

# Housing Element & Fair Share Plan

---

City of Summit  
Union County, New Jersey

June 12, 2025  
Adopted June 23, 2025





B U R G I S  
A S S O C I A T E S , I N C .

COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

**PRINCIPALS:**

*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*  
*David Novak PP, AICP*

# HOUSING ELEMENT AND FAIR SHARE PLAN

CITY OF SUMMIT

UNION COUNTY, NEW JERSEY

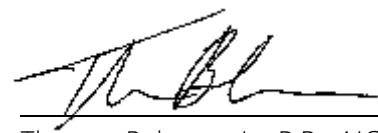
PREPARED FOR:

CITY OF SUMMIT PLANNING BOARD

BA# 4167.06

The original document was appropriately signed and sealed on June 12, 2025 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

  
\_\_\_\_\_  
Joseph H. Burgis, P.P., AICP  
Professional Planner #2450

  
\_\_\_\_\_  
Thomas Behrens, Jr., P.P., AICP  
Professional Planner #6323



**MEMBERS OF THE CITY OF SUMMIT PLANNING BOARD**

Steven Spurr, Chair  
Jennifer Balson Alvarez, Vice Chair  
Elizabeth Fagan, Mayor  
Delia Hamlet, Common Council Member  
Augusto Dal'Maso, Municipal Official  
Susan Bowen  
Ryan Felmet  
Paul Formichelli  
Peter Lijoi  
PJ Sala  
Paul Stern

**CITY ADMINISTRATOR**

Tammie Baldwin

**PLANNING BOARD SECRETARY**

Jessica Sands &  
Nicole Kotiga, RMC, Deputy City Clerk

**AFFORDABLE HOUSING ATTORNEY**

Nancy Holm, Esq.  
Surenian, Edwards, Buzak & Nolan, LLC

**AFFORDABLE HOUSING ADMINISTRATIVE AGENT**

Marc Leckington  
Leckington Advisors

**PLANNING BOARD ATTORNEY**

Steven Warner, Esq.  
Savo, Shalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher

**PLANNING BOARD ENGINEER**

Marie Raffay, P.E., CME  
Colliers Engineering & Design

**PLANNING BOARD & AFFORDABLE HOUSING PLANNER**

Joseph H. Burgis, P.P., A.I.C.P., Tom Behrens, P.P., A.I.C.P.,  
Burgis Associates, Inc.

# CONTENTS

Executive Summary.....	1
<b>SECTION 1: INTRODUCTION.....</b>	<b>7</b>
1.1 What is Affordable Housing?.....	7
1.2 History of Affordable Housing in New Jersey.....	8
1.3 What is a Housing Element and Fair Share Plan?.....	10
<b>SECTION 2: HOUSING ELEMENT.....</b>	<b>12</b>
2.1 Community Overview.....	12
2.2 Data Sources.....	16
2.3 Inventory of Municipal Housing Stock.....	17
2.4 Projection of Municipal Housing Stock.....	22
2.5 Population Analysis .....	23
2.6 Employment Analysis.....	26
2.7 Employment Projections.....	28
<b>SECTION 3: FAIR SHARE OBLIGATION .....</b>	<b>30</b>
3.1 Summary of Fair Share Obligation.....	30
3.2 Realistic Development Potential .....	31
<b>SECTION 4: FAIR SHARE PLAN .....</b>	<b>33</b>
4.1 General Provisions.....	33
4.2 Plan Components.....	34
4.3 Development Sites .....	39
4.4 Rejected Development Sites.....	66
4.5 Crediting Documentation and Ongoing Compliance .....	67
4.6 Consistency with State Planning Initiatives .....	67
<b>APPENDIX.....</b>	<b>69</b>
4th Round Complaint for Declaratory Relief Pursuant to AOC Directive #14-24.....	
Resolution No. 41452 Determining 4th Round Obligation .....	
Court Order Fixing 4th Round Obligation.....	
4th Round Vacant Land Analysis (VLA) .....	
2016 (3rd Round) Settlement Agreement with Fair Share Housing Center.....	
3rd Round Final Judgement of Compliance and Repose .....	
NJHMFA UHAC 2025 Affordable Housing Regional Income Limits by Household Size .....	
Structural Conditions Survey.....	
Draft Ordinance Creating AH-1 Affordable Housing District (Harmen Holdings).....	
Draft Ordinance Amending Mandatory Set-Aside Ordinance .....	

Zoning Board of Adjustment Resolution for Application No. ZB-21-2090 (Tyrconnell Park) .....

Governing Body Ordinance No. 24-3319 Creating Morris Broad Crossroads (MBC) Overlay Zone .....

**MAPS.....**

Community Map..... 14

Existing Land Use Map..... 15

Fair Share Plan Sites Map ..... 65



## EXECUTIVE SUMMARY

This 2025 City of Summit Housing Element and Fair Share Plan ("HE&FSP") of the Master Plan is designed to address the manner in which the City will fulfill its 4<sup>th</sup> Round (2025-2035) affordable housing obligations. These obligations and the ways in which they are addressed are derived from a variety of sources, including regulatory provisions of the Council on Affordable Housing (COAH), a prior settlement agreement with Fair Share Housing Center ("FSHC"), prior Court-approved Judgments of Compliance and Repose, and the recent legislation on the 4<sup>th</sup> Round of the affordable housing issue and associated housing need calculations by the Department of Community Affairs ("DCA").

These obligations are summarized as follows:

**TABLE 1 – CITY OF SUMMIT AFFORDABLE HOUSING OBLIGATIONS SUMMARY**

Category	Obligation	Unmet Need
1 <sup>st</sup> & 2 <sup>nd</sup> Round Obligation (1987-1999)	171 units reduced to 36-unit combined Prior Round & 3 <sup>rd</sup> Round RDP through a VLA*	N/A
3 <sup>rd</sup> Round Obligation (1999-2025)	567 units reduced to 36-unit combined Prior Round & 3 <sup>rd</sup> Round RDP through a VLA*	702 units (combined)
4 <sup>th</sup> Round Obligation (2025-2035)	345 units reduced to 18-unit RDP through a VLA*	327 units
Present Need (Rehabilitation) Obligation	59 reduced to 10 units through a 'windshield' survey	N/A

\* RDP = Realistic Development Potential. VLA = Vacant Land Adjustment.

The City of Summit has adopted several HE&FSPs to address its affordable housing obligations through the first three rounds of the published affordable housing obligations. These are described below.

### Prior (1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup>) Round Obligation

The City of Summit adopted several Housing Elements and Fair Share Plans to address its 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Round affordable housing obligations throughout the years; however, due to protracted litigation over the 3<sup>rd</sup> Round COAH regulations, the City's plan was finally approved through the Mount Laurel IV declaratory judgment process in 2019. In 1986, COAH adopted a "fair share" methodology to determine municipal housing-need numbers for municipalities throughout the state, assigning Summit an affordable housing-need number of 249 units to cover the years 1987 through 1993. COAH prepared new, adjusted numbers in 1994 covering a combined 1<sup>st</sup> and 2<sup>nd</sup> Round obligation for the years 1987-1999 of 171 units.

Pursuant to a Settlement Agreement with FSHC, the City had established a 3<sup>rd</sup> Round Prospective Need obligation of 567, which pursuant to a Vacant Land Analysis, established a combined Prior Round and 3<sup>rd</sup> Round Realistic Development Potential ("RDP") Obligation of 36 affordable units and an unmet need of 702 units. The City also agreed at that time to facilitate the construction of fifty units of affordable housing to encourage the development of additional 'unmet need' affordable housing opportunities ("50 new units"). This Settlement Agreement was approved by the Court at a duly-noticed Fairness Hearing and memorialized in an Order approving the Settlement Agreement dated October 31, 2016. The City adopted its 3<sup>rd</sup> Round HE&FSP on February 26, 2018 and was subsequently granted a Final Judgment of Compliance and Repose ("JOR") on January 22, 2019.



All court-approved credits satisfying the City's 36-unit combined Prior Round and 3<sup>rd</sup> Round RDP have been constructed and are now occupied by qualified households. These units are monitored by the City's Administrative Agent. At the time of publication of this HE&FSP, the Court is considering a Consent Order between FSHC and the City, finalizing the satisfaction of the "50 New Units" toward the City's 3<sup>rd</sup> Round Unmet Need and is expected to sign same. Should the Consent Order not be available in time for the filing of this HE&FSP with the Court by the June 30, 2025 deadline, it will be filed separately as an amendment to the appendix of this plan.

The City's Court-approved 3<sup>rd</sup> Round HE&FSP addresses the entirety of its 36-unit RDP, including approvals for bonus credits. In addition, throughout the 3<sup>rd</sup> Round, the City created additional affordable housing opportunities toward the 50 New Units as noted above and summarized in the accompanying two tables.

**TABLE 2 – PLAN COMPONENTS SATISFYING COMBINED PRIOR ROUND & 3<sup>RD</sup> ROUND RDP**

Plan Mechanisms	Address	Block/Lot	Unit Type	# Units	Bonus Credits	Total Credits	Project Status
<u>Group Homes</u>							
Our House, Inc.	43 Glendale Ave.	246/4	Group Home	4	4	8	Completed
<u>Assisted Living</u>							
Sunrise	22 River Rd.	201/9.01	Senior	8	1	9	Completed
<u>100% Affordable – For Sale</u>							
Habitat for Humanity	39 Morris Ave.	3908/7.01-7.06	Family	6	0	6	Completed
<u>100% Affordable – For Rent</u>							
Tiger Baron	120 Morris Ave.	4209/1	Family	2	2	4	Completed
<u>Inclusionary Development</u>							
Parmley Place	50 Parmely Pl.	2606	Family	2	2	4	Completed
<u>Off-Site Units</u>							
Summit Pl.	13 North St.	3901/10	Family	3	0	3	Completed
68-72 Franklin Pl.	31 Russell Pl.	4210/2	Family	2	0	2	Completed
<b>RDP 36 Total</b>				<b>27</b>	<b>9</b>	<b>36</b>	<b>-</b>

**TABLE 3 – PLAN COMPONENTS SATISFYING 3<sup>RD</sup> ROUND 50-UNITS OF "NEW CONSTRUCTION"/UNMET NEED**

Plan Mechanisms	# of AH Units	50- Unit Goal	Unit Type	Unit/Bedroom Counts	Project Status
100% Affordable Senior Project with BCUW (Methodist Church)	12	12	Senior	Studio-2BR; UHAC/DCA funding Requirements	MOU signed by Parties
412 Morris (MF Zone)	1	1	Family	2BR Low	Occupied
146 Morris (Habitat for Humanity)	12	12	Family	6-2BR 6-3BR	Constructed & being filled
123-127 Summit Avenue	3	3	Family	3BR Mod 1BR Low 2BR Low	Occupied
557-565 Morris (46-unit Project)	7	7	Family	UHAC Requirements	Approved
Our House – Future Group Home	4	4	SSN	Special needs n/a	Agreement executed by Parties
St. Teresa's 100% affordable	11	11	3 Family, 8 can be senior/SSN	UHAC Requirements	Planning Phase
<b>Total for Plan:</b>		<b>50</b>	<b>Per consent order with FSHC</b>		

#### 4th Round Obligation

Governor Murphy signed new affordable housing legislation (A-40/S-50 Bill) into law on March 20, 2024. This Fair Housing Act legislation (FHA-2) amended the existing Fair Housing Act (FHA or the Act) by abolishing COAH and establishing a new process that created an Affordable Housing Dispute Resolution Program (the Program), which is overseen by seven retired Mount Laurel judges. The Program has taken the place of the trial courts and COAH regarding the initial phase of the affordable housing approval process that pertained to the acceptance of affordable housing obligations, with the Superior Court being the final decision-maker in the process by issuing orders and eventually certificates of compliance. The DCA and the Administrative Office of the Courts (AOC) are also involved in this process.

FHA-2 directed the DCA to calculate Present Need (i.e. Rehabilitation obligation) and Prospective Need (the new construction obligation) for the 4<sup>th</sup> Round for all municipalities in the State based upon the standards set forth in the Act. DCA issued its report on October 18, 2024, and, in accordance with the Act, made clear that the obligations identified in their report were advisory only and were non-binding.

For Summit, DCA identified a Present Need of 59 and a Prospective 4<sup>th</sup> Round obligation of 345. On January 21, 2025, the City adopted a “binding resolution” accepting the DCA’s calculations of its Present and Prospective Need obligations in accordance with the statutory requirements of FHA-2. On January 22, 2025, the City filed a Declaratory Judgment Action with the Program pursuant to AOC Directive #14-24, along with a copy of the adopted binding resolution, thereby securing continued immunity from builder’s remedy and other Mount Laurel lawsuits related to its Round 4 obligation. No objections were received to the City’s acceptance of its DCA-calculated obligations by the statutory deadline of February 28, 2025, thereby the City’s obligations became automatically accepted on March 1, 2025 by statute. The Hon. Daniel R. Lindemann, J.S.C. issued an Order on May 5, 2025 that officially set the City’s 4<sup>th</sup> Round Present Need at 59 and its Prospective Need at 345. A subsequent vacant land adjustment analysis presented in this Plan has resulted in reducing that number to an RDP of 18 and an unmet need of 327.

The plan mechanisms that satisfy the entirety of Summit’s 4th Round RDP and a portion of its Unmet Need are summarized in the accompanying two tables.

TABLE 4 – PLAN COMPONENTS SATISFYING 4TH ROUND RDP

Plan Mechanism	Address	Block/Lot	Unit Type	# Units	Bonus Credits	Total Credits	Project Status
Summit Place Off-Site	708-710 Springfield Ave	2901/24	Family	4	0	4	Constructed & Occupied; Approved by the Court in Round 3
Providence Crossing	785 Springfield Ave	1604/7	Family	2	1	3	Constructed & Occupied; Approved by the Court in Round 3
Promenade	545 Morris Ave	404/1-4	Family	5	2	7	Constructed & Occupied; Approved by the Court in Round 3
4-6 Ashwood Avenue	86 Park Ave, #103	4006/2.02	Family	2	1	3	Constructed & Occupied; Approved by the Court in Round 3
Harmen Holdings	Broad St., Ashwood Ave., Morris Ave.	4008/8,9,11	Family Rental	1 (of 4)	0	1	To be rezoned
<b>Total</b>				<b>14</b>	<b>4</b>	<b>18</b>	<b>-</b>

TABLE 5 – PLAN COMPONENTS SATISFYING 4TH ROUND UNMET NEED

Plan Mechanisms	Address	Block/Lot	Unit Type	# AH Units	Project Status
Harmen Holdings	Broad St., Ashwood Ave., Morris Ave.	4008/8,9,11	Family	3 (of 4)	To be rezoned
Glenwood Place (Summit Housing Authority or SHA)	50 Glenwood Pl.	2614/12	Family	40	Constructed & Occupied (Removal of Residency Preference Required)
Weaver St. Apartments (SHA)	2 Weaver St.	1302/43	Family	30	Constructed & Occupied (Removal of Residency Preference Required)
Vito A. Gallo Senior Apartments (SHA)	12 Chestnut Ave.	2702/3	Senior	125	Constructed & Occupied (Removal of Residency Preference Required)
MBC Overlay Zone	Morris Ave., Broad St., Cedar St.	2706/1,2,3,4	Family	7	Adopted
Our House Group Home	1 Greenfield Ave.	401/50	SSN	4	Constructed & Occupied
Brandywine Assisted Living	41 Springfield Ave.	3802/28	Senior	10	Constructed & Occupied
Elizabeth RCA	N/A	N/A	RCA	26	Approved by COAH & Court
Overlay Zone 1	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 2	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 3	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 4	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 5	25 Deforest Ave.	1906/1	Family	-	Adopted
Overlay Zone 6	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 7 (Habitat for Humanity Project)	146 Morris Ave.	4208/1	Family	12	Constructed
Extension of Expiring Controls	-	-	-	-	As needed
Mandatory Set-Aside Ordinance	City-Wide	-	-	-	Adopted
Development Fee Ordinance	City-Wide	-	N/A	-	Adopted

## Structure of the Plan

The City's 2025 HE&FSP addressing its 4th Round affordable housing obligations is divided into the following sections:

❖ Section 1: Introduction

The first section of the 2025 HE&FSP provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

❖ Section 2: Housing Element

Section 2 contains the Housing Element for the City of Summit. It offers a community overview of the City, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the City's housing stock and employment.

❖ Section 3: Fair Share Obligation

Next, Section 3 provides an overview of the City's fair share obligation. It includes a brief history of the methodologies utilized to calculate affordable housing obligations throughout the state.

❖ Section 4: Fair Share Plan

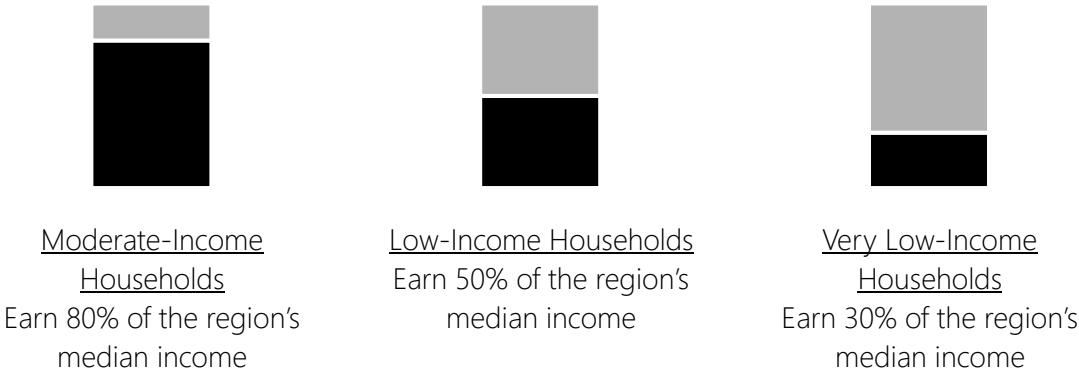
Finally, Section 4 details the manner in which the City has addressed its prior 1st through 3<sup>rd</sup> Round obligations, how it will address its 4th Round Prospective Need Obligation, and how same is consistent with the FHA, applicable COAH and UHAC regulations, and state planning initiatives.

# Section 1: Introduction

The following section introduces what constitutes affordable housing. It identifies what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

## 1.1 WHAT IS AFFORDABLE HOUSING?

Affordable housing is income-restricted housing that is available for sale or for rent. As a general proposition, affordable housing is restricted to very-low, low-, and moderate-income households (noted below), although there are exceptions, such as specific types of special-needs housing. These categories are derived from the state’s median regional income limits (which for the current year are noted in the table below). New Jersey is divided into six different affordable housing regions. Summit is located within Region 2 which includes Union, Essex, Morris and Warren Counties.



Regional income limitations are typically updated every year, with different categories established for varying household sizes. The table below identifies the 2025 regional income limits by household size for Region 2. As shown, a three-person family with a total household income of up to \$97,440 could qualify as a moderate-income household for affordable housing in the City’s region. The complete 2025 NJHMFA income table is provided in the Appendix.

TABLE 6 – 2025 REGION 2 INCOME LIMITS

Income Level	2 Person	3 Person	4 Person	5 Person
Median (100%)	\$108,300	\$121,800	\$135,300	\$146,200
Moderate (80%)	\$86,640	\$97,440	\$108,240	\$116,960
Low (50%)	\$54,150	\$60,900	\$67,650	\$73,100
Very-Low (30%)	\$32,490	\$36,540	\$40,590	\$43,860

Source: NJHMFA UHAC 2025 Affordable Housing Regional Income Limits by Household Size effective May 16, 2025.

Affordable housing exists in several forms which may be available for sale or rent. This may include 100% affordable developments, deed-restricted accessory apartments, special needs/supportive housing or group homes, assisted living facilities, age-restricted housing, and inclusionary development in which a certain percentage of the housing units are reserved for affordable housing while the remaining units are market rate.

## 1.2 HISTORY OF AFFORDABLE HOUSING IN NEW JERSEY



The history of affordable housing in New Jersey can be traced back to 1975, when the Supreme Court first decided in So. Burlington Cty. NAACP v. Township of Mount Laurel (known as Mount Laurel I) that every developing municipality throughout New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent Supreme Court decision in 1983 (known as Mount Laurel II), the Court acknowledged that the vast majority of municipalities had not addressed their constitutional obligation to provide affordable housing.

As such, the Court refined this obligation to establish that every municipality had an obligation, although those within the growth area of the State Development and Redevelopment Plan (SDRP) had a greater obligation. The Court also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result of this decision was the adoption of the Fair Housing Act in 1985, as well as the creation of the Council on Affordable Housing (COAH), which became the state agency responsible for overseeing the manner in which New Jersey's municipalities address their low- and moderate-income housing needs.

COAH proceeded to adopt regulations for the 1st Round obligation, which covered the years 1987 to 1993. It also established the 2<sup>nd</sup> Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the 1st and 2nd Rounds, COAH utilized what is commonly referred to as the "fair share" methodology. COAH utilized a different methodology, known as "growth share," beginning with its efforts to prepare 3rd Round housing-need numbers. The 3rd Round substantive and procedural rules were first adopted in 2004.

These regulations were challenged and in January 2007, the Appellate Division invalidated various aspects of these rules and remanded considerable portions of the rules to COAH with the directive to adopt revised regulations.

In May 2008, COAH adopted revised 3rd Round regulations which were published and became effective on June 2, 2008. Coincident to this adoption, COAH proposed amendments to the rules they had just adopted, which subsequently went into effect in October 2008. These 2008 rules and regulations were subsequently challenged, and in an October 2010 decision, the Appellate Division invalidated the Growth Share methodology and also indicated that COAH should adopt regulations pursuant to the Fair Share methodology utilized in Rounds One and Two.

The Supreme Court affirmed this decision in September 2013, which invalidated much of the third iteration of the 3rd Round regulations and sustained the invalidation of growth share. As a result, the Court directed COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

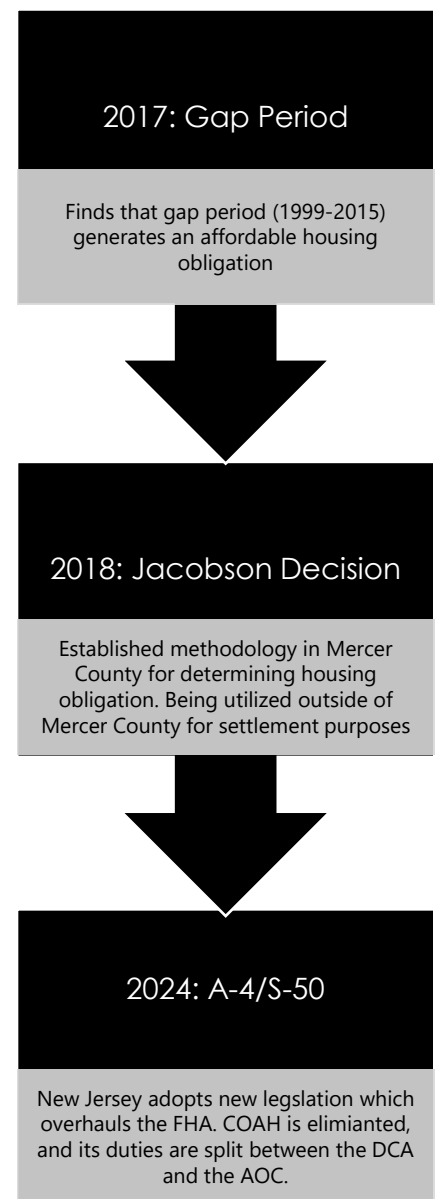
Deadlocked with a 3-3 vote, COAH failed to adopt revised 3rd Round regulations in October 2014. FSHC, who was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. The Court heard the motion in January 2015 and issued its ruling on March 20, 2015. The Court ruled that COAH was effectively dysfunctional and, consequently, returned jurisdiction of affordable housing issues back to the trial courts where it had originally been prior to the creation of COAH in 1985.

This 2015 Court decision, commonly known as Mount Laurel IV, created a process in which municipalities could file a declaratory judgment action seeking a declaration that their HE&FSP is constitutionally compliant and receive temporary immunity from affordable housing builders' remedy lawsuits while preparing a new or revised HE&FSP to ensure their plan continues to affirmatively address their local housing need as may be adjusted by new housing-need numbers promulgated by the court or COAH.

Subsequently, the Supreme Court ruled on January 18, 2017 that municipalities are also responsible for obligations accruing during the so-called "gap period," the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need, 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).

On March 20, 2024, Governor Murphy signed the A4/S50 Bill into law, which significantly amended the FHA for the 4th Round and beyond (FHA-2"). The amendments to the FHA eliminated COAH, kept superior oversight of the trial courts to ultimately approve municipal HE&FSPs, and created a new entity to act as an intermediary in resolving disputes and reviewing municipal plans known as the Affordable Housing Dispute Resolution Program, commonly referred to as "the Program," which consists of seven retired Mount Laurel Judges who have the discretion to hire "Special Adjudicators," which were formerly called Court Master in previous rounds. FHA-2 also involved the DCA and the AOC in the process.

The DCA was designated by the FHA-2 as the entity responsible for calculating the state's regional needs as well as each municipality's present and prospective fair share obligations pursuant to the methodology set forth in the Jacobson Decision. However, the FHA-2 makes it clear that these numbers are advisory and non-binding, and that each municipality must set its own obligation number utilizing the same methodology. The Program was tasked to handle any disputes regarding affordable housing obligations and plans, and issuing recommendations to the Superior Court judges, as the Courts were kept in the process to ultimately issue a Compliance Certification formally approving a municipality's HE&FSP, which would continue immunity from all exclusionary zoning lawsuits until July 30, 2035.





### 1.3 WHAT IS A HOUSING ELEMENT AND FAIR SHARE PLAN?

A HE&FSP serves as the blueprint for how a municipality will address its fair share of affordable housing. It is designed to help a community broaden the accessibility of affordable housing.

While technically a discretionary component of a municipal master plan, a HE&FSP is nevertheless an effectively obligatory plan element. As established by N.J.S.A. 40:55D-62.a of the MLUL, a municipality must have an adopted HE&FSP in order to enact its zoning ordinance. Thus, from a public policy perspective, a HE&FSP is an essential community document. Moreover, without an approved HE&FSP, a municipality may be susceptible to a builder's remedy lawsuit in which a developer could file suit to have a specific piece of property rezoned to permit housing at higher densities than a municipality would otherwise allow, provided a certain percentage of units are reserved as affordable.

The Municipal Land Use Law (MLUL) is the enabling legislation for municipal land use and development, planning, and zoning for the State of New Jersey.

The Fair Housing Act, as most recently amended pursuant to FHA-2, establishes the required components of a HE&FSP. These are summarized as follows:

1. 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.
2. 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.
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age.
4. An analysis of the existing and probable future employment characteristics of the municipality.
5. 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.
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and 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.
7. 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.

8. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, 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. And
9. 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.

## Section 2: Housing Element

The following section provides the Housing Element for the City of Summit. It offers a community overview of the City, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the City's housing stock and employment.

### 2.1 COMMUNITY OVERVIEW

The City of Summit is in the northwestern portion of Union County. It is bounded by seven municipalities, including the Borough of Chatham and Township of Millburn to the north, the Township of Springfield to the east, the Borough of Mountainside and Township of Berkeley Heights to the south, and the Borough of New Providence and Township of Chatham to the west.

The City is approximately six square miles in area, making it the seventh largest municipality in Union County. It is a fully developed community with very little vacant land remaining for development. The City's center features an active and vibrant central business district that contains over 220 parcels within eighty acres, exclusive of public rights-of-way, and is developed with an attractive array of retail, service commercial and restaurant uses including numerous outdoor dining locations. The City is also home to Overlook Medical Center, which is located near the downtown, as well as several corporate campuses such as Bristol Myers Squibb and Kenvue, and other notable land uses such as Canoe Brook Country Club golf course, public and private schools and variety of parks and open spaces distributed throughout the City.

Summit also has a variety of housing types, ranging from attractive single-family residences on varied lot sizes to multi-family and townhouse developments. Notably, the City administers its own housing authority, which oversees affordable housing developments in three locations totaling 195 units; there are also inclusionary developments that contain an affordable housing set-aside, small-scale 100% affordable housing developments, as well as assisted living facilities and group homes.

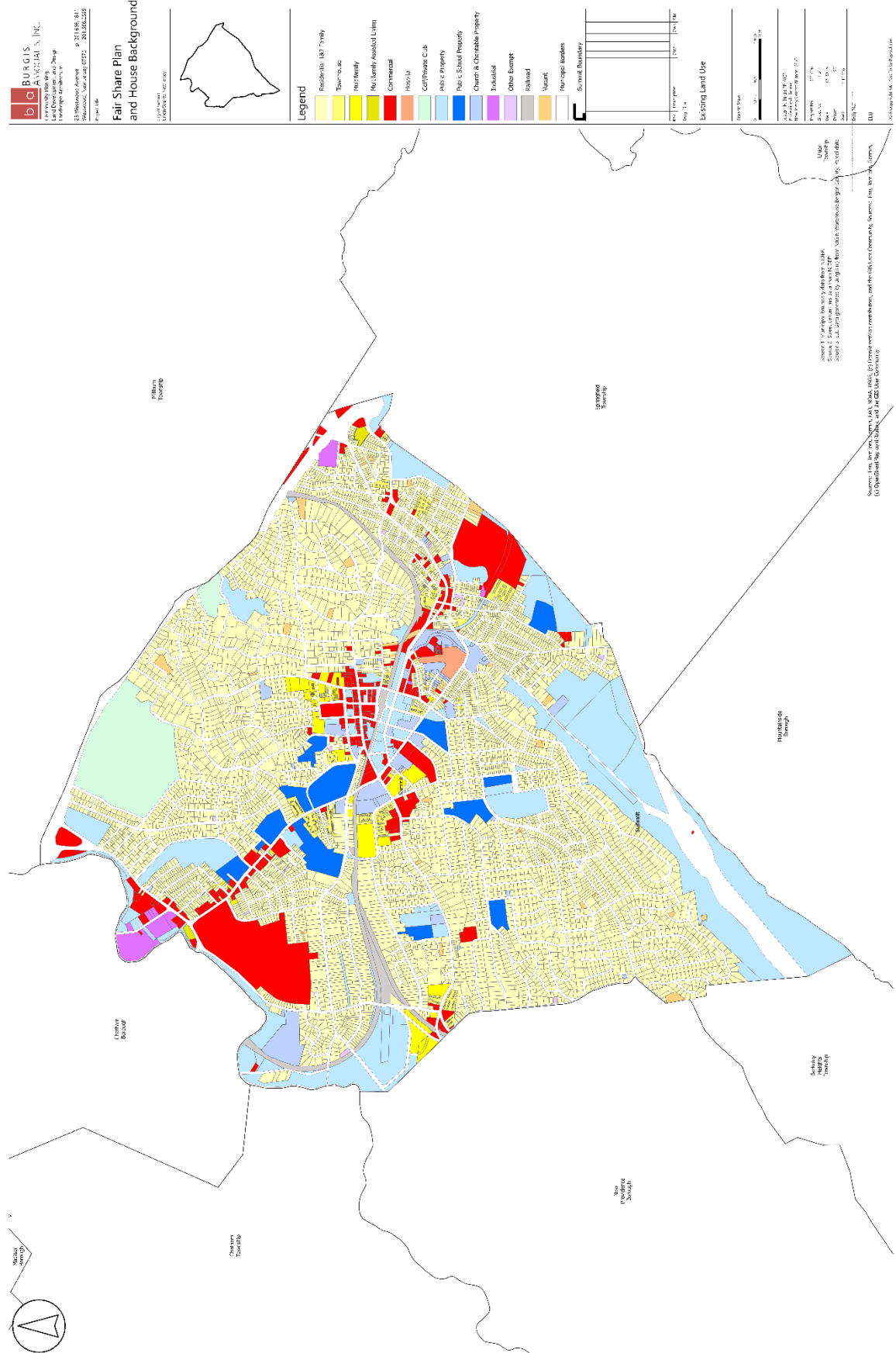
Summit is located at the intersection of Interstate Route 78 and State Route 24 and roughly 4.4 miles west of the Garden State Parkway. The City is served by several means of public transportation, including the Summit and New Providence train stations that offer service along NJ Transit's Morristown and Gladstone Branch rail lines, which provide access to Secaucus Junction, Hoboken Terminal and New York Penn Station among other destinations. Bus service is provided via a park and ride located at the intersection of Springfield Avenue and Route 24. There are also several bus stop routes located along Morris Avenue, Springfield Avenue, Ashland Road and Broad Street.

Table 7 and the accompanying Community and Existing Land Use Maps depict the distribution of land uses in Summit.

TABLE 7 – DISTRIBUTION OF EXISTING LAND USES  
CITY OF SUMMIT, NEW JERSEY

Land Use	Sub-Category	Acres	% of Total Acres
<b>Residential</b>	Residential 1 & 2 Family	1854.5	47.74%
	Townhouse	44.7	1.15%
	Assisted Living	3.8	0.10%
	Multifamily	49.8	1.28%
<b>Commercial</b>	Commercial	255.9	6.59%
	Golf/Private Club	130.6	3.36%
<b>Public/Semi-Public</b>	Public Property	552.4	14.22%
	Public Roads	691.0	17.79%
	Public School	102.2	2.63%
	Church & Charitable	76.6	1.97%
<b>Other</b>	Vacant	23	0.59%
	Industrial	26.3	0.68%
	Hospital	9.4	0.24%
	Railroad	60.4	1.55%
	Other Tax Exempt	3.8	0.10%
<b>Total</b>	-	3884	100.00%





## 2.2 DATA SOURCES

The information contained in the Housing Element section of this document was obtained from a variety of publicly available data sources including the U.S. Decennial Census, American Community Survey ("ACS"), New Jersey Department of Health, New Jersey Department of Community Affairs ("DCA") and New Jersey Department of Labor and Workforce Development.

1. United States Decennial Census. The US Census is described in Article I, Section 2 of the Constitution of the United States, which calls for an enumeration of the people every ten years for the apportionment of seats in the House of Representatives. Since the time of the first Census conducted in 1790, it has become the leading source of data about the nation's people and economy. Please note that all incomes reported in the Census are adjusted for inflation.
2. American Community Survey. The American Community Survey is a nationwide ongoing survey conducted by the US Census Bureau. The ACS gathers information previously contained only in the long form version of the decennial census, such as age, ancestry, educational attainment, income, language proficiency, migration, disability, employment, and housing characteristics. It relies upon random sampling to provide ongoing, monthly data collection. Please note that all incomes reported in the ACS are adjusted for inflation.
3. New Jersey Department of Health. The New Jersey Department of Health is a governmental agency of the State of New Jersey. The department contains the Office of Vital Statistics and Registry, which gathers data regarding births, deaths, marriages, domestic partnerships, and civil unions.
4. New Jersey Department of Health. The New Jersey Department of Community Affairs is a governmental agency of the State of New Jersey. Its function is to provide administrative guidance, financial support, and technical assistance to local governments, community development organizations, businesses, and individuals to improve the quality of life in New Jersey.
5. New Jersey Department of Labor and Workforce Development. The New Jersey Department of Labor and Workforce Development is a governmental agency of the State of New Jersey. One of its roles is to collect labor market information regarding employment and wages throughout the state.

## 2.3 INVENTORY OF MUNICIPAL HOUSING STOCK

The following section of the Housing Element provides an inventory of the City's housing stock, as required by the Municipal Land Use Law (MLUL). This inventory details such housing characteristics as age, condition, purchase/rental value, and occupancy. It also details the number of affordable housing units available to low-and-moderate income households, as well as the number of substandard housing units capable of being rehabilitated.

1. Number of Dwelling Units. As shown on the table below, the City's housing stock has experienced steady, modest growth since at least 1990. In 2023, Summit had an estimated 8,603 housing units which represents an increase of 7.5% over the preceding 33 years.

TABLE 8 - DWELLING UNITS (1990-2023)  
CITY OF SUMMIT, NEW JERSEY

<b>Year</b>	<b>Total Dwelling Units</b>	<b>Numerical Change</b>	<b>Percentage Change</b>
1990	8,003	-	-
2000	8,146	143	1.8%
2010	8,190	44	0.5%
2020	8,365	175	2.1%
2023	8,603	238	2.8%

Source: U.S. Decennial Census 1990 - 2020; 2023 American Community Survey 5-Year Estimates.

The following table provides data pertaining to the tenure and occupancy of the City's housing stock. The percentages of owner-occupied (~65%) and renter-occupied (~30%) units has remained stable since 1990. The vacancy rate has fluctuated but generally increased from 3.9% in 1990 to 5.5% in 2023.

TABLE 9 - HOUSING UNITS BY TENURE AND OCCUPANCY STATUS (1990-2023)  
CITY OF SUMMIT, NEW JERSEY

<b>Category</b>	<b>1990</b>		<b>2000</b>		<b>2010</b>		<b>2020</b>		<b>2023</b>	
	<b>Units</b>	<b>Percent</b>	<b>Units</b>	<b>Percent</b>	<b>Units</b>	<b>Percent</b>	<b>Units</b>	<b>Percent</b>	<b>Units</b>	<b>Percent</b>
Owner-Occupied	5,214	65.2%	5,378	66.0%	5,253	64.1%	5,342	63.9%	5,836	67.8%
Renter-Occupied	2,480	31.0%	2,519	30.9%	2,455	30.0%	2,563	30.6%	2,294	26.7%
Vacant	309	3.9%	249	3.1%	482	5.9%	460	5.5%	473	5.5%
<b>Total Units</b>	<b>8,003</b>	<b>100.0%</b>	<b>8,146</b>	<b>100.0%</b>	<b>8,190</b>	<b>0.0%</b>	<b>8,365</b>	<b>100.0%</b>	<b>8,603</b>	<b>100.0%</b>

Source: U.S. Decennial Census 1990 - 2020; 2023 American Community Survey 5-Year Estimates.



2. Housing Characteristics. The following table provides additional information regarding City's housing stock, including data on the number of units in structures and the number of bedrooms in units. As indicated below, in 2023, the City's housing stock consisted of detached single-family (1-unit) detached dwellings representing 66.7%, townhouses (1-unit attached) at 7.3%, two-family dwellings at 5.9% and multifamily (3 or more units) units at 20.2%. The 370 mobile units identified in the 2023 ACS data appears to be an error in the data.

**TABLE 10 - UNITS IN STRUCTURES (1990-2023)**  
CITY OF SUMMIT, NEW JERSEY

Units in Structure	1990		2000		2010 <sup>(1)</sup>		2020 <sup>(1)</sup>		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1-unit, detached	5,069	63.3%	5,118	62.8%	5,178	64.2%	5,492	66.4%	5,738	66.7%
1-unit, attached	323	4.0%	292	3.6%	252	3.1%	685	8.3%	630	7.3%
2 units	606	7.6%	708	8.7%	626	7.8%	423	5.1%	507	5.9%
3 or 4 units	468	5.8%	601	7.4%	336	4.2%	352	4.3%	410	4.8%
5 to 9 units	381	4.8%	322	4.0%	442	5.5%	254	3.1%	275	3.2%
10 to 19 units	331	4.1%	297	3.6%	174	2.2%	417	5.0%	238	2.8%
20 or more units	711	8.9%	799	9.8%	1,041	12.9%	623	7.5%	420	4.9%
Mobile home	1	0.0%	9	0.1%	19	0.2%	29	0.4%	370	4.3%
Boat, RV, van, etc.	113	1.4%	0	0.0%	0	0.0%	0	0.0%	15	0.2%
<b>Total</b>	<b>8,003</b>	<b>100.0%</b>	<b>8,146</b>	<b>100.0%</b>	<b>8,068</b>	<b>100.0%</b>	<b>8,275</b>	<b>100.0%</b>	<b>8,603</b>	<b>100.0%</b>

Source: U.S. Decennial Census 1990 - 2000; American Community Survey 2010 - 2023 5-Year Estimates.

(1) Based on ACS data and as such, differs from data in Tables 1 and 2.

As shown in Table 11 below, in 2023, 73.7% of the City's housing stock had 3 bedrooms or more with 16.4% having 5 or more bedrooms. The numbers of both 1 and 2-bedroom units have declined since 1990 by 190 units and 271 units, respectively.

**TABLE 11 - NUMBER OF BEDROOMS IN HOUSING UNITS (1990-2023)**  
CITY OF SUMMIT, NEW JERSEY

Bedrooms	1990		2000		2010 <sup>(1)</sup>		2020 <sup>(1)</sup>		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
0	38	0.5%	78	1.0%	47	0.6%	47	0.6%	121	1.4%
1	881	11.0%	869	10.7%	906	11.2%	672	8.1%	691	8.0%
2	1,727	21.6%	1,720	21.1%	1,564	19.4%	1,435	17.3%	1,456	16.9%
3	2,453	30.7%	2,510	30.8%	2,264	28.1%	2,745	33.2%	2,716	31.6%
4	1,821	22.8%	1,770	21.7%	2,050	25.4%	1,923	23.2%	2,207	25.7%
5 or More	1,083	13.5%	1,199	14.7%	1,237	15.3%	1,453	17.6%	1,412	16.4%
<b>Total</b>	<b>8,003</b>	<b>100.0%</b>	<b>8,146</b>	<b>100.0%</b>	<b>8,068</b>	<b>100.0%</b>	<b>8,275</b>	<b>100.0%</b>	<b>8,603</b>	<b>100.0%</b>

Source: U.S. Decennial Census 1990 - 2000; 2010 - 2023 American Community Survey 5-Year Estimates.

(1) Based upon ACS data and as such, differs from data in Tables 1 and 2.

3. Housing Age. The following table details the age of the City's housing stock based on the 2023 ACS data. As shown, roughly 2% of the City's existing housing stock was constructed since 2010 while about 81.5% was constructed at least 55 years ago prior to 1970. 33.4% of the City's housing stock was constructed prior to 1940, which contribute to the historic character of Summit which the City aims to preserve.

**TABLE 12 - YEAR STRUCTURE BUILT**  
**CITY OF SUMMIT, NEW JERSEY**

<b>Year Built</b>	<b>Units</b>	<b>Percent</b>
2020 or later	16	0.2%
2010 or 2019	164	1.9%
2000 to 2009	382	4.4%
1990 to 1999	126	1.5%
1980 to 1989	431	5.0%
1970 to 1979	482	5.6%
1960 to 1969	900	10.5%
1950 to 1959	2,563	29.8%
1940 to 1949	667	7.8%
1939 or earlier	2,872	33.4%
<b>Total</b>	<b>8,603</b>	<b>100.0%</b>

*Source: 2023 American Community Survey 5-Year Estimates.*

4. Housing Conditions. An inventory of the City's housing conditions is presented in Tables 13 and 14. Overcrowding is defined as housing units with more than one occupant per room. As shown, the number of housing units in Summit considered to be overcrowded decreased from 1.2% in 1990 to 0.7% in 2023.

**TABLE 13 - OCCUPANTS PER ROOM (1990-2023)**  
**CITY OF SUMMIT, NEW JERSEY**

<b>Occupants Per Room</b>	<b>1990</b>		<b>2000</b>		<b>2010</b>		<b>2020</b>		<b>2023</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
1.00 or less	7,606	98.9%	7,668	97.1%	7,388	98.6%	7,660	99.0%	8,074	99.3%
1.01 to 1.50	59	0.8%	127	1.6%	107	1.4%	74	1.0%	56	0.7%
1.51 or more	29	0.4%	102	1.3%	0	0.0%	0	0.0%	0	0.0%
<b>Total</b>	<b>7,694</b>	<b>100.0%</b>	<b>7,897</b>	<b>100.0%</b>	<b>7,495</b>	<b>100.0%</b>	<b>7,734</b>	<b>100.0%</b>	<b>8,130</b>	<b>100.0%</b>

*Source: U.S. Decennial Census 1990 - 2000; 2010 - 2023 American Community Survey 5-Year Estimates.*

The following table presents additional details regarding housing conditions, including the presence of complete plumbing and kitchen facilities as well as the type of heating equipment used. The data indicates the fact that few units in Summit are characterized as deficient with respect to these critical indices. It is noted that there has been an increase in the use of alternative home fuel sources from 0.6% of the housing stock in 1990 to 1.9% in 2023.

**TABLE 14 - KITCHEN, PLUMBING & HEATING FACILITIES FOR OCCUPIED DWELLING UNITS (1990-2023)**  
CITY OF SUMMIT, NEW JERSEY

Facilities	1990		2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Kitchen:</b>										
With Complete Facilities	7,987	99.8%	7,885	99.8%	7,413	98.9%	7,672	99.2%	8,072	99.3%
Lacking Complete Facilities	16	0.2%	12	0.2%	82	1.1%	62	0.8%	58	0.7%
<b>Plumbing:</b>										
With Complete Facilities	7,975	99.7%	7,897	100.0%	7,458	99.5%	7,734	100.0%	8,115	99.8%
Lacking Complete Facilities	28	0.3%	0	0.0%	37	0.5%	0	0.0%	15	0.2%
<b>Heating Equipment:</b>										
Standard Heating Facilities	7,650	99.4%	7,873	99.7%	7,458	99.5%	7,644	98.8%	7,978	98.1%
Other Means, No Fuel Used	44	0.6%	24	0.3%	37	0.5%	90	1.2%	152	1.9%

Source: U.S. Decennial Census 1990 - 2000; 2010 - 2023 American Community Survey 5-Year Estimates.

5. Home Rents and Purchase Values. In 2023, Summit's median gross rent was \$2,308 as reported by the American Community Survey. More than two-thirds (67.5%) of the City's home rents exceeded \$2,000 in 2023. As shown in the Table below, Summit has historically experienced median gross rents higher than Union County median rents, though that gap has steadily declined where the City's median rent outpaced that of the County by 43% in 2000 but was estimated at 16% in 2023.

**TABLE 15 - GROSS RENT OF SPECIFIED RENTER-OCCUPIED HOUSING UNITS (2000-2023)**  
CITY OF SUMMIT, NEW JERSEY

Rent	2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Less than \$200	43	1.7%	0	0.0%	-	-	-	-
\$200 to \$299	82	3.2%	0	0.0%	-	-	-	-
\$300 to \$499	131	5.2%	86	3.8%	19 <sup>(1)</sup>	0.9%	59 <sup>(1)</sup>	2.9%
\$500 to \$999	748	29.6%	57	2.5%	45	2.0%	51	2.5%
\$1,000 to \$1,499	996	39.4%	141	6.2%	189	8.6%	153	7.4%
\$1,500 to \$1,999	417 <sup>(2)</sup>	16.5%	690 <sup>(2)</sup>	30.5%	752	34.0%	406	19.7%
\$2,000 to \$2,499	-	-	-	-	385	17.4%	590	28.6%
\$2,500 to \$2,999	-	-	-	-	326	14.8%	293	14.2%
\$3,000 or more	-	-	-	-	181	8.2%	514	24.9%
No Cash Rent	109	4.3%	58	2.6%	312	14.1%	59	2.9%
<b>Total</b>	<b>2,526</b>	<b>100.0%</b>	<b>2,259</b>	<b>100.0%</b>	<b>2,209</b>	<b>100.0%</b>	<b>2,066</b>	<b>100.0%</b>
<b>Median Gross Rent</b>	<b>\$1,078</b>		<b>\$1,585</b>		<b>\$1,962</b>		<b>\$2,308</b>	
<b>Union County Median Gross Rent</b>	<b>\$752</b>		<b>\$1,084</b>		<b>\$1,335</b>		<b>\$1,996</b>	

Source: U.S. Decennial Census 1990 - 2000; 2010 - 2023 American Community Survey 5-Year Estimates.

(1) Denotes rents of less than \$500 per revised Census categorization.

(2) Denotes rents of \$1,500 or more per revised Census categorization.

The median value of homes in Summit was \$969,900 in 2023, roughly 98% more than the Union County median home value. The gap between Summit's median home value at more than 98% of the County's in 2023 has declined since 2000 when the City's median home value was 149% more than that of the County's. Since 2000, the City's median home value has increased approximately 107% to where more than 89.8% of homes in Summit have values of \$500,000 or more.

**TABLE 16 - VALUE OF SPECIFIED OWNER-OCCUPIED HOUSING UNITS (2000-2023)**  
CITY OF SUMMIT, NEW JERSEY

Value Range	2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Less than \$50,000	21	0.4%	12	0.2%	14	0.3%	23	0.4%
\$50,000 to \$99,999	19	0.4%	40	0.8%	50	0.9%	19	0.3%
\$100,000 to \$149,999	37	0.8%	1	0.0%	0	0.0%	8	0.1%
\$150,000 to \$199,999	276	5.8%	18	0.3%	25	0.5%	43	0.7%
\$200,000 to \$299,999	898	18.7%	151	2.9%	123	2.2%	75	1.3%
\$300,000 to \$499,999	1368	28.5%	877	16.7%	650	11.8%	428	7.3%
\$500,000 to \$999,999	1651	34.4%	2,224	42.5%	2,530	45.8%	2,467	42.3%
\$1,000,000 or More	529	11.0%	1,913	36.5%	2,133	38.6%	2,773	47.5%
<b>Total</b>	<b>4,491</b>	<b>100.0%</b>	<b>5,236</b>	<b>100.0%</b>	<b>5,525</b>	<b>100.0%</b>	<b>5,836</b>	<b>100.0%</b>
<b>Median Value</b>	<b>\$469,200</b>		<b>\$761,500</b>		<b>\$831,700</b>		<b>\$969,900</b>	
<b>Union County Median Value</b>	<b>\$188,800</b>		<b>\$397,200</b>		<b>\$378,700</b>		<b>\$488,800</b>	

Source: U.S. Decennial Census 2000; 2010 – 2023 American Community Survey 5-Year Estimates.

6. Number of Units Affordable to Low- and Moderate-Income Households. Summit is located in housing Region 2, which is comprised of Union, Essex, Morris, and Warren Counties. Based on the New Jersey Housing and Mortgage and Finance Agency's May 16, 2025 update of its UHAC 2025 Affordable Housing Regional Income Limits by Household Size, the median income for a four-person household in Region 2 household is \$135,300. A four-person moderate-income household earning 80% of the region's median income would have an income not to exceed \$108,240.

An affordable sales price for a four-bedroom moderate-income household earning 80% of the median income is estimated at \$360,000. In 2023, the percentage of housing units in Summit valued at less than \$500,000 was estimated to be 10.2%. For renter-occupied housing, an affordable monthly rent for a four-person moderate-income household is estimated at approximately \$2,706. An affordable monthly rent for a four-person low-income household is estimated at approximately \$1,691. The 2023 American Community Survey data indicates Summit's median gross rent was \$2,308 where 32.5% of rents were less than \$2,000.

7. Substandard Housing Capable of Being Rehabilitated The DCA's October 18, 2024 of "Affordable Housing Obligations for 2025-2035 (4th Round) Methodology and Background" calculated Present Need obligations representing the number of units in a municipality that are in need of rehabilitation and are not likely to experience 'spontaneous rehabilitation'. This DCA report assigned Summit a 4th Round Present Need or Rehabilitation Obligation of 59 units which has been adjusted to 10 units through the City's structural conditions/windshield survey. The City will address its Present Need Obligation by continuing to participate in the Union County Home Improvements Program, as it did in order to satisfy the terms of its 3rd Round Final JOR.

## 2.4 PROJECTION OF MUNICIPAL HOUSING STOCK

The FHA-2 regulations require the HE&FSP to include a projection of the community's housing stock, including the probable future construction of low and moderate-income housing for the ten-year round, which for the 4th Round is from 2025 to 2035. This projection shall be based upon an assessment of data which minimally must include the number of residential construction permits issued, approvals of applications for residential development, and probable residential development of lands. Each of these items are identified and outlined below.

1. Housing Units Constructed During the Last Ten Years. The data in the table below quantifies residential building permits issued for new residential construction during the past 10 years. During this period, a total of 251 residential building permits were issued including 45 for multifamily development. Summit has issued, on average, 25 building permits per year for new residential construction since 2009. A total of 112 residential demolition permits were issued since 2009 resulting in net housing growth of 139 units.

**TABLE 17 - NUMBER OF RESIDENTIAL BUILDING PERMITS ISSUED FOR NEW CONSTRUCTION (2009-2023)**  
**CITY OF SUMMIT, NEW JERSEY**

Year Issued	One & Two Family	Multifamily	Mixed-Use	Total	Demos	Net Growth
2014	23	0	0	23	23	0
2015	18	0	0	18	18	0
2016	42	6	0	48	2	46
2017	21	0	0	21	1	20
2018	23	9	0	32	19	13
2019	14	9	0	23	12	11
2020	10	16	0	26	5	21
2021	26	5	0	31	15	16
2022	18	0	0	18	10	8
2023	11	0	0	11	7	4
<b>Total</b>	<b>206</b>	<b>45</b>	<b>0</b>	<b>251</b>	<b>112</b>	<b>139</b>

Source: New Jersey Construction Reporter.

2. Probable Residential Development of Lands. Given the lack of vacant developable land in Summit, the most significant residential growth the City will experience in the next 10 years will be attributable to infill development at the various sites identified in the Fair Share Plan addressing the City's 4th Round affordable housing obligations as detailed herein.

## 2.5 POPULATION ANALYSIS

The FHA-2 requires that a Housing Element provide data on the municipality's population, including population size, age and income characteristics.

1. Population Size. As indicated in the table below, Summit reached its peak population of 23,677 residents in 1960 which declined thereafter for three decades. Since 2000, the population has gradually increased to a population of 22,512, 4.9% less than the City's peak population in 1960.

TABLE 18 - POPULATION GROWTH  
CITY OF SUMMIT, NEW JERSEY

<b>Year</b>	<b>Total Population</b>	<b>Numerical Change</b>	<b>Percentage Change</b>
1920	10,174	-	-
1930	14,556	4,382	43.1%
1940	16,165	1,609	11.1%
1950	17,929	1,764	10.9%
1960	23,677	5,748	32.1%
1970	23,620	(57)	(0.2%)
1980	21,071	(2,549)	(10.8%)
1990	19,757	(1,314)	(6.2%)
2000	21,131	1,374	7.0%
2010	21,457	326	1.5%
2020	22,719	1,262	5.9%
2023	22,512	(207)	(0.9%)

Source: U.S. Decennial Census 1920 - 2020; 2023 American Community Survey 5-Year Estimates.

2. Age Characteristics. The City's age characteristics are outlined in the table below. As shown, Summit's median age increased from 37.3 in 2000 to 40.6 in 2023. 21.5% of the population is school-aged (5 to 19) while 13.3% is 65 and over. The age cohort 25 to 34 years has been reduced by almost half from 14.3% of the population in 2000 to 7.6% in 2023. Meanwhile, the group 55 to 64 years old has increased from 8.9% of the population to 15.3% in the same period.

**TABLE 19 - AGE CHARACTERISTICS (1990-2023)**  
CITY OF SUMMIT, NEW JERSEY

Age	2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Under 5 years	1,815	8.6%	1,462	6.8%	1,357	6.0%	1,379	6.1%
5 to 19 years	4,118	19.5%	5,131	23.9%	4,954	21.8%	4,850	21.5%
20 to 24 years	688	3.3%	696	3.2%	1,178	5.2%	1,290	5.7%
25 to 34 years	3,023	14.3%	1,980	9.2%	2,066	9.1%	1,706	7.6%
35 to 44 years	3,953	18.7%	3,516	16.4%	3,178	14.0%	3,335	14.8%
45 to 54 years	2,886	13.7%	3,751	17.5%	3,656	16.1%	3,591	16.0%
55 to 64 years	1,879	8.9%	2,378	11.1%	2,929	12.9%	3,439	15.3%
65 to 74 years	1,373	6.5%	1,239	5.8%	1,667	7.3%	1,714	7.6%
75 to 84 years	1,047	5.0%	865	4.0%	886	3.9%	807	3.6%
85 years +	349	1.7%	439	2.1%	435	1.9%	470	2.1%
<b>Total</b>	<b>21,131</b>		<b>21,457</b>		<b>22,719</b>		<b>22,512</b>	
<b>Median Age</b>	<b>37.3</b>		<b>39.7</b>		<b>39.7</b>		<b>40.6</b>	

Source: U.S. Decennial Census 1990 - 2010; 2020 - 2023 American Community 5-Year Estimates.

3. Average Household Size. From 1980 to 2023, the average household size for homes in Summit has remained relatively stable, around 2.7.

**TABLE 20 - AVERAGE HOUSEHOLD SIZE (1980-2023)**  
CITY OF SUMMIT, NEW JERSEY

Year	Average Household Size
1980	2.69
1990	2.54
2000	2.67
2010	2.77
2020	2.80
2023	2.75

Source: U.S. Decennial Census 1980 - 2000; 2010 - 2023 American Community Survey 5-Year Estimates.

4. Household Income. Detailed housing income figures are shown in the table below. As shown, the median income for the City's households has increased by approximately 114% since 1999. The City's household income has historically been higher than that of Union County, including in 2023 when Summit's median household income was 98.8% more than the County as a whole.

TABLE 21 - HOUSEHOLD INCOME DISTRIBUTION (1999-2023)  
CITY OF SUMMIT, NEW JERSEY

Income Category	1999		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Less than \$10,000	349	4.4%	315	4.2%	162	2.1%	187	2.3%
\$10,000 to \$14,999	264	3.3%	135	1.8%	62	0.8%	24	0.3%
\$15,000 to \$24,999	386	4.9%	510	6.8%	518	6.7%	407	5.0%
\$25,000 to \$34,999	410	5.2%	285	3.8%	178	2.3%	114	1.4%
\$35,000 to \$49,999	647	8.2%	727	9.7%	433	5.6%	301	3.7%
\$50,000 to \$74,999	1,088	13.8%	660	8.8%	750	9.7%	512	6.3%
\$75,000 to \$99,999	1,026	13.0%	697	9.3%	1,013	13.1%	724	8.9%
\$100,000 to \$149,999	1,289	16.3%	1,297	17.3%	820	10.6%	1,081	13.3%
\$150,000 to \$199,999	608	7.7%	637	8.5%	712	9.2%	724	8.9%
\$200,000 or more	1,826	23.1%	2,226	29.7%	3,086	39.9%	4,057	49.9%
<b>Total</b>	<b>7,893</b>	<b>100.0%</b>	<b>7,459</b>	<b>100.0%</b>	<b>7,734</b>	<b>100.0%</b>	<b>8,130</b>	<b>100.0%</b>
Summit Median Household Income	\$92,964		\$109,602		\$142,845		\$199,107	
Union County Median Income	\$55,339		\$66,355		\$82,644		\$100,117	

Source: U.S. Decennial Census 2000; 2010 – 2023 American Community Survey 5-Year Estimates.

5. Housing Cost-Burden. Households that pay more than thirty percent (30%) of their income for housing are considered to be cost-burdened, and may have difficulty affording basic necessities such as food, clothing, transportation, and medical care. Despite the fact that the City has a higher median income than Union County, the 2023 ACS estimates that approximately 21.8% of owner-occupied housing units and 45.2% of renter-occupied housing units have housing costs greater than thirty percent (30%) of their incomes.

TABLE 22 - HOUSING COST AS PERCENTAGE OF INCOME (2023)  
CITY OF SUMMIT, NEW JERSEY

Percentage of Income	Owner-occupied <sup>(1)</sup>		Renter-occupied	
	Number	Percent	Number	Percent
Less than 15.0%	-	-	642	28.0%
15.0% to 19.9%	3,151(2)	54.3% <sup>(2)</sup>	167	7.3%
20.0% to 24.9%	1,088	18.7%	275	12.0%
25.0% to 29.9%	331	5.7%	171	7.5%
30.0% to 34.9%	293	5.0%	119	5.2%
35.0% or more	941	16.2%	662	28.9%
Not computed	32	0.6%	258	11.2%
<b>Total Occupied Units</b>	<b>5,804</b>	<b>100.0%</b>	<b>2,294</b>	<b>100.0%</b>

Sources: 2023 American Community Survey 5-Year Estimates.

(Note: Does not include households with zero or negative income)

(1) Includes owner-occupied units with and without mortgages.

(2) Denotes percentage of income of less than 20.0%.



## 2.6 EMPLOYMENT ANALYSIS

The FHA-2 requires that a Housing Element include data on employment levels in the community. The following tables present information on the City's employment characteristics.

1. Employment Status. Table 23 provides information on the employment status of City residents aged 16 and over. Since 2000, participation in the labor force has increased from 65.3% of the population 16 and over to 69.4% in 2023. The unemployment rate increased from 1.6% to 3.0% in that same period.

TABLE 23 - EMPLOYMENT STATUS- POPULATION 16 & OVER (2000-2023)  
CITY OF SUMMIT, NEW JERSEY

Employment Status	2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
In labor force	10,473	65.3%	10,091	64.6%	11,241	67.6%	12,165	69.4%
Civilian labor force	10,473	65.3%	10,091	64.6%	11,222	67.4%	12,165	69.4%
Employed	10,216	63.7%	9,439	60.5%	10,582	63.6%	11,638	66.4%
Unemployed	257	1.6%	652	4.2%	640	3.8%	527	3.0%
Armed Forces	0	0.0%	0	0.0%	19	0.1%	0	0.0%
Not in labor force	5,566	34.7%	5,522	35.4%	5,398	32.4%	5,372	30.6%
Total Population 16 and Over	16,039		15,613		16,639		17,537	

Source: U.S. Decennial Census 2000; 2010 – 2023 American Community Survey 5-Year Estimates.

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of employed Summit residents. As indicated, the management, business, science and arts occupations represent the largest category of employed residents since at least 2000 to where in 2023 this category represented 61.4% of the workforce. The other two most significant categories are sales and office at 19.2% and service at 10.3% in 2023. It is noted that there has been a meaningful gain in the natural resources, construction and maintenance category which increase from 0.1% of the workforce in 2000 to 5.1% in 2023.

TABLE 24 - EMPLOYED RESIDENTS AGED 16 AND OVER BY OCCUPATION (2000-2023)  
CITY OF SUMMIT, NEW JERSEY

Occupation	2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Management, Business, Science & Arts	5,983	58.6%	4,961	52.6%	6,230	58.9%	7,145	61.4%
Service	1,079	10.6%	1,438	15.2%	1,608	15.2%	1,201	10.3%
Sales & Office	2,287	22.4%	2,211	23.4%	1,896	17.9%	2,232	19.2%
Natural Resources, Construction & Maintenance	11	0.1%	423	4.5%	492	4.6%	599	5.1%
Production, Transportation & Material Moving	498	4.9%	406	4.3%	356	3.4%	461	4.0%
Total	10,216	100.0%	9,439	100.0%	10,582	100.0%	11,638	100.0%

Source: U.S. Decennial Census 2000; 2010 - 2023 American Community Survey 5-Year Estimates.

In 2023, the three largest categories of industry representing Summit's employed workforce were finance, insurance, real estate and rental and leasing at 24.2%, education, health and social services at 18.3% and professional, scientific, management, administrative and waste management services at 17.4%, resulting in a total of 59.9 of this population.

**TABLE 25 - EMPLOYED RESIDENTS AGE 16 AND OVER, BY INDUSTRY (2000-2023)**  
CITY OF SUMMIT, NEW JERSEY

<b>Industry</b>	<b>2000</b>		<b>2010</b>		<b>2023</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
Agriculture, forestry, fishing, hunting and mining	20	0.2%	18	0.2%	61	0.5%
Construction	371	3.6%	458	4.9%	351	3.0%
Manufacturing	1,087	10.6%	571	6.0%	1042	9.0%
Wholesale trade	298	2.9%	185	2.0%	220	1.9%
Retail trade	773	7.6%	480	5.1%	368	3.2%
Transportation and warehousing, and utilities	218	2.1%	238	2.5%	356	3.1%
Information	685	6.7%	326	3.5%	402	3.5%
Finance, insurance, real estate and rental and leasing	2,004	19.6%	2,052	21.7%	2814	24.2%
Professional, scientific, management, administrative and waste management services	1,673	16.4%	1,982	21.0%	2029	17.4%
Educational, health and social services	1,847	18.1%	1,761	18.7%	2134	18.3%
Arts, entertainment, recreation, accommodation and food services	476	4.7%	539	5.7%	1153	9.9%
Other services	490	4.8%	597	6.3%	443	3.8%
Public administration	274	2.7%	232	2.5%	265	2.3%
<b>Total</b>	<b>10,216</b>	<b>100.0%</b>	<b>9,439</b>	<b>100.0%</b>	<b>11,638</b>	<b>100.0%</b>

*Source: 2000 U.S. Decennial Census; 2010 & 2023 American Community Survey 5-Year Estimates.*

## 2.7 EMPLOYMENT PROJECTIONS

A projection of Summit's probable future employment characteristics is based on an assessment of historic employment trends, the number of non-residential construction permits issued, and probable non-residential development of lands. Each of these items are identified and outlined below.

1. Historic Employment Trends. For the 10-year period from 2014 to 2023, employment in Summit consistently increased with the exception of 2020 which was the peak of the COVID-19 pandemic when much of the economy came to a halt but recovered quickly thereafter. Summit remains a major regional employment center with a variety of opportunities in the Downtown, including retail, service and professional jobs, as well as the Bristol Myers Squibb research and development campus in the PROD Zone, Kenvue (spinoff of Johnson & Johnson) campus being developed in the PROD-2 Zone, Overlook Hospital, commercial corridors along Morris Avenue, Broad Street and River Road and several public and private schools. It is noted that while much of New Jersey's suburban office market has suffered in the wake of the pandemic, Summit's office market currently commands among the highest premiums for office space in the State. It is anticipated that the job market will remain stable, with an increase in jobs once the Kenvue campus is developed and occupied in several years.

**TABLE 26 - COVERED EMPLOYMENT TRENDS (2014-2023)**  
CITY OF SUMMIT, NEW JERSEY

<b>Year</b>	<b>Number of Jobs</b>	<b>Change in Number of Jobs</b>	<b>Percent Change</b>
2014	15,987	-	-
2015	16,418	431	2.7%
2016	16,962	544	3.3%
2017	17,233	271	1.6%
2018	17,311	78	0.5%
2019	17,797	486	2.8%
2020	16,413	(1,384)	(7.8%)
2021	17,592	1,179	7.2%
2022	19,245	1,653	9.4%
2023	19,553	308	1.6%

*Sources: Department of Labor and Workforce Development*

2. Non-Residential Square Footage Constructed During the Last Ten Years. The table below indicates there was an increase in non-residential space in almost all categories except hotel/motel in Summit from 2014 to 2023. Much of the increase in office space is attributable to recent development at the Bristol Myers Squibb campus in the PROD Zone which replaced several obsolete buildings. It is noted that there were also significant increases in assembly, education, institutional and storage spaces during this 10-year period.

**TABLE 27 - NON-RESIDENTIAL SPACE AUTHORIZED BY BUILDING PERMITS (2014 – 2023)**  
CITY OF SUMMIT, NEW JERSEY

Year	Office	Retail	A-1 thru A-5	Multifamily/ Dormitories	Hotel/ Motel	Education	Industrial	Institutional	Storage	Signs, Fences, Utility & Misc.
2014	39,729	0	13,345	0	0	0	0	0	0	3,508
2015	0	0	801	0	0	46,650	0	0	0	3,072
2016	2,749	NA	0	4,000	0	33,180	0	1,552	0	1,116
2017	2,786	2,560	17,952	9,896	0	0	0	0	0	1,186
2018	14,704	0	64	44,266	0	0	0	106,179	0	4,268
2019	9,683	0	0	45,100	0	0	0	0	0	1,892
2020	336,472	0	29,942	0	0	0	15,318	0	334,600	1,955
2021	42,009	0	0	10,066	0	0	0	426	0	0
2022	0	0		10,066	0	0	0	426	0	1,302
2023	0	0	8,4349	0	0	0	0	0	0	1,387
<b>Total</b>	<b>448,132</b>	<b>2,560</b>	<b>146,453</b>	<b>123,394</b>	<b>0</b>	<b>79,830</b>	<b>15,318</b>	<b>108,583</b>	<b>334,600</b>	<b>19,686</b>

Source: New Jersey Department of Community Affairs (DCA) Construction Reporter.

3. Probable Non-Residential Development of Lands. Opportunities for the development of new non-residential development in Summit are limited given the lack of available vacant or developable land. Any new nonresidential development or redevelopment will occur as infill development in areas that permit such uses in accordance with the City's Development Regulations Ordinance ("DRO") and Master Plan.
4. Probable Future Employment Characteristics. The lack of available land to develop new non-residential spaces corresponds to limited opportunities for any significant increase in job creation in Summit in the next 10 years. However, it is anticipated that Summit will continue to increase its appeal as a regional employment center featuring convenient highway access, two-way rail line serviced by two NJ Transit lines and proximity to New York City and Newark Airport, among other notable destinations. The completion of the Kenvue campus in the PROD-2 Zone will generate a meaningful increase in local employment that will have the ancillary benefit of supporting other nonresidential uses in Summit.

## Section 3: Fair Share Obligation

The following section provides an overview of the City's fair share obligation. It includes a brief overview of the methodology utilized to calculate affordable housing obligations throughout the State.

### 3.1 SUMMARY OF FAIR SHARE OBLIGATION

On March 20, 2024, Governor Murphy signed Bill A4/S50 Bill into law, thereby significantly amending the Fair Housing Act ("FHA") originally adopted in 1985. The amended FHA commonly referred to as the Fair Housing Act-2 ("FHA-2") eliminated COAH and created the new Affordable Housing Dispute Resolution Program ("The Program") consisting of seven retired Mount Laurel judges to review municipal compliance plans and resolve disagreements between municipalities and objectors. The legislation also tasked the DCA with calculating municipal Present and Prospective Need obligations, and the Administrative Office of the Courts (AOC) with creating rules related to the required procedures for the Program and the Courts to function together in accordance with the FHA-2. The FHA-2 also established a new methodology for calculating municipal affordable housing-need numbers, municipal compliance requirements and administrative review process through the Program for the 4th and subsequent rounds. These rounds span a period of 10 years each whereas the 1<sup>st</sup> and 2nd Rounds administered by COAH covered 6-year periods. The 3rd Round extending from 1999 to 2025 (26 years) was an anomaly due to extensive litigation and COAH becoming dysfunctional to such a degree that the Court ruled it could no longer administer the State's affordable housing process and returned it to the trial courts.

The FHA-2 designates DCA as the entity responsible for calculating the State's regional affordable housing needs. Specifically, N.J.S.A. 52:27D-304.2 establishes the methodology to be utilized by DCA to determine the State's regional prospective needs of low- and moderate-income housing for the ten-year period spanning from July 1, 2025 to June 30, 2035. In summary, the projected household change for this period is estimated by establishing the household change experienced in each of the State's six regions between the most recent federal decennial census and the second-most recent decennial census. This household change, if positive, is then divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region for the next ten years. According to the DCA, this methodology resulted in a statewide prospective need of 84,698 low- and moderate-income units.

In addition, DCA was tasked with calculating individual municipal present need (rehabilitation) and prospective need obligations. However, the FHA-2 states that these DCA calculations are advisory and non-binding, and that each municipality is responsible for determining its own obligation utilizing the same methodology.

On January 21, 2025 the City adopted a "binding resolution" (see Appendix) accepting DCA's calculated Present Need of 59 units and Prospective Need of 345 units thereby establishing the City's 4th Round affordable housing obligations. The City's 4th Round obligation was subsequently confirmed by Judge's Order on May 5, 2025 (see Appendix).

In addition, the Resolution also noted that Summit reserved the right to conduct a vacant land analysis to determine its realistic development potential and to adjust its Present Need through the completion of a structural conditions/windshield survey as discussed in greater detail herein. This analysis resulted in a Present Need (rehabilitation) obligation of 10 units, a 4<sup>th</sup> Round RDP of 18 units and an unmet need of 327 units.

TABLE 28 –SUMMARY OF 4TH ROUND FAIR SHARE OBLIGATION  
CITY OF SUMMIT, NEW JERSEY

Round	Units/Credits
Present Need (Rehabilitation) Obligation	59 units
4th Round Obligation (2025 – 2035)	345 units

## 3.2 REALISTIC DEVELOPMENT POTENTIAL

The City of Summit is a fully developed community and is therefore entitled to adjust its Prospective need obligation in accordance with the procedure set forth in the FHA. Specifically, N.J.S.A. 52:27D-310.1 permits municipalities to perform a realistic development potential analysis by seeking a vacant land analysis. The City has received Court-approval of its 3rd Round HE&FSP, inclusive of a vacant land adjustment, resulting in a Final Judgment of Compliance and Repose, and this is a continuation of that acknowledgement that the City is fully developed and entitled to a VLA and RDP adjustment.

An RDP analysis requires an identification of vacant sites and underutilized sites in a municipality. Municipalities are required to consider all privately and municipally owned vacant parcels, as well as underutilized sites such as driving ranges, farms in SDRP Planning Areas 1 and 2, nurseries, golf courses not owned by their members, and non-conforming uses.

However, municipalities are also permitted to eliminate a site, or a portion of a site, based on a variety of factors, including: lands dedicated for public uses other than housing since 1997; parklands or open space; vacant contiguous parcels in private ownership of a size which would accommodate fewer than five housing units; historic and architecturally important sites listed on the State Register of Historic Places or the National Register of Historic Places; preserved architectural lands; sites designated for active recreation; and environmentally sensitive lands.

### 1. 3rd Round RDP

The City's Prior Round and 3rd Round Prospective Need obligations were adjusted by a Court-approved VLA which calculated the City's RDP at 36 units, as set forth in the City's 2016 Court-approved Settlement Agreement with FSHC and the 2018 3rd Round HE&FSP. The City's combined Prior Round and 3rd Round RDP was approved in the Court's October 31, 2016 Order approving the 2016 Settlement Agreement between the City and FSHC, and reaffirmed when the Court issued Summit's 3rd Round Final JOR on January 22, 2019.

### 2. 4th Round RDP

Summit is a fully developed community that continues to lack vacant, developable land and is entitled to rely on its previous court-approved VLAs, which established its Prior Rounds' (Rounds 1-3) RDP. This is informed by COAH's regulations regarding same at N.J.A.C. 5:97-5.1(c) and (d), as well as the City's 2016 Settlement Agreement with FSHC. Specifically, N.J.A.C. 5:97-5.1(c) and (d) state that:

*A vacant land adjustment that was granted as part of a (previous) round certification or judgment of compliance shall continue to be valid provided the municipality has implemented all of the terms of the substantive certification or judgment of compliance. If the municipality failed to implement the terms of the substantive certification or judgment of compliance, the Council may reevaluate the vacant land adjustment.*

Further, the City's Court-approved 2016 Settlement Agreement with FSHC states that "The City's RDP shall not be revisited by FSHC or any other interested party absent a substantial changed circumstance." In addition, FSHC vs Twp. of Cherry Hill, 173 NJ 303 (2002) is the leading case that required a possible recalibration of an RDP based upon only such "changed circumstances."

As such, the City's 4th Round VLA included a review of development applications and activity since 2018, vacant privately and publicly owned parcels (Property Classes 1 and 15C) and farm qualified (Class 3B) properties within Planning Areas 1 and 2 in the City. The VLA revealed the changed circumstances or newly vacant properties which meet the criteria to qualify as contributing to the City's RDP are limited to the recent vacancy of the Summit's former firehouse site. Specifically, Block 2706 Lot 3 became vacant in 2024 when the Fire Department relocated to its new headquarters on Broad Street. The City's maximum presumptive density of 12 units per acre as approved by the Court in its 3rd Round JOR as applied to this 0.68-acre parcel generates an RDP of 1.6 units.

The City's 4th Round RDP as calculated from its most recent VLA, including the recently vacant firehouse lot, identifies 5 sites totaling 9.24 acres which generate an RDP of 18 units. It is noted that 190 River Road and Harman Holdings are sites where developers have offered proposals for inclusionary development. A summary of the parcels contributing to this 4th RDP are provided below. The City's complete VLA summary and accompanying map are attached hereto in the Appendix.

**TABLE 29 – SUMMARY OF 4TH ROUND RDP**

Sites	Block	Lot(s)	Land Area	Presumptive Density	Total Units	RDP
10 Friar Tuck Circle	3501	56	1.91 ac	6 du/ac	12	2.4
53 & 47 Shunpike Road	4101	32,33	1.48 ac	6 du/ac	9	1.8
Summit Firehouse Site	2706	3	0.68 ac	12 du/ac	8	1.6
190 River Road	102	1	4.40 ac	12 du/ac	53	10.6
Harmon Holdings	4008	8,9,11	0.77 ac	12 du/ac	9	1.8
<b>Total</b>			<b>9.24 ac</b>	<b>-</b>	<b>91</b>	<b>18.2</b>

## Section 4: Fair Share Plan

This Fair Share Plan component of Summit's 2025 HE&FSP outlines the way the City will address its affordable housing obligations. These obligations are summarized as follows:

TABLE 30 – CITY OF SUMMIT AFFORDABLE HOUSING OBLIGATIONS SUMMARY

Category	Obligation	Unmet Need
1 <sup>st</sup> & 2 <sup>nd</sup> Round Obligation (1987-1999)	171 units reduced to 36-unit combined Prior Round & 3 <sup>rd</sup> Round RDP through a VLA*	N/A
3rd Round Obligation (1999-2025)	567 units reduced to 36-unit combined Prior Round & 3 <sup>rd</sup> Round RDP through a VLA*	702 units (combined)
4th Round Obligation (2025-2035)	345 units reduced to 18-unit RDP through a VLA*	327 units
Present Need (Rehabilitation) Obligation	59 reduced to 10 units through a 'windshield' survey	N/A

\* RDP = Realistic Development Potential. VLA = Vacant Land Adjustment.

As detailed herein, this HE&FSP addresses the manner in which the City will address its affordable housing obligations through 2035, in a manner that affirmatively addresses affordable housing need while at the same time addressing planning concerns and maintaining the overall character of the community.

### 4.1 GENERAL PROVISIONS

The following additional requirements are noted:

1. 4th Round Bonuses. 4th Round bonuses will be applied in accordance with N.J.A.C. 52:27D-311.k.
2. Very-Low Income and Low-Income Units. At least 50 percent of the units addressing the 4th Round Prospective Need obligation shall be affordable to very low-income and low-income households with the remainder affordable to moderate-income households. A minimum of 13 percent of the affordable units will be made available to very low-income households, defined as households earning 30 percent or less of the regional median income by household size.
3. Rental Component. At least 25 percent of the Round's Prospective Need obligation shall be met through rental units, including at least half of the rental units available to families.
4. Families. At least half of the actual units created to address the Round's Prospective Need obligation must be available to families.
5. Age-Restricted Cap. No more than 30 percent of all units developed or planned to meet the Round's Prospective Need obligation shall be met with age-restricted units.



## 4.2 PLAN COMPONENTS

The Summit's various plan mechanisms to address its affordable housing obligations are summarized below. The Plan Components Map at the end of this section illustrates the locations of all of the plan components identified herein.

### 1. Present Need (Rehabilitation) Obligation

The DCA assigned Summit a Present Need obligation of 59 units which the City accepted on January 21, 2025 in its Resolution No. 41452. The City modified its 4th Round Present Need Obligation to 10 units through a structural conditions/windshield survey in accordance with N.J.A.C. 5:93-5.2, which is attached hereto in the Appendix.

The City will commit an average of \$10,000 per unit, consistent with COAH's 2nd Round Rules. This will require a total contribution of approximately \$100,000 from the City's Affordable Housing Trust Fund, pursuant to the phasing schedule prescribed in COAH's 2nd Round Rules. This is detailed in the draft Spending Plan set forth in the Appendix. The City will continue to participate in the Union County Home Improvement Program, as it did in the 3rd Round.

Pursuant to COAH's rules that allow municipalities to utilize money collected from development fees for this purpose, the City shall set aside the required \$100,000 noted above to be made available to income-qualified households to participate in the program. As of June 2, 2025 that account contains a balance of \$2,037,744.49, thus demonstrating the availability of funds for this purpose.

### 2. Prior Rounds (Rounds 1 through 3) Obligations

In accordance with the City's Court-approved 2016 Settlement Agreement with FSHC and 2018 Court-approved HE&FSP, the City had a combined 1st and 2nd Round obligation of 171 units and a 3rd Round Prospective Need of 567 units. The City's 3rd Round VLA resulted in the adjustment of its obligation through a court-certified RDP of 36 units and Unmet Need (the difference between the Prospective Need obligation and RDP) of 702 units.

Summit utilized several plan mechanisms to address the entirety of its 3rd Round RDP and the goal of facilitating the construction of 50 new units of affordable housing toward its Unmet Need ("50 New Units") stipulated in the 2016 Settlement Agreement, including group homes, 100% affordable projects, an assisted living facility, senior units and inclusionary development as summarized in the following two tables.

TABLE 31 – PLAN COMPONENTS SATISFYING 3RD ROUND RDP

Plan Mechanisms	Address	Block/Lot	Unit Type	# Units	Bonus Credits	Total Credits	Project Status
<u>Group Homes</u>							
Our House, Inc.	43 Glendale Ave.	246/4	Group Home	4	4	8	Completed
<u>Assisted Living</u>							
Sunrise	22 River Rd.	201/9.01	Senior	8	1	9	Completed
<u>100% Affordable – For Sale</u>							
Habitat for Humanity	39 Morris Ave.	3908/7.01-7.06	Family	6	0	6	Completed
<u>100% Affordable – For Rent</u>							
Tiger Baron	120 Morris Ave.	4209/1	Family	2	2	4	Completed
<u>Inclusionary Development</u>							
Parmley Place	50 Parmely Pl.	2606	Family	2	2	4	Completed
<u>Off-Site Units</u>							
Summit Pl.	13 North St.	3901/10	Family	3	0	3	Completed
68-72 Franklin Pl.	31 Russell Pl.	4210/2	Family	2	0	2	Completed
<b>RDP 36 Total</b>				<b>27</b>	<b>9 <sup>(1)</sup></b>	<b>36</b>	<b>-</b>

(1) Bonus credits can satisfy up to 25% of the RDP/Prospective Need obligation.

TABLE 32 – PLAN COMPONENTS SATISFYING 3RD ROUND “50 NEW UNITS” TOWARD UNMET NEED

Plan Mechanisms	# of AH Units	50-Unit Goal	Unit Type	Unit/Bedroom Counts	Project Status
100% Affordable Senior Project with BCUW (Methodist Church)	12	12	Senior	Studio-2BR; UHAC/DCA funding Requirements	MOU signed by Parties
412 Morris (MF Zone)	1	1	Family	2BR Low	Occupied
146 Morris (Habitat for Humanity)	12	12	Family	6-2BR 6-3BR	Constructed & being filled
123-127 Summit Avenue	3	3	Family	3BR Mod 1BR Low 2BR Low	Occupied
557-565 Morris (46-unit Project)	7	7	Family	UHAC Requirements	Approved
Our House – Future Group Home	4	4	SSN	Special needs n/a	Agreement executed by Parties
St. Teresa’s 100% affordable	11	11	2 Family, 9 can be senior/SSN	UHAC Requirements	Planning Phase
<b>Total for Plan:</b>		<b>50</b>	<b>Per consent order with FSHC</b>		

### 3. 4th Round Obligation

The City's January 2025 Resolution also noted that the City reserved the right to seek an adjustment of its 4th Round Prospective Need number based upon a lack of vacant, developable and suitable land. Accordingly, the City conducted a 4th Round VLA which concluded that the City has an RDP of 18 units and therefore an Unmet Need (difference between Prospective Need and RDP) of 327 units.

The plan mechanisms that satisfy the entirety of Summit's 4th Round RDP and a portion of its Unmet Need are summarized in the following two tables.

**TABLE 36 – PLAN COMPONENTS SATISFYING 4TH ROUND RDP**

Plan Mechanisms	Address	Block/Lot	Unit Type	# Units	Bonus Credits	Total Credits	Project Status
Summit Pace Off-Site	708-710 Springfield Ave	2901/24	Family	4	0	4	Constructed & Occupied; Approved by the Court in Round 3
Providence Crossing	785 Springfield Ave	1604/7	Family	2	1	3	Constructed & Occupied; Approved by the Court in Round 3
Promenade	545 Morris Ave	404/1-4	Family	5	2	7	Constructed & Occupied; Approved by the Court in Round 3
4-6 Ashwood Avenue	86 Park Ave, #103	4006/2.02	Family	2	1	3	Constructed & Occupied; Approved by the Court in Round 3
Harmen Holdings	Broad St., Ashwood Ave., Morris Ave.	4008/8,9,11	Family Rental	1 (of 4)	0	1	To be rezoned
<b>Total</b>				<b>14</b>	<b>4</b>	<b>18</b>	<b>-</b>

TABLE 37 – PLAN COMPONENTS SATISFYING 4TH ROUND UNMET NEED

Plan Mechanisms	Address	Block/Lot	Unit Type	# AH Units	Project Status
Harmen Holdings	Broad St., Ashwood Ave., Morris Ave.	4008/8,9,11	Family	3 (of 4)	To be rezoned
Glenwood Place (Summit Housing Authority or SHA)	50 Glenwood Pl.	2614/12	Family	40	Constructed & Occupied (Removal of Residency Preference Required)
Weaver St. Apartments (SHA)	2 Weaver St.	1302/43	Family	30	Constructed & Occupied (Removal of Residency Preference Required)
Vito A. Gallo Senior Apartments (SHA)	12 Chestnut Ave.	2702/3	Senior	125	Constructed & Occupied (Removal of Residency Preference Required)
MBC Overlay Zone	Morris Ave., Broad St., Cedar St.	2706/1,2,3,4	Family	7	Adopted
Our House Group Home	1 Greenfield Ave.	401/50	SSN	4	Constructed & Occupied
Brandywine Assisted Living	41 Springfield Ave.	3802/28	Senior	10	Constructed & Occupied
Elizabeth RCA	N/A	N/A	RCA	26	Approved by COAH & Court
Overlay Zone 1	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 2	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 3	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 4	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 5	25 Deforest Ave.	1906/1	Family	-	Adopted
Overlay Zone 6	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 7 (Habitat for Humanity Project)	146 Morris Ave.	4208/1	Family	12	Constructed
Extension of Expiring Controls	-	-	-	-	As needed
Mandatory Set-Aside Ordinance	City-Wide	-	-	-	Adopted
Development Fee Ordinance	City-Wide	-	N/A	-	Adopted

It is noted that the FHA-2 includes language which requires municipalities that adjust their Prospective Need obligation through a VLA to satisfy at least 25 percent of their 4th Round RDP obligation through redevelopment. Specifically, amended Section 1 of P.L.1995, c.231 (C.52:27D-310.1) of the FHA-2 states:

*Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.*

As established by Summit's 4th Round VLA, the City's "prospective need obligation that has been adjusted," or its RDP obligation, is 18 units. As such, the City's redevelopment obligation is 5 units (25% of 18 RDP units). The City's redevelopment obligation will be addressed through 5 units at the mixed-use Promenade development that is constructed and occupied.

### 4.3 DEVELOPMENT SITES

Each of the City's affordable housing sites identified in Section B. is discussed in more detail below. The Plan Components Map included at the end of this plan illustrates the location of all developments identified herein.

All site's included in the City's Fair Share Plan must meet the site suitability criteria set forth in N.J.A.C. 5:93-1.3 listed below. While a site suitability analysis is not technically required for plan mechanisms addressing unmet need, the information presented herein pertaining to Summit's various plan mechanisms addresses this site suitability criteria.

<b><u>Approvable Site:</u></b>	A site that may be developed for low and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate-income housing.
<b><u>Available Site:</u></b>	A site with clear title, free of encumbrances which preclude development for low and moderate-income housing.
<b><u>Developable Site:</u></b>	A site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.
<b><u>Suitable Site:</u></b>	A site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

The City's various plan mechanisms were selected based on a variety of considerations including the goal of distributing affordable housing throughout the City in scattered sites in appropriate locations, consistent with Summit's Master Plan and Development Regulations Ordinance. Summit also endeavors to provide a diversity of affordable housing options that addresses the needs of different populations within the City and region. Other considerations include proximity to public transportation and regional roadways, walkability to amenities, opportunities for appropriately scaled infill development, compatibility within the context of the surrounding community and minimizing impacts with respect to existing uses and neighborhoods while recognizing that planning is a function of balancing competing impacts. In addition, the sites presented in this plan are located within or adjacent to existing water and sewer utility areas allowing for future connectivity as may be required to accommodate the developments with sufficient capacity for same. The 2025 HE&FSP in total provides a realistic opportunity to satisfy the City's constitutional affordable housing obligation for the 4<sup>th</sup> Round.

A composite map depicting all of the sites noted below is provided at the end of this section of this report.

1. Prior Round Sites RDP & 50 New Units. The City's 36-unit RDP was approved by the Court in its 2019 Final Judgment of Compliance and Repose. All units determined to be creditworthy by the Court against the City's combined Prior Round and 3rd Round RDP, including surplus units, have been constructed and occupied.



A. Our House, Inc. Group Home (43 Glendale Avenue)

Our House, Inc. operates an existing group home at Block 246 Lot 4 which includes a total of 4 bedrooms. These 4 bedrooms units plus four (4) bonus credits) for a total site credit of 8 were approved in the City's 2019 FINAL JOR.



B. Sunrise Assisted Living

The Sunrise Assisted Living and Memory Care facility at 26 River Road, Block 201 Lot 9.01, was developed with 80 units including a required set-aside for Medicaid eligible beds of 10% or 8 units. In addition, the site is eligible for 1 additional bonus credit within the maximum permitted 25% bonus cap for a total of 9 credits approved by the Court toward the City's 3rd Round RDP.



C. Habitat for Humanity 100% Affordable For Sale Units (39 Morris Avenue)

Habitat for Humanity's 39 Morris Avenue site is a 100% affordable development consisting of 6 for-sale family units developed in 2012 that were applied to City's 3<sup>rd</sup> Round RDP as approved by the Court.



D. Tiger Baron 100% Affordable Rental Units

Summit in collaboration with the Summit Housing Authority created 2 units of affordable housing at 120 Morris Avenue, Block 4209 Lot 1, occupied by Oakes Memorial Methodist Church. This project is attributable to the Tiger Baron Foundation Oakes Center at this location. This site was approved by the Court for 2 additional rental bonus credits for a total of 4 credits applied to the City's 3<sup>rd</sup> Round RDP.





E. 50 Parmley Place Inclusionary Units

The Hilltop development at 50 Parmley Place, Block 2606, includes a mix of office space, 33 condo apartments and 4 townhouses, including two on-site affordable family rental units developed in 2012. The Court-approved 2 additional rental bonus credits results in a total of 4 credits applied to the City's 3<sup>rd</sup> Round RDP.



F. Summit Place Off-Site Units

3 of the 7 total off-site affordable multifamily units required for the Summit Place multifamily development built in 2012 at 50 Parmley Place are located at 13 North Street, Block 3901 Lot 10. The Court approved all 7 credits and 3 units are applied toward the City's 3<sup>rd</sup> Round RDP.



G. 68-72 Franklin Place Off-Site Units

The 12-unit townhouse development at Block 3401 Lot 4.01 on Franklin Place developed in 2019 required an off-site affordable housing obligation of 2 family rental units located at 31 Russell Place, Block 4210 Lot 2, which were approved by the Court.



2. 3rd Round "50 New Units"/Unmet Need

The following plan mechanisms satisfy the City's goal of facilitating the creation of 50 new units of affordable housing as discussed in the 2016 Settlement Agreement with FSHC, and as included in Summit's 2018 HE&FSP. The City has met this obligation in full, per the June 2025 Consent Order between the City and FSHC, as detailed below.

A. BCUW (Methodist Church) 100% Affordable Senior Development

The City anticipates executing a memorandum of understanding (MOU) shortly with Bergen County United Way ("BCUW") for the development of up to 13 senior units in an existing under-utilized education building at the United Methodist Church at Summit located at Kent Place and DeForest Avenue. The units will range from studio to two-bedroom units in accordance with the applicable UHAC and/or DCA funding requirements. In accordance with the Consent Order, the City will enter into a developer's agreement with BCUW by July 1, 2025, which outlines in detail the obligations of BCUW and the City, as well as establishes a timeline by which BCUW will obtain funding for the project with a goal of completing construction by July 1, 2027. The proposed development meets the site suitability criteria outlined in Section 4.3 as the church has made an existing on-site building available in a manner deemed acceptable by both the developer and City. The site does not have any environmental constraints and is served by adequate sewer, water and other utilities to support the proposed number of units.





B. 412 Morris Avenue (MF Zone)

There is 1 two-bedroom low-income family unit located in the garden apartment complex located at 412 Morris Avenue, Block 1302 Lot 45 that is constructed and currently occupied by a qualified household.



C. Habitat for Humanity 100% Affordable Development (146 Morris Avenue)

Habitat for Humanity's 12-unit, 100% affordable family for-sale townhouse development, located at 146 Morris Avenue, Block 4208 Lot 1, on the former "Italian American Club" property, is constructed, and Housing Affordability Service is currently in the process of qualifying residents for occupancy. The development consists of 6 two-bedroom units and 6 three-bedroom units.



D. 123-127 Summit Avenue Inclusionary Development

123-127 Summit Avenue, Block 2608 Lot 11, is developed with three multifamily buildings, two of which were constructed in 1918 and a newer building constructed in 2022 to replace the third that had been destroyed by fire. The project includes 3 affordable rental family units, which are currently occupied by qualified households. These include 1 three-bedroom moderate-income unit, 1 one-bedroom low-income unit and 1 two-bedroom low-income unit.



E. 557-565 Morris Avenue Inclusionary Development

The 46-unit multifamily development was recently approved by the Zoning Board of Adjustment. The site, known as Tyrconnell Park will consist of 7 affordable family units with income and bedroom distributions in accordance with UHAC requirements.





F. Our House, Inc. New Group Home

Summit will contribute to Our House, Inc. through its affordable housing trust fund for the creation of 1 new group home with at least 4 bedrooms to be constructed and operated by Our House, Inc. at a location to be determined. Per the Consent Order, the City will extend its current agreement with Our House, where a new group home will be purchased or constructed by July 1, 2027.

G. St. Teresa's 100% Affordable Development

The existing St. Teresa's of Avila Church site will be developed by a non-profit developer with a 100% affordable project containing no less than 11 units. These units shall include at least 2 family rental units, 1 with two bedrooms and the other with three bedrooms. The remaining units may be supportive housing or age-restricted units. The proposed development meets the site suitability criteria outlined in Section 4.3 as the church will make an area of the property and/or existing buildings available for the creation of affordable housing which is supported by the City. The site does not have any environmental constraints and is served by adequate sewer, water and other utilities to support the proposed number of units.



### 3. 4th Round Sites.

The Plan mechanisms summarized below will satisfy the entirety of the City's 4th Round RDP of 18 units.

#### A. Summit Place Off-Site Units.

4 of the 7 total off-site affordable multifamily units required for the Summit Place multifamily development built in 2012 at 50 Parmley Place are located at 708-710 Springfield Avenue, Block 2901 Lot 24. These 7 units were determined creditworthy by the Court in the City's 2019 FINAL JOR and are constructed and occupied by qualified households.



#### B. Providence Crossing Townhouses

The 9-unit development at 785 Springfield Avenue, Block 1604 Lot 6, developed in 2019 includes 2 Court-approved affordable family rental units plus 1 bonus credit.





C. Promenade Mixed-Use Development

The Promenade is an existing mixed-use development at 545 Morris Avenue, Block 404 Lot 1 with ground floor retail and two floors of apartments above consisting of 5 units of affordable family rental units which were approved by the Court as creditworthy. The City is claiming 2 additional bonus credits resulting in a total of 7 credits



D. 4-6 Ashwood Avenue (86 Park Avenue) Multifamily Development

This 9-unit multifamily development located at 86 Park Avenue, Block 4006 Lot 2.02 consists of 2 Court-approved affordable family rental units, plus the City is seeking 1 bonus credit, resulting in a total of 3 credits.





E. Harmen Holdings Mixed-Use Development

The City will rezone Block 4008 Lots 8, 9 and 11 to facilitate the development of this 0.77-acre site having frontages on Ashwood Avenue, Morris Avenue and Broad Street with a 3-story mixed-use building containing ground floor commercial space and 20 total apartments on the second and third floors. The development requires a 20% affordable set-aside or 4 units, 1 of which is applied to the City's 4th Round RDP. The City is in the process of entering into a developer's agreement with Harmen Holdings. The proposed development meets the site suitability criteria outlined in Section 4.3 as the site is privately owned by the developer and the concept for which (see attached draft ordinance in the Appendix) has been deemed acceptable by the City. The site does not have any known environmental constraints and is served by adequate sewer, water and other utilities to support the proposed number of units.



#### 4. Unmet Need

The following plan mechanisms address the City's Unmet Need:

##### A. Harmen Holdings Mixed-Use Development

The City will rezone Block 4008 Lots 8, 9 and 11 to facilitate the development of this 0.77-acre site having frontages on Ashwood Avenue, Morris Avenue and Broad Street with a 3-story mixed-use building containing ground floor commercial space and 20 total apartments on the second and third floors. The development requires a 20% affordable set-aside or 4 units, 1 of which is applied to the City's 4th Round RDP.

##### B. Our House, Inc. Group Home at 1 Greenfield Avenue

Our House, Inc. operates an existing four-bedroom special needs group home at 1 Greenfield Avenue, Block 401 Lot 50. Through an agreement between Our House and the City in exchange for a contribution from the City's Affordable Housing Trust Fund and an incentive for Our House to create a new group home within the City, Our House and the City executed a deed restriction to ensure that the group home located at 1 Greenfield Avenue remained available to individuals with special needs for at least 30 years.



C. Summit Housing Authority Units (195 Total; 70 Family, 125 Senior)

The Summit Housing Authority (SHA) and the City have been engaging in discussions related to the significant number of improvements that need to be made to the three buildings and 195 individual units in the SHA portfolio. Currently, the SHA units are marketed with a preference for Summit residents. Because of the residency preference currently being utilized in the waiting list for vacancies, the City can only utilize funds dedicated toward rehabilitation credits for SHA units. However, if the residency preference is removed, not only does that allow the City to utilize more of its Affordable Housing Trust Fund monies toward the renovation of the SHA buildings and units, but it also opens up avenues for other State funding for SHA projects. That potential funding source also would require that the SHA be included in the City's Housing Element and Fair Share Plan.

Historically, there are several avenues of State funding that are available to the SHA for the much-needed repairs to the SHA buildings and units but would require that the residency preference be removed. The City has proposed to the SHA the following framework, which has been approved by the Superior Court in another municipality, in order to provide a means for the SHA to remove the residency preference with future vacancies so that it may leverage future funding that it would otherwise not be able to access with the residency preference:

- The City and SHA would enter into an agreement that establishes a date four months from the date of the agreement that the SHA would utilize a new waiting list that has been affirmatively marketed in accordance with UHAC and COAH regulations to fill vacancies as they occur in SHA units.

- Anyone on the current SHA waiting list would be moved to the new waiting list, which would be randomized once the affirmative marketing process is completed.

(1) Glenwood Place

The City will continue to work with the Summit Housing Authority to remove the existing residency preference at its Glenwood Place development completed in 1972 consisting of 40 rental units. It is noted that removal of such residency preference will enable the SHA to qualify for funding for much needed improvements to the facility.





(2) Weaver Street

The City will continue to work with the Summit Housing Authority to remove the existing residency preference at its Weaver Street development completed in 1979 consisting of 30 rental units. It is noted that removal of such residency preference will enable the SHA to qualify for funding for much needed improvements to the facility.



(3) Vito A. Gallo Senior Building

The Vito A. Gallo Building located immediately east of City Hall was completed in 1986 consisting of 125 senior rental units. The City will continue to work with the Summit Housing Authority to remove the existing residency preference to enable the SHA to qualify for funding for much needed improvements to the facility.



D. Morris Broad Crossroads Overlay Zone

On June 11, 2024, Summit adopted Ordinance No. 24-3319 creating the Morris Broad Crossroads (MBC) Overlay Zone (formerly the Broadstreet West Redevelopment Area) to facilitate the development of Block 2706 Lots 1, 2, 3 and 4. These parcels include the City-owned public Chestnut parking lot (Lot 1), Lot 2, a surface parking lot soon to be City-owned, the former firehouse site that was vacated by the Fire Department in 2024 (Lot 3) and office building on Lot 4. The City will rezone the property in accordance with its current overlay zone designation to the extent that such is required to satisfy the City's 4th Round affordable housing obligations. The Overlay Zone prescribes a mixed-use development for the 1.6-acre tract with a maximum residential density of 30 units per acre and a minimum affordable housing requirement of 7 units.



E. Regional Contribution Agreement (RCA) with the City of Elizabeth

The Court-approved 26 credits against Summit's Unmet Need in its 2019 FINAL JOR for Summit's COAH-approved Regional Contribution Agreement with the City of Elizabeth.



## OVERLAY ZONES

Overlay Zones 1 through 7 were approved by the Court in the City's 2019 Final JOR. Overlay Zone 7 provided the zoning for the 12-unit, 100% affordable Habitat for Humanity project at the Italian American Club site, which is fully constructed and the units are currently being sold to qualified households. A general description of those overlay zones is provided below.

### F. Overlay Zone 1

Overlay Zone 1 created as a component of the City's 3rd Round HE&FSP is located to the southeast of the City's Downtown, near the intersection of Broad Street and Park Avenue in the GW-2 Zone. It presently contains the Salerno Duane auto dealership and is comprised of the lots noted in the table below. At a proposed overlay density of twelve units per acre with a twenty-percent set-aside, following the yard, coverage and height requirements of GW-2 zone multi-family housing provisions, this site could potentially accommodate up to fifty-four dwellings, including eleven affordable units.

Block	Lot	Property Address	Area (ac)
3303	1	255-269 Broad Street	1.25
4002	34	231-253 Broad Street, 111-113 Park	2.36
4002	36	261 Broad Street	0.90
<b>Total</b>			<b>4.51</b>



G. Overlay Zone 2

Overlay Zone 2 created as a component of the City's 3rd Round HE&FSP is located to the south of the City's central business district, in a Business Zone, and is bounded by Summit Ave to the west, Broad Street to the north, and Walnut Street to the east. Industrial Place also traverses through the central portion of the proposed overlay zone. The area is developed with variety of commercial, retail, light industrial and auto-related uses. It is comprised of the lots listed in the table below. At a proposed density of twelve units per acre with a twenty-percent set-aside, following the yard, coverage and height requirements of the B zone's multi-family housing provisions, this site could potentially generate fifty-one units, including ten affordable units.

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Area (ac)</b>
3309	10	19 Summit Ave	0.17
3309	11	21 Summit Ave	0.10
3309	12	23 Summit Ave	0.44
3309	13	25 Summit Ave	0.17
3309	14	27 Summit Ave	0.84
3309	15	9 Industrial Place	0.20
3309	16	15 Industrial Place	0.17
3309	17	15-21 Industrial Place	0.06
3309	17.01	17 Industrial Place	0.09
3310	1	31-5 Summit Ave	0.22
3310	2	324-326 Broad Street	0.15
3310	3	320-22 Broad Street	0.12
3310	3.01	312-14 Broad Street	0.12
3310	3.02	316-18 Broad Street	0.13
3310	4	308-10 Broad Street	0.13
3310	5	290 Broad Street	0.50
3310	6	288 Broad Street	0.13
3310	7	278-288 Broad Street	0.57
<b>Total</b>			<b>4.30</b>



H. Overlay Zone 3

Overlay Zone 3 created as a component of the City's 3<sup>rd</sup> Round HE&FSP is located near the northerly portion of the City, in a B Zone, and is bounded by Plain Street to the west, Morris Ave to the south, and Morris Ave to the east. The area is presently developed with a commercial building located near the corner of Morris Ave and Aubrey Street, as well as a large surface parking area. It is comprised of the lots listed in the table below. At a proposed a density of twelve units per acre with a twenty-percent set-aside, following the yard, coverage and height requirements of the B zone's multi-family housing provisions, this site could potentially generate twenty-four units, including five affordable units.

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Area (ac)</b>
402	1	527 Morris Ave	0.09
402	2	529 Morris Ave	0.28
402	3	531-33 Morris Ave	0.12
402	4	535 Morris Ave	0.24
402	5	44 Plain Street	0.41
402	6	42 Plain Street	0.20
402	7	40 Plain Street	0.20
402	61	10 Aubrey Street	0.16
402	62	8 Aubrey Street	0.16
402	63	6 Aubrey Street	0.17
<b>Total</b>			<b>2.04</b>





I. Overlay Zone 4

Overlay Zone 4 created as a component of the City's 3rd Round HE&FSP covers the City's CRBD Central Retail Business District. At a proposed density of twelve units per acre with a twenty-percent set-aside, following the applicable provisions set forth for multi-family use in the CRBD Zone regarding yard, coverage and height regulations, this site could potentially generate one hundred and seventy-one units, including thirty-four affordable units.

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Area (ac)</b>
1908	1	367 Springfield Ave	0.15
1908	2	371 Springfield Ave	0.07
1908	3	375-379 Springfield Ave	0.15
1908	4	381 Springfield Ave	0.05
1908	5	383-385 Springfield Ave	0.10
1908	6	387 Springfield Ave	0.07
1908	7	389 Springfield Ave	0.07
1908	8	395-397 Springfield Ave	0.15
1909	1	401 Springfield Ave	0.13
1909	2	407-409 Springfield Ave	0.12
1909	3	411-13-17 Springfield Ave	0.18
1909	4	419 Springfield Ave	0.04
1909	5	423-429 Springfield Ave	0.17
1909	6	431-437 Springfield Ave	0.13
1909	7	441 Springfield Ave	0.05
1909	8	443-445 Springfield Ave	0.06
1911	1-1.22	447-461 Springfield Ave (ACERAGE CONSOLIDATED FOR LOTS 1-1.22)	0.46
1911	2	463-469 Springfield Ave	0.13
1911	3	475 Springfield Ave	0.17
1911	4	485-487 Springfield Ave	0.13
1912	18	2-4-6 Kent Place Boulevard	0.18
2601	1	9 Union Place	0.06
2601	2	11 Union Place	0.06
2601	3	13 Union Place	0.06
2601	4	17-19 Union Place	0.11
2601	5	21 Union Place	0.06
2601	6	25 Union Place	0.06
2601	7	31-37 Union Place	0.11
2601	8	39-45 Union Place	0.20
2602	1	13 Beechwood Road	0.09
2602	2	17 Beechwood Road	0.04
2602	3	18-22 Bank Street	0.11

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Area (ac)</b>
2602	4	12 Bank Street	0.15
2602	5	10 Bank Street	0.05
2602	6	90 Summit Ave	0.05
2602	7	88 Summit Ave	0.04
2602	8	84 Summit Ave	0.09
2603	1	21-5 Beechwood Road	0.27
2603	2	27 Beechwood Road	0.16
2603	3	358 Springfield Ave	0.04
2603	4	356 Springfield Ave	0.07
2603	6	350 Springfield Ave	0.33
2603	7	344-346 Springfield Ave	0.04
2603	8	96-98 Summit Ave	0.05
2604	1	341 Springfield Ave	0.16
2604	2	343-5-7-9 Springfield Ave	0.21
2604	3	353 Springfield Ave	0.11
2604	4	355 Springfield Ave	0.07
2604	5	357 Springfield Ave	0.07
2604	6	359 Springfield Ave	0.06
2604	7	361-365 Springfield Ave	0.16
2604	8	37 Beechwood Road	0.06
2608	5	321 Springfield Ave	0.14
2608	6	333 Springfield Ave	0.33
2608	8	107-113 Springfield Ave	0.84
2614	1	67 Summit Ave	0.27
2614	2	71 Summit Ave	0.11
2614	3	73 Summit Ave	0.06
2614	4	75-77 Summit Ave	0.06
2614	5	83-85-87 Summit Ave	0.11
2614	6	89 Summit Ave	0.09
2614	7	93-95 Summit Ave	0.09
2614	8	97-99 Summit Ave	0.16
2614	9	330-342 Springfield Ave	0.34
2614	10	326 Springfield Ave	0.07
2614	11	46 Glenwood Place	0.06
2703	1	494 Springfield Ave	0.02
2703	2	482-488 Springfield Ave	0.12
2703	4	478 Springfield Ave	0.09
2703	5	466-474 Springfield Ave	0.25
2703	7	462 Springfield Ave	1.40
2703	8	458 Springfield Ave	0.07
2703	9	446-456 Springfield Ave	0.16

Block	Lot	Property Address	Area (ac)
2703	10	440-444 Springfield Ave	0.06
2703	11	438 Springfield Ave	0.06
2703	12	434 Springfield Ave	0.08
2703	13	430-432 Springfield Ave	0.07
2703	14	428 Springfield Ave	0.08
2703	15	426 Springfield Ave	0.06
2703	16	420 Springfield Ave	0.07
2703	17	412-414 Springfield Ave	0.06
2703	18	408-410 Springfield Ave	0.09
2703	20	402-404 Springfield Ave	0.07
2703	21	27-29 Maple Street	0.03
2703	22	23-33 Maple Street	0.05
2703	23	35-39 Maple Street	0.08
2703	24	41-45 Maple Street	0.19
2703	25	47-49-51 Maple Street	0.21
2704	1	46-50 Maple Street	0.12
2704	2	44 Maple Street	0.05
2704	3	42 Maple Street	0.05
2704	4	38-40 Maple Street	0.13
2704	5	34-36 Maple Street	0.11
2704	6	28-30-32 Maple Street	0.17
2704	7	26 Maple Street	0.04
2704	8	396 Springfield Ave	0.06
2704	9	392 Springfield Ave	0.09
2704	10	374-382 Springfield Ave	1.18
2704	11	67-71 Union Place	0.14
2704	12	73-75 Union Place	0.04
<b>Total</b>			<b>14.26</b>



J. Overlay Zone 5

Overlay Zone 5 created as a component of the City's 3rd Round HE&FSP is located to the immediate north of the City's central business district, in a B Zone, and is bounded by Maple Street to the west, Euclid Ave to the north, Beachwood Road to the east, and Deforest Ave to the south. It is presently developed with a large office building and an associated surface parking area. At a proposed density of twelve units per acre with a twenty-percent set-aside, pursuant to the multi-family yard, coverage and height requirements in the B Zone, this site could potentially generate fifty units, including ten affordable units. It is comprised of the following lots:

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Area (ac)</b>
1906	1	25 De Forest Ave	4.19
<b>Total</b>			<b>4.19</b>

K. Overlay Zone 6

Overlay Zone 6 created as a component of the City's 3rd Round HE&FSP is located near the southwesterly corner of the City, in a single family zone, and is bounded by Orchard Street to the south and Park Ave to the east. The site is developed with three two-family dwellings. At a proposed density of twelve units per acre with a twenty-percent set-aside, this site could potentially generate nine units, including two affordable units. It is recommended that the yard, coverage and height standards for multifamily use in the B Zone be applied here.

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Area (ac)</b>
4002	17	39 Park Ave	0.76
<b>Total</b>			<b>0.76</b>





L. Overlay Zone 7

Overlay Zone 7 created as a component of the City's 3rd Round HE&FSP is located near the southerly portion of the City. The site formerly developed and occupied by the Italian American Club is now developed with a 12-unit, 100% affordable townhouse development constructed by Habitat for Humanity in accordance with the requirements of Overlay Zone 7.

Block	Lot	Property Address	Area (ac)
4208	1	146 Morris Ave	0.91
Total			0.91



M. Brandywine Assisted Living Facility

The existing 80-unit Brandywine assisted living facility located at 41 Springfield Avenue, Block 3802 Lot 28, was renovated in 2022 to include 8 new units (10%) designated for Medicaid eligible residents.



N. Extension of Expiring Controls

The extension of expiring controls remains an option which the City may fund and utilize to satisfy a portion of its 4th Round affordable housing obligation should any of the deed restrictions for older affordable units within the City expire between July 1, 2025 and June 30, 2035. The City will utilize UHAC regulations to extend such controls.

J. Mandatory Affordable Set-Aside Ordinance

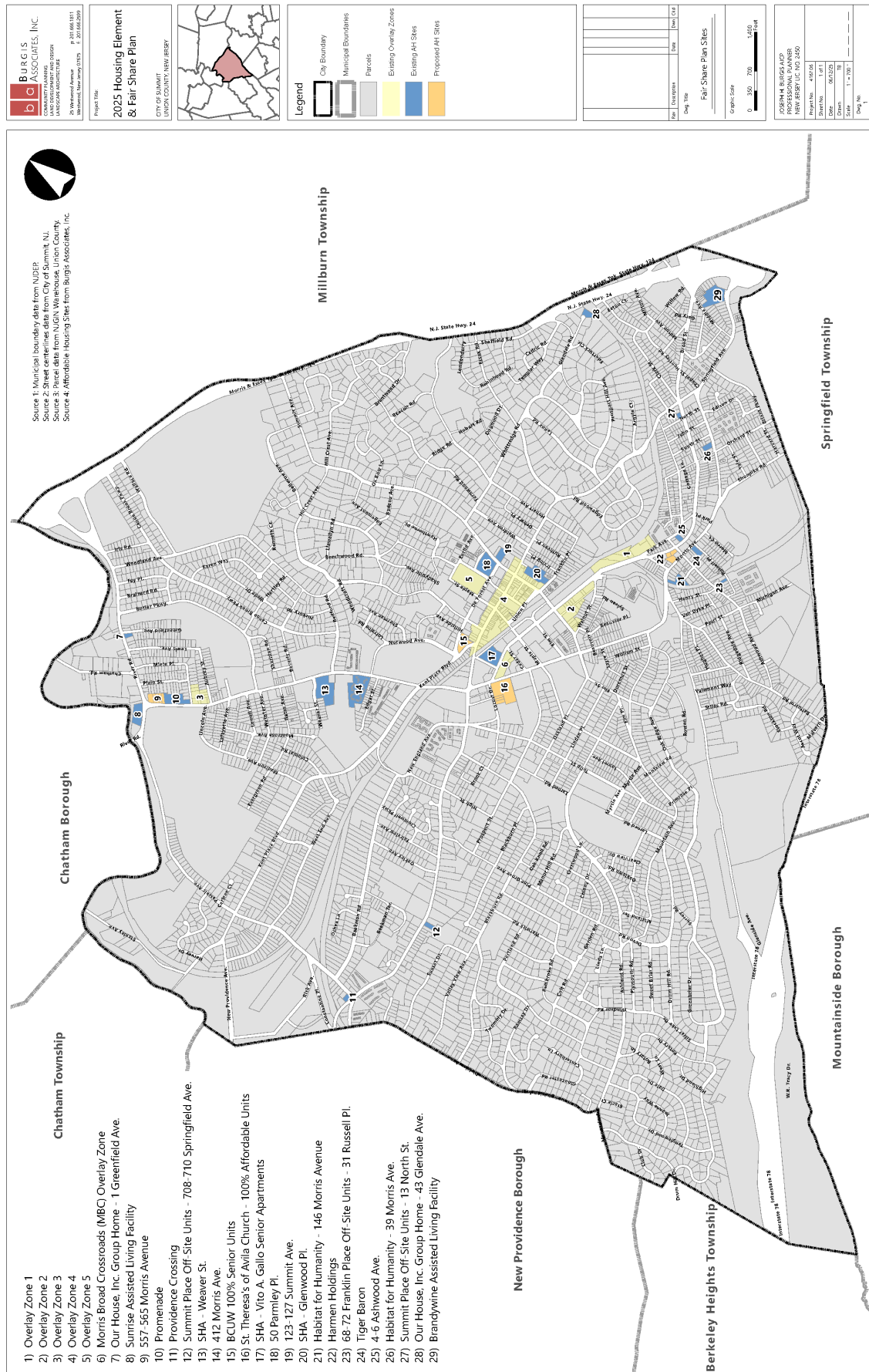
Summit created a City-wide Mandatory Set-Aside Ordinance as part of its 3rd Round HE&FSP in order to ensure that any new multifamily residential development in Summit will provide its fair share of affordable units and assist with the City's continuous efforts to address its affordable housing obligation. The ordinance requires that any site that benefits from a rezoning, variance, or redevelopment plan approved by the City which results in multifamily residential development containing five or more new dwelling units shall provide an affordable housing set-aside at a rate of 15 percent, where affordable units will be for rent, or 20 percent, where affordable units will be for sale.

Although Summit will continue to implement its Mandatory Set-Aside Ordinance through the 4th Round and credit any new affordable units created thereunder toward the City's Unmet Need, it proposes to amend said ordinance to require that any site that is developed with five or more new multifamily or single-family attached dwelling units shall provide an affordable housing set-aside at a rate of 20 percent, regardless of tenure. These proposed ordinance amendments, which are intended to capture additional affordable housing opportunities to help address Summit's Unmet Need, are included in the Appendix.

K. Development Fee Ordinance

As part of its 3rd Round HE&FSP, the City agreed to continue imposing development fees on new development, as set forth in Summit's Development Fee Ordinance. As stated therein, residential development fees of 1.5 percent of the equalized assessed value shall be collected on all residential development involving new buildings or when an existing building undergoes a change to a more intense use, and non-residential development fees of 2.5 percent of the equalized assessed value shall be collected on all non-residential development, with the exception of those types of developments specifically exempted pursuant to the Statewide Non-Residential Development Fee Act. The City will continue to implement its Development Fee Ordinance through the 4th Round and any funds generated by the collection of development fees will be applied directly toward implementation of this plan.







## 4.4 REJECTED DEVELOPMENT SITES

### 1. Incline Capital (Block 3309 Lot 14 & Block 3310 Lots 1, 3 & 3.02)

Incline Capital, LLC with The NRP Group, LLC submitted a letter dated May 13, 2025 addressed to the Governing Body requesting their site identified as Block 3309 Lot 14, Block 3310 Lots 1, 3 and 3.02 and a portion of the Industrial Place public right-of-way be rezoned to accommodate an 8-story, 300-unit mixed-use development on the 1.46 acre tract. The residential component would include a 20% affordable set-aside yielding 60 affordable units and a nonresidential component on the first floor consisting of a 4,868 square feet of retail space and a 2,509 square foot TD bank with a drive-thru in the building. The rendering submitted with the letter depicts two levels of parking including the first floor that is partially occupied by building areas and the bank drive-thru. However, the proposed parking count is not provided though the building appears to have a significant deficiency in parking for the proposed mix of uses.

The proposed density of 250.5 du/ac, nearly 100% building and impervious coverage, and a floor area ratio of approximately 650%, is excessive and well beyond the scale and intensity of any development surrounding the site or elsewhere in the City. Furthermore, the proposed building would negatively impact existing residential development located immediately southeast of the site, and thus this proposal was rejected as a potential project to be included in this Plan.

### 2. Onyx & Russo Development at 190 River Road (Block 102 Lot 1)

The developers Onyx Equities and Russo Development requested that the City consider for inclusion in its 4th Round Fair Share Plan their proposal to develop Block 102 Lot 1 with a 198-unit inclusionary multifamily development including a 20% affordable housing set-aside yielding 40 affordable units. The proposed building would include 4 stories of residential units above the existing two-level parking deck resulting in a proposed building height of at least 5 stories. The building would have a floor area ratio of 151% and density of 45 du/ac which greatly exceeds Summit's development regulations and development intensity in that area of Summit. Additionally, there was concern regarding the impact of a tributary of the Passaic River that traverses the site causing flooding to certain areas and in the lower parking level. It is not clear how this would affect the site's proposed utilization as a residential lot.

### 3. At Home in Summit (Block 2706 Lots 3 & 4)

At Home in Summit proposed a 42-unit, 100% affordable multifamily development at the City's recently vacated firehouse property (Lot 3) and adjoining parcel (Lot 4) developed with an office building. The development would have a parking ratio of only 1 space per unit.

The proposal is limited to 2 of the 4 parcels which comprise the City's Morris Broad Crossroads (MBC) Overlay Zone (formerly Broad Street West Redevelopment Area) created in 2024. The site has been a topic of interest in Summit for about a decade with extensive analysis and public input in establishing the community's future vision for the site. This vision includes mixed-use zoning encouraging a maximum residential density of 30 units per acre, resulting in much fewer units than contemplated by the prospective

developer. The City anticipated approximately 7 affordable housing units within the context of their anticipated development, at a scale and intensity that would be compatible with development in the surrounding area. In addition, the City has significant concerns with respect to some of the financial implications of the project that would bind the City

## 4.5 CREDITING DOCUMENTATION AND ONGOING COMPLIANCE

Summit commits to adhering to the applicable State requirements pertaining to affordable unit monitoring and reporting. This includes compliance with the statutorily required updates to the municipal housing project status report by the DCA deadline of February 15, 2025. These updates are included in the State's new Affordable Housing Monitoring System and fulfill the City's obligation to specify the creditworthiness of all existing affordable housing units in Summit. In addition, all crediting documentation submitted to and approved by the Court as part of the City's 3rd Round Housing Element and Fair Share Plan remains on file with and accessible from the Court.

## 4.6 CONSISTENCY WITH STATE PLANNING INITIATIVES

As noted in Section 1 of this plan, a HE&FSP must also include:

- ❖ 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; and
- ❖ An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Accordingly, the following subsection analyzes the consistency of this HE&FSP to the above referenced state planning initiatives.

### 1. Multigenerational Family Housing Continuity Commission

The Multigenerational Family Housing Continuity Commission was established by the State of New Jersey in 2021. As noted in N.J.S.A. 52:27D-329.20, one of the primary duties of the Commission is to "prepare and adopt 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."

As of the date of this HE&FSP, the Multigenerational Family Housing Continuity Commission has not yet adopted any recommendations.

## 2. State Development and Redevelopment Plan

As established by N.J.S.A. 52:18A-200(f), the purpose of the State Development and Redevelopment Plan (SDRP) is to “coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.”

As such, the SDRP establishes a number of goals and strategies related to a number of different topics, including economic redevelopment. One such goal is to revitalize existing urban centers by directing growth and development to those areas. Specifically, the SDRP seeks to revitalize the State’s cities and towns by protecting, preserving, and developing the valuable human and economic assets in cities, town, and other urban areas.

As indicated by the SDRP’s Policy Map, the majority of Summit’s land area is located in the PA-1 Metropolitan Planning Area, wherein development and redevelopment is intended to be directed. The intent of this Planning Area is to:

- ❖ Provide for much of the state’s future redevelopment.
- ❖ Revitalize cities and towns.
- ❖ Promote growth in compact forms.
- ❖ Stabilize older suburbs.
- ❖ Redesign areas of sprawl. And,
- ❖ Protect the character of existing stable communities.

Accordingly, this HE&FSP is consistent with the intents of PA-1. Specifically, it is designed to encourage redevelopment and growth in a compact form within the portion of the municipality designated as PA-1, while also protecting the character of the existing community.

# Appendix

---