The Township of Lyndhurst
2015 Housing Element
Fair Share Plan

October 23, 2015

A document setting forth evidence showing the ongoing commitment to provide affordable housing opportunities in the Township of Lyndhurst, Bergen County, New Jersey and establishing a Fair Share Plan.

-Inclusionary zoning efforts.
-Creation of affordable housing.
-An analysis of population, household income and other economic factors.
-Statutory and regulatory compliance.

"A new 192-residential unit building has been proposed at 240 Chubb Ave. in Lyndhurst. The area is zoned industrial but was given approval by the New Jersey Meadowlands Commission that the property is suitable for housing. The project includes 39 affordable housing units."

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1. Introduction. The New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et. seq, ("FHA") requires municipalities prepare a Housing Element to achieve the objective of identifying affordable housing opportunities in a municipality. The Municipal Land Use Law, N.J.S.A. 40:55D-28, ("MLUL"), stipulates that a Housing Element of the municipal master plan be structured to achieve the objective of access to affordable housing to meet present and prospective housing needs of a municipality, with particular attention to low and moderate income housing, and shall incorporate elements hereinafter described.

This Fair Share Plan (the "Plan") identifies Lyndhurst's realistic development potential ("RDP"), and unmet need or demand for affordable housing. This Plan proposes a modified present need affordable housing obligation as hereinafter described. This Plan identifies opportunities for the production of affordable housing which reasonably can be met in the addressing of prospective need. This Plan proposes, for each component of the obligation, mechanisms for the achievement of the municipality's fair share, or stated another way, the realistic opportunity for the provision of housing affordable to low and moderate income households.

This Housing Element and Fair Share Plan is submitted to the court with the previously submitted Plan, dated December 8, 2008, having been submitted to the New Jersey Council On Affordable Housing ("COAH"). While the 2008 Plan was deemed complete by COAH it was not finally certified by COAH because of two objectors. The objections were never adjudicated because of the purgatory which affordable housing regulations were in over the past several years. Lyndhurst has made application to the court to take advantage of the transition period available to those towns participating in the COAH process, as established by the New Jersey Supreme Court.

The Township of Lyndhurst will demonstrate in this Plan continued constitutional and statutory compliance with its affordable housing responsibilities and thereby achieve protection from exclusionary zoning actions. This Fair Share Plan is also being presented with additional evidence to the court to demonstrate Lyndhurst indeed provides housing opportunities which are affordable. This evidence uses the methodologies from the first and second round of COAH regulations and supplements them with data individualized to Lyndhurst as suggested is required in the March 10, 2015 Supreme Court decision.[1] As such we present additional amplifications on the methodologies used by COAH much like the experts amplifications cited in the various affordable housing legal actions.

2. Lyndhurst Affordable Housing Zoning Controls. The Township of Lyndhurst ("Township" or "Lyndhurst") is committed to promoting affordable housing opportunities in the 40.9% of the land area of the Township which is subject to local zoning control. The Township has limited or no control over the 59.1% of the land area of the Township of Lyndhurst which is located in the New Jersey Meadowlands District ("NJMD") where the zoning and development of the 1,901 acres located within the NJMD is controlled by the New Jersey Meadowlands Commission ("NJMC").

[1] In the matter of the adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing.

(See: N.J.A.C 19:4.)[2] The balance of Lyndhurst having 1,313 acres outside the area of the NJMD is fully developed with no available vacant land located here for potential development. N.J.S.A 13:17-13 indicates that "(s)ubdivisions and land development; review and regulation by commission; standards. The commission shall review and regulate subdivisions and land development within the district, in accordance with procedures and engineering and planning standards adopted by resolution, which shall require that: (a) All subdivisions, site plans, buildings and other development be in accordance with the master plan and any applicable redevelopment plan."

Vacant land located within the NJMD is within the zoning jurisdiction of the New Jersey Meadowlands Commission.[3] Much of the vacant land located in Lyndhurst under the jurisdiction of the NJMC is environmentally sensitive or former landfills. The Meadowlands District *Master Plan "preserves 8,400 acres of wetlands and open space while calling for the revitalization of polluted or blighted parcels into economic and community-oriented growth. The Meadowland District Regulations and Official Zoning Map provide the path for redevelopment in the Meadowlands*". The following aerial photograph, Diagram 1, shows the fully developed portion of the Township under the zoning jurisdiction of Lyndhurst (west of Schuyler Avenue and Orient Way) and the area to the east which is under the zoning control of the NJMC.

Diagram 1.

[2] According to the New Jersey Meadowlands Commission Master Plan, the entire NJMD includes 291.4 acres of residential development. This is 1.5% of the area of the NJMD.
[3] In 2015 the New Jersey Sports and Exposition Authority, a related public entity, took over the functions of the NJMC. The zoning responsibilities remain with the NJSEA. We will use the NJMC for context.

With this background, when development opportunities arise the Township has been aware of its obligation to comply with affordable housing edicts arising from the New Jersey Fair Housing Act ("FHA"). The FHA requires a state agency, specifically the Council On Affordable Housing, to assign the local "fair share" of moderate and low income housing to each municipality, N.J.S.A. 52:27D-301 et. seq. [4]

The Township has enacted the inclusionary zoning provisions of its ordinances and has actively pursued affordable housing opportunities as later described. The following is an abstract from the revised general ordinances ("RGO") of the Township of Lyndhurst pertaining to the zoning for affordable housing, RGO §21-20.

21-20.2 Affordable Housing

The affordable housing requirements contained in this section shall be applied to all construction within the Township of Lyndhurst. Responsibility for constructing an affordable housing unit shall be as provided for under this section. Furthermore, this section shall apply regardless of whether a minor subdivision, major subdivision or site plan is involved in the creation of the lot under construction or if the construction is on a preexisting lot. The obligation for affordable housing construction shall apply regardless of whether or not the property owner or developer has obtained preliminary or final approval for the construction. For buildings currently under construction, the property owner is responsible for complying with the affordable housing requirements in this section if a certificate of occupancy for the construction has not been issued prior to the adoption of this section. For all other construction, the triggering mechanism for the affordable housing responsibility shall be the issuance of a building permit for new construction. (Ord. #2678, §21-20.2)

21-20.3 Affordable Units Required for Residential Developments.

a. *Inclusionary Development.*

1. Mandatory Set-Aside.

(a) Within all district(s), any applicant for a residential development in the Township of Lyndhurst that includes four (4) or more residential lots and/or dwelling units shall be required to provide the number of affordable housing units equivalent to 20 percent of the total number of market rate units which will result from the proposed development, with any decimal amount rounded to the next highest whole number. All residential lots and/or dwelling units created from sub portions of an original tract of land during the time period between January 1, (2008) and December 31, (2018) shall be added together for the purposes of this section provision, even if an individual subdivision and/or site plan created less than eight residential lots and/or dwelling units.

(b) In the case where the Planning Board of the Township of Lyndhurst has determined, due to site conditions or other factors which the planning board finds compelling, that the affordable housing obligation of a proposed development is incapable of being rounded to the next highest whole number, the secretary of the planning board shall serve notice of all relevant facts upon the clerk of the Township of Lyndhurst, with copies to all parties to the application for development. The developer shall be subject to subsection 21-20.7 ("Cash Contribution") below.

2. Requirements for Inclusionary Development.

(a) Developers shall fully integrate very-low-, low- and moderate-income units with the market units.

(b) Developers shall ensure that affordable units have access to all community amenities available to market-rate units that are subsidized in whole by association fees and utilize the same heating source as market units.

(c) Developers of new townhouse dwelling units shall ensure compliance with N.J.A.C. 5:97-3.14.

[4] a. The New Jersey Supreme Court, through its rulings in South Burlington County NAACP v. Mount Laurel, 67 N.J. 151 (1975) and South Burlington County NAACP v. Mount Laurel, 92 N.J. 158 (1983), has determined that every municipality in a growth area has a constitutional obligation to provide through its land use regulations a realistic opportunity for a fair share of its region's present and prospective needs for housing for low and moderate income families.

3. Compensatory Benefits to Developers. The Township of Lyndhurst shall permit a developer of an inclusionary development, for which affordable housing units are created on-site, one or more of the following incentives:
   (a) Permissibility of alternate structure types (for example, duplex);
   (b) Reduction in parking standards;
   (c) Increases in permitted density;
   (d) Waiver of sidewalk and/or tree requirements;
   (e) Relief from regulatory requirements, if such relief will yield a cost reduction to the developer;
   (f) Relief from single family zoning (duplex or triplex)
   (g) Waiver or reduction of filing and other fees; tax abatements;
   (h) Financial aid, loans or grants to subsidize affordable housing production; and
   (i) Reduced requirements for setbacks, and/or height and/or stories, and/or lot widths and/or lot sizes, if necessary to accommodate affordable housing production.

   (Ord. #2678, §21-20.3)

This ordinance indicates the affordable housing policy of the Township. Another indication is the Senior Housing and Residential Commercial (SHRC) zone requiring a minimum of 40% of the units be affordable in this zoning district (Ordinance §21-4.9).

<u>3. Affordable Housing Obligation Background.</u> In Section 6 of this report the obligatory history of affordable housing in New Jersey is reviewed including the Fair Housing Act and the Council On Affordable Housing. The notion that municipalities <u>must</u> build affordable housing is not based in the FHA or any other formal edict.

The FHA states, at N.J.S.A. 52;27D-311, 9 d.: "Nothing in P.L. 1985, c. 222 (C52:27D-301 et al.) shall require a municipality to raise or expend municipal revenues in order to provide low and moderate income housing". The municipal obligation to build affordable housing is better characterized as an assigned number based on estimated population growth and the increase in affordable housing demand from such growth.

The genesis of the FHA and the regulations developed out of court decisions and laws addressing the reprehensible exclusionary zoning practices employed by municipalities in the State of New Jersey prior to the adoption of the FHA in 1985.

Briefly, municipalities would zone significant areas of a municipality containing large residential parcels and would have limited, if any, smaller more affordable building lots.

As an example, a municipality would have 1.5 or 2.0 acre zoning in its residential district and would have a commercial or central business district, to the exclusion of smaller building lots and "more" affordable homes. If this condition were to persist and zoning relief not granted by the local board of adjustment then a builder would file an exclusionary zoning action with the courts so as to coerce the municipality into permitting the building of several residential units on these larger lots. The builder would purchase a 1.5 acre lot with an aging single family residence valued at a hypothetical value of $500,000. The builder would then apply to the municipal board of adjustment for a variance to construct eighteen (18) homes on the subject property each valued at $180,000, a total project value of $3,240,000. The builder would have total project cost of $2,750,000 generating a gross profit of $490,000.[5] Thus, the developer in this example would almost double his money (a $490,000 profit on an initial investment of $500,000, without interest costs).[6]

The exclusionary zoning legal actions brought against a municipality would become known as "builder's remedy lawsuits". When a municipality complied with the FHA and COAH regulations through certification of its fair share plan by COAH then a municipality would receive protection from an exclusionary zoning action, or builder's remedy lawsuit(s). The fair share plan shall be adopted in concert with the housing element, N.J.S.A. 52:27D-309 a.[7]

The Schedule of Regulations included in Lyndhurst RGO §21-6 indicates the current residential lot sizes by zoning district in Lyndhurst as follows:

Diagram 2.

1-R-A and R-B One Family- 5,000 square feet minimum lot size. (50x100)

2-R-B Two Family- 5,500 square feet minimum lot size. (55x100)

3-R-C Three and Four Family-6,000 square feet minimum lot size. (60x100)

4-R-C Multi-family and garden apartment-15,000 square feet lot size. (100 min x 125 min)

The pre-existing Lyndhurst Housing Element and Fair Share Plan were adopted by the Lyndhurst Planning Board on December 17, 2008 and authorized by the Board of Commissioners. This Plan is attached as Exhibit 1. The Township made application for third round certification and went through each aspect of the COAH certification process. However, the Plan was objected to on baseless grounds by two developers who desired to build in the NJMD. The court then invalidated the growth share aspects of the entire round three regulations and COAH was stuck in a quagmire, with Lyndhurst never receiving final certification. The Township is, therefore, a participating municipality as defined by the court.

The extension of the builder's remedy lawsuit or the threat of a lawsuit in non-exclusionary zoning issues is noteworthy. By having a calculated affordable housing obligation, as opposed to an assignment of a target number within the confines of the FHA, a builder may file a legal action to build affordable units even where exclusionary zoning does not exist. This potential builder's remedy action is intended to coerce a municipality to meet its affordable housing "obligation".

It is therefore necessary for municipalities to obtain the protection of COAH as a prophylactic from such builder's remedy lawsuits.[8] This is the purpose of filing for COAH certification.

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[5] This illustration assumes a gross building area of 1,000 square feet per unit at a construction cost of $125 per square foot. This totals $2,250,000 plus the land cost of $500,000, yielding a total project cost of $2,750,000.

[6] This example also illustrates the "density" bonus aspects of affordable housing, COAH.

[7] An important aspect of the builder's remedy requirement is that if a town does not have a compliant Fair Share Plan then a builder may enter a legal action indicating that he is willing and able to build residential units with a twenty percent affordable unit set-aside.

[8] This process is costly requiring expert and legal fees and an investment in time to explain the subject of affordable housing.

crafting its regulations in 1994 COAH grouped the state's counties into six housing regions. Lyndhurst and Bergen County is located in the northeast region-Region 1. The principle behind the regions regarding affordable housing is to take into account the mobility of the population within a large geographical area. The principle is founded on the premise that individuals will locate to an affordable area (municipality) within the region and not be confined to the municipality or county in which they were raised.

Nowhere in the many writings on the subject of regional affordable housing is the fragmented nature of municipal incorporations indicated. New Jersey has 565 municipalities many of which were carved out of related larger townships and cities. Examples abound from Branchville and Stanhope in Sussex County to Netcong and Boonton Borough in Morris County to Englewood Cliffs and Bogota in Bergen County. We could provide many more. It is important to indicate that the regional aspect of affordable housing compliance emanated from the Mount Laurel I case where the urban renewal efforts of Camden in the late 1960's led surrounding suburban municipalities (such as Mount Laurel) to inappropriately use exclusionary zoning techniques to prevent displaced individuals to relocate to Mount Laurel from Camden.

The implications of municipal fragmentation in New Jersey on affordable housing is clear: duplication of services leading to higher property taxes, inconsistent zoning from town to town and inconsistent neighborhoods. All of these promote higher housing costs and disparate standards of living between localities.

The Township of Lyndhurst has no direct obligation to physically build affordable housing and given its ongoing sensitivity to inclusionary zoning the likelihood of a builder's remedy action as previously described is remote as to the residential zoning districts located within the Township's jurisdiction. The NJMD has its own affordable housing policy stipulated in a statement entitled "Interim Policies Governing Affordable Housing Development in the Meadowlands District", last revised July 27, 2011, Exhibit 2 attached.

On a practical basis no vacant land exists within the zoning jurisdiction of Lyndhurst for the construction of new housing.[9] Both the zoning of all pre-existing parcels and actual residential lot sizes are small. The Township has affordable housing in its fully developed zoning jurisdiction. Please refer to the attached Lyndhurst Zoning Map, dated April 2012. Finally, the Township is not a wealthy Bergen County town. (As the following income to housing value regression analysis shows.)

Notwithstanding the foregoing, the Lyndhurst housing element must take into account population trends. This is because the premise of new housing need, or demand, is based on population growth and from this growth is the resulting growth in new households.

[9] An aerial parcel map showing the fully developed "western" area of Lyndhurst not in the NJMD has been prepared and submitted to the Lyndhurst Planning Board and to the court as evidence of the vacant land and RDP in Lyndhurst.

Therefore, the current edict is that new affordable housing must be built as new households are created. This premise pre-supposes that new households cannot find housing in the marketplace.[10]

The start of the projection of affordable housing "need" or demand, including future demand, is an estimate of population growth.

The 2001 amendment to the FHA requires a ten year population growth estimate.[11] The New Jersey Department of Labor Workforce Development projects a population increase of 585,186 in year 2015, from 8,791,894 to 9,377,080. This is an increase of 44% annually.[12] Household growth nationally has held in the 600,000-800,000 range since 2008 less than half of the growth rate of prior decades.[13]

The next step would be to estimate the headship rate. This is the rate at which a new member of the (adult) population would become the head of a new household. As new members of age categories arise new households will be formed. A critical piece of data often overlooked when analyzing the rate of household creation is the fact that more than one-half of the adults aged 25-34, the household formation age, earning at least $45,000 are forming their own households while those earning less than $15,000 are not.[14]

Next the process requires the definition of low and moderate income. Moderate income is defined as between 80% and 50% of median income with low income being defined as less than 50% of median household income with very low income being defined as less than 30% of household income.

To show the relationship between median household income and property values a regression model calculating the correlation between the two variables was developed using the seventy municipalities located in Bergen County.[15] Median household income is a strong indicator of housing value with a correlation of .7395 (the closer to 1.0 the better the predictor of one variable to another). What is interesting in this data is that five outlier numbers having higher significantly higher residential values than median household income.

These outlier towns having a significantly high average residential value are Alpine ($2.7 million), Saddle River ($1.67 million), Rockleigh ($1.53 million), Englewood Cliffs ($1.264 million), and Franklin Lakes ($1.036 million). These municipalities actually have a higher property value than would be predicted. This is because of the formation of household wealth which when deployed has

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10 Throughout the affordable housing doctrine in New Jersey is the assumption that the marketplace does not produce affordable housing. This is not always so, especially as it relates to workforce type housing generated mostly through multi-family apartment development.

11 N.J.S.A. 52:27D-307c. (1).

12 The number of residents living in group quarters such as prisons, college dormitories, etc.

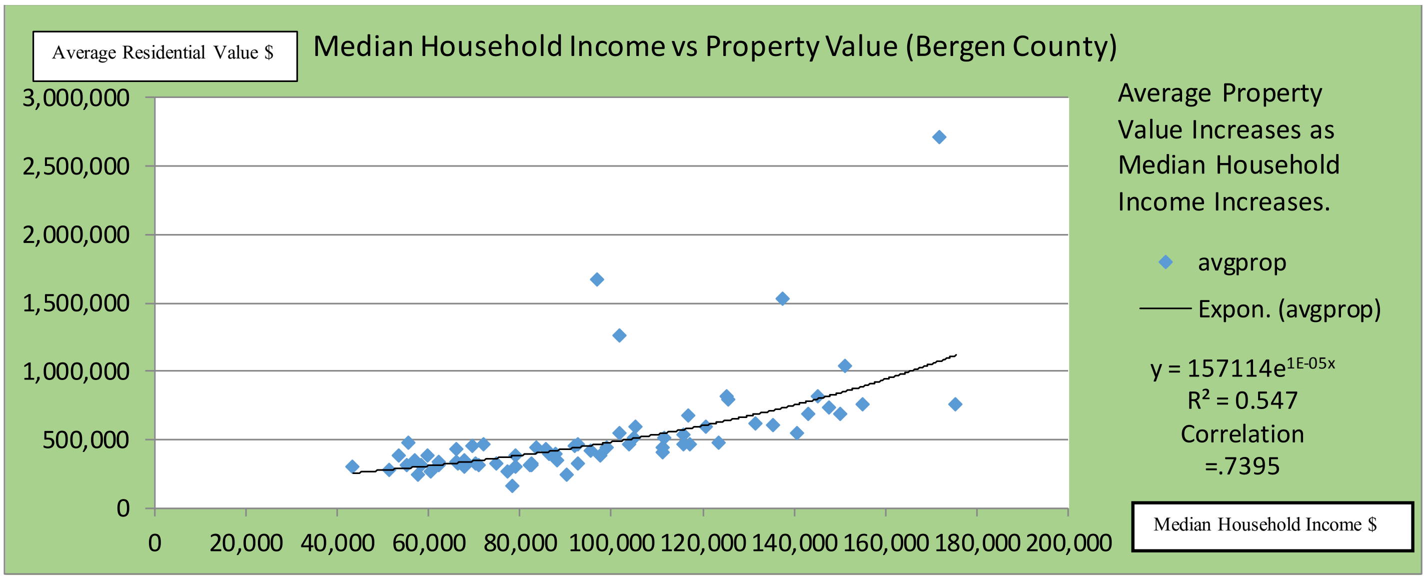
13 Reference #1, page 15.

14 Ibid, page 15.

15 Regression analysis is a statistical tool used to investigate the relationship between variables. In this case we show the effect of median household income on residential property values. To research this issue the investigator assembles data on the underlying variables of interest and employs regression to estimate the quantitative effect of the causal variables upon the variable that they influence. The investigator also typically assesses the "statistical significance" of the estimated relationships, that is, the degree of confidence that the true relationship is close to the estimated relationship. Regression techniques have long been central to the field of economics and statistics.

made the housing in these municipalities significantly more valuable than the average Bergen County residence.[16]

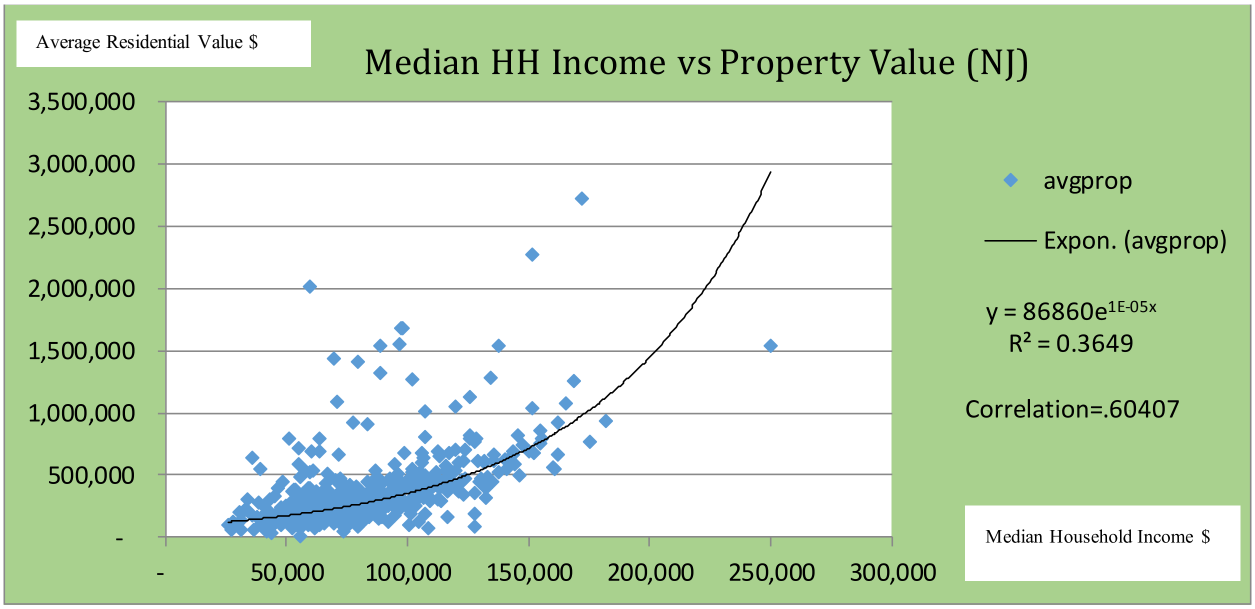
Diagram 3.



Lyndhurst has an average residential property value of $306,177 in 2014. The average residential property value in Bergen County was $466,567 in 2014. For purposes of a later analysis, incorporating the local unemployment rate into the analysis, we will not exclude any outlier data. The regression and correlation analysis indicated in Diagram 3 has been extended to the entire State of New Jersey. The results show that statewide there are twenty-one (21) outlier municipalities having a residential value greater than $1,000,000. Again, these are municipalities which have a higher average residential property value than predicted by median household income. This is due to accumulated household wealth being deployed to pay for high valued residences.

[16] Teterboro is also an outlier. It is a "drag" on the model with a median income of $78,571 (higher than Lyndhurst) and a lower residential value of $163,400. However, Teterboro has only 34 households.

Diagram 4.



It is interesting that the correlation between household income and residential property value is not as strong statewide as it is in Bergen County. This is probably due to the number of outlier municipalities. If these outliers, and a few others below the curve were excluded the correlation would be greater than .70.

While most of the COAH writing is based on calculating an affordable housing "obligation" for municipalities, the model in this report requires us to show how each town in New Jersey has historically shaped its housing stock, and given the direct correlation between household income and property values, how "affordable" each municipality compares to the remainder of municipalities in New Jersey regarding access to affordable housing. It is important to keep in mind the premise that COAH and, to a lesser extent, the FHA relies on is that the market does not generate affordable housing. The results of the study presented in this report indicates this premise is not as strong as the COAH writings indicate.

The following figure shows the average residential vales of municipalities by value range and the number of municipalities in the state.

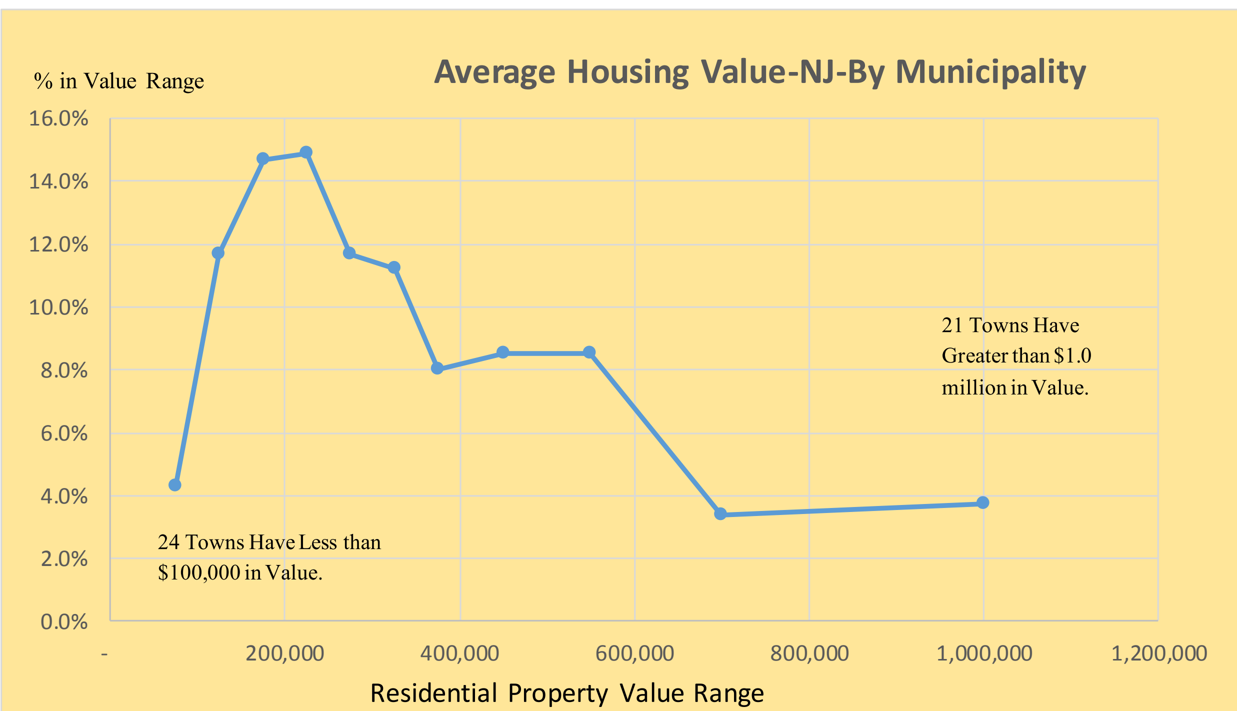
Figure 1.

Property Value-Range ($)	# of Municipalities in Range	% in Range
1,000,000 +	21	.037
700,000-999,999	19	.034
500,000-699,000	48	.085
400,000-499,000	48	.085
350,000-399,000	45	.08
300,000-349,000	63	.112
250,000-299,000	66	.117
200,000-249,000	84	.149
150,000-199,000	83	.147
100,000-149,999	63	.117
Less than 100,000	24	.043
Total	564	1.00

Note: Winfield has been left off the data distribution.

The data inputted into the regression and correlation model indicates that almost one-half (45.6%) of residences in New Jersey have a value (on average) of $299,999 or less. The following Diagram (chart) depicts the data distribution of residential values in the State of New Jersey.

Diagram 5.



The average 2014 residential property value in New Jersey is $343,573 using the models' data set. The next step in the model is to develop an affordability index using a hypothetical current mortgage payment.[17] The hypothetical mortgage payment is assumed for a term of thirty (30) years at a fixed interest rate of 4.5%, for 100% of the average residential value. This would equate to a fair (to the high side) hypothetical mortgage payment. Using the COAH standard of 30% of median income as the typical housing percentage (mortgage/rent cost) the result is that only one hundred fifty-six (156), 27.7%, of the municipal housing stock exceeds the housing cost standard. This can be looked at as an affordability indicator.

Of these one hundred fifty-six (156) towns fifty-nine (59) have an average residential value greater than $500,000. Atlantic City is the only municipality in this group having an average residential value under $200,000. Many of the remaining are located along the Jersey Shore (Somers Point, Lakewood, and West Wildwood among others). This means that 72.3% of municipalities in New Jersey have an average residential property value which is affordable to its residents. When the towns with high residential values, greater than $500,000, are excluded from the calculation then only 17.2% of towns have residential property values exceeding 30% of the hypothetical mortgage example, and 82.8% of municipalities have accessible housing.[18]

The model also takes into account moderately affordable households where 80% of the median household income is used as a measure of a household's reduced ability to pay for housing. In this data set three hundred thirteen one (313) municipalities in New Jersey, 55.5%, have a residential property value which would cause the hypothetical mortgage payment to exceed 30% of moderate household income. However, this number includes one hundred thirteen (113) municipalities having an average residential property value greater than $400,000. This means that only two hundred (200), 35.5%, municipalities in New Jersey have an average residential value which would cause the hypothetical mortgage payment to exceed 30% of moderate household income, or have a value greater than approximately 120% of the statewide average residential value.

Some notable exceptions to this exists, West Windsor, Oakland, Branchburg and Summit, a disparate group, have a moderate household hypothetical mortgage cost burden of less than 30% (of 80% of household income). Many other examples exist.

Accordingly, two hundred and fifty one (251) municipalities have residential values which accommodate moderate income households. This is 45.5% of the municipalities located in New Jersey.

The next step would be to examine low income households and their ability to pay for housing costs in New Jersey. Low income is defined as 50% of median household income. By this measure four hundred fifty one (451) municipalities have residential values which would cause stress to a low income household, again using the 30% of 50% of household income as the measure. However, one hundred three (103), 18.2%, municipalities have average residences that are "affordable" to low income households.

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[17] The 2014 average residential property value is taken from the State of New Jersey Division of Local Government Services data base.

[18] The model also tests for the cost of rent which tracks well with our hypothetical mortgage example.

This data and the model results show that affordable housing has been built and incorporated into the housing stock of a wide range of municipalities in New Jersey. Housing and homeownership is available to moderate income households and a significant number of jurisdictions have a housing stock which provide current, market driven (including COAH and NJHMFA projects) affordable housing opportunities.

The model also generates those municipalities having a residential property value greater than 120% of the county average. One hundred fifty-five (155) municipalities fall in this category. Only one municipality is excluded because it is an urban aid city. This means that 27.3% of municipalities have an average residential value significantly greater than the county norm. This result fits neatly into the prior model result where 27.7% of the municipalities in New Jersey have a housing cost factor which causes stress, by exceeding 30% of household income. Exhibit 4 depicts those municipalities that have an average residential property value greater than twenty percent (20%) of the county average.

This also means that over 80% of the municipalities have a reasonably affordable housing stock and have no obligation to look back in terms of a necessity to build affordable housing. However, an ongoing demonstration to fulfill future affordable housing demand is paramount to maintaining access to affordable housing. Moreover, the model results are clear regarding those municipalities which have been positioned to shape a high value housing stock indicating that <u>future</u> development in these jurisdictions should help off-set the cost of very low income households, throughout the State of New Jersey.

<u>The New Jersey Housing Mortgage Finance Agency (NJHMFA).</u> This state agency provides affordable housing assistance to New Jersey residents, including low and very low income residents. The NJHMFA also provides support for tax credit financing of the construction of low cost housing and has been successful in financing and creating many affordable housing opportunities in New Jersey.

The NJHMFA provides housing assistance in many forms; to families, municipalities and developers. Developers can apply for a competitive tax credit program, a dollar-for-dollar tax credit applied to federal income which is taxable for affordable housing investments. This tax credit program was created under the Tax Reform Act of 1986 that gives incentives for the utilization of private equity in the development of affordable housing for low income households.

The NJHMFA has successfully sponsored many successful projects and is one of the most respected affordable housing public sponsors in the U.S.

The NJHMFA sponsors projects to be undertaken by developers for (1) new construction and (2) the cost of rehabilitating an existing building. The financing is preferable and if not funded by tax exempt bonds, developers may receive a maximum annual tax credit allocation based on a rate which is generally 9% of the project's eligible basis. The cost of acquiring an existing building (but not the land), and projects financed in whole or in part with tax-exempt bonds, are eligible for a credit of approximately 3% to 4% annually. This financing structure provides developers with a significant incentive to participate in the affordable housing market.

Municipalities in New Jersey should be encouraged to broaden their participation in the NJHMFA and encourage developers to contribute to the NJHMFA for the purpose of sponsoring affordable housing projects.[19]

Median Household Income. The following figures depict household income data using the 2009-2013 American Community Survey of the United States Census Bureau. Some data may have a different source and is noted.

{Please See Next Page.}

[19] The conclusion here is that many municipalities have historically shaped their housing stock to the needs of their residents or prospective residents. The dialogue between affordable housing advocates and municipal representatives should take this into account. From a policy perspective it appears reasonable that as new households are created through market housing demand that a significant share of new housing be accessible to moderate and low income households. However, to assume some sort of historical obligation exists on the part of municipalities to provide affordable housing to households potentially created as early as 1987 is counterintuitive. Of course, if a municipality has shunned their fair share responsibilities, characterized by exclusionary zoning tactics, then the courts should address those municipalities appropriately.

The following figure depicts the 2014 COAH published median household income brackets by region of the State of New Jersey.

Figure 2.
COAH Household Income Ranges-2014 (Based on 2013 Data.)

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8 Person
Region 1	*Median*	$59,095	$63,317	$67,538	$75,980	$84,422	$87,799	$91,176	$97,930	$104,683	$111,437
Bergen, Hudson, Passaic and Sussex	*Moderate*	$47,276	$50,653	$54,030	$60,784	$67,538	$70,239	$72,941	$78,344	$83,747	$89,150
	Low	$29,548	$31,658	$33,769	$37,990	$42,211	$43,899	$45,588	$48,965	$52,342	$55,719
	Very Low	$17,729	$18,995	$20,261	$22,794	$25,327	$26,340	$27,353	$29,379	$31,405	$33,431
Region 2	*Median*	$63,430	$67,961	$72,492	$81,553	$90,614	$94,239	$97,864	$105,113	$112,362	$119,611
Essex, Morris, Union and Warren	*Moderate*	$50,744	$54,369	$57,993	$65,242	$72,492	$75,391	$78,291	$84,090	$89,890	$95,689
	Low	$31,715	$33,980	$36,246	$40,777	$45,307	$47,120	$48,932	$52,556	$56,181	$59,806
	Very Low	$19,029	$20,388	$21,747	$24,466	$27,184	$28,272	$29,359	$31,534	$33,709	$35,883
Region 3	*Median*	$73,500	$78,750	$84,000	$94,500	$105,000	$109,200	$113,400	$121,800	$130,200	$138,600
Hunterdon, Middlesex Somerset	*Moderate*	$58,800	$63,000	$67,200	$75,600	$84,000	$87,360	$90,720	$97,440	$104,160	$110,880
	Low	$36,750	$39,375	$42,000	$47,250	$52,500	$54,600	$56,700	$60,900	$65,100	$69,300
	Very Low	$22,050	$23,625	$25,200	$28,350	$31,500	$32,760	$34,020	$36,540	$39,060	$41,580
Region 4	*Median*	$64,830	$69,461	$74,091	$83,353	$92,614	$96,319	$100,023	$107,432	$114,841	$122,250
Mercer, Monmouth and Ocean	*Moderate*	$51,864	$55,568	$59,273	$66,682	$74,091	$77,055	$80,018	$85,946	$91,873	$97,800
	Low	$32,415	$34,730	$37,046	$41,676	$46,307	$48,159	$50,012	$53,716	$57,421	$61,125
	Very Low	$19,449	$20,838	$22,227	$25,006	$27,784	$28,896	$30,007	$32,230	$34,452	$36,675
Region 5	*Median*	$57,050	$61,125	$65,200	$73,350	$81,500	$84,760	$88,020	$94,540	$101,060	$107,580
Burlington, Camden and Gloucester	*Moderate*	$45,640	$48,900	$52,160	$58,680	$65,200	$67,808	$70,416	$75,632	$80,848	$86,064
	Low	$28,525	$30,563	$32,600	$36,675	$40,750	$42,380	$44,010	$47,270	$50,530	$53,790
	Very Low	$17,115	$18,338	$19,560	$22,005	$24,450	$25,428	$26,406	$28,362	$30,318	$32,274
Region 6	*Median*	$51,085	$54,734	$58,383	$65,681	$72,979	$75,898	$78,817	$84,656	$90,494	$96,332
Atlantic, Cape May, Cumberland and Salem	*Moderate*	$40,868	$43,787	$46,707	$52,545	$58,383	$60,719	$63,054	$67,725	$72,395	$77,066
	Low	$25,543	$27,367	$29,192	$32,841	$36,490	$37,949	$39,409	$42,328	$45,247	$48,166
	Very Low	$15,326	$16,420	$17,515	$19,704	$21,894	$22,769	$23,645	$25,397	$27,148	$28,900

The following is a breakdown of the income brackets by percent of household.

Figure 3.

	Median Income Brackets	% of Total Households			
	Income Bracket	United States	New Jersey	Bergen County	Lyndhurst
1	Less than $15,000	12.6%	9.2%	7.6%	8.0%
2	Less than $25,000	10.8%	8.1%	6.8%	6.7%
3	Less than $50,000	23.9%	18.5%	15.9%	18.1%
4	Less than $75,000	17.9%	16.1%	14.8%	20.0%
5	Less than $100,000	12.2%	13.0%	12.6%	13.2%
6	Less than $150,000	12.9%	17.2%	18.0%	18.8%
7	Less than $199,000	4.9%	8.5%	10.6%	10.5%
8	Greater than $200,000	4.8%	9.4%	13.6%	4.6%
	Total	100.0%	100.0%	99.9%	99.9%
	Median Income	$ 53,046	$ 71,629	$ 82,795	$ 71,910
	Mean Income	$ 73,487	$ 97,225	$ 115,950	$ 86,920

Source: U.S. Census Bureau American Community Survey 2013, 5 Year Estimates.

We can now determine the moderate, low and very low household income thresholds in the Township. In Lyndhurst moderate income is calculated at $57,528 in 2013 dollars.[20] Low income is calculated at $35,955 and very low income is calculated at $21,573. Returning to Figure 2 median household income in Lyndhurst, $71,910, is significantly less than the median household income in Bergen County, $82,795. The median Bergen County household income is 15.1% greater than in Lyndhurst. In addition, the average household income in Bergen County is greater by $29,030, 33.4%, when compared to Lyndhurst ($115,950 - $86,920). This is because 13.6% of Bergen County households have an income of greater than $200,000 as opposed to only 4.6% in Lyndhurst. It must be emphasized that the State of New Jersey has double the proportion of households having a median income greater than $200,000 than Lyndhurst (9.4% to 4.6%). In Lyndhurst 52% of households have a median income of $75,000 or less as opposed to 45.1% of households in Bergen County. These numbers indicate affordable housing in a mature municipality such as Lyndhurst.

[20] The moderate household income in the pertinent region is $59,095, which is somewhat higher than the moderate household income in Lyndhurst, $57,528.

Figure 4 shows the residential value ranges for the pertinent jurisdictions. Only 56% of the residences in Lyndhurst are owner occupied (see Figure 8). This is another indicator that the dense residential zoning, age of housing stock and relatively low household income have created affordable housing opportunities in the area of Lyndhurst not located in the NJMD.

Figure 4.

	Comparison of Housing Value ("Cost") Statistics								
Housing Value ({Cost} Bracket	Value of Residential Units	United States		New Jersey		Bergen County		Lyndhurst	
	Owner occupied units	75,075,700	% of total	2,091,065	% of total	220,018	% of total	4,490	% of total
50,000	Less than $50,000	6,758,685	9.0%	51,380	2.5%	3,463	1.6%	97	2.2%
99,999	$50,000 to $99,999	11,667,301	15.5%	60,954	2.9%	2,019	0.9%	27	0.6%
149,999	$100,000 to $149,999	12,050,742	16.1%	107,809	5.2%	3,343	1.5%	10	0.2%
199,999	$150,000 to $199,999	11,404,296	15.2%	196,319	9.4%	4,657	2.1%	63	1.4%
299,999	$200,000 to $299,999	13,773,829	18.3%	503,148	24.1%	21,262	9.7%	746	16.6%
399,000	$300,000 to $499,999	11,725,843	15.6%	739,117	35.3%	97,870	44.5%	2,755	61.4%
751,000	$500,000 to $999,999	6,141,492	8.2%	369,223	17.7%	72,577	33.0%	726	16.2%
1,100,000	$1,000,000 or more	1,553,512	2.1%	63,115	3.0%	14,827	6.7%	66	1.5%
	Median (dollars)	176,700	100.0%	327,100	100.0%	451,400	100.0%	377,100	100.0%
	Average Residential Value-2014	n/a		343,573		466,567		306,144	

The data in Figure 4 above follows the implications and pattern of the income data in Figure 3 showing the typical (median) residence is 16.5% more affordable in Lyndhurst than in Bergen County. ($451,400-$377,100=$74,300.) The average residential values in Figure 3 are taken from the New Jersey Division of Local Government Services Property Tax Table-2014.

We next analyze the remaining 44% of households which pay rent. The following figure depicts the monthly rent numbers.

Figure 5.

GROSS RENT	United States		New Jersey		Bergen County		Lyndhurst	
Occupied units paying rent	No. Units	% of Total	No. Units	% of Total	No. Units	% of Total	No. Units	% of Total
Less than $200	618,429	1.6%	16,139	1.5%	1,026	0.9%	43	1.2%
$200 to $299	1,248,924	3.3%	33,354	3.1%	1,884	1.7%	34	1.0%
$300 to $499	2,984,207	7.8%	40,968	3.9%	3,138	2.8%	140	4.0%
$500 to $749	8,358,370	21.8%	74,052	7.0%	3,332	3.0%	148	4.3%
$750 to $999	9,291,346	24.2%	189,219	17.9%	11,898	10.7%	593	17.2%
$1,000 to $1,499	10,067,165	26.3%	431,058	40.7%	48,224	43.4%	1,506	43.6%
$1,500 or more	5,768,176	15.0%	274,301	25.9%	41,719	37.5%	993	28.7%
Median (dollars)	904		1,172		1,334		1,265	
Total	38,336,617	100.0%	1,059,091	100.0%	111,221	100.0%	3,457	100.0%

4. (MLUL) Housing Element Requirements. As previously indicated the FHA and MLUL requires municipalities to adopt a housing element that addresses the municipal present and prospective housing need, with particular attention to low and moderate income housing. The municipal housing element shall contain at least the following:

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. The 2009-2013 American Community Survey (ACS) published by the U.S. Census indicates the number of housing units by year built.[21]

Figure 6.

Year Built	Number	% of Total
Built 2010 or later	0	0.0%
Built 2000 to 2009	945	10.6%
Built 1990 to 1999	148	1.7%
Built 1980 to 1989	416	4.7%
Built 1970 to 1979	861	9.7%
Built 1960 to 1969	788	8.8%
Built 1950 to 1959	2,031	22.8%
Built 1940 to 1949	1,314	14.7%
Built 1939 or Earlier	2,415	27.1%
Total	8,918	100.%

Almost two-thirds (64.6%) of the Township's housing stock is considered aged, being built prior to 1960. These homes are one and two family homes on a typical 5,000 square foot lot. This equates to 8.7 dwelling units per acre, or 17.4 units per two acres of land.

Figure 7.

Rooms per Residential Unit	Units
1 room	92
2 rooms	93
3 rooms	897
4 rooms	1,359
5 rooms	2,176
6 rooms	2,331
7 rooms	934
8 rooms	433
9 rooms or more	603
Total Units	8,918

[21] All data is taken from the 2009-2013 American Community Survey (ACS) published by the U.S. Census unless otherwise indicated.

Figure 8.

	Township of Lyndhurst		Bergen County	
Residential Unit Type	Number of Units	% of Total	Number of Units	% of Total
Occupied Year Around	8,023	90.0	335,422	94.9
Vacant, For Sale, Seasonal	895	10.0	17,993	5.1
Total	8,918		353,415	
Owner Occupied	4,490	56.0	220,018	65.6
Renter Occupied	3,533	44.0	114,404	34.4

Note: the reporting of the vacant units may be due to the fact that certain NJMD projects were not occupied until 2014.

The following figure shows the number of substandard homes in Lyndhurst. This is the basis for the rehabilitation requirements of the FHA.

Figure 9.

Description	No. Units
Lacking Plumbing Facilities	95
Lacking Kitchen Facilities	120
No telephone Service Available	204
Units with greater than 1.0 occupants per room	129

The 2014 proposed COAH regulations indicate a rehabilitation share of 143.

The following figure depicts the number of residential units in Lyndhurst by units in structure. It is important to note that only 39% of the units are located in single family attached units compared to 53.6% in Bergen County. This is another example were dense zoning has made multi-family uses more predominate leading to the affordable indicators noted in Figure 4.

Figure 10.

UNITS IN STRUCTURE	Lyndhurst, NJ		Bergen County, NJ	
Total housing units	8,918	%	353,415	%
1-unit, detached	3,461	38.8%	189,275	53.6%
1-unit, attached	269	3.0%	17,988	5.1%
2 units	2,867	32.1%	50,316	14.2%
3 or 4 units	924	10.4%	19,935	5.6%
5 to 9 units	205	2.3%	11,590	3.3%
10 to 19 units	394	4.4%	14,036	4.0%
20 or more units	772	8.7%	48,808	13.8%
Mobile home	26	0.3%	1,285	0.4%
Boat, RV, van, etc.	0	0.0%	182	0.1%

Figure 11.

GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME (GRAPI)								
GROSS RENT	United States		New Jersey		Bergen County		Lyndhurst	
Occupied units paying rent	No. Units	% of Total	No. Units	% of Total	No. Units	% of Total	No. Units	% of Total
Less than 15.0 percent	4,355,942	11.6%	113,951	11.0%	12,981	12.0%	515	15.3%
15.0 to 19.9 percent	4,515,103	12.1%	122,076	11.8%	13,962	12.9%	390	11.6%
20.0 to 24.9 percent	4,671,489	12.5%	127,123	12.3%	13,784	12.7%	412	12.3%
25.0 to 29.9 percent	4,328,624	11.6%	115,244	11.1%	11,968	11.1%	439	13.1%
30.0 to 34.9 percent	3,403,489	9.1%	92,810	8.9%	9,448	8.7%	275	8.2%
35.0 percent or more	16,178,004	43.2%	466,150	44.9%	46,085	42.6%	1,327	39.5%
Total	37,452,651	100.0%	1,037,354	100.0%	108,228	100.0%	3,358	100.0%

Figure 12.

SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME (SMOCAPI)								
Mortgage	United States		New Jersey		Bergen County		Lyndhurst	
Occupied units paying mortgage	No. Units	% of Total	No. Units	% of Total	No. Units	% of Total	No. Units	% of Total
Less than 20.0 percent	18,028,668	36.4%	386,004	26.3%	38,109	25.7%	669	22.7%
20.0 to 24.9 percent	7,959,603	16.1%	225,936	15.4%	20,710	14.0%	437	14.9%
25.0 to 29.9 percent	5,944,989	12.0%	193,353	13.2%	18,480	12.4%	270	9.2%
30.0 to 34.9 percent	4,210,179	8.5%	149,724	10.2%	14,348	9.7%	408	13.9%
35.0 percent or more	13,426,164	27.1%	510,488	34.8%	56,809	38.3%	1,158	39.4%
Total	49,569,603	100.1%	1,465,505	99.9%	148,456	100.1%	2,942	100.0%

2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next six (6) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.

A total of 1,032 units (households created) have been built in recent years in Lyndhurst located in the NJMD jurisdiction. This includes 143 affordable units, broken down as follows.

Figure 13.

Year	Project	Total Units	Affordable Units
2011	Avalon Bay	326	
10/13-5/2014	Petrucci/Iron Hill	192	39
10/2014	Russo/Vermellia	296	60
Pending-2016	Petrucci	218	44
Total		1,032	143

Note: Avalon Bay contributed $295,000 to the Township for affordable housing purposes. This amount was used to purchase 659 Valley Brook Avenue to convert this two family to an affordable housing residence, also two units.

Figure 14.

Population Trend	
Census Date	**Population**
1860	957
1870	2,057
1880	3,164
1890	1,560
1900	1,590
1910	4,076
1920	9,515
1930	17,362
1940	17,454
1950	19,980
1960	21,867
1970	22,729
1980	20,326
1990	18,262
2000	19,383
2010	20,554
Est. 2014	22,079

In 1970 the population was slightly higher than the estimated population today. The total number of households were 7,332 in 1970 compared to the Census estimate of 8,023 today. Household size was significantly greater than today at 3.1 persons per household, versus 2.46 (see Figure 15).

The prospect for future population growth is limited. Figure 13 shows the major development having occurred in the past few years including new units which represent households located in the NJMD. We estimate an additional 1,400 new residents living in these units, with adequate provisions made for access to affordable housing in each of the respective NJMD projects.

Figure 15.	
Description of Household	No. of Units
Total Households[1]	8,023
Family Households	5,424
Married couple householder	4,164
Other householder	1,260
Non-Family	2,599
Households with persons under 18	2,359
Households with persons over 65	2,632
Average household size	2.46
Occupants per room-1 person/room	98.5%
1-Occupied Housing units	

Figure 16.

	Lyndhurst		Bergen County	
Age Range	No. Persons	% of total	No. Persons	% of total
Under 5 years	1,421	6.8%	49,532	5.4%
5 to 9 years	723	3.5%	56,041	6.1%
10 to 14 years	1,086	5.2%	60,148	6.6%
15 to 19 years	1,448	6.9%	58,969	6.5%
20 to 24 years	1,146	5.5%	48,422	5.3%
25 to 34 years	2,885	13.8%	106,428	11.7%
35 to 44 years	3,278	15.7%	128,189	14.0%
45 to 54 years	3,037	14.6%	146,891	16.1%
55 to 59 years	1,154	5.5%	65,442	7.2%
60 to 64 years	1,318	6.3%	52,422	5.7%
65 to 74 years	1,460	7.0%	71,040	7.8%
75 to 84 years	1,411	6.8%	45,792	5.0%
85 years and over	474	2.3%	23,479	2.6%
Total	20,841	100.0%	912,795	100.0%
Median age (years)	40.2		41.3	
18 years and over	16,663	80.0%	709,300	77.7%
21 years and over	15,993	76.7%	679,046	74.4%
62 years and over	4,036	19.4%	170,182	18.6%
65 years and over	3,345	16.1%	140,311	15.4%
Under 18 years	4,178		203,495	
Male	7,883		336,633	
Female	8,780		372,667	
65 years and over	3,345		140,311	
Male	1,344		59,015	
Female	2,001		81,296	

The following Figure depicts the population breakdown by age based on the 1990 and 2000 census.

Figure 17.

Lyndhurst	1990 Census		2000 Census	
	# of Persons	Percent	# of Persons	Percent
Under 5	891	4.9%	959	4.9%
5-17	2,383	13.0%	2,734	14.1%
18 - 20	687	3.8%	548	2.8%
21 - 24	1,065	5.8%	928	4.8%
25 - 44	5,703	31.2%	6,288	32.4%
45 - 54	1,945	10.7%	2,636	13.6%
55 - 59	1,014	5.6%	1,011	5.2%
60 - 64	1,114	6.1%	839	4.3%
65 - 74	2,094	11.5%	1,708	8.8%
75 - 84	1,143	6.3%	1,350	7.0%
85 & over	223	1.2%	382	2.0%
Total	18,262	100.0%	19,383	100.0%
Under 18	3,274	17.9%	3,693	19.1%
Over 65	3,460	18.9%	3,440	17.7%
Bergen County	1990 Census		2000 Census	
Under 5	48,940	5.9%	55,363	6.3%
5-17	119,428	14.5%	147,691	16.7%
18 - 20	29,112	3.5%	24,551	2.8%
21 - 24	44,822	5.4%	34,177	3.9%
25 - 44	265,357	32.1%	270,628	30.6%
45 - 54	99,687	12.1%	129,190	14.6%
55 - 59	44,987	5.5%	48,621	5.5%
60 - 64	46,688	5.7%	39,077	4.4%
65 - 74	74,855	9.1%	68,810	7.8%
75 - 84	39,722	4.8%	48,955	5.5%
85 & over	11,782	1.4%	17,055	1.9%
Total	825,380	100.0%	884,118	100.0%
Under 18	168,368	20.4%	203,054	23.0%
Over 65	126,359	15.3%	134,820	15.2%

4. An analysis of the existing and probable future employment characteristics of the municipality;

The following figures show the employment category and median dollars for employment of those employed in Lyndhurst. Figure 19 shows the year end 2014 labor force numbers and employment data including the unemployment rate which Lyndhurst was in the highest 10% in the county (of seventy Bergen County municipalities). The 2014 unemployment rate was 7%.

While the Township encourages the NJMD to repurpose fallow offices and warehouses the prospects for new or additional employment sources are limited.[22]

Figure 18.

Lyndhurst-Employment by Occupation Category.		
5 Year Survey-2009-2013	Total #	Median earnings (dollars)
Civilian employed population 16 years and over	9,876	50,688
Management, business, science, and arts occupations:	3,921	63,106
Management, business, and financial occupations:	1,792	65,428
Management occupations	1,188	75,417
Business and financial operations occupations	604	57,578
Computer, engineering, and science occupations:	619	81,363
Computer and mathematical occupations	448	82,135
Architecture and engineering occupations	100	73,478
Life, physical, and social science occupations	71	80,947
Education, legal, community service, arts, and media occupations:	1,112	56,121
Community and social services occupations	53	105,688
Legal occupations	23	
Education, training, and library occupations	742	48,728
Arts, design, entertainment, sports, and media occupations	294	66,463
Healthcare practitioner and technical occupations:	398	54,590
Health diagnosing and treating practitioners and other technical occupations	277	68,083
Health technologists and technicians	121	43,558
Service occupations:	1,330	26,888
Healthcare support occupations	115	35,795
Protective service occupations:	373	66,051
Fire-fighting and prevention, and other protective service workers including supervisors	170	28,864
Law enforcement workers including supervisors	203	82,697
Food preparation and serving related occupations	348	25,192
Building and grounds cleaning and maintenance occupations	195	28,606
Personal care and service occupations	299	17,760
Sales and office occupations:	2,927	39,834
Sales and related occupations	1,081	40,917
Office and administrative support occupations	1,846	39,606
Natural resources, construction, and maintenance occupations:	741	50,208
Farming, fishing, and forestry occupations	-	

[22] The CUPR and NJMC identified 224 acres of vacant buildable land in the meadowlands. How much of this is in Lyndhurst is unknown at this time.

Construction and extraction occupations			381	39,688
Installation, maintenance, and repair occupations			360	71,268
Production, transportation, and material moving occupations:			957	42,350
Production occupations			431	30,795
Transportation occupations			260	58,529
Material moving occupations			266	41,582

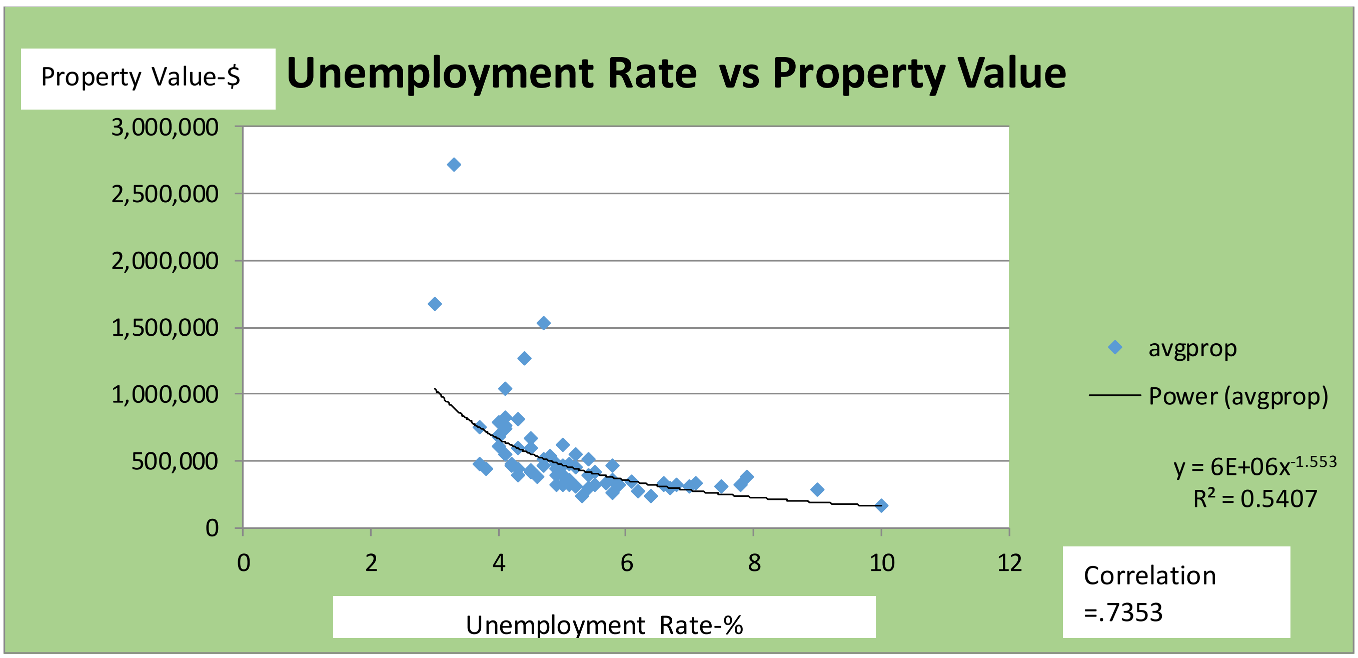
Figure 19.

New Jersey Labor Force Unemployment Estimates by Area 2014 YE				
Name/County/Municipality	Labor Force	Employment	Unemployment	Unemployment Rate
Bergen County	479,448	453,688	25,760	5.4
Teterboro borough	40	36	4	10
Garfield city	16,017	14,578	1,439	9
Moonachie borough	1,473	1,357	116	7.9
Lodi borough	12,782	11,788	994	7.8
Wallington borough	6,334	5,857	477	7.5
Elmwood Park borough	10,611	9,856	755	7.1
Lyndhurst township	10,892	10,130	762	7
North Arlington	8,002	7,460	542	6.8
Saddle Brook township	7,423	6,926	497	6.7
Carlstadt borough	3,434	3,206	228	6.6
South Hackensack	1,328	1,240	88	6.6
Hackensack city	24,177	22,626	1,551	6.4
Ridgefield Park village	6,953	6,523	430	6.2
Little Ferry borough	6,320	5,932	388	6.1
East Rutherford	5,857	5,514	343	5.9
Bogota borough	4,462	4,203	259	5.8
Englewood city	14,679	13,825	854	5.8
Hasbrouck Heights	6,008	5,661	347	5.8
Rochelle Park township	3,114	2,937	177	5.7
Maywood borough	5,318	5,028	290	5.5
Oakland borough	6,673	6,307	366	5.5
Fairview borough	7,925	7,495	430	5.4
Paramus borough	12,833	12,135	698	5.4
Ridgefield borough	5,872	5,556	316	5.4
Wood-Ridge borough	4,859	4,601	258	5.3
Dumont borough	9,884	9,371	513	5.2
Norwood borough	2,732	2,591	141	5.2
Teaneck township	20,083	19,047	1,036	5.2

Cliffside Park borough	12,981	12,324	657	5.1
Mahwah township	14,478	13,743	735	5.1
New Milford borough	8,878	8,428	450	5.1
Allendale borough	2,886	2,741	145	5
Fair Lawn borough	18,099	17,196	903	5
Washington township	4,704	4,471	233	5
Westwood borough	5,936	5,639	297	5
Bergenfield borough	14,688	13,962	726	4.9
Emerson borough	3,659	3,481	178	4.9
Midland Park borough	3,866	3,676	190	4.9
Park Ridge borough	4,322	4,109	213	4.9
Rutherford borough	10,054	9,558	496	4.9
Harrington Park	2,264	2,156	108	4.8
Hillsdale borough	5,133	4,892	241	4.7
Montvale borough	3,796	3,616	180	4.7
Rockleigh borough	129	123	6	4.7
River Edge borough	5,890	5,619	271	4.6
Closter borough	3,927	3,749	178	4.5
Cresskill borough	3,971	3,792	179	4.5
Leonia borough	4,529	4,324	205	4.5
Waldwick borough	5,337	5,096	241	4.5
Englewood Cliffs	2,036	1,946	90	4.4
Northvale borough	2,451	2,345	106	4.3
Ramsey borough	8,223	7,869	354	4.3
River Vale township	4,720	4,519	201	4.3
Wyckoff township	7,962	7,623	339	4.3
Fort Lee borough	18,705	17,917	788	4.2
Oradell borough	4,238	4,062	176	4.2
Demarest borough	2,283	2,189	94	4.1
Franklin Lakes borough	5,039	4,832	207	4.1
Glen Rock borough	6,066	5,818	248	4.1
Old Tappan borough	2,649	2,541	108	4.1
Upper Saddle River	3,976	3,811	165	4.1
Haworth borough	1,639	1,574	65	4
Ridgewood village	11,858	11,379	479	4
Tenafly borough	6,426	6,169	257	4
Woodcliff Lake borough	2,912	2,796	116	4
Edgewater borough	6,799	6,541	258	3.8
Ho-Ho-Kus borough	2,101	2,023	78	3.7
Palisades Park borough	11,430	11,002	428	3.7
Alpine borough	870	841	29	3.3
Saddle River borough	1,451	1,408	43	3

Recall in the earlier regression model (Diagram 3) that five outlier towns exist in Bergen County to the high side of affordable housing (or "unaffordable") Alpine, Saddle River, Rockleigh, Englewood Cliffs, and Franklin Lakes. Not surprisingly these municipalities also have low 2014 unemployment rates. The following graph shows the relationship between the local unemployment rate and housing value. As the unemployment rate increases the housing value is lower. This is especially important as the residual effects of the great recession continues to be apparent in moderate income, mature localities such as Lyndhurst.

Diagram 6.



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. The following figures shows the 2013 median income number in Lyndhurst and applies this number to expected rent amounts and mortgage amounts.

Figure 20.

Lyndhurst Household Income Data	Median Income 2013 ACS	30%- Very Low Income	50% Low Income	80% Moderate Income
Household Income Level	$71,910	$21,573	$35,955	$57,528
Housing Cost Level-30% of Income Level		$6,472	$10,787	$17,258
Annual Calculated Rent		$5,988	$ 8,988	$17,258
Households Meeting MI Bracket		217	148	593+
Annual Calculated Mortgage		$5,903	$8,885	$17,710
Households Meeting MI Bracket		127	63	746
Total Affordable Units Prior to NJMD Units in Figure 11.		344	211	1,339

Note: See Figure 3 and Figure 4 for the number of units and brackets.

As indicated in Figure 4, 197 housing units in Lyndhurst are valued less than $199,999. If these properties were to be hypothetically purchased by an indigenous or incoming household the majority of these units would be considered "very affordable", having a calculated monthly mortgage payment of $984, $11,806 annually, or less. An additional 746 units are valued less than $299,999. These units have a calculated monthly mortgage payment of less than $1,476.

The following figure is a model extension used to calculate the affordability of current owner occupied residences in Lyndhurst. The U.S. Census housing value range (or bracket) from Figure 4 is compared to the U.S. Census Bureau median income brackets in Figure 3. A hypothetical monthly and annual mortgage payment is calculated using the census housing value financed (mortgaged) at 100% using a 4.5% interest rate for thirty years. This model is used to calculate the number of affordable residences located today in Lyndhurst.

Figure 21.

From Figure 3. Housing Value {Cost} Bracket	Housing Value (Cost) Bracket	Computed Monthly Mortgage Payment	Annual Mortgage Payment	% of Income {Bracketed}.	30% of Income Bracket	% Lyndhurst Median Income Bracket-From Figure 2.
50,000	1	$ 246	$ 2,952	19.7%	$ 4,500	8.0%
99,999	2	$ 492	$ 5,903	23.6%	$ 7,500	6.7%
149,999	3	$ 738	$ 8,855	23.6%	$ 9,780	18.1%
199,999	4	$ 984	$ 11,806	18.9%	$ 18,750	20.0%
299,999	5	$ 1,476	$ 17,710	20.2%	$ 26,250	13.2%
399,000	6	$ 1,963	$ 23,554	18.8%	$ 37,500	18.8%
751,000	7	$ 3,694	$ 44,334	25.3%	$ 52,500	10.5%
1,100,000	8	$ 5,411	$ 64,936	32.5%	$ 66,000	4.6%
	NJ Median Residence	$ 1,609	$ 19,310	27.0%	$ 21,489	
	NJ Average Residence	$ 1,455	$ 17,466	18.0%	$ 29,168	
	Bergen County Median Residence	$ 2,221	$ 26,647	32.2%	$ 24,839	
	Bergen County Average Residence	$ 2,295	$ 27,543	23.8%	$ 34,785	
	Lyndhurst Median Residence	$ 1,855	$ 22,261	31.0%	$ 21,573	
	Lyndhurst Average Residence	$ 1,506	$ 18,073	20.8%	$ 26,076	

The median and average housing costs are taken from the U.S. Census Bureau and State of New Jersey property tax data base.
The monthly mortgage payment is an example of a payment on a 100% loan to value at 4.5% for a 30 year term.

The Lyndhurst housing market is flexible to the low side of median income households with accessibility provided to many types of housing (rental, owner occupied, two family, etc.). Lyndhurst currently has 1,484 affordable residential units:

Affordable Housing Category	# of Units
New Jersey Meadowlands	143
659 Valley Brook	2
Affordable Rental	593
Affordable Owner Occupied	746
Total	1,484

This represents 18.5% of the occupied residences in Lyndhurst.

The Joseph A. Carucci Jr. apartments were built in Lyndhurst 1981 by the Housing Authority of Bergen County and contains a total of ninety-nine (99) rental units.

This public housing complex was built to serve the low and moderate income population in their jurisdiction by increasing supply of affordable housing and by providing encouragement and assistance to improve the quality of life.

The Carucci apartment building contains 89 rental senior housing units and ten non-age restricted rental units designed for disabled citizens.

Riverside Village, 601 Riverside Avenue is a 160-unit multi-family development that was approved in 2003. Riverside Village was part of a redevelopment project that eliminated an obsolete super market. Riverside Village currently provides twenty-one Section 8 apartment units.

6. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

The open lands in Lyndhurst are limited to properties located in the NJMD. Exhibit 3 is the Lyndhurst Open Space and Parcel Map, dated October 2015. It depicts on two sheets those properties located in the NJMD and those properties within the zoning jurisdiction of Lyndhurst. The area shaded in beige are vacant parcels which are odd shaped lots (and the Jersey City Municipal Utilities Authority trunk line).

5. The Township of Lyndhurst Fair Share Plan. As previously mentioned this Housing Element and Fair Share Plan is being submitted to the court. The purpose is to demonstrate inclusionary zoning, demonstrate the accessibility provision of affordable housing and cement the future requirements to ensure continued compliance with the FHA.

Rehabilitation. Figure 9 establishes the number of deficient units in Lyndhurst. These deficient units total 215 without adequate facilities and 129 with potential overcrowding. This totals 344 units. Under the round three COAH regulations this is reduced by a factor of .595 due to the theory that these are not all affordable units. Also, a potential exists that certain units are double counted. Hence, the deficient unit count is 143.

The Township must specifically identify as many of these properties as possible and proceed to have community development or other funding in place to assist the property owner (especially the owner occupied units) with correcting the deficiencies.

Prior Round "Obligation". The 2008 Housing Element clearly demonstrates that the Township of Lyndhurst has a prior round (1987-1999) obligation of 100 units. The proposed round three regulations indicate a prior obligation for Lyndhurst of minus one-hundred forty nine (-149) units. This conforms to the evidence presented in this report which provides overwhelming evidence of the Township providing access to affordable housing opportunities.

Throughout the plethora of COAH regulations and writings a concept of "internally consistent and intuitively correct" is reiterated and assumed. The prior round obligation is not intuitively correct. The concept of COAH places the "obligation" to physically build housing on whom? Not the municipality, especially if no exclusionary zoning exists, and the "obligation" does not fall on any builder. It is also counterintuitive that a municipality somehow has an "obligation" to have residences built arising from alleged households formed as early as 1987. Moreover, as shown in our model (Figure 1) municipalities in New Jersey have done a good job at creating an appropriate housing stock for their residents.

Potential or Prospective Need. The prospective need for affordable housing is difficult to estimate in a fully developed municipality. This is because hypothetical new households do not exist because of the lack of developable space. The new construction site criteria of the proposed 2014 COAH regulations stipulates that municipalities shall designate areas that are suitable, within certain NJDEP infrastructure provisos (being located in a sewer service area (SSA) as an example).

Realistic development potential is defined under N.J.A.C.5:97-1.4 as "the portion of the prior round affordable housing obligation that can realistically be addressed with inclusionary development, as determined by the Council through a vacant land adjustment pursuant to N.J.A.C. 5:97-5.2". A vacant land analysis was performed in September 2015 for the Township of Lyndhurst. No parcels of land were identified for inclusionary development outside of the NJMD.

Therefore, the Township must stipulate in this Fair Share Plan that it will support a twenty percent (20%) affordable housing inclusionary development requirement imposed on any residential development in the NJMD. As previously mentioned the NJMC has no future plans for residential development in the NJMD.

Diagram 7.

Lyndhurst 2015 Fair Share Plan

Policy Statement: The Township of Lyndhurst recognizes its ongoing obligation to provide access to affordable housing opportunities.

Lyndhurst Affordable Housing requirements:

1-Rehabilitation-	143 units
2-Prior Round(s) "Obligation"-	0 units
3-Prospective need-	0 units
TOTAL	143 units

Positive steps:

1a.-The Township of Lyndhurst shall advocate that all future NJMD residential projects approved by the NJMC, for the next ten year period, shall include 20% affordable units.

1b.-The Township of Lyndhurst will abide by its previously adopted inclusionary zoning ordinance. See RGO § 21-20.3 Affordable Units Required for Residential Developments - a. Inclusionary Development.

2-The Township of Lyndhurst code enforcement office will attempt to identify all substandard residential units and the Township will apply for CDBG and other funding to turn around the conditions found in these residences.

Vacant Land Adjustment. Proposed regulation N.J.A.C. 5:99-5 sets forth what procedures need to be used to achieve a vacant land adjustment. As indicated in the Lyndhurst table of zoning no large lot zoning exists in Lyndhurst. Moreover, very little vacant land exists as is indicated in the attached vacant land map (with clear parcel, tax block, identifiers). (See Exhibit 3.) Accordingly, the Township takes the factual position that no vacant developable land exists within its zoning jurisdiction.

6. The COAH Court Actions in Perspective. COAH was created in 1985 through state legislation to devise a method for municipalities to comply with the Fair Housing Act. The New Jersey Fair Housing Act was itself an outcome of the Mount Laurel group of cases now referred to as Mount Laurel I and Mount Laurel II. If municipalities choose to grow, with a target or emphasis on suburban towns, in the PA-1 and PA-2 categories of the State Development and Redevelopment Plan, then affordable housing is needed to accommodate or supplement this growth.[23]

In 1986 COAH released the First Round rules (1987-1993) which required, or targeted, the production of 10,849 low and moderate-income homes per year statewide.
In 1994 COAH released the Second Round rules (1993-1999) which required, or targeted, 6,465 low and moderate-income homes per year statewide. The First and Second Round rules were generally upheld by courts against several legal challenges from municipalities and some from builders and public interest advocates. Advocates succeeded in 1993 in overturning one area of the rules, which allowed for a residency preference to limit the ability of people from outside of a town to move into "Mount Laurel" housing.

The 2008 COAH calculated state-wide affordable housing obligation was 115,666 new affordable units to be built through 2018.

On January 25, 2007, the Appellate Division sent COAH back to the drawing board, agreeing that the regulations "defied comprehension." In their decision, the three judge panel found that the regulations violated the constitutional mandate of the Mount Laurel doctrine and the statutory requirements of the Fair Housing Act. The court required a check on municipal discretion, writing that "If the municipalities with substantial amounts of vacant land and access to infrastructure can decide for themselves whether and how much to grow, it is highly likely that housing opportunity will fall far short of identified housing need."[24]

This court decision jolted COAH, but further delayed affordable housing regulations as COAH missed the July 25, 2007 deadline, established by the Appellate Division, to adopt revised regulations. COAH requested successive extensions along the way proposing regulations that were unconstitutional. After two more proposals, COAH's complete Third Round regulations were finally adopted on October 20, 2008, with a July 2008 effective date.

In November 2012, the New Jersey Supreme Court heard arguments to eliminate the growth share obligation, part of the 2008 Third Round Regulations, which had previously been invalidated by the Appellate Division on October 8, 2010. The Supreme Court upheld the Appellate Division and remanded the regulations to COAH, to develop rules using the First Round and Second Round methodologies. In the meantime the Governor "abolished" COAH and moved to confiscate the COAH trust funds held by municipalities as of July 17, 2012. The theory behind the trust fund taking was that the 2008 Third Round rules, much of which were invalidated by the court, required funds to be expended within four years of the implementation of the Third Round rules, which occurred on July 15, 2008.

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[23] See Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel (1975) N.J.S.C. 67 N.J. 151, 336 A.2d 713.

[24] Editorially, the courts have thus inserted themselves into local governance and land use decision-making.

On June 2, 2014 a new comprehensive set of COAH regulations were published in the New Jersey Register. (See N.J.A.C. 5:99 replacing N.J.A.C. 5:97.) These rules were actually thought of in the development community as the upcoming "law of the land" regarding affordable housing. Unfortunately, COAH was deadlocked in voting for final implementation of the regulations and the regulations were not adopted despite all of the research and work performed by the Center for Urban Policy Research at Rutgers University ("CUPR") which was the foundation of the regulations.

From the counterintuitive prospective need calculations, to the uniform housing affordability controls ("U.H.A.C.") COAH has become an unnecessarily complicated morass.[25] Being frustrated with the COAH process and on a motion in aid of litigant's rights from the earlier Supreme Court decision, the court "took back" control over the FHA and municipal compliance thereto.

On March 10, 2015 the Supreme Court decided to authorize the trial courts to hear and decide actions addressing municipal compliance with their Mount Laurel obligations. The court required declaratory judgments be filed by each municipality seeking immunity from a builder's remedy suit or other legal action regarding the Mount Laurel obligations. The Township of Lyndhurst filed such declaratory judgment action. This Plan and report was prepared to support the declaratory judgment action.

The court, among other things, requires a new fair share plan be filed by each municipality seeking relief. In addition, the court requires proof that a municipality has complied with its constitutional obligations. Finally, COAH indicates that their programs (the regulations) has produced 109,557 new affordable units and 25,034 rehabilitated units. These numbers are under-mentioned in the various COAH writings.

<u>7. Additional Evidence that the Township of Lyndhurst complies with affordable housing edicts.</u>

<u>Urban Aid Cities.</u> The fifty seven (57) urban aid cities are generally exempt from COAH regulations. Heretofore their affordable housing need has been apportioned throughout their respective region. Lyndhurst has an estimated population of 22,079 in 2014. The Township has 4.894 square miles of which .336 square miles is water, the Passaic River. Only 40.9% of the land area is subject to local zoning control, where the majority of people live. This means that in the two square miles subject to local zoning control there is a population density of greater than 10,000 per square mile. This is the first test to qualify for urban aid. In addition, less than 5% of the land outside the NJMD is available for development.

But not for lands located in the NJMD, the Township of Lyndhurst, displaying urban characteristics, would be generally exempt from COAH, but not from inclusionary zoning requirements. It is not suggested that the Township qualifies as an urban aid city but that the residents and buildings located in the Township experience the same conditions as an urban aid city.

[25] N.J.A.C. 5:80-26.1 et seq. sets forth the Uniform Housing Controls in New Jersey.

Property Taxes. Housing costs include mortgage and rent payments and importantly include annual property tax payments. Even renters are impacted by property taxes as the property owner transfers the tax burden to the renter.[26] Nowhere in the COAH writings is property tax burdens mentioned. Property tax burden is an additional barrier to affordable housing.

New Jersey has the highest property tax burden in the U.S. and according to an October 2014 Monmouth University poll half of New Jersey residents say they want to leave the state.

The Monmouth poll found the state's high cost of living, especially the high property tax, being the primary reason for the poll result. The State of New Jersey has the highest property tax burden in the nation at $3,971 per capita.

The average residence paid $8,161 in property taxes in New Jersey in 2014. This represents 11.4% of median household income. In Bergen County the average owner occupied home paid $10,826 in property taxes in 2014. This represents 13.1% of median household income. In Lyndhurst the average residence paid $8,299 in 2014. This represents 11.5% of household income, approximately the state average.[27]

This is another indicator of housing affordability where, in Lyndhurst, prospective home purchasers will pay over 10% less in annual property tax payments in the typical Bergen County municipality.[28]

8. Public Schools. Much is found in the COAH writings about commuting distance to work and regional population issues. However, it is common knowledge that quality public schools is perhaps even a more important issue when deciding where to live. People would rather commute an extra ten or twenty minutes if it means having access to better public schools for their children.

In addition, even those households without children may desire to live in municipality having a "better" school district. According to Amy Fontinele writing in Investopedia: "If you have or are planning to have kids, school district is certainly an important consideration (when buying a home). Living in a good public school district will save you tens of thousands of dollars that you might otherwise be tempted to spend on private school. And even if you don't have kids, it may still be a good idea to consider the quality of neighborhood schools when choosing your location in order to maximize your investment. If you have difficulty finding a public school that meets your standards, you may have to pay a premium to live in a neighborhood with good schools. You will have to consider how that premium compares to the cost of paying for private school or sending your children to a sub-par educational institution." This says it all.

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[26] Please see reference number 5.

[27] The disparity of property taxes among New Jersey's 565 municipalities makes the regional modelling of COAH problematic at best. High municipal cost urban areas are starved for tax dollars as aging infrastructure and school facilities need massive investment. On the other hand suburban wealthy towns have school costs that drive property taxes, and while high the schools are generally "better" than in urban areas, taxes are nonetheless high. This leads to an imbalance of both housing affordability and quality public schools.

[28] Property taxes are a deduction from taxable federal income. This gives a disproportional tax "break" to higher income homeowners and allows them to reduce their tax burden as compared to lower income homeowners.

Lyndhurst has an average public school system although recent school administration changes offers hope for significant improvement. One of the most popular school district ranking systems, Niche, uses statistical and qualitative factors in ranking public school districts. Of the top twenty (20) rated public school districts in New Jersey five (5) are located in Bergen County. Several other public school districts located in Bergen County fall just outside the top twenty.

Niche rates the Lyndhurst school district as the 138th best school district in New Jersey, out of approximately 300). Individuals will not move to Lyndhurst to have their children attend the public school district, at least not until the school facilities are upgraded and administrative improvements take hold.

9. A Practical Approach to Providing Access to Affordable Housing. The following is an understandable affordable housing proposal for New Jersey it is based on extensive research. These regulations would be in effect for ten (10) years.

1-Every municipality located in New Jersey must have an inclusionary zoning ordinance identifying where residential properties may be accessible to households having 80% of median household income of the county in which the municipality is located.

2-A. All municipalities, except those classified as urban aid jurisdictions, shall ensure that any development application having four (4) attached residential units shall have unit number five be affordable, defined as accessible to those households having a median household income of 80% of county median household income, and a rent or mortgage payment no greater than 30% of household income. This will take the guess-work out of what to do with smaller projects which generally have a lower profit margin.

B. For every ten (10) units built thereafter (after unit number 14, 24, 34 etc.) one (1) additional affordable unit shall be built in the project.

C. For every five (5) affordable units built there shall be one (1) low income unit built in the project. This means 20% of all affordable units shall be low income. Low income shall be defined as 50% of county median household income. Where two bedroom units exist then a minimum of 50% of affordable units shall be two bedroom units. (No three bedroom restrictions or requirements shall exist, however, the local planning board may impose bedroom allowances or restrictions).

D. For every three (3) detached residential units, or 7,500 of square feet of living space, to be built in any single family development included in a development application, there shall be one affordable unit built in the project, or in another location of the municipality, consistent with paragraph 1A and 1C. The amount of square feet of living space shall be determined by the construction code official.

3-Any municipality having an average residential value of 120% greater than the pertinent county average, in any one of the three years preceding a year when a new development application is filed, a development fee of one-percent (1%) of total project costs as defined and certified pursuant to N.J.S.A. 40A:20-3 h, shall be levied. This development fee shall be applied to all new developments over four (4) attached units, or three (3) detached units (or 7,500 square feet of living space in developments having less than three units) and commercial properties.

The maximum development fee shall be $200,000 for any one development application unless an additional amount is levied by the local planning board.

This development fee shall be deposited with the New Jersey Housing Mortgage Finance Agency ("NJHMFA") or any county or municipal housing authority for the purpose of financing very low income housing which may be located in any municipality in New Jersey, including urban aid jurisdictions.

The NJHMFA etc. shall deploy these funds at their discretion to housing entities such as Habitat for Humanity or the Bergen County United Way so as to build very low income housing. No reporting requirement shall be imposed on any municipality of these contributed funds except as stipulated in paragraph 4. However, the receiving entity (NJHMFA) must clearly identify the sources and uses of funds in their annual report(s) and annual financial statements.

4-Municipalities shall report the number of development applications filed under these regulations on a new schedule to be incorporated into the annual user friendly municipal budget. This will be in a similar format to the tax abatement (PILOT) schedule included in the current user friendly budget.

The above proposal brings clarity to the affordable housing issue. The court agrees that the current regulations are unintelligible. This proposal is clear. The proposal is understandable and will ensure access to affordable housing as each significant development application is proposed. The FHA will have to be modified but it will be straightforward. No prior "obligation" will exist except the orderly phase out of current COAH commitments.

Of course, those involved in the COAH cottage industry in New Jersey will be opposed to this type of proposal. Attorneys, planners, engineers, economists and others will have limited future COAH work. The millions of dollars being spent on litigation and COAH machinations will cease and we can all focus on improving schools and property tax reduction without the unnecessary noise of COAH but with real steps to build affordable housing. Yes, wishful thinking.

Lyndhurst is a good example of a municipality which is maturing and has a housing stock shaped for its residents and prospective residents based on affordability which is evidenced by small building lot sizes and modest housing prices, especially compared to sister Bergen County municipalities.

10. The following facts have been presented in support of the Township of Lyndhurst 2015 Fair Share Plan.

1-59.1% of the Township of Lyndhurst is located in the New Jersey Meadowlands District. The land in the meadowlands is zoned by the New Jersey Meadowlands Commission (NJMC). Site plan approval and zoning variances are granted by the NJMC for those properties located in the NJMD..
2-The Township of Lyndhurst has previously enacted strict inclusionary zoning regulations.
3-The Township of Lyndhurst has high density residential zoning and high density build out.
4-The previous Lyndhurst Fair Share Plan was prepared in December 2008 and the Township has been participating in the COAH process.
5-In 2014 Lyndhurst had an average residential property value of $306,177. This is approximately $160,000 below the Bergen County average. The median house was $74,300 less in Lyndhurst than Bergen County.
6-The median household income in Lyndhurst was $71,910 according to the 2013 ACS-Census report. This is 15.1% less than the median household income in Bergen County, $82,795.
7-Approximately 44% of Households in Lyndhurst pay rent.
8-Almost two-thirds of the Lyndhurst housing stock is aged, built prior to 1960. (64.6%)
9-143 affordable units have been built in the Lyndhurst meadowlands since 2013.
10-The population of Lyndhurst today is approximately the same as in 1970.
11-Lyndhurst had a year-end 2014 unemployment rate of 7.0% which is in the top 10% of Bergen County municipalities. Bergen County had a year-end 2014 unemployment rate of 5.4%.
12-Lyndhurst has 1,484 affordable units, representing 18.5% of the pre-existing housing stock (occupied residential units).
13-Lyndhurst has no vacant land upon which any housing, including affordable housing, may be built.
14-Because of the lack of vacant land no prior obligation to build affordable housing exists.
15-The Township does have a rehabilitation assignment of 143 units which needs to be addressed. The Fair Share Plan provides a plan of action through CDBG funding to accomplish this.
16-The Township of Lyndhurst has two square miles under its zoning jurisdiction and a population over 20,000 in this jurisdiction. This is the same as urban aid cities, which are generally exempt from COAH (but they are not exempt from inclusionary zoning requirements).
17-Lyndhurst has an average residential tax bill less than 10% of a typical Bergen County residence, making the already reasonably affordable house more affordable.

11. References. So as to provide a thorough examination of the affordable housing issue the authors of this report have widely researched the issue. The following are references used in the report.

1. "The State of the Nation's Housing 2015", Joint Center for Housing Studies of Harvard University.

2. "The Definition of Affordable Housing: Concerns and Related Evidence, University of Arizona, Pivo, 2013.

3. "Using Public Land to Defray the Cost of Affordable Housing", Department of Housing and Urban Development, EDGE-Police Development and Research (PD&R), August 2015.

4. “A Blueprint for Addressing the Global Affordable Housing Shortage” McKinsey Global Institute, October 2014.

5. “Who Can Afford To Live In A Home? A look at data from the 2006 American Community Survey”, US Census Bureau, Schwartz and Wilson.

6. “What Affordable Housing Policies Make Sense for New Jersey” plansmartnj, Policy Briefing, Kinsey, October 2014.

7. “New Jersey Low and Moderate Income Housing Obligations for 1999-2025 Calculated Using The NJ COAH Prior Round (1987-1999) Methodology”, Kinsey, April 2015.

8. “Property Taxes in the United States, the Tax Policy Center. Harris and Moore, November 2013.

9. The State of New Jersey Development and Redevelopment Plan(s), March 1, 2001. This includes the Technical Reference Document of 1988. The New Jersey Planning Commission promulgated the Plan.

EXHIBIT 1

Township of Lyndhurst 2008 Fair Share Plan

EXHIBIT 2

NJMC Affordable Housing Guidelines

EXHIBIT 3

Lyndhurst Parcel Map

EXHIBIT 4

MUNICIPALITIES WITH AN AVERAGE RESIDENTIAL VALUE GREATER THAN 20% OF THE COUNTY AVERAGE.