Fourth Round Prospective Need Obligation of **279 units**.

The Township also filed a “Complaint for a Declaratory of Compliance with the Fair Housing Act” on January 31, 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, Saddle Brook Township did not receive any challenges to the calculated obligations. The Honorable Gregg A. Padovano, J.S.C. issued an order on May 16, 2025, ordering that Saddle Brook Township’s Present Need shall be 42 units and the prospective need for the Fourth Round housing cycle shall be 279 units (Docket No. BER-L-822-25).

Municipal Summary

The Township of Saddle Brook is located in Bergen County in northern New Jersey and is 2.716 square miles in size. Saddle Brook is located along the western bank of the Saddle River, which is a tributary of the Passaic River. The Garden State Parkway and Interstate 80 pass through the Township’s midsection and is served by Parkway Exit 159 and I-80 Exit 62. The Main/Bergen County Line of NJ Transit is the Township’s western boundary and offers rail access to New York City via Secaucus Junction or Hoboken from the nearby Broadway or Plauderville stations. Saddle Brook is approximately four miles from the City of Paterson and is approximately 10 miles from the George Washington Bridge.

Affordable Housing Goals

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 and density of Saddle Brook Township.

Master Plan Goals

Goal 2. It is the objective of the Master Plan to avoid the haphazard proliferation of multi-family projects and therefore it is its objective to channel and guide multi-family residential growth to areas proposed to be zoned for such uses.

Policy Statement. While the Township has adopted townhouse zoning to address multi-family residential construction, the Township needs to consider altering the number and location of zoning for multi-family residential projects. The Township will see a large increase in the number of multi-family units constructed in the Township as a result of the affordable housing litigation. Additionally, these affordable housing sites are at scattered locations throughout the Township. The Township seeks to minimize the number of non-age multi-family housing developments so as to not overburden the Township’s services, and monitor the development of age-restricted housing to meet, but not exceed, current needs.

Goal 8. It is the purpose of this Master Plan to assist achieving the goal of access to affordable housing to meet present and prospective needs, with particular attention to low and moderate income housing.

Policy Statement. The Township has achieved the goal of access to affordable housing through the rezoning of several areas of the Township to meet its affordable housing obligation. The Township will continue to provide for prospective needs through its development fee ordinance.

Affordable Housing Obligation

Saddle Brook Township's four-part affordable housing obligation is as follows:

1. Present Need (Rehabilitation Obligation): 42 units
2. Prior Round Obligation: 124 units
3. Third Round Obligation: 418 units
4. Fourth Round Prospective Need Obligation: 279 units

HOUSING ELEMENT

II. Required 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 N.J.S.A. 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 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 (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.

III. Population Demographics

Population Growth

The Township of Saddle Brook's population saw rapid growth through the 1950s. During the 1960s, Saddle Brook gained 5,879 new residents followed by 2,141 new residents during the 1970s. However, between 1980 and 2000, the Township's population has decreased by over 2,500. As of the 2020 Census, the population of Saddle Brook was 14,294, which is 1,681 residents less than its peak of 15,975 in 1970. See the table below for additional details.

Population Growth			
Year	Population	Change	Percent
1940	3,169	---	---
1950	7,955	4,786	151.0%
1960	13,834	5,879	73.9%
1970	15,975	2,141	15.5%
1980	14,084	-1,891	-11.8%
1990	13,296	-788	-5.6%
2000	13,155	-141	9.8%
2010	13,659	504	3.6%
2020	14,294	635	4.5%

Source: 2010 and 2020 Census Table P1: New Jersey Population Trends, 1790 to 2000

The NJTPA projects that the Township's population will grow to 16,131 residents by 2050 from their baseline 2015 population of 13,952. This represents an increase of 2,179 residents, or an average increase of approximately 62 residents annually over 35 years. However, the Township's estimated population according to the 2023 ACS is 14,349, which is 99 less than projected by the NJTPA.

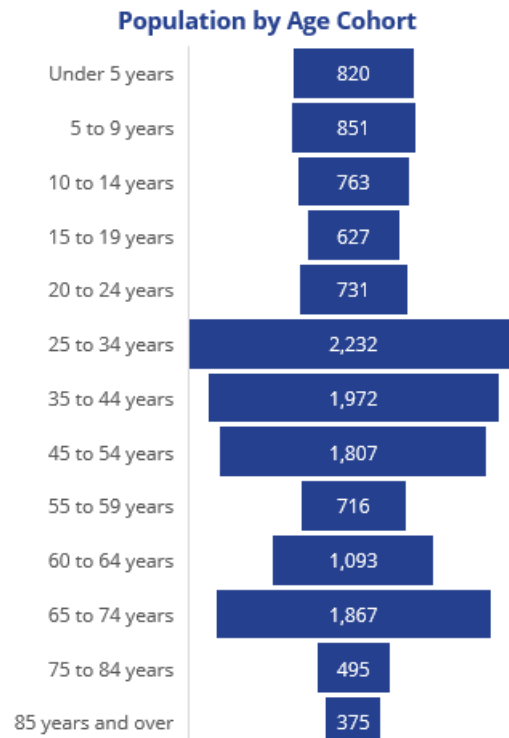
Population Projection			
Year	Population	Change	Percent
2015	13,952	---	---
2020	14,294	342	2.5%
2050	16,131	1,837	12.9%

Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts, [/https://www.njtpa.org/NJTPA/media/Documents/Data-Maps/Demographics-GIS/Forecasts/E-2050-Demographic-Forecasts.pdf](https://www.njtpa.org/NJTPA/media/Documents/Data-Maps/Demographics-GIS/Forecasts/E-2050-Demographic-Forecasts.pdf); 2020 Census Table P1

Age Distribution of Population

The 2023 ACS estimates just 19.1% of Saddle Brook's population was 65 years or older, while 21.3% of the population was 19 years or younger. The largest age cohort was estimated to be those aged 25 to 34 years, which comprised 15.6% (2,232) of the Township's population. Residents aged 35 to 44 years comprised the second-largest age cohort at 13.7% (1,972) of the population, followed closely by those aged 65 to 74 years at 13.0% (1,867) of the population. The median age was estimated at 40.8 years in the 2023 ACS. See the table and chart below and to the right for further details.

Population by Age Cohort		
Age	Total	Percent
Under 5 years	820	5.7%
5 to 9 years	851	5.9%
10 to 14 years	763	5.3%
15 to 19 years	627	4.4%
20 to 24 years	731	5.1%
25 to 34 years	2,232	15.6%
35 to 44 years	1,972	13.7%
45 to 54 years	1,807	12.6%
55 to 59 years	716	5.0%
60 to 64 years	1,093	7.6%
65 to 74 years	1,867	13.0%
75 to 84 years	495	3.4%
85 years and over	375	2.6%
Total	14,349	100.0%



Household Size & Type

According to the 2023 ACS, Saddle Brook had 5,358 households of various types. A majority were married-couple households, which comprised just over 56% of all households. Of those, 1,259 had children under 18 years old. Female householders with no spouse present comprised 22.1% of all households, while male householders with no spouse present comprised only 13.9%. Of all households with no spouse present, 180 had children under the age of 18 (3.3%), while 1,211 were living alone (22.6%). See the table below for complete details.

Household Type

Type	Number	Percent
Married-couple	3,043	56.8%
with children under 18	1,259	23.5%
Cohabiting couple	387	7.2%
with children under 18	113	2.1%
Male householder, no spouse	745	13.9%
with children under 18	50	0.9%
living alone	487	9.1%
Female householder, no spouse	1,183	22.1%
with children under 18	130	2.4%
living alone	724	13.5%
Total	5,358	100%

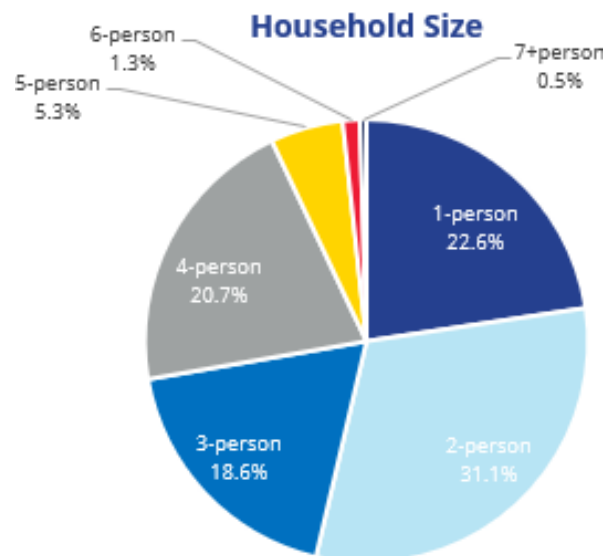
Source: 2023 ACS Table DP02

The most common household size in Saddle Brook was estimated to be two-person households, which comprised 31.1% of households in 2023. Four-person households and up comprised the second-largest number of households at just under 27.8%. Finally, one-person households comprised 22.6% of the 5,358 households in Saddle Brook. The table and pie chart below graphically illustrate the household size composition in Saddle Brook. Additionally, the 2023 ACS estimated the average household size at 2.68 persons, which is slightly more than reported in the 2020 Census (2.57 persons).

Household Size

Size	Total	Percent
1-person	1,211	22.6%
2-person	1,664	31.1%
3-person	996	18.6%
4- person	1,110	20.7%
5-person	285	5.3%
6-person	67	1.3%
7+person	25	0.5%
Total	5,358	100%

Source: 2023 ACS Table B11016



Income & Poverty Status

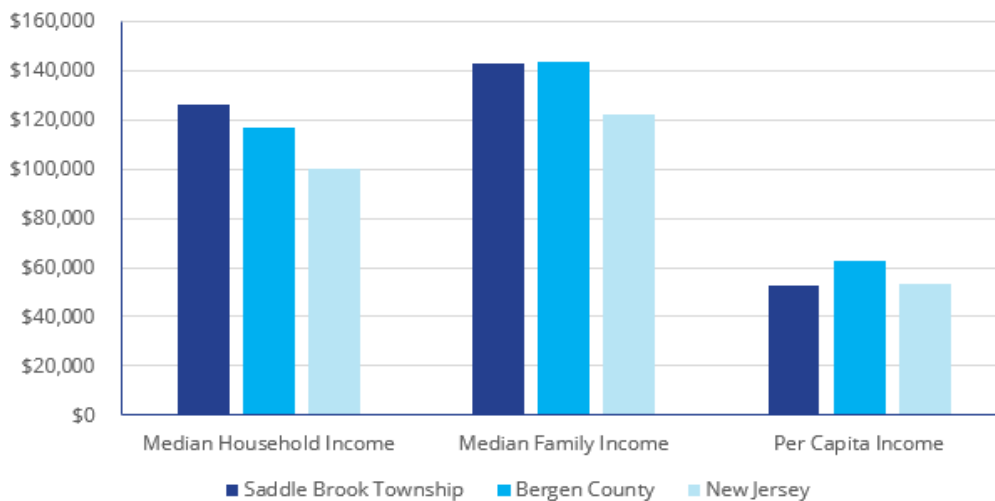
The 2023 ACS estimated the median household income for the Township of Saddle Brook to be \$125,935, which is over \$9,000 more than Bergen County's and over \$26,000 more than the State's. Similarly, the median family income for Saddle Brook was estimated at \$143,110, which is over \$702 below the County's and over \$21,000 greater than the State's. Finally, the Township's per capita income was estimated at \$52,760, which is less than the County's and the State's. Saddle Brook's poverty rate for individuals was estimated at 5.4%, which is less than the County's 6.6% and the State's 9.7%. The Township's poverty rate for families was estimated at 4.8%, which is less than the County's 5.1% and the State's 9.7%. The table and bar chart below provide a comparison between income and poverty characteristics.³

Income Characteristics

Income Type	Saddle Brook Township	Bergen County	New Jersey
Median Household Income	\$125,935	\$116,709	\$99,781
Median Family Income	\$143,110	\$143,812	\$121,944
Per Capita Income	\$52,760	\$62,986	\$53,118
Poverty Status (Percent of People)	5.4%	6.6%	9.7%
Poverty Status (Percent of Families)	4.8%	5.1%	7.1%

Source: 2023 ACS Table DP03

Income Characteristics



³ A household includes all the people who occupy a housing unit as their usual place of residence. A household includes the related family members and all the unrelated people, if any, who share the housing unit. A family household includes a householder and one or more people living in the same household who are related to the householder by birth, marriage, or adoption. All people in a household who are related to the householder are regarded as members of his or her family. A family household may contain people not related to the householder, but those people are not included as part of the householder's family in census tabulations. A nonfamily household consists of a householder living alone or where the householder shares the home only with people to whom he/she is not related (e.g., a roommate).
<https://www.census.gov/glossary>.

According to the 2023 ACS, nearly 26% of households in Saddle Brook (1,393) earn over \$200,000 annually. Household earning \$100,000 or more annually were estimated to include 3,306 households or 61.7% of all households in Saddle Brook. Over 42.8% of household in Bergen County earned at least \$100,000 annually, including 57.3% earning more than \$200,000. Households in New Jersey earning \$100,000 or more according to the 2023 ACS included 50.1% of households. It should be noted that only 16.1% of households in Saddle Brook earned less than \$50,000. See the table below for additional details.

Household Income

Income Range	Saddle Brook Twp.		Bergen County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	155	2.9%	12,832	3.6%	152,154	4.3%
\$10,000 to \$14,999	123	2.3%	8,198	2.3%	99,077	2.8%
\$15,000 to \$24,999	123	2.3%	14,614	4.1%	180,461	5.1%
\$25,000 to \$34,999	268	5.0%	14,258	4.0%	184,000	5.2%
\$35,000 to \$49,999	193	3.6%	23,168	6.5%	279,538	7.9%
\$50,000 to \$74,999	418	7.8%	40,634	11.4%	467,076	13.2%
\$75,000 to \$99,999	772	14.4%	38,852	10.9%	410,461	11.6%
\$100,000 to \$149,999	1,200	22.4%	64,872	18.2%	640,461	18.1%
\$150,000 to \$199,999	713	13.3%	43,129	12.1%	403,384	11.4%
\$200,000 or more	1,393	26.0%	96,238	27.0%	721,845	20.4%
Total	5,358	100%	356,438	100%	3,538,457	100%

Source: 2023 ACS Table DP03

IV. Housing Demographics

Housing Type

The 2023 ACS estimated the Township's housing stock at 5,457 units, which contains a variety of residential dwellings. Single-family, detached dwellings comprised a majority of the housing stock with 3,409 units or 62.5% of all dwellings. One-unit, attached dwellings (e.g. townhomes) comprised 178 units (3.3%), while two-family dwellings comprised 681 units (12.5%) of the housing stock. See the table below for details.

Housing Type by Units in Structure

Unit Type	Number of Units	Percent
1-unit, Detached	3,409	62.5%
1-unit, Attached	178	3.3%
2 units	681	12.5%
3 or 4 units	352	6.5%
5 to 9 units	0	0.0%
10 to 19 units	143	2.6%
20 or more units	694	12.7%
Mobile Home	0	0.0%
Other (boat, RV, van, etc.)	0	0.0%
Total	5,457	100.0%

Source: 2023 ACS Table DP04

Occupancy Status

Of the 5,457 residential units, 5,358 units, or 98.2% of the housing stock, was occupied. This includes 3,562 owner-occupied units and 1,796 rental units. The 99 vacant units only included properties classified as "sold, not occupied". See the table on the following page for details.

The 2023 ACS estimated the average household size in Saddle Brook was 2.68 persons, while the average family size was 3.20 persons. Comparing tenure, the average owner-occupied household was 2.79, while the average renter-occupied household was 1.97 persons.

Occupancy Status

Status	Households	Percent
Occupied Total	5,358	98.2%
Owner Occupied	3,562	66.5%
Renter Occupied	1,796	33.5%
Vacant Total	99	1.8%
<i>For rent</i>	0	0.0%
<i>Rented, not occupied</i>	0	0.0%
<i>For Sale</i>	0	0.0%
<i>Sold, not occupied</i>	99	100.0%
<i>Seasonal</i>	0	0.0%
<i>Other</i>	0	0.0%
Total	5,457	100.0%

Value & Rent of Housing Stock

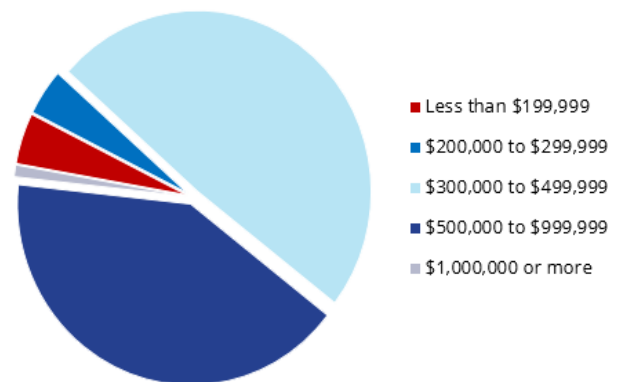
The 2023 ACS provided estimates for owner-occupied housing units in Saddle Brook. According to the data, a plurality of homes in the Township were worth between \$300,000 and \$499,999 (49.0%). Homes worth between \$500,000 and \$999,999 comprised 41.2% of the owner-occupied housing units, while 4.2% of homes were estimated to be worth between \$200,000 and \$299,999. Only 4.6% of homes (149 units) were valued \$100,000 and \$199,999, while 38 homes (1.1%) were estimated to be worth more than \$1 million. The median home value estimated in the 2023 ACS was \$473,700.

Value of Owner-Occupied Units

Value	Number of Units	Percent
Less than \$199,999	163	4.6%
\$200,000 to \$299,999	149	4.2%
\$300,000 to \$499,999	1,745	49.0%
\$500,000 to \$999,999	1,467	41.2%
\$1,000,000 or more	38	1.1%
Total	3,562	100%
Median Value	\$480,100	

Source: 2023 ACS Table DP04

Value of Owner Occupied Units



The median rent in the Township was estimated at \$2,018 per the 2023 ACS. Looking at the rent ranges, a majority of the Township's rental units fell between \$2,000 and \$2,499 per month (43.6%) followed by \$1,500 and \$1,999 (36.5%). Units that cost less than \$1,500 per month comprised 12% of rentals (214 units), while 7.9% (141 units) cost more than \$2,500 per month. See the table below and chart on the following page for more information.

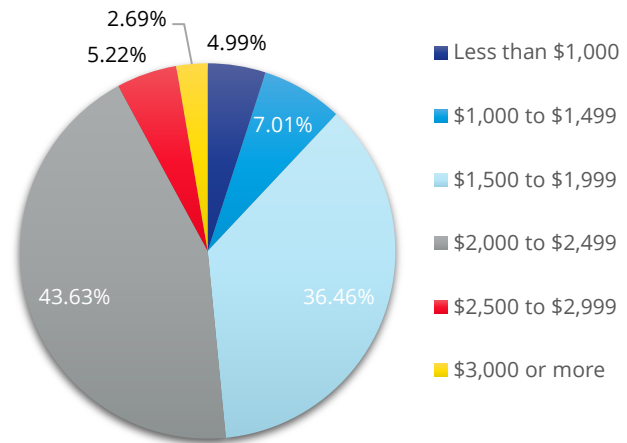
Cost of Rentals

Cost	Number of Units	Percent
Less than \$1,000	89	5.0%
\$1,000 to \$1,499	125	7.0%
\$1,500 to \$1,999	650	36.5%
\$2,000 to \$2,499	778	43.6%
\$2,500 to \$2,999	93	5.2%
\$3,000 or more	48	2.7%
No rent paid	0	0.0%
Total	1,783	100.0%

Median (in dollars) \$2,018

Source: 2023 ACS Table DP04

Cost of Rentals



Condition of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of the substandard housing units that are occupied by low and moderate income households. The Appellate Division upheld COAH's use of three indicators to determine substandard housing in the State. Those three indicators are:

- Houses built before 1970, and which are overcrowded with more than one person per room;
- Homes lacking complete plumbing;
- Homes lacking kitchen facilities.

Most of the Census indicators available at the municipal level indicate a sound housing stock. Only 52 occupied homes were estimated to not contain complete plumbing or kitchen facilities, while all homes within the Township had adequate heat.

Condition of Housing Stock

Fuel Type	Number of Units	Percent
Lack of complete plumbing	30	0.6%
Lack of complete kitchen	25	0.5%
Lack of telephone service	16	0.3%
Lack of adequate heat	0	0.0%
Total	5,358	1.3%

Source: 2023 ACS Table DP04

Housing with 1.01 or more persons per room is an index of overcrowding as defined by the U.S. Department of Housing and Urban Development. According to the 2023 ACS, 97.3% of the Township's 3,538 occupied housing units contained 1.00 or less persons per room. Whereas 2.7% have more than 1.01 persons per room.

OCCUPANTS PER ROOM

Occupants	Number of Units	Percent
1.00 or less	5,211	97.3%
1.01 to 1.50	115	2.1%
1.51 or more	32	0.6%
Total	5,358	100.0%

Source: 2023 ACS Table DP04

Research has demonstrated that units built 50 or more years ago (i.e. 1975 or earlier) are much more likely to be in substandard condition. Included in the rehabilitation calculation are overcrowded units and dilapidated housing as discussed above.

The table and bar graph on the following page provide the 2023 ACS estimates for the age of housing units in Saddle Brook. An estimated 3,525 units, or 64.6%, of the Township's housing stock were constructed prior to 1970 with over 24% being constructed prior to 1940. Residential development in Saddle Brook boomed during the 1950s and 1960s as an estimated 39.8% of the Township's housing stock was constructed during this era. Since 1990, only 1,047 homes have been constructed. See the table and chart on the following page for more details. The Township's Rehabilitation Obligation is 38 units, reflecting the relatively good condition of these older homes.

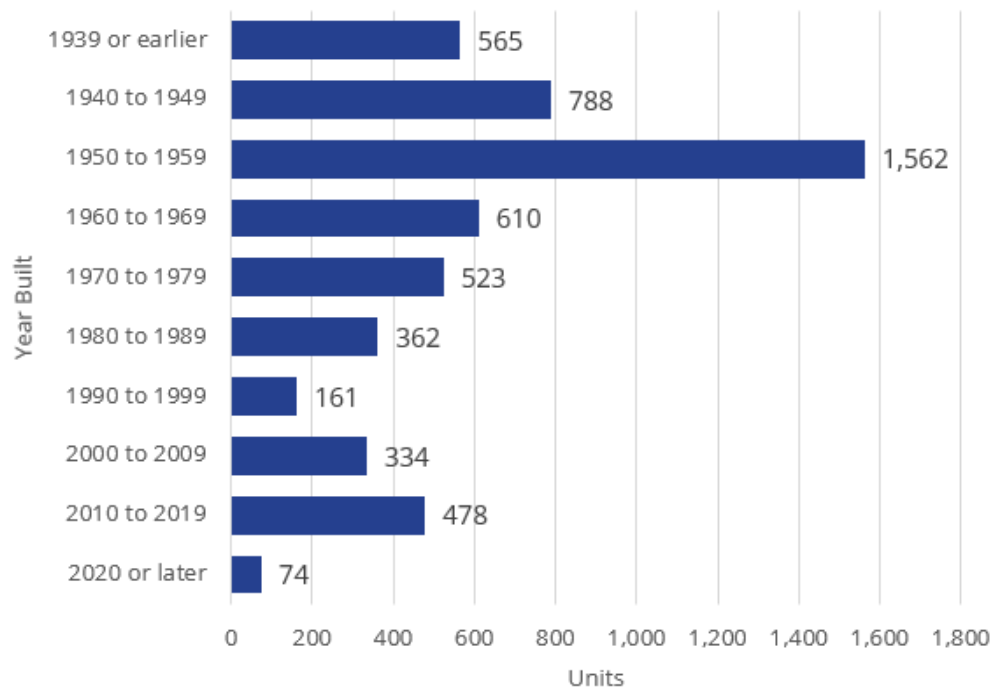
It should be noted that the "2020 or later" line item may be inaccurate. The New Jersey Department of Community Affairs' ("DCA"), Division of Codes and Standards website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development. We have reviewed the data from the State for 2020 through 2024 and 53 certificates of occupancy have been issued for new residential units since the beginning of 2020. See the tables on page 25 for additional details.

Age of Housing Stock

Year Built	Number of Units	Percent
1939 or earlier	565	10.4%
1940 to 1949	788	14.4%
1950 to 1959	1,562	28.6%
1960 to 1969	610	11.2%
1970 to 1979	523	9.6%
1980 to 1989	362	6.6%
1990 to 1999	161	3.0%
2000 to 2009	334	6.1%
2010 to 2019	478	8.8%
2020 or later	74	1.4%
Total	5,457	100%

Source: 2023 ACS Table DP04

Age of Housing Stock



V. Employment Demographics

The 2023 ACS estimated that Saddle Brook had 8,387 residents over the age of 16 in the workforce. Of those, 8,060 (96.1%) were employed, which translates to a 3.9% unemployment rate. A majority of workers were private wage and salary worker (81.3%). However, 14.7% were workers employed by the government and 4.0% were self-employed. See the table below for details.

Class of Worker

Class of Worker	Number of Workers	Percent
Private wage and salary workers	6,582	81.3%
Government workers	1,189	14.7%
Self-employed workers	273	4.0%
Unpaid family workers	16	0.2%
Total employed residents	8,060	100%
Total unemployed residents	325	3.9%
Total residents in workforce	8,385	100%

Source: 2023 ACS Table DP-03

Occupational Characteristics

The 2023 ACS estimated 3,856 workers were employed management, business, science, and arts fields, which represents 47.8% of the Township's employed residents. Sales and office workers totaled 24.6% of employed residents, while 11.5% were employed in service jobs. See the table below for details.

Employed Civilian Population by Occupation (Age 16 Years or Older)

Occupation	Saddle Brook Twp.	
	Total	Percent
Management, professional, and related	3,856	47.8%
Service	930	11.5%
Sales and office	1,983	24.6%
Natural resources, construction, and maintenance	581	7.2%
Production, transportation, and material moving	710	8.8%
Total	8,060	100%

Employment Projections

NJTPA's Plan 2050 estimates that the number of available jobs in Saddle Brook will increase from 8,749 reported in 2015 to 9,557 in 2050. This represents an increase of 808 jobs, or an average annual increase of 23 jobs annually. However, as detailed in the following section, the NJDOLWD estimated a total of 9,721 private sector jobs and 597 public-sector jobs in Saddle Brook in 2023, which is 265 greater than the NJTPA 2050 projection.

Employment Projection

Year	Jobs	Change	Percent
2015	8,749	---	---
2050	9,557	808	9.2%

Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts

In-Place Employment by Industry

New Jersey's Department of Labor and Workforce Development ("NJDLWD") is the entity that reports on employment and wages within the State of New Jersey through the Quarterly Census of Employment and Wages ("QCEW"). The latest Municipal Report was completed in 2023. According to the data, there were 7,966 private sector jobs within the Township, which were provided by an average of 539 employers. The QCEW data reflects employment within Saddle Brook, regardless of where the employee lives. The Municipal Report redacts data from multiple private-sector industries for not meeting minimum publication standards (manufacturing, professional, management, etc.) The "Private Sector Total" row in the table on the following page includes the redacted data.

Based on the 2023 QCEW data provided, Admin/Waste remediation industry contained the largest number of jobs in the Township with an average of 1,708 jobs (16.6 percent). These jobs were provided by 50 employers. The "health/social" industry had 121 employers, which was the highest employer, and the second highest number of average jobs (1,045).

In the public sector, the 2023 QCEW Municipal Report indicated that there was one federal government employer, which had an average of 52 employees, one state government employer which had an average of 37 employees, and seven local government employers, which had an average of 508 jobs. This included six local government education employers providing an average of 354 jobs. See the table on the following page for data on each industry sector.

Private and Public Sector Employment (2023)

Industry	Establishments		Employees		Annual Wages
	Total	Percent	Total	Percent	
Construction	48	8.0%	220	2.1%	\$108,142
Manufacturing	-	-	-	-	-
Wholesale Trade	29	4.9%	249	2.4%	\$73,616
Retail Trade	36	6.0%	236	2.3%	\$53,577
Transportation/Warehousing	30	5.0%	900	0	\$75,356
Information	13	2.2%	161	0	\$97,064
Finance/Insurance	-	-	-	-	-
Real Estate	31	5.2%	146	0	\$131,593
Professional/Technical	-	-	-	-	-
Management	-	-	-	-	-
Admin/Waste Remediation	50	8.4%	1,708	16.6%	\$44,572
Education	12	2.0%	67	0	\$40,758
Health/Social	121	20.3%	1,045	10.1%	\$68,586
Arts/Entertainment	7	1.2%	82	0.8%	\$19,763
Accommodations/Food	53	8.9%	588	5.7%	\$28,658
Other Services	58	9.7%	196	1.9%	\$53,438
Unclassified	29	4.9%	36	0.4%	\$54,234
Private Sector Total	588	87%	9,721	55%	\$70,601
Local Government Totals	7	1.2%	508	4.9%	\$70,820
Local Government Education	6	1.0%	354	3.4%	\$72,296
State Government	1	0.2%	37	0.4%	\$45,213
Federal Government Total	1	0.2%	52	0.5%	\$70,924
Public Sector Total	9	2%	597	6%	\$64,813

Source: The table values above are from the NJDLWD's Q.CEW Municipal Report. It is noted that this Report has redacted multiple private sector industries for not meeting the publication standard.

Travel Time to Work

The 2023 ACS collected data regarding employed resident's commute time. The most common commute time was between 15 and 19 minutes, which was made by 1,251 workers (18.3%). A commute between 10 and 14 minutes followed close behind with 1,197 workers (17.6%). Rounding off the top three was a commute of 30 to 34 minutes, which was reported by 1,045 workers (15.3%). The mean travel time was estimated at 20.2 minutes. It should be noted that only 470 workers (6.9%) reported a commute of more than one hour. Additionally, 1,139 workers, or 14.1% of the Township's employed residents, reported working from home. See the table on the following page for additional details.

Commute Time

Travel Time (minutes)	Workers	Percent
Less than 5	135	2.0%
5 to 9	600	8.8%
10 to 14	1,197	17.6%
15 to 19	1,251	18.3%
20 to 24	997	14.6%
25 to 29	381	5.6%
30 to 34	1,045	15.3%
35 to 39	161	2.4%
40 to 44	275	4.0%
45 to 59	307	4.5%
60 to 89	407	6.0%
90 or more	63	0.9%
Total	6,819	100%

Source: 2023 ACS Table B08303

VI. Projection of Housing Stock

As per the MLUL, specifically N.J.S.A. 52:27D-310, 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 DCA Division of Codes and Standards website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development through the New Jersey Construction Reporter. This database contains permit and certificate of occupancy information that is submitted by municipal construction officials across the State each month. The Construction Reporter has information dating back to 2000, which can be used to show the Township's historic development trends. However, data from 2013 and onward was reviewed to determine more recent trends.

As shown in the table below, the issuance of residential certificates of varies from year to year in the Township of Saddle Brook. From 2013 to 2018, 21 certificates of occupancy were issued, while 39 were issued in 2019 and another 89 were issued in 2020. Of those issued in 2020, 80 were for multi-family units and 9 were for single- or two-family dwelling. Only 10 certificates of occupancy for single- or two-family dwelling were issued from 2021 through 2023. It should be noted that the Construction Reporter indicates no reports were received from Saddle Brook during 2024. Since 2013, a total of 123 demolition permits were issued, which equates to a net development of 36 residential units.

Aside from any inclusionary sites identified for the Third Round and the Market Street Redevelopment Plan, the Township does not foresee any significant residential growth during the Fourth Round period. The Township estimates approximately 20 new housing units might be developed as infill or minor subdivisions of oversized lots.

Historic Trend of Residential Certificates of Occupancy & Demolition Permits (2013-2024)

	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	Total
COs Issued	4	4	7	2	2	2	39	89	2	7	1	NR	159
Demolitions	3	3	2	3	1	3	3	4	0	0	101	NR	123
Net Development	1	1	5	-1	1	-1	36	85	2	7	-100	NR	36

Source: NJDCA, Construction Reporter - Housing Units Certified and Demolition Permits, Yearly Summary Data

VII. Capacity for Fair Share

This chapter of the HEFSP provides the following information as required by the rules:

- The Township's capacity to accommodate its housing needs.
- 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.
- Lands of developers who have expressed a commitment to provide low and moderate income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

Land Capacity

Saddle Brook's capacity to accommodate its present and prospective affordable housing need is determined by three components - available land, water capacity and sewer capacity. Note that land development is limited by wetlands, flood plains, easements (conservation, sewer, water, etc.), parcel size and municipal regulations.

The Township has conducted a Vacant Land Adjustment analysis that indicates that there are no vacant lands remaining that can realistically be developed with inclusionary housing projects in the Township.

Utility Capacity

As part of the Third Round HEFSP, the Township Engineer certified that the Water and Sewer Departments have the capacity and infrastructure available to provide service to the proposed developments. It was noted that the need for off-site improvements, if any, cannot be determined until actual applications and plans are received by the Township and the Final approval for service is contingent on the Applicant(s) completing the standard department application process. Since no new sites are proposed for the Fourth Round, the Township believes there will be no issues with water and sewer service.

Appropriate Locations for Affordable Housing

Other than the sites that were previously identified as part of the Court-Approved Third Round HEFSP, there are no other sites that are suitable for inclusionary housing in the Township.

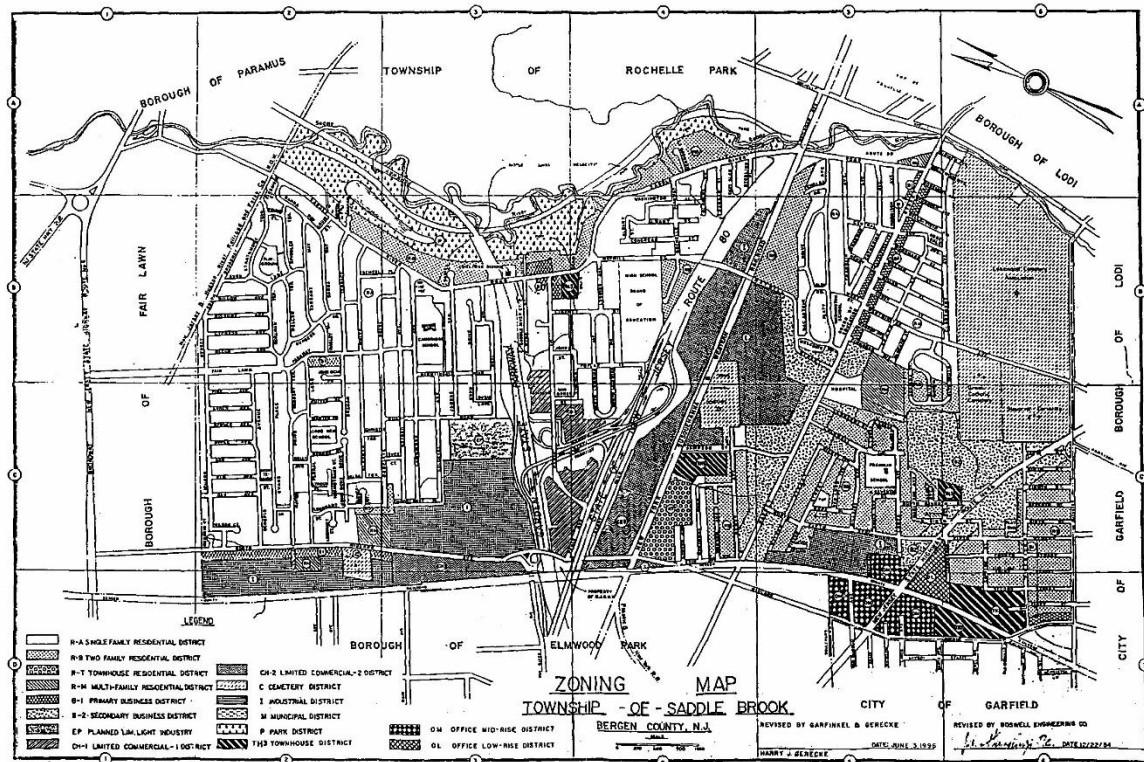
Existing structures appropriate for conversion to affordable housing include homes in foreclosures, which may be cost effective to buy and convert to affordable housing. As for structures suitable for rehabilitation, according to the Township's Rehabilitation Obligation, 42 homes within the Township are in need of a major system repair (e.g. roof, electric, plumbing, etc.).

Potential Affordable Housing Developers

The Township is negotiating with potential redevelopers for the former Municipal Building site at 93-95 Market Street. Otherwise, no other developers have submitted plans for consideration for affordable housing development.

Anticipated Development Patterns

Anticipated land use patterns within the Township of Saddle Brook will most likely follow the established zoning map.



Multigenerational Family Continuity Evaluation

P.L. 2024, c.2 amended various aspects of the Fair Housing Act. These amendments modified the mandatory components of a municipality's housing element. NJSA 52:27D-310g. has been added, which states "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 (C.52:27D-329.20)"

P.L. 2021, c.273 took effect on November 8, 2021. The law established the Multigenerational Family Housing Continuity Commission, which consists of a body of nine members. The duties of the Commission include the preparation and adoption of recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas. The Law requires the Commission to report annually to the Governor on its activities, findings, and recommendations, if any, for State and local government. The Department of Community Affairs ("DCA") is required to provide staff services as may be needed for the Commission to carry out its responsibilities, including assembly of necessary information and statistics, and preparation of draft reports, analyses, and recommendations.

The State of New Jersey's website was reviewed on March 18, 2025. A search of the website revealed no webpage for the Multigenerational Family Housing Continuity Commission. As DCA is required to provide staff and research for the Commission, DCA's website was reviewed on March 18, 2025. DCA's website is silent regarding the Commission, its annual required reports, studies, and/or recommendations. Without recommendations from the Commission, Saddle Brook is unable to conduct an analysis of its ordinances and other local factors. Despite the absence of recommendations, it should be noted that there is nothing in Saddle Brook's zoning ordinance that prohibits senior citizens from residing at the home of their extended families.

State Development & Redevelopment Plan Consistency

P.L. 2024, c.2 amended the Fair Housing Act to include a new requirement for housing elements. NJSA 52:27D-310i. reads, "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 Draft State Development and Redevelopment Plan was approved by the State Planning Commission ("SPC") on December 4, 2024, and was released on December 6, 2024. The Office of Planning Advocacy ("OPA") conducted public hearings in each of New Jersey's 21 Counties between February 12, 2025 and April 16, 2025. Municipalities are tasked with completing Cross-Acceptance Response Template forms to determine a municipality's consistency with the Draft State Plan. The OPA anticipates collecting all Cross-Acceptance Response Template forms in the Summer of 2025. During this time, the OPA is accepting comments on the Draft Plan. The OPA anticipates releasing a Final Draft Plan and holding six additional public hearings in the Summer/Fall of 2025. The expected adoption of the Final Plan by the SPC is anticipated to be in the Winter of 2025.

As the document is a draft, the Township cannot opine on consistency until the final version is adopted. Saddle Brook has not received guidance concerning water, wastewater, stormwater, or multi-modal transportation from the State Planning Commission.

FAIR SHARE PLAN

VIII. Required Content of Fair Share Plan

The Fair Share Plan contains the following information:

- Description of existing credits intended to satisfy the obligation;
- Description of mechanisms that will be used to meet any outstanding obligation; and
- An implementation schedule that sets forth a detailed timetable for units to be provided.

In adopting its housing element, a municipality may provide for its fair share of low and moderate income housing by means of any technique or combination of techniques that provide a realistic opportunity for the provision of the fair share. As per N.J.A.C. 5:93, these potential techniques include but are not limited to:

- Rehabilitation of existing substandard housing units;
- ECHO units (as a Rehabilitation credit);
- Municipally-sponsored and 100% affordable developments;
- Zoning for inclusionary development;
- Alternative living arrangements;
- Accessory apartment program;
- Purchase of existing homes;
- Write-down/buy-down programs; and
- Assisted living residences.

IX. Regional Income Limits

Dwelling units are affordable to low and moderate income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. The State historically provided income limits based upon the median gross household income of the affordable housing region in which the household is located. A moderate income household is one with a gross household income equal to or more than 50 percent, but less than 80 percent, of the median gross regional household income. A low income household is one with a gross household income equal to 50 percent or less of the median gross regional household income. Very-low income households are those with a gross household income equal to 30 percent or less of the median gross household income. Saddle Brook is located in Region 1, which contains Bergen, Hudson, Passaic, and Sussex Counties.

Using the Affordable Housing Professionals of New Jersey's chart on the regional income limits for Housing Region 1 in 2024, a four-person moderate income household is capped at \$96,329. Two-person moderate-income households are capped at \$77,064, while two-person households could make up to \$48,165 to be considered a low-income household. The table below provides the median, moderate-, low-, and very-low-income limits for one-, two-, three-, and four-person households in Region 1.

2024 Regional Income Limits

Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$84,288	\$96,329	\$108,371	\$120,412
Moderate	\$67,431	\$77,064	\$86,697	\$96,329
Low	\$42,144	\$48,165	\$54,185	\$60,206
Very-Low	\$25,286	\$28,899	\$32,511	\$36,124

Source: https://ahpnj.org/member_docs/Income_Limits_2024_FINAL.pdf

X. Saddle Brook's Affordable Housing Obligation

This chapter outlines the four-part affordable housing obligation Saddle Brook has been assigned.

Four-Part Obligation

Rehabilitation | 42

Saddle Brook accepted DCA's rehabilitation obligation of 42 for the Fourth Round.

Prior Round (1987-1999) | 124

The 2018 Settlement Agreement and the 2021 HEFSP reaffirmed the 124-unit Prior Round obligation for Saddle Brook.

Third Round (1999-2025) | 418

Saddle Brook settled with FSHC regarding its Third Round obligation and accepted an obligation of 418 units. The certified Third Round HEFSP relied on a Vacant Land Adjustment resulting in an RDP of 36 units and an Unmet Need of 382 units for the Third Round.

Fourth Round (2025-2035) | 279

As indicated in the April 2025 Decision and Order, the Township's Fourth Round Obligation is 279 units.

The Township has prepared an updated Vacant Land Inventory, which shows that aside from the parcels contributing to the Third Round RDP of 36 units, there are no vacant and developable properties in the Township that are suitable for inclusionary housing. Therefore, the Township of Saddle Brook is seeking a Vacant Land Adjustment of the Fourth Round obligation based on an RDP of 0 units and an Unmet Need of 279 units.

XI. Mechanisms & Credits

This chapter provides the existing and proposed mechanisms and credits for each of the four affordable housing obligations.

Rehabilitation Mechanisms & Credits

The purpose of a rehabilitation program is to rehabilitate substandard housing units occupied by low- and moderate-income households. A substandard housing unit is defined as a unit with health and safety code violations that require the repair of a major system such as weatherization, a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), and/or load bearing structural system. Upon rehabilitation, housing deficiencies must be corrected, and the house must be brought up to code. The standard for evaluating rehabilitation activity shall be the local property maintenance code, or, if none is available, the BOCA (Building Officials and Code Administrators) Property Maintenance Code, in effect at the time of evaluation. The rehabilitation activity shall not include luxury improvements, the purchase of appliances (with the exception of stoves) or improvements that are strictly cosmetic. A rehabilitated unit is considered complete at the date of final inspection. Rehabilitation must occur within the affordable housing round to count for credit.

N.J.A.C. 5:93-5.2(g) and (h) requires an average of \$10,000 to be spent per unit and a six-year control on affordability for owner-occupied units.⁴ Additionally, a major system⁵ must be repaired in order for a home to qualify as a credit.

Bergen County's Office of Community Development runs a Home Improvement Program for residents. The Bergen County Home Improvement Program provides resources to rehabilitate existing one- and two-family housing. This program is designed to assist owners/occupants of one- and two-family homes in making necessary repairs to their homes. Eligibility is based on income, family size, and type of improvement. Saddle Brook will continue to encourage residents to participate in the County Program, which does not require a shared services agreement.

Prior Round Mechanisms & Credits

As per the terms of the FSHC Settlement Agreement, Saddle Brook is addressing a Prior Round Obligation of 124 units as follows:

1. Mayhill Apartments

The Mayhill Apartments are located at 140 Mayhill Street (Block 910, Lot 2). The complex consists of 156 one- and two-bedroom units, 15 of which are affordable rental units. The existing 15 units count for **15 credits**, as well as an additional **15 rental bonus credits**. The project was deemed credit worthy in the Third Round Judgment of Compliance and Repose.

⁴ The rules specifically require a minimum of \$2,000 per unit to be spent on administration and \$8,000 per unit to be spent on the rehabilitation activity, which totals at least \$10,000.

⁵ A major system is defined by N.J.A.C. 5:93-5.2(b) as weatherization, a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems) and/or a load bearing structural system.

2. Midland Commons/The Grande at Saddle Brook

Midland Commons is an under construction residential development on Block 402, Lots 1 and 2 at the intersection of Midland and Van Bussum Avenues. The project is in the AH-3 (Affordable Housing Residential District) Zone and will total 60 apartments across two buildings. The development was approved on June 16th, 2015 and will contain 12 affordable units. This qualifies the development for **12 credits** plus **12 rental bonus credits**. The project was deemed credit worthy in the Third Round Judgment of Compliance and Repose.

3. AH-5 Zone (Block 1401, Lots 4 and 5)

86 North Midland Avenue is a parcel approximately 0.75 acres in size and is within the Township's Affordable Housing Residential District Zone. Once redeveloped, it is expected to produce two affordable housing units. This project is thus expected to yield **2 credits**. The site is vacant and flat with direct access to Midland Avenue and water and sewer service is available. The project was deemed credit worthy in the Third Round Judgment of Compliance and Repose.

4. Senior Housing at Saddle Brook (Block 408, Lot 8)

In 2013, Saddle Brook purchased a former nursing home at 29 Caldwell Avenue using affordable housing trust funds. The Township is leasing the property to the Housing Authority of Bergen County which recently completed the construction of 30 handicap accessible one-bedroom affordable units for senior citizens. The development's 30 units will count towards **30 credits** of Saddle Brook's Prior Round Obligation. The 30 unit complex received a CO on October 10, 2019 and will be administered by the Housing Authority. The waiting list was closed within an hour of opening for applications. The Housing Authority was established in 1964 with a goal of providing housing low-income families and older adults. The facility is now occupied and provides 3 moderate income units, 9 low income units and 18 very low income units. The project was deemed credit worthy in the Third Round Judgment of Compliance and Repose.

5. Saddle Brook 100% Affordable (Block 1401, Lot 18)

The Township of Saddle Brook is seeking to develop a 2.9 acre municipally-owned parcel at 435 North Midland Avenue for an affordable housing development. The project would feature 100% Affordable units. Ingerman has been selected as the developer/operator of this site. At this time, Ingerman expects to develop 58 apartments on this property assuming 20 dwelling units per acre density. This will yield **58 credits**, of which **14 credits** will be applied to the Prior Round. The site is vacant and has never been developed. There are no contamination issues. Access is available via an easement from Rosol Lane, and a water main provides water service to the site. Sewer service is also available, and the property is close to the Midland Avenue pump station. The project was deemed credit worthy in the Third Round Judgment of Compliance and Repose.

6. CARING, Inc. (Block 703, Lot 31)

A four-bedroom group home for clients with mental disabilities operates in the Township. The property was purchased in 2001 and was included in the Township's 2004 Court Settlement. Each bedroom counts for one (1) credit, thus totaling **4 credits** for Supportive/Special Needs Housing. Additionally, the facility qualifies for **4 credits** of rental bonuses. The project was deemed credit worthy in the Third Round Judgment of Compliance and Repose.

7. Legregni Street (Block 511, Lot 19.20)

A supportive/special needs residence has been approved for 30 Legregni Street. The site plan application was approved in August 2017 by the Zoning Board of Adjustment for 16 bedrooms for special needs adults. A CO was issued for this residence on November 18, 2019, but there is no occupancy as of April 1, 2020 due to the COVID-19 pandemic. This will yield **16 credits**. There are no environmental constraints at this site and adequate water and sewer capacity are available. The project was deemed credit worthy in the Third Round Judgment of Compliance and Repose.

Prior Round Credit Summary

Prior Round Affordable Housing Credits				
Project	Credits Available	Prior Round		
		Units	Bonus	Total
Mayhill Apartments	15	15	15	30
Midland Commons	12	12	12	24
86 North Midland Avenue	2	2		2
Senior Housing at Saddle Brook	30	30		30
Saddle Brook 100% Affordable	58	14		14
CARING Inc.	4	4	4	8
30 Legregni Street	16	16		16
Total		93	31	124
Obligation		124		

Third Round (1999–2025) Mechanisms & Credits

Vacant Land Adjustment | 36 RDP

The Court-Approved Third Round HEFSP relied on a Vacant Land Adjustment resulting in an RDP of 36 units and an Unmet Need of 382 units for the Third Round. The Township has utilized the uncredited units from the Saddle Brook 100% Affordable Project and inclusionary zoning, as follows:

1. Saddle Brook 100% Affordable - Ingerman

The 100% Affordable project proposed for Block 1401, Lot 18 (435 North Midland Avenue) is projected to contain 58 units. Of the 58 units, credits for 14 units were assigned to the Prior Round. The remaining **44 units** will be assigned to the Third Round plus an additional **9 rental bonus credits**.

2. Midland Commons Additional Units

The Township has rezoned Block 402 Lots 3, 4 and 5 adjacent to Midland Commons to allow additional affordable and market rate units. It is anticipated that the site will yield four additional affordable units. The site has limited environmental constraints of steep slopes on 0.1 acre leaving 1.3 acres of the 1.4 acre site without constraints. Access has been reserved to this vacant parcel through the adjacent Midland Commons site now under construction. The Township Water Department upgraded water mains in the area when Midland Commons was initially proposed. An upgraded sewer pump station is nearby on Fifth Street.

Third Round Credit Summary

The two proposed mechanisms provide 57 credits as shown in the chart below.

Third Round Affordable Housing Credits				
Project	Credits Available	Prior Round		
		Units	Bonus	Total
Midland Commons	12	4	0	4
Saddle Brook 100% Affordable	58	44	9	53
Total		48	9	57
RDP		36		

Fourth Round (2025-2035) Mechanisms & Credits

Vacant Land Adjustment | 0 RDP

The Township has prepared an updated Vacant Land Inventory, which shows that aside from the parcels contributing to the Third Round RDP of 36 units, there are no vacant and developable properties in the Township that are suitable for inclusionary housing. Therefore, the Township of Saddle Brook is seeking a Vacant Land Adjustment of the Fourth Round obligation based on an RDP of 0 units and an Unmet Need of 279 units.

Unmet Need Compliance

The Third Round RDP of 36 plus 21 surplus credits when subtracted from the Third Round Obligation of 418 units, results in an unmet need of 361 units for the Third Round. The Fourth Round RDP of 0 units results in an Unmet Need of 279 units. The combined Third and Fourth Round Unmet Need is 640 units.

The unmet need will be addressed through the following mechanisms:

- An affordable housing overlay zone was adopted as part of the Third Round for Block 102, Lots 19-26 at the corner of President Street and Midland Avenue in the southern end of the Township near the border with the City of Garfield. The area currently consists of active industrial uses and a small number of single-family homes and is within walking distance of New Jersey Transit's Plauderville train station. The overlay zone would permit multifamily residential, up to three stories in height (which is not currently permitted in the zone) at a density of 20 dwelling units per acre.
- An affordable housing overlay zone was adopted as part of the Third Round to cover lots in the OM Office Midrise district on Block 101, Lot 2-7 and Block 403, Lots 14 and 15. The overlay would be located just north of the Kensington Crossing townhouse development. The overlay zoning would permit mixed-use buildings (not currently permitted) with commercial uses on the first floor and residential uses on the second and third floors at a maximum density of 16 dwelling units per acre.
- An affordable housing overlay zone was adopted as part of the Third Round to cover properties located in the B-2 Business Zone on Block 705, Lots 1 and 22-33 on the north side of Market Street. The overlay zoning would permit mixed-use buildings (not currently permitted) with

commercial uses on the first floor and residential uses on the second and third floors. The maximum allowable density would be 12 units per acre.

- An affordable housing overlay zone was adopted as part of the Third Round to cover properties in the B-2 Business Zone on Blocks 707, Lots 1, 2 (part), 3-13 and 37 and 708, Lots 1-7 on the south side of Market Street. The overlay zoning would permit mixed-use buildings (not currently permitted) with commercial uses on the first floor and residential uses on the second floor. The maximum allowable density would be eight (8) units per acre.
- A mandatory affordable housing set-aside has been adopted for all new multifamily residential developments of five units or more. The set-aside for rental developments shall be 15% and the set aside for for-sale developments shall be 20%. The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a new increase in the number of dwellings of five or more.
- The required affordable housing set-aside within the four proposed overlay zoning districts and any future multifamily inclusionary residential developments is to be 15% for rental housing developments and 20% for for-sale developments. At least 13% of the affordable units in these overlay districts shall be affordable to very low income households with half of the very low income units available to families.
- The Township Council designated Lot 1.01 in Block 611 as an Area in Need of Rehabilitation on August 15, 2024. The property contains 1.437 acres and is located at 93-95 Market Street. The property is developed with the former municipal building which is now vacant since the Township offices moved to a new building at 55 Mayhill Street. The Township is in the process of negotiating a Redevelopment Plan but anticipates approximately 60 townhouse units, which would provide 12 affordable housing units. Any affordable housing units that result from this redevelopment project would be credited towards the unmet need.
- No other sites have been offered to the Township for affordable housing and no other sites have been considered by the Township beyond those sites discussed previously in this document.

XII. Appendix

Planning Board of the Township of Saddle Brook

Resolution Approving an Amendment to the Township's Master Plan and Adoption of the Fourth Round Housing Element and Fair Share Plan Prepared by Colliers Engineering & Design, Dated June 6, 2025

Public Hearing Date: June 16, 2025

Adoption of Resolution: June 16, 2025

WHEREAS, the Township of Saddle Brook filed a declaratory judgment action entitled *In the Matter of the Application of the Township of Saddle Brook, County of Bergen, State of New Jersey*, Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-822-25 pursuant to *N.J.S.A. 52:27D-304.2*, *N.J.S.A. 52:27D-304.3*, and *N.J.S.A. 52:27D-304.1(f)(1)(c)* of the New Jersey Fair Housing Act, *N.J.S.A. 52:27D-301, et seq.* (collectively, the "FHA"), and in accordance with Section II.A of Administrative Directive #14-24 of the Affordable Housing Dispute Resolution Program, seeking a certification of compliance with the FHA; and

WHEREAS, Hon. Gregg A. Padovano, J.S.C., entered an order on May 16, 2025 fixing the present need obligation of the Township as 42 affordable units for the Fourth Round housing cycle, fixing the prospective need obligation for the Township as 279 affordable units for the Fourth Round Housing cycle, and authorizing the Township to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round; and

WHEREAS, the Township has engaged Colliers Engineering & Design to prepare a revised Housing Element and Fair Share Plan for the Fourth Round consistent with the terms of the Court's Order; and

WHEREAS, such a Housing Element and Fair Share Plan for the Fourth Round has been prepared and is being referred to the Township's Planning Board for consideration and possible adoption; and

WHEREAS, the Planning Board did determine to hold a public hearing, as required by law, regarding the revision of the Master Plan and adoption of the revised Housing Element and Fair Share Plan for the Fourth Round on June 16, 2025; and

WHEREAS, said hearing was duly noticed and advertised as required by law; and

WHEREAS, the Planning Board did, in fact, conduct such a hearing at its meeting of June 16, 2025; and

WHEREAS, at the conclusion of that hearing, the Planning Board did vote to adopt the proposed Housing Element and Fair Share Plan for the Fourth Round as amendments to the existing Master Plan;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Saddle Brook as follows:

I. JURISDICTION

The Planning Board determines that the revisions to the Township's Master Plan are exclusively a function of the Planning Board, and further finds that the Planning Board Secretary has provided notice and has advertised for the public hearing as required by law and that it, therefore, has jurisdiction to hold the public hearing and to consider the adoption of the revised Housing Element and Fair Share Plan for the Fourth Round.

II. SYNOPSIS OF EVIDENCE

The Planning Board makes the following synopsis of evidence received at the hearing:

A. Documentary Evidence:

The Planning Board received and reviewed a document entitled "Fourth Round Housing Element & Fair Share Plan, Township of Saddle Brook", dated June 6, 2025 and prepared by Daniel Bloch, PP, AICP, of Colliers Engineering & Design.

B. Testimony:

The Planning Board heard the testimony of Nicholas Dickerson, PP, AICP, who

was qualified as an expert in the field of municipal planning.

C. Comments from the Public:

The Planning Board opened the hearing to the public, but no interested parties commented.

D. Legal Advice:

The Planning Board heard and received legal advice from its attorney, Anthony P. Cialone, Esq. of Birchwale Pellino & Cialone LLC.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Planning Board finds and determines as follows:

A. *N.J.S.A.* 40:55D-28 authorizes a planning board to prepare and, after public hearing, adopt or amend a master plan or component parts thereof.

B. The amendment of the Master Plan by adoption of the Fourth Round Housing Element and Fair Share Plan prepared by Daniel Bloch, PP, AICP of Colliers Engineering & Design, dated June 6, 2025 is in the best interests of the Township of Saddle Brook.

C. The Planning Board determines that the adoption of the proposed Fourth Round Housing Element and Fair Share Plan is required by the Court's Order and will give the Township a judgment of repose which will determine that the Township is in compliance with its constitutional obligations to provide its fair share of affordable housing.

D. The Planning Board finds and determines that the proposed Fourth Round Housing Element and Fair Share Plan will have the effect of creating a realistic opportunity for the construction of affordable housing within the Township of Saddle Brook as required by constitutional principles as laid down by the Supreme Court in a series of decisions colloquially known as Mt. Laurel I, II, III and IV, and that same is therefore in the best interests of the Township of Saddle Brook.

IV. ADOPTION

BE IT FURTHER RESOLVED by the Township of Saddle Brook as follows:

A. The Planning Board does hereby amend the Master Plan and accordingly does hereby adopt the Fourth Round Housing Element and Fair Share Plan as identified above, and annexed hereto as Schedule A, as an amendment to the Township's Master Plan.

B. The Planning Board Secretary be and hereby is authorized and directed to publish a notice of the adoption of the amendment to the Master Plan, and to give actual notice to the Bergen County Planning Board with a copy of this Resolution together with a copy of the Fourth Round Housing Element and Fair Share Plan.

IT IS FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the Township Clerk, Township Affordable Housing Counsel, and Township Attorney.

Motion: June 16, 2025

MOTION: MR. BROWNE

SECOND: MAYOR WHITE

	YES	NO	ABSTAIN	OTHER
Mr. Ambrogio	✓			
Mr. Browne	✓			
Mr. Compitello, Chairman				
Mr. Cook	✓			
Mr. Hickey	✓			
Mr. LaGuardia				
Mr. Maniscalco, Vice Chairman				
Councilwoman Mazzer	✓			
Mayor White	✓			
Mr. Camporeale, 1 st Alt.				
Mr. Vermilyea, 2 nd Alt.	✓			
Ms. Barrale, Mayor's Alt.				

This Resolution is voted upon by the Board pursuant to *N.J.S.A. 40:55-D-10(g)* and adopted at a regular meeting on June 16, 2025

	YES	NO	ABSTAIN	OTHER
Mr. Ambrogio	M ✓			
Mr. Browne	2nd ✓			
Mr. Compitello, Chairman				
Mr. Cook	✓			
Mr. Hickey	✓			
Mr. LaGuardia				
Mr. Maniscalco, Vice Chairman				
Councilwoman Mazzer	✓			
Mayor White	✓			
Mr. Camporeale, 1 st Alt.				
Mr. Vermilyea, 2 nd Alt.	✓			
Ms. Barrale, Mayor's Alt.				

ATTEST:

SO APPROVED:


JAYNE KAPNER, Secretary


~~ROCCO COMPITELLO, Chairman~~
CLIFFORD COOK, ACTING CHAIRMAN

Schedule A

Gregg A. Padovano, J.S.C.
Superior Court of New Jersey
Bergen County Justice Center
10 Main Street, Courtroom 359
Hackensack, New Jersey 07601

Prepared by the court

IN THE MATTER OF THE APPLICATION
OF THE TOWNSHIP OF SADDLE
BROOK, COUNTY OF BERGEN, STATE
OF NEW JERSEY

FILED
MAY 16 2025
GREGG A. PADOVANO, J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

Docket No.: BER-L-822-25

Civil Action
Mt. Laurel Program

**ORDER FIXING MUNICIPAL
OBLIGATIONS FOR
“PRESENT NEED” AND
“PROSPECTIVE NEED” FOR
THE FOURTH ROUND
HOUSING CYCLE**

THIS MATTER having come before the Court on its own motion, sua sponte, on the Complaint for Declaratory Judgment filed on January 31, 2025 (“DJ Complaint”) by the Petitioner, Township of Saddle Brook, New Jersey (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14- 24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA; and

IT APPEARING that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs (“DCA”) issued its report entitled Affordable Housing Obligations for 2025-2035 (Fourth Round), therein setting forth the present need and prospective need obligations of all New Jersey municipalities for the Fourth Round housing cycle (the “DCA’s Fourth Round Report”); and

IT APPEARING that, pursuant to the DCA's Fourth Round Report, the **present need** obligation of the Petitioner has been calculated and reported **42 affordable units**, and its **prospective need** obligation of the Petitioner has been calculated and reported as **279 affordable units**, and which calculations have been deemed presumptively valid for purposes of the FHA; and

THE COURT having determined that no interested party has filed a challenge to the Petitioner's DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program; and

THE COURT having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:*

IT IS ON THIS 16th DAY OF MAY 2025

ORDERED that

1. That the present need obligation of the Municipality, be, and hereby is fixed as 42 affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as 279 affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay; and it is further

ORDERED that a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.



GREGG A. PADOVANO, J.S.C.
Designated Mt. Laurel Judge – Bergen Vicinage

*Pursuant to N.J.S.A. 52:27D-304.1, “[i]f the municipality meets th[e] January 31[, 2025] deadline [for adoption of a binding resolution setting forth a determination of present and prospective fair share obligation for the fourth round], then the municipality's determination of its obligation shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, as the municipality's obligation for the fourth round, unless challenged by an interested party on or before February 28, 2025.” The municipality’s determination of its present and prospective fair share obligation for the fourth round was adopted prior to January 31, 2025 in accordance with N.J.S.A. 52:27D-304.1, and no challenge was filed in response thereto. A presumption of validity thus attaches to the determination made by the municipality that is set forth in the resolution adopted by the municipality and which is incorporated by reference within this order.

**RESOLUTION OF THE TOWNSHIP OF SADDLE BROOK, BERGEN COUNTY,
COMMITTING TO THE TOWNSHIP'S FOURTH ROUND AFFORDABLE HOUSING
OBLIGATION AS CALCULATED BY DCA**

CR# 0125-24

WHEREAS, on March 20, 2024, Governor Philip D. Murphy signed P.L. 2024, c.2 into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA abolished the Council on Affordable Housing, also known as COAH, and delegated its responsibilities to the New Jersey Department of Community Affairs (hereinafter "DCA"), the New Jersey Housing and Mortgage Finance Agency, and the Affordable Housing Dispute Resolution Program (hereinafter "Program"), created by the same law; and

WHEREAS, the Amended FHA requires the DCA to calculate non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Township of Saddle Brook, Bergen County, Fourth Round (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 42 and a Prospective Need or New Construction Obligation of 279; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Fourth Round affordable housing obligations; and

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments, durational adjustments and other adjustments; and

WHEREAS, COAH regulations authorize municipalities to secure an adjustment to their rehabilitation obligation through a windshield survey; and

WHEREAS, based on the foregoing, the Township of Saddle Brook accepts the DCA calculations of the Township's fair share obligations and commits to its fair share of 42 units present need and 279 units prospective need subject to any vacant land, windshield survey and/or any other additional authorized adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Township of Saddle Brook reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Township of Saddle Brook also reserves the right to adjust its position in the event of any rulings in the Montvale case (MER-L-1778-24) or any other such litigation or legislative action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Township of Saddle Brook reserves the right to take such position as it deems appropriate in response thereto, including that its Fourth Round Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Township's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish, for example, unchallenged numbers by default on March 1, 2025; and

WHEREAS, in light of the above, the Governing Body of the Township of Saddle Brook finds that it is in the best interest of the Township to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director of the Administrative Office of the Court issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and

WHEREAS, the Township of Saddle Brook seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED on this 29th day of January, 2025 by the Mayor and Council of the Township of Saddle Brook, Bergen County, New Jersey as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. For the reasons set forth in this resolution, the Township of Saddle Brook hereby commits to the DCA Fourth Round Present Need Obligation of 42 units and the Fourth Round Prospective Need Obligation of 279 units described in this resolution, subject to all reservations of rights which specifically include:
 - a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;
 - b) All rights to revoke or amend this resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA;
 - c) All rights to take any contrary position in the event of a third party challenge to the obligations.

3. The Township of Saddle Brook hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in Bergen County within 48 hours after adoption of this resolution, attaching this resolution.
4. The Township of Saddle Brook authorizes its Affordable Housing Counsel to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
5. The Township of Saddle Brook hereby directs its Township Clerk to post this resolution on the Township website within 48 hours after adoption of this resolution, attaching this resolution.
6. The Township of Saddle Brook shall undertake all acts necessary to adopt a housing element and fair share plan to address its present and prospective need obligations as provided for by the Amended FHA, for filing by June 30, 2025 as part of the declaratory judgment action authorized herein.
7. This resolution shall take effect immediately, according to law.

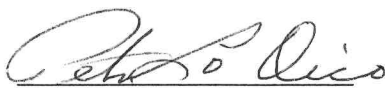
Motion: Councilman Cimiluca

Second: Councilwoman Sanchez

Roll Call:

Councilman Cimiluca – yes
Councilman Accomando – yes
Councilwoman Sanchez – yes
Councilwoman Mazzer - yes
Council President Gierak – yes

I hereby certify this to be a true resolution adopted by the Township Council at its Public meeting held on January 29, 2025.



Peter Lo Dico RMC CMC
Township Clerk

RESOLUTION

RESOLUTION ENDORSING THE 2025 HOUSING ELEMENT AND FAIR SHARE PLAN

CR# 625-104

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L.2024, c.2, establishing a new framework for determining and enforcing municipal affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (the "FHA") (N.J.S.A. 52:27D-301, *et al.*); and

WHEREAS, among other things, the Act abolished the Council on Affordable Housing (hereinafter, "COAH"), and replaced it with seven retired, on recall judges designated as the Program and authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, "Director" and "AOC") to create a framework to process applications for affordable housing compliance certification; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality was to adopt a binding resolution no later than January 31, 2025, determining and setting forth its present and prospective fair share obligations for the "Fourth Round" of affordable housing obligations ("Fourth Round"); and

WHEREAS, the Governing Body of the Township of Saddle Brook ("Township") adopted Resolution No. 25-1-54 on January 29, 2025, identifying its present need obligation as 42 units and prospective need obligation as 279 affordable units for the Fourth Round.

WHEREAS, in accordance with the FHA and Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024 ("Directive #14-24"), the Township filed a Complaint for Declaratory Judgment with the Superior Court of New Jersey, Law Division, Bergen County, entitled In the Matter of the Application of the Township of Saddle Brook, County of County, State of New Jersey, Docket No. BER-L-822-25 on January 31, 2025 (the "DJ Action"), identifying its present and prospective fair share obligations for the Fourth Round as set forth above, and committing to adopting and submitting a Fourth Round Housing Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, no parties challenged the Township's present and prospective need obligations; and

WHEREAS, on May 16, 2025, the Honorable Gregg A. Padovano, J.S.C., issued an Order setting the Township's present need obligation at 42 units and the prospective need obligation at 279 affordable units and further authorized the Township to proceed with preparation and adoption of a proposed HEFSP to satisfy the Township's affordable housing obligation; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(a) and Directive #14-24, each municipality must adopt and file as part of its DJ Action a HEFSP, with associated resolutions and proposed drafts of the appropriate zoning and other ordinances, necessary to implement its HEFSP, no later than June 30, 2025; and

WHEREAS, the Township of Saddle Brook Planning Board (“Board”) adopted the HEFSP, entitled “2025 Fourth Round Housing Element & Fair Share Plan” prepared by the Township’s affordable housing planner, Daniel Bloch, PP, AICP of Colliers Engineering & Design, dated June 6, 2025 (the “Fourth Round HEFSP”), as an amendment to the Township’s Master Plan on June 16, 2025; and

WHEREAS, the Governing Body desires to endorse the Fourth Round HEFSP adopted by the Board on June 16, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Saddle Brook, Bergen County as follows:

1. The Governing Body does hereby endorse the Fourth Round HEFSP adopted by the Township of Saddle Brook Planning Board on June 16, 2025.
2. The Governing Body does hereby authorize the filing of this Resolution endorsing the Fourth Round HEFSP adopted by the Board on eCourts for review by the Program.
3. The Mayor and Clerk, together with other appropriate officers and employees of the Township of Saddle Brook, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.
4. This Resolution shall take effect immediately.

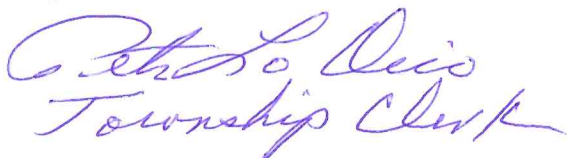
Motion: Councilman Cimiluca

Second: Councilwoman Mazzer

Roll Call:

Councilman Cimiluca – yes
Councilman Accomando – absent
Councilwoman Sanchez – absent
Councilwoman Mazzer – yes
Council President Gierak – yes

I hereby certify this to be a true resolution adopted by the Township Council at its Public meeting held on June 19, 2025.



Patricia L. Davis
Township Clerk