

# Housing Element & Fair Share Plan

**Township of Little Falls**  
**Passaic County, NJ**

*Prepared for:*

Township of Little Falls, Central Planning Board

*Prepared by:*



*Adopted by the Planning Board: February 2, 2017*

*Endorsed by the Council: \_\_\_\_\_*

Township of Little Falls  
Passaic County, New Jersey

## Housing Element & Fair Share Plan

*Acknowledgements:*

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*The original of this report was signed and sealed in accordance with N.J.S.A.  
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## I. INTRODUCTION

In accordance with the Fair Housing Act (FHA), New Jersey municipalities must adopt a Housing Element and Fair Share Plan (HEFSP) to plan for the provision of their “fair share” of affordable housing for low and moderate income persons and households. The Fair Housing Act of 1985 was the legislative response to the landmark Mount Laurel decisions, and provided the basis for the establishment of the Council on Affordable Housing (COAH) to administer municipal compliance with the FHA.

This HEFSP has been prepared to conform to the requirements of the Fair Housing Act, as amended, and recent decisions of the New Jersey Supreme Court. The Plan also conforms to the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1, et. seq.) and to the substantive rules of the Council on Affordable Housing (“COAH”) that have not been invalidated or reversed by recent Supreme Court decisions.

### COAH History and Recent Supreme Court Decisions

The table below summarizes the timeline of each affordable housing “round” in New Jersey.

Table 1: Affordable Housing Timeline		
Round (Release Date)	Period	Summary
Round 1 (1987)	1987 - 1993	COAH calculated affordable housing obligation for each NJ municipality
Round 2 (1994)	1993 - 1999	COAH calculated affordable housing obligation for each NJ municipality
Round 3 (2004)	Invalidated 2007	COAH introduced the “growth share” approach for calculating municipal obligations
Round 3 (2008)	Invalidated 2010, 2013	COAH revised the “growth share” methodology
Round 3 (2014)	Unadopted	COAH calculated affordable housing obligations for each NJ municipality based on Round 1 & Round 2 methodologies.
Round 3 (2015)	2015 - 2025	NJ Supreme Court declared COAH “moribund;” ordered Superior Courts to resume oversight of municipal compliance with FHA; and ordered municipalities to rely on Prior Round Rules to prepare their HEFSPs.

After a series of Supreme Court cases pertaining to COAH's inability to adopt appropriate Third Round Rules, finally, on March 10, 2015, (“the March 10 Decision”) in the Matter of Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), the Supreme Court declared COAH “morimund” and ordered the courts to provide a judicial remedy due to COAH's failure. The March 10th Decision provided that municipalities may initiate declaratory judgment actions and seek approval of their housing element and fair share plans through the courts.

The Supreme Court ordered that affordable housing obligations for municipalities be determined on a court-by-court basis using the methodologies from the First and Second Round rules pursuant to N.J.A.C. 5:91 and N.J.A.C. 5:93. The Court held that:

“In establishing a process by which towns can have their housing plans reviewed by the courts for constitutional compliance, the Court's goal is to provide a means by which towns can demonstrate compliance through submission of a housing plan and use of processes similar to those which would have been available through COAH for the achievement of substantive certification. The end result is to achieve adoption of a municipal housing element and implementing ordinances deemed to be presumptively valid if thereafter subjected to challenge.”

## Municipal History of Affordable Housing Compliance

The Township of Little Falls adopted a Housing Element and Fair Share Plan (“HEFSP”) covering the years 1987-1993, known as the “First Round.” And was granted the Township First Round Substantive Certification. The Certification included approval for a vacant land adjustment (“VLA”).

In November 2003, the Township adopted a “Second Round” HEFSP, covering the years 1993-1999. The Township received Second Round Substantive Certification from COAH on December 15, 2004, which also included the continuance of its VLA. COAH extended Little Fall's Second Round Certification until December 20, 2005.

In November 2005, the Township adopted a “Third Round” HEFSP and on December 30, 2008, the Township filed a petition with COAH for Third Round Substantive Certification. The Township of Little Falls was one of approximately 284 New Jersey municipalities to submit plans to COAH under the 2004 Third Round Rules. In 2007, the Third Round rules were challenged and subsequently invalidated by the New Jersey Appellate Court. All such Third Round petitions were considered void.

COAH's new Third Round rules took effect on June 2, 2008 and were amended on September 22, 2008. The Township preparing and adopted a new Third Round HEFSP in November 2008 in compliance with the new rules, which were to cover the period 1999-2018. On December 26, 2008, the Township re-petitioned COAH for Third Round Substantive Certification. The HEFSP proposed a continuance of the Township's VLA, which was received in the first round, recertified by COAH in the second round and granted extended substantive certification in 2005.

In 2010, the New Jersey Appellate Court again struck down COAH's Third Round Rules, and invalidated the Growth Share approach, leaving The Township of Little Falls (and every other NJ municipality) questioning how to proceed with obtaining a certified Plan.

May 26<sup>th</sup> 2015- The Township of Little Falls entered into a settlement agreement with Edward Schumacher in connection with litigation brought against the Township pursuant to the Township rezoned certain property within the Township to create the AH-II overlay zone district. The developer agreed to a Payment in Lieu (PIL) of construction at \$35,000 per unit for six units that shall be paid in five equal installments for a total of \$210,000.

In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015), the Supreme Court held that due to COAH's failure to adopt appropriate regulations, the COAH administrative process has been "dissolved" and all exclusionary zoning disputes may be brought in state court. In accordance with this decision, the Township of Little Falls is now proceeding by submitting its Plan to the courts for constitutional compliance review. Specifically, this 2016 Housing Element and Fair Share Plan is being prepared for submission to the Superior Court of New Jersey Law Division, Passaic County, Docket No. PAS-L-2348-15 In the Matter of the Application of the Township of Little Falls for a Determination of Mount Laurel Compliance.

## II. REQUIRED CONTENT OF A HOUSING ELEMENT & FAIR SHARE PLAN

In accordance with the Fair Housing Act at N.J.S.A. 52:27D-310 and COAH regulations per N.J.S.A. 5:93-5.1, a municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing. The housing element shall include the municipality's strategy for addressing its present and prospective housing needs and shall contain 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;
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; and
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. A map of all sites designated by the municipality for the production of low and moderate income housing and a listing of each site that includes its owner, acreage, lot and block;
8. The location and capacities of existing and proposed water and sewer lines and facilities relevant to the designated sites;
9. Copies of necessary applications for amendments to, or consistency determinations regarding, applicable area wide water quality management plans (including wastewater management plans).
10. A copy of the most recently adopted municipal master plan and where required, the immediately preceding, adopted master plan;
11. For each designated site, a copy of the New Jersey Freshwater Wetlands maps where available. When such maps are not available, municipalities shall provide appropriate



copies of the National Wetlands Inventory maps provided by the U.S. Fish and Wildlife Service;

12. A copy of appropriate United States Geological Survey Topographic Quadrangles for designated sites; and
13. Any other documentation pertaining to the review of the municipal housing element as may be required by the Council.

## Spending Plan Requirements

If a municipality intends to collect development fees, it shall prepare a plan to spend development fees that includes the following:

1. A projection of revenues anticipated from imposing fees on development, based on historic development activity;
2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
3. A description of the anticipated use of all development fees;
4. A schedule for the creation or rehabilitation of housing units;
5. If the municipality envisions being responsible for public sector or non-profit construction of housing, a pro-forma statement of the anticipated costs and revenues associated with the development; and
6. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.

## III. DEMOGRAPHIC, ECONOMIC & HOUSING CONDITIONS

This document includes the essential components of a housing element as specified in N.J.S.A. 52:27D-310 of the New Jersey Fair Housing Act.

### Municipal Demographic Conditions

The following discussion of municipal demographic conditions relies on the latest available Census data at the time of this report, and other sources of data, where available. The analysis uses the 2010 Decennial Census data in some cases; where possible, however, newer data from the 5-Year 2013 American Community Survey (2013 ACS), as collected from 2009-2013, was utilized. The 2010 Decennial Census provides data collected at the height of the "Great Recession" (2007-2011), which may not accurately reflect present-day conditions.

***Historic & Projected Population***

The Township of Little Falls population peaked in 1970 when it had a total of 11,727 residents. During the period from 1970-1990, population decreased. According to the most recent decennial census data, Little Falls grew in population by 32.95% from 2000 to 2010, reaching its new population peak of 14,432 residents. The population in the Township has remain unchanged according to 2013 American Community Survey data and is just under 14,500 residents. Little Falls' average annual growth rate is approximately 16.7%.

Table 2: Population Growth			
Year	Population	Change	Percent Change
1940	5,368	--	--
1950	6,405	1,037	19.32%
1960	9,730	3,325	51.91%
1970	11,727	1,997	20.52%
1980	11,496	-231	-1.97%
1990	11,294	-202	-1.76%
2000	10,855	-439	-3.89%
2010	14,432	3,577	32.95%

Source: US Census

However, an important change occurred in the decades between 2000 and 2010, according to the US Census. As **Table 3** indicates, there was a significant population increase from 2000-2010 (32.95%) where in the previous decade, The Township was losing population (-3.89%). What might have caused this population jump is the number of students recorded as living in Little Falls while attending Montclair State University. 2010 census residence rules changed, so that “college students living away from their parental home while attending college in the U.S. (living either on-campus or off-campus) [were] counted at the on-campus or off-campus [location],” where they were uncouned in the previous Census. The Census categorizes these type of student residences (among other groups) as noninstitutionalized group quarters. The noninstitutionalized group quarters from 2000-2010 increased by 22.39%, as shown in **Table 3**. Noninstitutionalized group quarters (not a typical household-type living arrangement) counts the college student population.<sup>1</sup> Thus, the jump in the regular population count and the noninstitutionalized group quarters count may suggest that the population increased due to the change in count of college students.

Table 3: Demographic Relationship					
	2000		2010		Change (%)
	Total	Percent	Total	Percent	
In Noninstitutionalized Group Quarters	1	.01%	3,232	22.39%	22.38%

Source: US Census Bureau 2000 & 2010, DP-1 Profile of General Demographic Characteristics

<sup>1</sup> Source: 2010 American Community Survey/Puerto Rico Community Survey Group Quarter Definitions, Noninstitutionalized group quarters also counts group homes intended for adult, residential treatment facilities for adults, workers' group living quarters and Job Corps centers, and religious group quarters, in addition to the college student population.

The North Jersey Transportation Authority projects in its “2040 Regional Transportation Plan” that Little Falls will continue to grow, gaining approximately 65 residents per year between 2010 and 2040.

Year	Population	Change	Percent Change
2000	10,855	--	--
2010	14,430	3,575	24.77%
2040	16,380	1,950	11.90%

Source: NJTPA Population Forecast by County and Municipality 2010-2040; 2000 and 2010 Census

### Age Distribution of Population

The 2010 census indicates that the median age for residents of Little Falls is 32.1 years of age, which is about 4 years younger than the County median age (36.2) and about 7 years younger than the State median age (39.1).

The percentage of school-aged children, (19 or younger per below) account for over a quarter of the Township’s population (25.24%) in 2010, which increased from 2000 (19.92%). Senior citizens (65 and older) within the Township accounted for approximately 13% of the total population in 2010, decreasing by nearly 5% from 2000. The largest decline occurred in the 35-44 age cohort (-15.73%) and the largest increase occurred in the 20-24 age cohort (13.10%). It appears that middle-aged adults are leaving the Township and younger adults and children are coming to the Township.

Age	2000		2010		Change (%)
	Total	Percent	Total	Percent	
Under 5	556	5.12%	519	3.60%	-1.53%
5-9	556	5.12%	532	3.69%	-1.44%
10-14	516	4.75%	581	4.03%	-0.73%
15-19	534	4.92%	2,010	13.93%	9.01%
20-24	526	4.85%	2,590	17.95%	13.10%
25-34	1,684	15.51%	1,411	9.78%	-5.74%
35-44	1,837	16.92%	1,615	11.19%	-5.73%
45-54	1,556	14.33%	1,755	12.16%	-2.17%
55-64	1,152	10.61%	1,541	10.68%	0.07%
65 & Over	1,938	17.85%	1,878	13.01%	-4.84%

Source: US Census Bureau 2000 & 2010, DP-1 Profile of General Demographic Characteristics

### Race and Hispanic Origin

**Table** indicates that the Township has become more racially diverse over the period from 2000 to 2010. However, the Township is still less diverse than the County.

Table 6: Persons by Race and Hispanic Origin						
	Little Falls		Percent Change (2000-2010)	Passaic County		Percent Change (2000-2010)
	2010 Total	Percent		2010 Total	Percent	
White	12,510	86.68%	-5.45%	314,001	62.65%	0.32%
Black or African American	593	4.11%	3.45%	64,295	12.83%	-0.39%
Asian	658	4.56%	0.36%	25,092	5.01%	1.31%
Other	367	2.54%	1.13%	79,239	15.81%	-0.91%
Two or More Races	304	2.11%	0.50%	18,599	3.71%	-0.34%
<b>Total</b>	<b>14,432</b>	<b>100.00%</b>	<b>0.00%</b>	<b>79,239</b>	<b>100.00%</b>	<b>0.00%</b>
Hispanic or Latino (any race)	1,428	9.89%	4.56%	185,677	37.04%	7.09%

Source: DP-1, Profile of General Demographic Characteristics, 2000 and 2010 Decennial Census

**Income and Poverty Status**

2013 ACS data indicates that the median household income for Little Falls residents is \$69,338, which is \$11,684 higher than the County-wide median household income and \$2,291 lower than statewide median household income.

Median family income for the Township exceeds County and State levels, at \$91,278, whereas median non-family income is \$18,272 higher than the County and \$11,008 higher than the State. The high median household income translates to a low rate of poverty, as the poverty status for people, families and children in Little Falls are considerably lower than the County and State.

Median household income, median family income and median non-family income are measures of the “middle income value” in an ordered list of each group’s income values. Non-Family Incomes are those values that represent a householder either living alone or with non-relatives only, whereas a Family Income are those values that represent householders living with one or more individuals related to him/her by either birth, marriage, or adoption. The Median Household Income is a value represented by the household, regardless of whether it is a family or non-family household. Little Falls’ Per Capita Income is determined by dividing the aggregate income of the Township’s residents by its total population. Median income for Township households exceed both County and State levels whereas per-capita income exceed the County level and falls behind the State level.

The Office of Management and Budget sets poverty thresholds at a dollar value, which represents the poverty line and varies by family size and composition.<sup>2</sup> If a family’s total income is less than the appropriate threshold, then that family and every individual in it is considered to be in poverty. Although the poverty status for people are lower in Little Falls than in the County and State, the poverty status for children is slightly higher.

<sup>2</sup> Office of Management and Budget determines poverty thresholds specified by the Statistical Policy Directive 14. Poverty thresholds are determined by multiplying the base-year poverty thresholds (1982) by the monthly inflation factor based on the 12 monthly Consumer Price Index (CPI)s and base year CPI. Poverty Thresholds do not vary geographically.

Income Type	Little Falls	Passaic County	New Jersey
Median Household Income	\$69,338	\$57,654	\$71,629
Median Non-Family Income	\$50,797	\$32,525	\$39,789
Median Family Income	\$91,970	\$67,890	\$87,347
Per Capita Income	\$34,580	\$27,152	\$36,027
Poverty Status (% of people)	7.2%	16.3%	10.4%
Poverty Status (% of families)	6.3%	13.5%	7.9%
Poverty status (% of children)	18.39%	24.87%	23.39%

Source: 2013 American Community Survey 5-year estimates: DP03 Selected Economic Characteristics & S1701

	Little Falls		Passaic County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	202	3.77%	12,954	7.97%	171,165	5.37%
\$10,000 to \$14,999	402	7.51%	8,550	5.26%	120,858	3.79%
\$15,000 to \$24,999	338	6.32%	16,093	9.90%	258,583	8.12%
\$25,000 to \$34,999	299	5.59%	15,545	9.56%	251,903	7.91%
\$35,000 to \$49,999	388	7.25%	19,055	11.72%	339,303	10.65%
\$50,000 to \$74,999	1,224	22.87%	25,263	15.54%	512,173	16.07%
\$75,000 to \$99,999	583	10.89%	19,160	11.79%	412,914	12.96%
\$100,000 to \$149,999	1,167	21.80%	24,508	15.08%	548,453	17.21%
\$150,000 to \$199,999	262	4.90%	11,547	7.10%	271,209	8.51%
\$200,000 or more	487	9.10%	9,868	6.07%	299,857	9.41%

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Selected Housing Characteristics

## Municipal Employment Characteristics

The following discussion of the municipal employment characteristics relies on Census 2010 data more current 5-Year 2013 American Community Survey (2009-2013) data where possible, as well as NJ Department of Labor and Workforce Development data and other sources.

### *Historic and Projected Employment*

The Township of Little Falls' unemployment rate before the 2008 Recession hit ranged from 3.8% to 4.7%, lower than the County and State rates. In 2009, the unemployment rate climbed to 10.3% from 5.9% the previous year. Since 2009, the unemployment rate has been declining, but the rate has not yet reached pre-recession rates. As of 2014, unemployment rates in Little Falls is lower than rates at both the County and State level.

Table 9: Annual Average Unemployment Rate			
Year	Little Falls	Passaic County	New Jersey
2004	3.8%	6.1%	4.8%
2005	4.4%	5.5%	4.5%
2006	4.5%	5.7%	4.7%
2007	4.7%	5.3%	4.3%
2008	5.9%	6.6%	5.3%
2009	10.3%	11%	9.1%
2010	8.8%	11.4%	9.5%
2011	7.0%	11%	9.3%
2012	8.7%	11%	9.3%
2013	7.6%	9.9%	8.2%
2014	5.9%	8.1%	6.6%

Source: New Jersey Department of Labor and Workforce Development, Labor Force Estimates

The North Jersey Transportation Authority (NJTPA) projects in its "2040 Regional Transportation Plan" that Little Falls will continue to grow, gaining about 34 employees annually over the next 30 years. As per NJTPA's projections, Little Falls will gain 31 more residents per year than employees meaning employment will rise nearly 14% whereas population will only rise about 12% in the projected time frame.

Table 10: Employment Projection			
Year	Employment	Change	Percent Change
2010	6,330	--	--
2040	7,350	1,020	13.88%

Source: NJTPA Population Forecast by County and Municipality 2010-2040; 2010 Census

### Occupational Characteristics

According to the 5-Year 2013 American Community Survey data, of the 12,221 residents aged 16 years and over (eligible to be in the workforce) 59% are in the labor force, with most being private wage/salary workers. Less than 4% of residents identify as "self-employed."

More Township residents are employed in the management, business, science and art occupations (28%) than any other occupation category. The next largest category includes residents employed in sales and office occupations.

Township resident's work in the industries listed in Table 13 below. The greatest share of employees in Little Falls work within the education services industry (23.97%), the retail trade industry (13.72%) and the arts, entertainment, and recreation industry (12.09%).

Table 11 Labor Force		
	Number	Percent
In the Labor Force	7,894	64.59%
Not in the Labor Force	4,327	35.41%
<b>Total Population (age 16+)</b>	<b>12,221</b>	<b>100%</b>

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Selected Economic Characteristics

Table 12: Class of Worker		
	Number	Percent
Private wage and salary workers	5,625	46.03%
Government workers	1,108	9.07%
Self-employed	481	3.94%
Unpaid family workers	0	0.00%
Armed Forces	0	0.00%
Unemployed	680	35.41%
<b>Total Labor Force</b>	<b>7,894</b>	<b>100.00%</b>

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Selected Economic Characteristics

Table 13: Employment by Industry Sector (Age 16+)		
	Number	Percent
Agriculture, forestry, fishing and hunting, and mining	0	0.00%
Construction	370	5.13%
Manufacturing	467	6.47%
Wholesale trade	315	4.37%
Retail trade	990	13.72%
Transportation and warehousing, and utilities	281	3.90%
Information	199	2.76%
Finance and insurance, and real estate and rental and leasing	510	7.07%
Professional, scientific, and management, and administrative and waste management services	795	11.02%
Educational services, and health care and social assistance	1,729	23.97%
Arts, entertainment, and recreation, and accommodation and food services	872	12.09%
Other services, except public administration	350	4.85%
Public administration	336	4.66%
<b>Total Civilian Employed Population</b>	<b>7,214</b>	<b>100.00%</b>

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Selected Economic Characteristics

	Number	Percent
Management, business, science, and arts occupations	2,804	38.87%
Service occupations	1,451	20.11%
Sales and office occupations	2,007	27.82%
Natural resources, construction, and maintenance occupations	543	7.53%
Production, transportation, and material moving occupations	409	5.67%

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Selected Economic Characteristics

***In-Place Employment by Industry***

According to NJDLWFD data for 2013, the Township had 437 private sector businesses that employed 4,935 employees. Retail and Accommodations/Food industries provide the most private sector jobs. Industries without data in the table do not meet publication standards and was therefore suppressed by NJDLWFD. Suppressed employment data for Manufacturing, Information, Management, Admin/Waste Remediation, Education, Arts/Entertainment and Unclassified industries make up 29% of total employment in the Township.

Industry	Establishment		Employment		Annual Wages
	Total	Percent	Total	Percent	
Construction	46	10.53%	334	6.77%	\$53,142
Manufacturing	--	--	--	--	--
Wholesale Trade	24	5.49%	203	4.11%	\$85,895
Retail Trade	42	9.61%	851	17.24%	\$36,768
Transp/Warehousing	11	2.52%	113	2.29%	\$22,381
Information	--	--	--	--	--
Finance/Insurance	36	8.24%	362	7.34%	\$102,415
Real Estate	19	4.35%	125	2.53%	\$39,607
Professional/Technical	59	13.5%	516	10.46%	\$78,936
Management	--	--	--	--	--
Admin/Waste Remediation	--	--	--	--	--
Education	--	--	--	--	--
Health/Social	40	9.15%	241	4.88%	\$42,664
Arts/Entertainment	--	--	--	--	--
Accommodations/Food	44	1.07%	561	11.37%	\$16,800
Other Services	48	10.98%	210	4.26%	\$46,730
Unclassified	--	--	--	--	--
<b>Private Sector Total</b>	<b>437</b>	<b>84.44%</b>	<b>4,935</b>	<b>71.25%</b>	<b>\$56,047</b>
Local Gov't Education	4	40.00%	360	71.71%	\$60,646
<b>Local Gov't Total</b>	<b>10</b>	<b>100.00%</b>	<b>502</b>	<b>100.00%</b>	<b>\$55,354</b>

Source: NJ Department of Labor and Workforce Development, Employment and Wages, 2013 Annual Report



**Travel Time to Work**

Commuting times for Little Falls' workforce varies considerably. Nearly 24% of Little Falls' working residents commuted less than 15 minutes to work, where approximately 36% of workers traveled between 15 and 30 minutes and 40% traveled more than 30 minutes. Commuting times for Little Falls are comparable to those in Passaic County and vary somewhat for all of New Jersey. About 4% of Little Falls residents in the workforce also work in the Township.

Table 16: Commute Time				
Commute Time (in minutes)	Little Falls		Passaic County	New Jersey
	Number of Workers	Percent		
Less than 5	238	3.45%	2.10%	2.45%
5 to 14	1,404	20.33%	22.23%	20.75%
15 to 29	2,496	36.14%	36.78%	31.84%
30 to 44	1,745	25.26%	22.74%	20.95%
45 to 59	438	6.34%	7.33%	9.58%
60 to 89	401	5.81%	6.33%	9.84%
90+	185	2.68%	2.49%	4.59%
<b>Total</b>	<b>6,907</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Travel Time to Work (B08303)

Table 17: Place of Work		
	Number of Workers	Percent
Work in Little Falls	91	3.64%
Work outside Little Falls	2,410	96.36%
<b>Total</b>	<b>2,501</b>	<b>100.00%</b>

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Place of Work – Place Level (B08008)

**Municipal Housing Stock**

There are approximately 5,352 households and 5,589 total housing units in Little Falls Township, according to the 2013 ACS data. The following section describes the characteristics of the Township's housing stock and household characteristics.

**Household Size & Type**

According to the 2010 Census, the average household size in Little Falls Township is 2.32 persons, as compared to 2.94 for Passaic County.

More than half (59.28%) of Township households are 1- and 2-person households. The household size distribution in Little Falls is less diverse when compared to the County.

Table 18: Household Size				
Size	Little Falls		Passaic County	
	Total	Percent	Total	Percent
1-person	878	26.83%	37,706	22.61%
2-person	1,062	32.45%	44,433	26.64%
3-person	539	16.47%	29,357	17.60%
4-person	510	15.58%	27,364	16.41%
5-person	192	5.87%	14,758	8.85%
6-person	62	1.89%	6,826	4.09%
7+ person	30	0.92%	6,341	3.80%

Source: US Census Bureau 2010, H13, Household Size

The Census Bureau defines family households as householders living with one or more individuals related to him by either birth, marriage, or adoption and Non-Family households as a householder either living alone or with non-relatives only. Family households make up approximately 59.6% of households in Little Falls, where non-family households make up 32.2%. Of the Township's family households, 76.87% are married couple households. Approximately 38.31% of family households have children present. Out of all Township households, however, 54.3% of households do not have children present. Most non-family households (approximately 1,570) are householders living alone.

Table 19: Household Size & Type		
	Total	Percent
<b>Family Households</b>		
Married-couple family	<b>2,173</b>	<b>45.84%</b>
With own children under 18 years	1,083	22.85%
Other Family	<b>654</b>	<b>13.80%</b>
Male householder, no wife present	172	3.63%
With own children under 18 years	56	1.18%
Female householder, no husband present	482	10.17%
With own children under 18 years	145	3.06%
<b>Nonfamily households</b>		
Householder living alone	<b>1,567</b>	<b>33.06%</b>
Male householder, no wife present	602	12.70%
Female householder, no husband present	965	20.36%
Householder not living alone	<b>346</b>	<b>7.30%</b>
<b>Total</b>	<b>4,740</b>	<b>100.00%</b>

Source: DP-1, Profile of General Demographic Characteristics, 2010 Decennial Census

Single-family detached housing is the predominant housing type in Little Falls (56.27%) which is higher than county-wide levels (41.8%). Multifamily housing structures (2 or more units) make up

36.23% of the Township's housing stock which is a significantly lesser portion than at the County level (52.73%).

Table 20: Household Type by Number of Units in Structure				
Type	Little Falls		Passaic County	
	Total	Percent	Total	Percent
1-unit, detached	3,145	56.27%	73,567	41.80%
1-unit, attached	419	7.50%	8,899	5.06%
2 units	707	12.65%	39,512	22.45%
3 or 4 units	239	4.28%	16,402	9.32%
5 to 9 units	323	5.78%	11,195	6.36%
10 to 19 units	335	5.99%	8,821	5.01%
20 or more units	421	7.53%	16,868	9.58%
Mobile home	0	0.00%	603	0.34%
Boat, RV, van, etc.	0	0.00%	120	0.07%

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Selected Housing Characteristics

**Table** shows the varied housing size by the number of bedrooms. Approximately 51% of all Township housing stock contains three or more (3+) bedrooms, where 1- and 2-bedroom units make up approximately 46.3% of the Township housing stock. There are relatively few units in the Township (159) with 5 or more bedrooms.

Table 21: Household Size by Number of Bedrooms				
Bedrooms	Little Falls		Passaic County	
	Total	Percent	Total	Percent
No bedroom	170	3.04%	21,486	12.21%
1 bedroom	1,056	18.89%	20,616	11.71%
2 bedrooms	1,532	27.41%	49,229	27.97%
3 bedrooms	1,705	30.51%	55,304	31.43%
4 bedrooms	967	17.30%	23,240	13.21%
5+ bedrooms	159	2.84%	6,112	3.47%

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Selected Housing Characteristics

### Occupancy Status

A majority of Little Falls' housing stock was owner-occupied, according to the 2010 Decennial Census (71.16%). The Township's vacancy rate was 3.76%. Displaying data for 2000 and 2010 demonstrates that the percentage of owner- versus renter-occupied units has essentially remained the same over that time period.

Table 22: Household Occupancy and Tenure				
Occupancy	2000		2010	
	Units	Percent	Units	Percent
Occupied Units	<b>4,687</b>	<b>97.71%</b>	<b>4,740</b>	<b>96.24%</b>
Owner-Occupied	3,251	69.36%	3,373	71.16%
Renter-Occupied	1,436	30.64%	1,467	30.95%
Vacant Units	110	2.29%	185	3.76%

Source: US Census Bureau 2000 and 2010, DP-1 Profile of General Demographic Characteristics

As shown in the table below, the average household size of owner-occupied units is larger (2.51) than the average household size of renter-occupied units (2.03) in the Township. Renter-occupied units tend to be smaller, with few bedrooms and fewer school-age children.

Table 23: Household Size by Tenure			
	2000	2010	
Avg. Household Size		2.32	2.36
Owner Occupied	2.50	2.51	
Renter Occupied	1.90	2.03	

Source: US Census Bureau 2000 and 2010, DP-1 Profile of General Demographic Characteristics

**Purchase and Rental Value of Housing Stock**

Using the 2013 5-Year ACS data, 1,648 occupied units within Little Falls were rental units (where 41 of which paid no rent). Approximately 54.5% of paid-renters in the Township spend between \$1,000 and \$1,499 on their unit and about 3% pay less than \$750 monthly. The median gross rent in Little Falls (\$1,235) is lower than the median gross rent of the County (\$1,870). Compared to the median contract rent of all surrounding communities, (Woodland Park \$1,331; Totowa \$1,521; Clifton \$1,226; Cedar Grove \$1,453; Montclair \$1,392; North Caldwell \$887), Little Falls is one of the most affordable options with only North Caldwell being the most affordable of the Township's neighbors.

Federal and State standards state that households paying in excess of 30% of their income for housing are considered to be rent-burdened. According to these standards, rent-burdened households make up 49.24% of the Township, which is significantly less than the percent of rent-burdened located in the County as a whole (63.03%).

The median value for Little Falls' owner-occupied housing is \$21,900 more than the median home value for all of Passaic County. Nearly 6.64% of Little Falls households have a value at less than \$200,000 compared to nearly 10.06% of housing stock in Passaic County. Homes valued between \$200,000 and \$500,000 account for 82.78% of Little Falls' owner-occupied housing stock, slightly more than the County (79.37%), and where a majority (60.29%) of housing is valued in the \$300,000 to \$499,000 range. 13.96% of Little Falls' housing stock has a value of \$500,000 or

more which is slightly less than the County (15.42%), according to 2013 American Community Survey data.

Table 24: Gross Rent of Renter-Occupied Housing Units				
Gross Rent	Little Falls		Passaic County	
	Units	Percent	Units	Percent
Less than \$500	0	0.00%	5741	7.93%
\$500-\$749	49	3.05%	5,217	7.20%
\$750-\$999	225	14.00%	12,628	17.44%
\$1,000-\$1,499	876	54.51%	34,211	47.24%
\$1,500 or more	457	28.44%	14,624	20.19%
<b>Total</b>	<b>1,607</b>	<b>100.00%</b>	<b>72,421</b>	<b>100.00%</b>
Median Gross Rent	\$1,235		\$1,870	

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Selected Housing Characteristics

Table 25: Renter-Occupied Housing as % of Income				
Gross Rent at Percent of Income	Little Falls		Passaic County	
	Units	Percent	Units	Percent
Less than 15%	273	17.28%	5,909	8.40%
15% to 19.9%	17	1.08%	5,889	8.37%
20% to 24.9%	366	23.16%	7,234	10.29%
25% to 29.9%	146	9.24%	6,970	9.91%
30% to 34.9%	89	5.63%	6,421	9.13%
35% or more	689	43.61%	37,909	53.90%

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Selected Housing Characteristics

Table 26: Value of Owner-Occupied Housing				
	Little Falls		Passaic County	
	Units	Percent	Units	Percent
Less than \$50,000	50	1.35%	1,630	1.85%
\$50,000 to \$99,999	62	1.67%	940	1.07%
\$100,000 to \$149,999	9	0.24%	2,030	2.30%
\$150,000 to \$199,999	125	3.37%	4,281	4.85%
\$200,000 to \$299,999	708	19.11%	20,430	23.15%
\$300,000 to \$499,999	2,233	60.29%	45,335	51.37%
\$500,000 to \$999,999	506	13.66%	12,870	14.58%
\$1,000,000 or more	11	0.30%	736	0.83%
Median Income	\$372,900		\$351,000	

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Selected Housing Characteristics

**Number of Affordable Units for Low- and Moderate-Income Households**

As previously mentioned Little Falls is located in COAH Region 1. As of 2014, within Region 1 the median household income for a 1.5 person household (1 bedroom) is \$63,320. For a three person household (two bedrooms) the median household income is \$75,980. A 4.5 person household (3 bedrooms) has a median household income of \$87,800 in COAH Region 1. A three person household with an income no higher than 80% of median income would have an income of \$60,784. Using the UHAC affordability rules detailed in N.J.A.C. 5:80-26.3, and the COAH Affordable Housing Pricing Calculator, returns an estimate of an affordable sales price of \$101,322 for a three person household with an income of 80% of median income. In Little Falls, there are approximately 112 households (3.1%) priced under the maximum sales price for the three person household with 80% of median income. From the perspective of a three person household with 80% of median income, an affordable rent is limited to under \$1,520 a month. According to 2014 American Community Survey data at least 1,139 units (68.4%) in Little Falls have rent below this threshold.

**Condition of Housing Stock**

The Census does not compile data on substandard housing. COAH's use of three (3) variables collected by the Census Bureau - old and over-crowded units, homes with incomplete plumbing, and homes with incomplete kitchens – have been upheld by the Appellate Division as satisfactory indicators or “proxies” of the amount of substandard housing within a municipality.

Homes that are considered 'old' are those homes that are at least 50 years old (built prior to 1959 for Census purposes). According to the 2013 ACS, 2,647 homes were built prior to this time. Therefore, 47.36% of the homes in Little Falls would be considered old by this standard.

However, the indicator requires that housing be considered substandard if the structure is old *and* overcrowded. The census does not provide such information in combination. The U.S. Department of Housing and Urban Development defines overcrowded units as those with more than one person (1.01 persons) living in a room. The Township does not appear to be experiencing issues of overcrowding, as less than 2% of households in Little Falls may be considered overcrowded as shown in **Table 28: Occupants per Room**.

The second and third indicators for substandard housing are those units that lack plumbing and kitchen facilities. Despite the apparent old age of the housing stock within the township, 43 units lack plumbing and 62 units lack kitchens. 105 households (1.96%) lack either kitchen facilities or plumbing. It is possible that these units are under construction, and not actually deficient. It is also possible that these units have been completed by now.

Table 27: Year Structure Built		
Built	Structures	Percent
2010 or later	0	0.00%
2000 to 2009	355	6.35%
1990 to 1999	114	2.04%
1980 to 1989	306	5.48%
1970 to 1979	524	9.38%
1960 to 1969	378	6.76%
1950 to 1959	1,309	23.42%
1940 to 1949	667	11.93%
1939 or earlier	671	12.01%

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Selected Housing Characteristics

Table 28: Occupants per Room		
Size	Units	Percent
1.00 or less	5,249	98.08%
1.01 to 1.50	51	0.95%
1.51 or more	52	0.97%
<b>Total</b>	<b>5,352</b>	<b>100.00%</b>

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Selected Housing Characteristics

Table 29: Condition of Housing Stock		
	Units	Percent
Lack of complete plumbing	43	0.80%
Lack of complete kitchen	62	1.16%
Lack of telephone services	237	4.43%
Lack of adequate heat	0	0.00%
<b>Total</b>	<b>342</b>	<b>6.39%</b>

Source: US Census Bureau, American Community Survey, 2009-2013 5-Year Estimates, Selected Housing Characteristics

## Projection of Housing Stock

The tables below represent Little Falls' projection of housing stock, including the probable future construction of low and moderate income housing for the next ten years. N.J.S.A. 52:27D-310 requires that a housing element contain such a projection, including the probable future construction of low and moderate income housing for the next ten years. This projection takes into account but is not limited to construction permits issued, approvals of applications for development and probable residential development of lands.

**Table** shows the Township's historic development trends which contains building permit, certificate of occupancy, and demolition data, sourced from the Jersey Construction Reporter made available by New Jersey's Department of Community Affairs' Division of Codes and Standards. According to NJDCA, between 2000 and 2014, less than 60 residential CO's were issued. Accounting for the 103 demolitions, there was a loss of 44 units of net new residential development during the 15-year time period, which equates to an average loss of 2.93 units each year.

<b>Table 30: Historic Trend of Residential Certificates of Occupancy &amp; Demolition Permits</b>			
	<b>COs Issued</b>	<b>Demolitions</b>	<b>Net Development</b>
2000	7	5	2
2001	11	1	10
2002	5	3	2
2003	2	6	-4
2004	6	9	-3
2005	1	6	-5
2006	1	4	-3
2007	6	6	0
2008	3	9	-6
2009	5	6	-1
2010	8	0	8
2011	3	2	1
2012	1	0	1
2013	0	18	-18
2014	0	28	-28
2015	5	13	-8
<b>Total</b>	<b>64</b>	<b>116</b>	<b>-52</b>

*Source: "New Jersey Construction Reporter" - New Jersey Department of Community Affairs' Division of Codes and Standards*



Over the 15-year period between 2000 and 2014, an average of 6 units were developed each year. Therefore, the projected development for the Township is 6 units per year.

Table 31: Projection of Residential Development			
	Pending Applications	Approved Applications, Permits Issued	Projected Development
2015		37	6
2016			6
2017			6
2018			6
2019			6
2020			6
2021			6
2022			6
2023			6
2024			6
2025			6
<b>Total</b>			<b>66</b>

The North Jersey Transportation Authority (NJTPA) projects in its “2040 Regional Transportation Plan” that Little Falls will continue to grow, gaining about 22 households annually over the next 30 years. As per NJTPA’s projections, Little Falls will gain 43 more residents per year and 12 more employees than households.

Table 32: NJTPA 2040 Projections			
Year	Number	Change	Percent Change
<b>Population Projection</b>			
2000	10,855	--	--
2010	14,430	3,575	24.77%
2040	16,380	1,950	11.90%
<b>Household Projection</b>			
Year	Population	Change	Percent Change
2000	4,797	--	--
2010	4,740	-57	-1.20%
2040	5,400	660	12.22%
<b>Employment Projection</b>			
2010	6,330	--	--
2040	7,350	1,020	13.88%

Source: NJTPA Population Forecast by County and Municipality 2010-2040; 2000 and 2010 Census

## IV. HOUSING REGION, REGIONAL INCOME LIMITS AND LMI THRESHOLDS

### Housing Regions

The Prior Round methodologies calculated affordable housing obligations for each “housing region,” and then assigned fair share obligations to each of New Jersey’s 565 municipalities. The Fair Housing Act defines a “Housing Region” as:

“Housing region” means a geographic area of not less than two nor more than four contiguous, whole counties which exhibit significant social, economic and income similarities, and which constitute to the greatest extent practicable the primary metropolitan statistical areas as last defined by the United States Census Bureau prior to the effective date of P.L.1985, c. 222 (C.52:27D-301 et al.).

[N.J.S.A. 52:27D-304 b.]

The State of New Jersey is divided into six (6) housing regions. Little Falls Township is located with **Housing Region 1**, which consists of **Bergen, Hudson, Passaic** and **Sussex Counties**.

### Income Limits

Affordable housing in New Jersey is housing that is rented or sold and occupied by, or reserved for occupancy by, “low and moderate income” (LMI) households. In accordance with the Fair Housing Act and COAH regulations, LMI households are those that have a median gross household income limited to the following:

Table 33: History of COAH Approvals	
LMI Type	Household Income Limit:
Moderate Income:	More than <b>50%</b> but less than <b>80%</b> of the Region’s Median Income
Low Income:	Less than <b>50%</b> of the Region’s Median Income
Very low income:	Less than <b>30%</b> of the Region’s Median Income

The above income limits for Little Falls are based on the Region 1 median income. Historically, COAH has relied on US Department of Housing and Urban Development (HUD) estimates of “median income” for New Jersey’s housing regions. Although Econsult Solutions recommends using median household income data from the 1-year 2014 ACS (American Community Survey), based on its assertion that the ACS data is based on actual median income (Census survey), whereas the HUD estimates are much less accurate, relying on Econsult’s income limits would be considered illegal under UHAC. Therefore, the median household income for household sizes 1 through 7+ in Region 1, as well as the income limits for very low, low, and moderate income households are determined using COAH’s income limits from 2014. The Township anticipates that the income limits will be updated by further order of the Court.

## LMI Monthly Home Costs

Housing costs for LMI households are restricted to a percent of their household's eligible monthly income.

- For home ownership units, the maximum initial purchase price shall be calculated so that the monthly carrying costs (including principal and interest- based on a mortgage equal to 95% of the purchase price and the Federal Reserve H15 rate of interest, taxes, homeowner and private mortgage insurance, and condominium/homeowner association fees) do not exceed 28 percent of an eligible household's income.
- For rental units, the initial rent for a restricted rental unit, including all utilities, shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size.

The maximum monthly housing costs for LMI households will use COAH's 2014 income limits as described above.

## V. AFFORDABLE HOUSING OBLIGATION

The municipal affordable housing obligation consists of three (3) components:

1. Present Need / "Rehabilitation Share"
2. Prior Round Need (1987 – 1999)
3. Third Round "Prospective Need" (1999 – 2025)

In its March 10, 2015 decision, the NJ Supreme Court stated that municipalities should use the Prior Round Rules and methodologies to develop Housing Elements and Fair Share Plans in conformance with the Fair Housing Act. During the First and Second Rounds, however, the Council on Affordable Housing (COAH) provided municipalities with their municipal affordable housing obligations. At present, no official body has prepared affordable housing obligation calculations in line with the Supreme Court's March 2015 requirements that have been approved, adopted or sanctioned by the Courts or State Legislature.

To fill this "regulatory vacuum," several outside sources have released reports that purport to provide statewide, regional, and municipal affordable housing obligations. David Kinsey, P.P., F.A.I.C.P., on behalf of the Fair Share Housing Center, developed a report entitled, "*Third Round Mount Laurel Fair Share Housing Obligations and Compliance Standards for New Jersey Municipalities*" (A.K.A. "Kinsey Report"), last dated May 16, 2016. The New Jersey State League of Municipalities (NJLOM) also submitted two other reports to the Courts prepared by Nassau Capital Advisors, LLC and Econsult Solutions to evaluate the report of Dr. Kinsey. In addition, on behalf of a 200+-member Municipal Consortium, Econsult Solutions submitted a report entitled "*New Jersey Affordable Housing Need and Obligations*," dated December 30, 2015, March 24, 2016, and last updated May 16, 2016. The Econsult Report sets forth a methodological approach to calculate Present and Prospective Need for affordable housing for each New Jersey municipality

Although the Township of Little Falls is a member of the Municipal Consortium and was authorized to use the Econsult calculations, the Township and the Fair Share Housing Center (FSHC) have entered into a Settlement Agreement whereby the parties have agreed, for purpose of settlement, to rely on the calculations set forth in the Kinsey Report regarding the Township's obligations. Also as part of the settlement, the parties have agreed to utilize a 30% reduction in the affordable housing obligations as calculated in the Kinsey Report and presented in the table below. The agreement as to the Township's obligations as set forth in the Settlement Agreement and herein, shall stand regardless of any potential future court action in the "Gap" decisions.

<b>Component</b>	<b>Econsult Units (5/16/2016) (Prospective Obligation Excludes 1999-2015)</b>	<b>FSHC Units (5/20/16 Report) (Prospective Obligation Includes 1999-2015)</b>	<b>30% FSHC reduction (Prospective Obligation Includes 1999-2015)</b>
Rehabilitation Obligation	139/ 47*	118	47*
Prior Round Obligation (1987 – 1999)	101	101	101
Prospective Obligation (2015 - 2025) (See notes above)	119	644	451
<b>Total Obligation</b>	<b>267</b>	<b>863</b>	<b>634</b>

*Source: Econsult Solutions, "New Jersey Affordable Housing Need and Obligations," December 30, 2015, Updated March 24, 2016, Last Updated May 16, 2016 & Fair Share Housing Center's "Kinsey Report", Updated May 20, 2016*

*\* 47 units is based on structural conditions survey of homes*

The Township recognizes that these numbers may ultimately be revised as the procedures and methods for calculating each component of regional and local affordable housing obligations are litigated throughout the State. Therefore, these numbers are being used as a "starting point" for preparing a constitutionally compliant HEFSP until further consensus on methodology is handed down by the Courts or legislature. A further description of each component of the municipal affordable housing obligation is described below. Little Falls reserves the right to amend its plan consistent with the Settlement Agreement as the courts finalize decisions on the appropriate obligations.

## Rehabilitation Share

The Rehabilitation Share in a municipality is an estimate of existing deficient housing currently occupied by LMI households. Today's indicators for deficient housing include:

1. Old (over 50 years old) and over-crowding (1.01 persons per room)
2. Lack of complete plumbing facilities
3. Lack of complete kitchen facilities

Econsult used 2013 5-Year ACS data (2009-2013), the latest available ACS data at the time Econsult prepared its report, to determine the rehabilitation share for each NJ municipality. According to Census Data, Little Falls has 79 housing units with incomplete plumbing and or incomplete kitchens. The rehabilitation obligation is based solely on "old and over-crowded"

units. Since the Census Data is through 2013, Econsult determined an annual net change, so that the total “Present Need” units can be calculated through 2015.

Table 35: Rehabilitation Share Breakdown							
Inadequate Plumbing	Inadequate Kitchen	Pre-1960 & Crowded	Total Deficient Units	Est. LMI Proportion	Unique Deficient LMI Units	Annualized Net Change	Present Need 2015
43	36	59	138	76.6%	106	8.2	139

As indicated above, Econsult indicates a Present Need (Rehabilitation Share) obligation as of 2015 of 139 units. Opposite the above calculation, is the Fair Share Housing Center, Present Need obligation of 118 units. However the structural conditions survey prepared per 26 N.J.R. 2376 – 2379 rules identified 61 units in need of rehabilitation of which **47 units** are occupied by low and moderate income households, which is discussed further in the report.

### Prior Round Obligation

Prior Round Obligations are those affordable housing obligations generated during the First and Second Rounds, through the 1987-1999 period. The Prior Obligation provided within the Econsult Solutions and Kinsey Reports is **101 units**.

Little Falls is using the 101-unit obligation for the purpose of meeting Court-ordered timelines for the preparation of a compliant HEFSP; however, this should not be considered the Township's final or accepted Prior Round obligation, if it is ultimately determined that the Prior Round Obligations should be revised.

### Prospective Need Obligation

Prospective Need represents an estimate of the anticipated need for affordable housing based on the projected growth of LMI households. The Prospective Need period for the current Third Round covers 10 years, from July 1, 2015 through June 30, 2025.

In accordance with the Second Round Rules, Prospective Need is calculated by State Housing Region, and then allocated to each municipality. Little Falls Township is located within Housing Region 1, where Econsult calculates a regional prospective need of 16,647 units and the Kinsey Report calculates a regional prospective need of 39,397 units for the Third Round period.

The Econsult Solutions Report, last updated May 16, 2016, indicates Little Falls Township has a Third Round obligation (Capped Prospective Need) of 119 units. The Kinsey May 2016 Report identified 644 units, significantly higher than what Econsult calculated. Per the 30% reduction settlement, the Township's Prospective Need Obligation is **451 units**.

## VI. CAPACITY ANALYSIS

### Vacant Land Adjustment

The Prior Round Rules allow municipalities to request an adjustment due to available land capacity. In doing so, they must prepare a “vacant land analysis” in accordance with the rules.

#### **Process**

A study of vacant and public lands provides a closer look at existing development and the potential for future development of vacant land, public land, and farmland (if available) based on such factors as lot size, environmental constraints, and accessibility. This inventory of vacant and public lands in the Township examines what changes, if any, have occurred in the years since the preparation of the Township's previous analysis, prepared and certified in the Prior Round.

This data set was reviewed for completeness and accuracy with respect to property class codes and, where necessary, updated based on local information and/or current aerial images. Data was then compared with local information to eliminate recently developed parcels, parcels in active use for municipal government or utilities purposes, parcels used for open space and recreation (ROSI and Non ROSI properties) and parcels owned by other municipalities, the County or the State.

COAH's Prior Round rules (at N.J.A.C. 5:93, et seq.) pertaining to vacant land adjustment procedures allow certain environmentally constrained areas to be excepted from consideration, including land in 100 year floodplains, wetlands and steep slopes (over 15%). Data for these three environmental constraints were overlaid on existing parcel maps to identify constrained portions of the vacant properties in question. Parcels that were entirely constrained were removed from the inventory of vacant developable land. Parcels partially encumbered and still considered developable or partially developable were left in and the environmentally constrained portions of those lots were removed from the total acreage for the site.

Finally, any remaining parcels or developable portions of parcels that were too small to support the development of five (5) or more units at a density of 6 dwelling units per acre were also eliminated from consideration. All remaining parcels were included in the Township's land capacity calculation with a 20% low and moderate-income housing requirement applied to the Township's estimated build-out.

Maps were created to graphically show how the final list of developable properties were determined. The first, Map 1 – Vacant Land Inventory identifies all the vacant properties in the Township, while Map 2- Vacant Land Inventory & Environmental Constraints shows the extent of the environmental constraints affecting the parcels considered vacant and developable or partially developable; while Map 3 – Realistic Development Potential identifies all remaining parcels capable of supporting development.

If a municipality seeks a vacant land adjustment, they are to provide the Realistic Development Potential (RDP), or the portion of the obligation that can realistically be addressed with inclusionary development. An updated vacant land analysis was prepared for the Township, which shows there is minimal vacant land available that is unconstrained. The VLA, H2M prepared a detailed analysis of Little Falls properties to identify any properties that may meet the minimum threshold size with other contiguous properties. All appropriate properties have been included in the HEFS Plan submittal.

### ***Prior Round Vacant Land Adjustment (VLA)***

The Township's Prior Round VLA is presumed to be valid pursuant to the terms of NJAC 5:97-5.1(d). It was granted as part of First Round and Second Round substantive certifications and the Township implemented the terms of the substantive certifications. The vacant land adjustment reduced the Township's Prior Round obligation to a realistic development potential **(RDP) of 10 units** and an **unmet need of 91 units**.

### ***2016 Confirmation of VLA Vacant Land Adjustment (VLA)***

The lack of available vacant land continues to be a significant limitation to development opportunity in Little Falls Township. As part of this effort, the Township prepared an updated Vacant Land Analysis to assess current development potential, using an approach consistent with COAH's Second Round Rules, NJAC. 5:93-4.2 and -5.2. The rules require the Township to evaluate vacant and publicly-owned properties that are not environmentally constrained, and consider those sites for inclusionary housing development. The VLA analysis including maps and data tables are including in Appendix E.

The updated vacant land analysis shows there is virtually no vacant land available that is unconstrained, and of a size to accommodate any realistic development potential (RDP). Therefore, the vacant land analysis estimates that the Township has a Realistic Development **Potential (RDP) of 13 units** and an **Unmet Need of 438 Units**.

## **Services Capacity Analysis**

For any large-scale development, including new inclusionary housing development, the Township of Little Falls will need to be aware of the fiscal impact on its existing schools, utilities and public services.

### ***Schools***

New residential developments in the Township will need to provide the estimated number of new school children likely to reside in the new development. The Township is concerned that additional children may impact the District's overall capacity. The Little Falls Township School District includes three elementary schools: School #2 (K-2); School # 3 (3&4<sup>th</sup>); School # 1 (5<sup>th</sup>-8<sup>th</sup>) and Passaic Valley Regional High School, which serves Little Falls, Woodland Park and Totowa.

### ***Roads and Utilities***

The Township expects that infrastructure and maintenance costs in new developments are to be borne by developers and owners of the property, not the municipality. This includes the cost for

developing and maintaining all roads, and connections to water and sewer systems. Developments should not be able to create negative burden on the Township's infrastructure, road network/traffic, maintenance and public works system.

The Passaic Valley Regional Sewerage Authority (RVRSA) <http://www.nj.gov/pvsc/> provides sewer service to ten (10) municipalities in the County of Passaic, including the Township of Little Falls.

### ***Municipal Services***

Developments will need to calculate any net cost to the Township due to the additional utilization of police, fire and EMS services by the new development.

Preferably, market rate unit revenue to the Township should off-set any net negative fiscal impact from the LMI households for a given development.



## VII. FAIR SHARE PLAN

Municipalities must demonstrate how they will address their Present Need (Rehabilitation), Prior Round and Prospective Need (Third Round) obligations in the form of a Fair Share Plan.

### Credit / Bonus Requirements

#### Prior Round Credit Requirements

In its March 2015 Ruling, the Supreme Court recognized that there are areas in which more recent legal changes require modification to the Second Round Rules, specifically with respect to certain bonus requirements, permitted or prohibited credits, extension of expiring controls, and other rules that were changed as part of the adopted Third Round Rules in 2004, and should be applied today. For the Prior Round, the following requirements apply:

- A maximum of 25% of obligation can be age-restricted housing
- A minimum of 25% of obligation must be rental housing (N.J.A.C. 5:93-5.15)

#### Prospective Round Credit Requirements

For the Prospective Need Obligation, the following is required:

- A minimum of 50% of obligation must be low income housing
- A minimum of 13% of obligation must be met with very low income housing
- A minimum of 25% of obligation must be rental housing
- A maximum of 25% of obligation can be age-restricted housing

#### Credit Bonuses

The settlement with FSHC uses Second Round bonus standards, which does not include some of the newer bonus types, but does include more generous rental bonuses. Bonus credits for units that have been constructed, or for which there is a firm commitment of construction, are permitted as follows:

- 2 for 1 credit for family rental units or bedroom for supportive and special needs housing.
- 1.33 for 1 credit for age-restricted rental units

Bonus limitations are as follows:

- Bonuses may not exceed 25% of the prior round or prospective obligation. In Little Falls' case the bonus is limited to 25% of the RDP for each round because of its ongoing vacant land analysis.

The Table below summarizes how the Township's Prior Round and Third Round Obligations, as per the RDP, result in the following minimum and maximum requirements, based on the RDP. The Township will comply with the Affordable Housing Ordinance that requires new affordable units to

be meet bedroom distribution, income eligibility, and age-restriction, family and rental requirements to comply with the table below.

<b>Table 36: Min / Max Affordable Housing Type Requirements for Little Falls based on Prior Round and Prospective Need Obligations/VLA</b>		
<b>Prior Round Obligation (10 Units)</b>	<b>Required %</b>	<b>Required Units</b>
Min. Rental Housing	25%	3
Max. Age Restricted	25%	2
Max Bonus	25%	3
<b>Prospective Need (13 Units)</b>	<b>Required %</b>	<b>Required Units</b>
Min. Low Income	50%	7
Min. Very Low Income	13%	2
Min. Rental Housing	25%	4
Max. Age Restricted	25%	3
Max Bonus	25%	4

## Affordable Housing Compliance Status

### Rehabilitation Compliance

According to the Kinsey Report, the Township of Little Falls has a present need or rehabilitation obligation of 118 units. This obligation is reduced based on an actual field verified exterior inspection number of 61 units in need of rehabilitation of which **47 units** are occupied by low and moderate income households.

The Township of Little Falls, which is located on the Passaic River was once a summer retreat for many residents and therefore were developed as 2-3 season summer cottages/bungalows many of which may or may not have plumbing or full kitchens. These types of properties were specifically located along Woodcliff Ave, Riverview Circle and Island Avenue. In the past 10 years Little Falls has experienced severe flooding conditions along the Passaic River in which many of these properties were severely damaged by floodwaters. The Township is in the process of working with NJ Department of Environmental Protection (NJDEP) and the Federal Emergency Management Agency (FEMA) to buy-out/demolish or elevate homes in the flood prone areas.

The Township's FEMA Coordinator, Kristen Thatcher from Jeff Ward Associates, administers the property acquisition and demolition program. To date the Township has participated in three (3) rounds of funding from the Community Development Block Program (CDBG), the Hazard Mitigation Grant Program (HMGP), and the 2010 and 2011 Severe Repetitive Loss (SRP) program in order to purchase property for demolition or utilizing funding to elevate properties. At the time of this submittal, Little Falls has demolished or elevated 73 homes, with an additional 55 proposed for demolition in the Spring of 2016 through the 2016 SLR Program, for a total of 128 homes. In addition there are 120 homes currently on the list for demolition only through the 2016 Blue Acres Program for a total of 248 homes. Many of these homes that may be deficient have been torn

down or are on the list of properties to be removed and will be deed restricted against any type of development.

### ***Structural Conditions Survey***

The Second Round Rules do not preclude a municipality from ground-truthing the amount of deficient housing. As indicated in Appendix F and in the Second Round Rules, "COAH recognizes that its estimates may be high or low." For this reason COAH devised a method for municipalities to conduct a "Structural Conditions Survey," which may be used to alter the census-generated indigenous need estimates. The rules require the Structural Conditions Survey to be performed by individuals licensed to perform building and/or housing inspections.

Following the COAH guidelines, the Township of Little Falls completed a Structural Conditions Survey per (26 N.J.R. 2376 – 2379) to compare "actual" present need to the estimated Present Need on June 6, 2016 and submitted the results to the court master.

The first step of the process was to identify the properties built prior to 1969 and to then discuss areas recommended for detailed inspection surveyed which are depicted on the appended map of Little Falls in highlighted notations as and listed on the summary of properties inspected.

The housing stock of Little Falls was considered by Township officials and consultants with years of experience working in the Township and their knowledge of housing conditions and development patterns. Based on this, the locations to receive a thorough exterior inspection were narrowed to those where there was a reasonable expectation of finding housing stock in need of rehabilitation. The officials who conducted the preliminary assessment of areas to be inspected included:

- Dennis Lydnsey, PE- Township engineer, a 27-year resident, former Board of Adjustment chairman, Mayor, Councilman and planning board member and consultant;
- Phil Simone - DPW Public Works Manager, an employee and manager of the DPW for over 40 years, a township fireman and the Shade Tree Committee Chairman
- Joseph Macones - Construction Code Official, an employee for 9 years with daily routine inspection of properties in Little Falls for compliance with building codes, issuance of permits, responses to complaints, issuance of violations and other duties of a construction code official.

The second step after identifying areas of concern and properties built before 1969, was the physical inspections conducted by the Township zoning/code enforcement officer, and licensed planning representatives from our office in the areas of the town identified by the municipal officials as depicted on the submitted map. Inspections were conducted to determine the physical conditions of the properties major and minor systems such as foundations, siding roof and gutters, railings, stairs and porches. The identification of one major element or two minor elements of the inspection sheet identified the property as in need of rehabilitation. All inspection results and associated mapping are detailed in Appendix F.

The results of over 1,731 units inspected were that 61 homes were identified as being in need of rehabilitation according to the regulations. It should be noted that during the inspection process,

properties that were borderline in meeting one of the criteria were counted as a property in need for rehabilitation in order to be more conservative in our estimate.

Lastly, the number of homes identified as being in need of rehabilitation, 61 units, was multiplied by the estimated LMI proportion for Little Falls per Kinsey's May report (76.7%) to determine the number of units occupied by low and moderate income households. Therefore based on our actual field data and LMI estimate from the Kinsey report, Little Falls is proposing a new Present Need obligation of **47 units**.

#### **Rehab Program Moving Forward**

The Township has contracted with Community Groups Planning and Housing (CGPH), which is a planning organization devoted to community development, housing resource planning and implementation. This organization has experience with administering and implementation of a municipality's rehabilitation share. The Township will work with this organization to help implement its rehabilitation obligation with monies available through the Township Affordable Housing Trust Fund.

The Township will also pursue working with the Passaic County Housing Rehabilitation Program in the County Planning Office and the Passaic County Weatherization Program if the programs continues to be funded for 2016. An agreement would allow Township residents that meet income-eligible levels to submit applications for housing rehabilitation projects.

The current Affordable Housing Trust Fund (AHTF) balance is \$8,095 as of September 30, 2016 with additional PIL funding from the Schumacher Site, Main Street Development and Abbe-Site – Center Avenue (Centex Townhouse development), to be submitted as development proceeds. The future spending plan will identify all sources and projections of funding to accomplish the rehabilitation task.

#### **Rehab Credits:**

The Township of Little Falls cannot claim credits for any rehabilitation units, therefore the Township has contracted with Community Grants, Planning and Housing to run the rehabilitation program and Administrative Service role for the Township. A copy of the Council resolution approving the services of CGP&H is located in Appendix M.

#### **Prior Round Compliance**

The Supreme Court ordered that any unfulfilled prior round obligations, as generated from the 1987 to 1999 period (Rounds 1 and 2) should be the "starting point" for the Fair Share Plan. The Prior Round Obligation for Little Falls Township is at total of **101 units. (10 RDP/91 Unmet Need)**

#### **Vacant Land Adjustment**

The Township's Prior Round VLA is presumed to be valid pursuant to the terms of NJAC 5:97-5.1(d). It was granted as part of First Round and Second Round substantive certifications and the Township implemented the terms of the substantive certifications. The vacant land adjustment reduced the Township's Prior Round obligation to a real development potential **(RDP) of ten (10)**.

**Credits toward Prior Round RDP:**

Little Falls had intended to address its RDP of 10 units by bonding for \$125,000 in order to provide funds for the Regional Contribution Agreement (RCA) credits claimed within the Housing Plan Element and Fair Share Plan. The plan proposed 7 units with the Township of Cliffside Park and 3 units with the City of Patterson. Subsequently the Legislature enacted Bill A-500, which removed RCAs as a mechanism available to municipalities to address their affordable housing obligation and the Township never transferred the necessary funds to the receiving districts. Due to these series of events the Township created a 10-unit shortfall caused by the loss of the RCA units.

Per the Supreme Court's March 10, 2015 Ruling, municipalities must address their Prior Round Obligations first, therefore Little Falls will address the 10 Unit RDP first.

The Township's 2008 plan identified various properties that were rezoned as the Affordable Housing Overlay Zone (AHO) in order to create opportunities for development of affordable housing. The Township is able to claim the following ten (10) affordable housing mechanisms towards its prior round RDP obligation. A summary of the projects/units to meet the RDP for both the prior and proposed third round as shown in Summary Table 41.

<b>Table 37: Credits towards Prior Round RDP of 10 Units</b>					
<b>Site</b>	<b>Location</b>	<b>Credit Type</b>	<b>Credit</b>	<b>Bonus</b>	<b>Total</b>
1. <b>New Bridge Housing</b>	137 Newark Pompton Turnpike	100%	4	1	5
2. <b>Lackawanna Site (rental)**</b>	483 Cedar Grove Road	Existing AH Zone	3	2	5
<b>TOTAL</b>					<b>10 units</b>

***Existing Affordable Housing Sites/Zones***

The Township of Little Falls adopted seven (7) Affordable Housing Overlay zones during the previous COAH round submission. However, of those 7 properties, one has been developed and provided a Payment in Lieu for its affordable units, and one has been determined to be undevelopable because of constraints and site access. The remaining properties provide limited development opportunity and therefore have been identified as possible sites to meet the Unmet Need further discussed in this report.

***Elimination of Previously Identified AH Sites***

The following two project were identified in the 2008 Plan and zoned affordable, but upon further review and analysis this report suggests the elimination of the sites as viable for affordable housing development. Three existing affordable housing sites, originally zoned for affordable housing as part of the un-adopted 3<sup>rd</sup> Round submission have been re-allocated to potential prospective need opportunities. The likelihood of the sites to be developed is not as certain as other, therefore have been included to potentially address the unmet need.

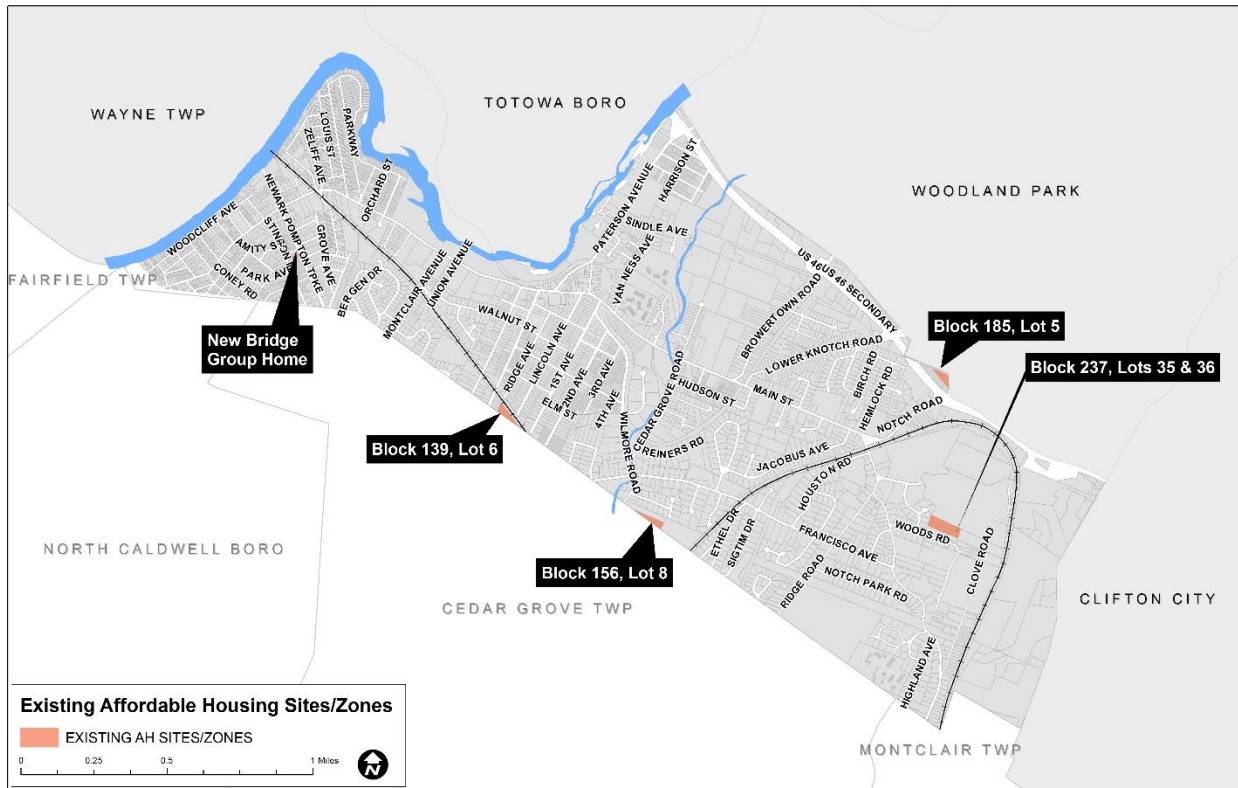
**Blk 230 Lot 57 – 130 Houston Road** 1.2 acres (1 Affordable Unit)-Unbuilt

Block 230 Lot 57 at 130 Houston Road is located in the eastern portion of Little Falls and is included in the existing Affordable Housing Overlay I Zone. The parcel is land locked and tucked behind existing single family homes and contains a small pond on the property. The parcel is within the R-1A (single-family detached dwelling). Block 230 Lot 57 is located in Zone X under FEMA designation, but the more limiting environmental constraint is the fact that lot has wetlands in the middle of the property. There is no immediate access to the site and the environmental constraints make the project unfeasible unless combined with other surrounding lots, which does not seem feasible. Therefore this plan suggest removing the parcel to count towards affordable housing overlay as it does not present a realistic opportunity.

**Blk 237 Lot 30, 44, 52, 59 – 65 Woods Road** (6 Unit PIL)- Under Construction

This single family subdivision was the result of a builder remedy lawsuit filed by the property owner which resulted in the creation of the Affordable Housing Overlay Zone II. Currently single-family detached houses are being constructed at a gross density no greater than 3.57 units per acre, but totaling no more than 24 housing units. The developer as part of the settlement agreement agreed to make a Payment In Lieu (PIL) of construction in the amount of \$210,000 dollars, calculated at \$35,000 per unit for 6 units. The PIL will be utilized to fund the municipal rehabilitation program. No affordable units will be built on site.

### EXISTING AFFORDABLE HOUSING SITES/ZONES



The remaining five (5) properties provide limited development opportunity and therefore have been identified as possible sites to meet the Unmet Need further discussed in this report. The following pages offer a detailed site description and analysis of the below existing affordable housing sites/zones.

**1. New Bridge Group Home, (Blk 35 Lots 24/25 -137 Newark Pompton Turnpike)-existing 4 Units**



New Bridge Independent Living Group Home: This 4 bedroom very low income, permanent supportive housing group home was not included within the 2008 Fair Share Plan; however, this facility was identified subsequent to the adoption of the 2008 Plan via a survey of group homes that exist within the Township. This facility is anticipated to be eligible for affordable housing credit as part of the Prior Round. The property has a 40 year length of controls that expire in 2043. See the Council on Affordable Housing Supportive and Special Needs Housing Survey and supporting documents in Appendix B. These four units satisfy the rental obligation for the Prior Round.



**2. Blk 156 Lot 8 – 483 Cedar Grove Road 1.9 acres (2 Affordable Units) –Unbuilt**



Block 156 Lot 8 at 483 Cedar Grove Road (County Road 617) is also located on the southern border of Little Falls. The parcel is designated as R-1A (single-family detached dwelling) under the township's zoning and is included in the existing Affordable Housing Overlay Zone. Block 156 Lot 8 is connected to all major utilities. While the parcel is designated as Zone X under FEMA regulations, the nearby Peckman River creates a 100 year flood zone just over 200 feet away. The site access, although narrow is located directly off of Cedar Grove Road. The property to the rear of lot 8 is owned by PSE&G.

<b>Affordable Housing Estimate:</b>	
Estimated Tract:	1.9 Acres / 0 Acres constrained
Estimated allowable density:	6 units / acre
Estimated total units:	11 units
Estimated Affordable Housing Units:	2 units (20%)

**3. Existing AHO Zone (Blk 139 Lot 6 -166 Stevens Avenue) - 2 Affordable Units - Unbuilt**



This property located at 166 Stevens Ave (County Road 616) is located near the southern border of Little Falls and is immediately adjacent to the Montclair- Boonton NJ Transit Rail Line. The parcel is designated as R-1B (single-family detached dwelling) under the township's zoning. Block139 Lot 6 is connected to all major utilities. The site is currently zoned as an Affordable Housing Overlay Zone. While site is developable, it is contingent upon access from the adjacent lot 1, which is owned by the same owner. The third round plan also identifies the property as being able to support 2 Affordable units.

<b>Affordable Housing Estimate:</b>	
Estimated Tract:	1.7 Acres / 0 Acres constrained
Estimated allowable density:	6 units / acre
Estimated total units:	10 units
Estimated Affordable Housing Units:	2 units (20%)

**4. Existing AHO Zone (Blk 237 Lot 35 –Woods Road) - 2 Affordable Units - Unbuilt**



Block 237 Lot 35 is located on the eastern portion of Little Falls and is currently included in the existing Affordable Housing Overlay Zone in the R-1A zone district (single-family detached dwelling). The parcel has no environmental constraints. However, the parcel is located behind existing single family homes along Woods Road and only has access from an adjacent developed lot owned by Montclair State University off of Clove Road.

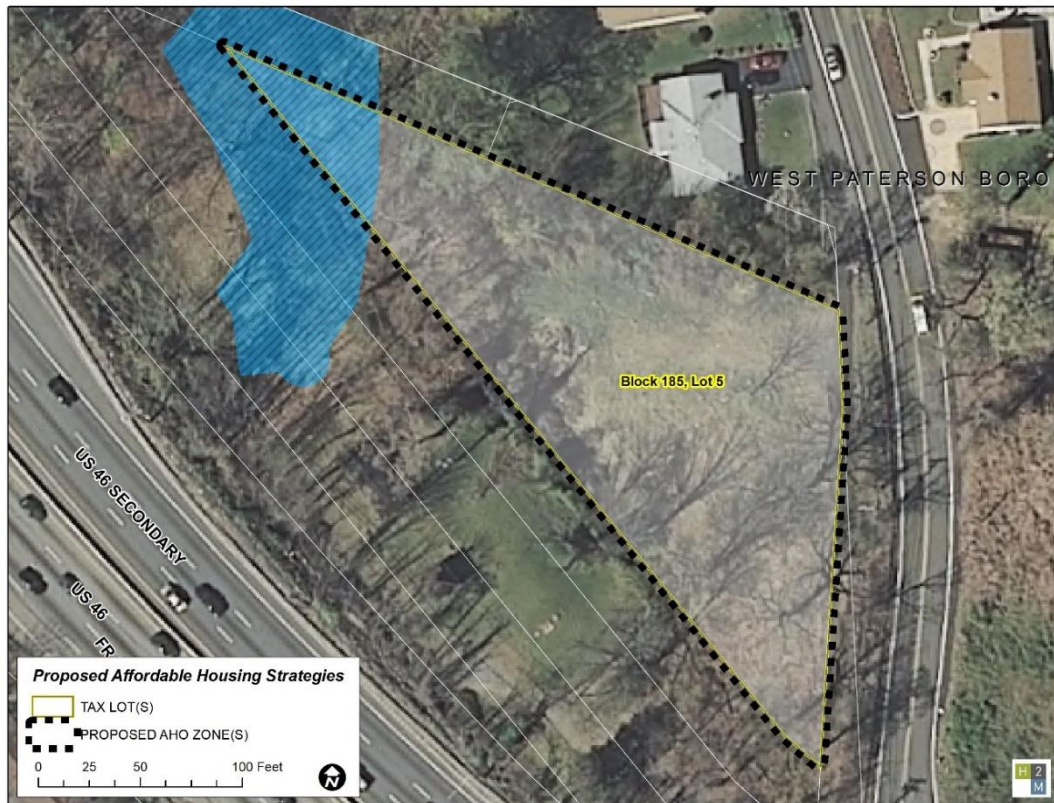
<b>Affordable Housing Estimate:</b>	
Estimated Tract:	1.3 Acres / 0 Acres constrained
Estimated allowable density:	6 units / acre
Estimated total units:	7 units
Estimated Affordable Housing Units:	2 units (20%)

**5. Blk 237 Lot 36 – Woods Road 1.2 acres (1 Affordable Unit) –Unbuilt (see image above)**

Block 237 Lot 36 is located on the eastern portion of Little Falls is currently included in the Affordable Housing Overlay Zone in the R-1A zone district (single-family detached dwelling). The parcel has no environmental constraints. However, the parcel is located behind existing single family homes along Woods Road and only has access from an adjacent developed lot owned by Montclair State University off of Clove Road.

<b>Affordable Housing Estimate:</b>	
Estimated Tract:	1.2 Acres / 0 Acres constrained
Estimated allowable density:	6 units / acre
Estimated total units:	7 units
Estimated Affordable Housing Units:	1 unit (20%)

**6. Blk 185 Lot 5 – Lackawanna Road 0.845 acres (3 Affordable Units) - Unbuilt**



The currently vacant 0.845 Ac. property is located on 634-636 Lackawanna Avenue, and zoned Medium Density Residential (MDR). Prior to this plan, Little Falls had rezoned the property to MDR-Medium Density in order to permit inclusionary multi-family residential developments. The property is surrounded by a mix of low and medium density residential developments. Litigation concerning this site resulted in a finding that the zoning for this property be modified to identify a specific number of affordable housing units be required on-site. The total density that were envisioned to be constructed on this property within the 2008 Fair Share Plan was recommended at 18 units per acre. From this presumptive density the proposed application would produce a total of 15 units. However in the past months the Township met with Daibes Enterprises, a local developer in to hear concept plans for the development of a 45-unit residential rental building that would include nine (9) affordable housing units (20%), of which 4 would be moderate and 4 would be low income dedicated. The plans call for the acquisition of adjacent Blk 125 Lot 2 located in Woodland Park to put together a site totaling 1.7 acres. The development would consists of 1, 2 & 3 bedroom units, of which one of the 3 bedroom units would be a 3 bedroom family rental. All development will be within the Little Falls boundary except a portion of the parking lot on Lot 2 in Woodland Park.

The applicant owns Blk 185 Lot 5 and is under contract with the property owner of Blk 125 Lot 2 for purchase and intends to be in from of the Little Falls Land Use Board in the summer of 2016. The application's site plan shows sewer connection availability via an

8" line and existing water availability, both located in the ROW of Lackawanna Avenue. Because of the uncertainty, for the purposes of this report, Little Falls will assume the original density of 18 units per acre until such time the application is made and appropriate variance granted.

<b>Affordable Housing Estimate:</b>	<b>Lackawanna Site</b>
Estimated Tract / AHO Zone Area:	0.845 Acres / 1.7 Acres with Blk 125 Lot 2
Estimated allowable density:	18 units / acre
Estimated total units:	15 units / 45 units (with Blk 125 Lot 2)
Estimated Affordable Housing Units:	3 units (20%) / 9 units (with Blk 125 Lot 2)

**Unmet Need**

Unmet need is the difference between the Prior Round obligation and the credits provided to address that obligation. The Township's Prior Round Unmet Need is **91 units**. Municipalities that lack sufficient vacant land to address their obligation (i.e., granting of a Vacant Land Adjustment), must document their "unmet need." The Supreme Court's March 10, 2015 Ruling, states that municipalities must address their Prior Round Obligations first. This will be addressed in the affordable housing strategies section below, where the Unmet Need for both rounds will be addressed.

***Summary of Existing Compliance***

The table below summarizes the Township's existing compliance status, accounting for affordable housing credits obtained to date (11/22/16).

	<b>Obligation</b>	<b>Completed Credits</b>	<b>Remaining Obligation</b>
<b>Rehabilitation</b>	47	0	<b>47</b>
<b>Prior Round</b>	101 (10/91*)	5**	<b>96</b>
<b>Third Round</b>	451 (13/438*)	0	<b>451</b>
<b>Total</b>	<b>599</b>	5	<b>594</b>

\*RDP/Unmet Need

\*\* Met through existing New Bridge Housing Group Home

***Prospective Need Compliance***

The Township's Prospective Need obligation for the period 2015 through 2025, as agreed to by the parties in the Settlement Agreement with FSHC is **451 units**.

***Vacant Land Adjustment***

As discussed in the previous Capacity Analysis and Appendix E, the Township conducted a new VLA using current data in accordance with the Rules. The analysis estimates that the Township has a Realistic Development Potential **RDP of 13 units**.

***Third Round Credits:***

The Township is able to meet its RDP number for the Prospective Need by providing 13 credits: 9 credits from the proposed Transit Village Medium Density development and zone. The breakdown of the Townships compliance towards its RDP is as follows:

Table 39: Credits towards Prospective Need RDP of 13 Units					
Site	Location	Credit Type	Credit	Bonus	Total
1. Transit Village MD (rental)	Montclair & Main Street	Existing Transit Village Zone	9	4	13
<b>TOTAL</b>					<b>13 units</b>

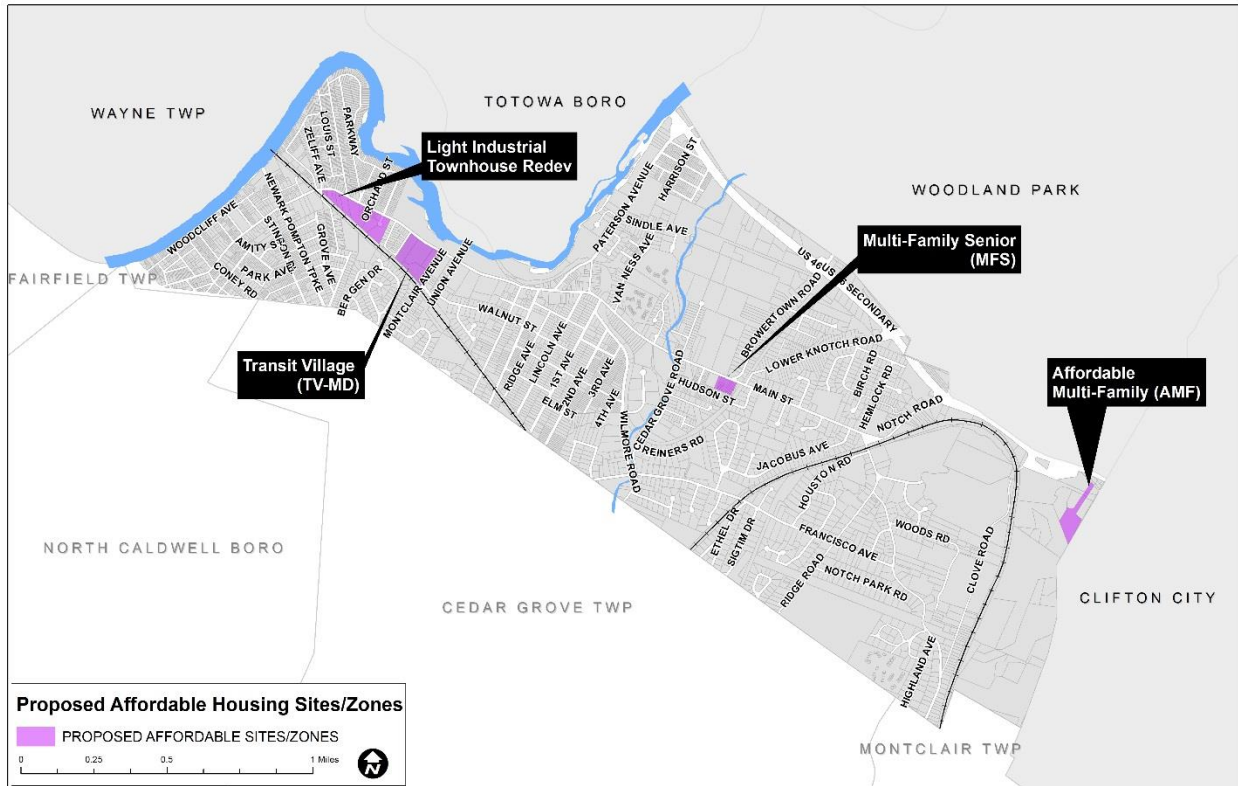
***Unmet Need***

Unmet need is the difference between the Third Round obligation and the RDP obligation and the credits provided to address that obligation. Therefore, given the RDP of 13 units, the Township's Third Round Unmet Need is **438 units**. Municipalities that lack sufficient vacant land to address their obligation (i.e., granting of a Vacant Land Adjustment), must document their "unmet need." This will be addressed in the affordable housing strategies section below, where the Unmet Need for both rounds will be addressed.

***Proposed Affordable Housing Sites/Zones***

There are four (4) proposed sites/zones that will provide development opportunity for affordable housing and therefore have been identified as possible sites to meet the Unmet Need further discussed in this report. The following pages offer a detailed site description and analysis of the below proposed affordable housing sites/zones.

***Proposed Affordable Housing Opportunities***



## Proposed Affordable Housing Strategies

### Approach & Strategy

The Township of Little Falls is a residential community with limited vacant property available for development as is evident by its prior round vacant land assessment and proposed third round adjustment. H2M Associates met with Court Master Joe Burgis, PP, AICP on April 6, 2016, June 30, 2016 and on various conference calls to discuss a strategy for Little Falls to meet, to its best ability, its constitutional obligation for affordable housing. The Supreme Court's March 10, 2015 ruling, stated that municipalities must address their Prior Round Obligations first, therefore our meetings were to develop a strategy to first address the Prior Round RDP of 10 units and the 3<sup>rd</sup> Round RDP of 13 units for a total of 23 units.

The next step is to address the outstanding unmet need from both the prior round (91 units) and 3<sup>rd</sup> round (438units), through inclusionary, redevelopment and zoning opportunities. These opportunities are discussed and presented in the section called proposed affordable housing zoning below.

As previously mentioned in this report, Little Falls will ultimately be losing the majority of the 300 homes proposed to receive FEMA money for flooding issues, while a portion will remain and be elevated. The proposed zoning & development opportunity in this report remains a viable future option for residents that would like to stay in the Township.

In addition, this Plan and the revised Affordable Housing Ordinance recommends instituting a municipal-wide mandatory set-aside for any future development in Little Falls containing five (5) or more multi-family dwellings (Appendix G). Where a developer is able to demonstrate that a 20% set-aside would warrant the project economically infeasible, the developer should submit an economic analysis and pro-forma to the Township for review. A real estate analysis expert hired by the Township through escrow funds provided by the developer will evaluate the pro-forma and determine if the claim of economic infeasibility is valid. In the event the Township's review agrees with the developer, the Township will permit a 15% set-aside.

### Implementation Techniques

Per the Second Round Rules, a municipality may employ a number of strategy and implementation techniques to address its obligation:

Per N.J.A.C. 5:93-4.2 (h):

Council shall review the existing municipal land use map for areas that may develop or redevelop. Examples of such areas include, but are not limited to: a private club owned by its members; publicly owned land; downtown mixed use areas; high density residential areas surrounding the downtown; areas with a large aging housing stock appropriate for accessory apartments; and properties that may be subdivided and support additional development. After such an analysis, the Council may require at least any combination of the following in an effort to address the housing obligation:

1. Zoning amendments that permit apartments or accessory apartments;



2. Overlay zoning requiring inclusionary development or the imposition of a development fee consistent with N.J.A.C.5:93-8. In approving an overlay zone, the Council may allow the existing use to continue and expand as a conforming use, but provide that where the prior use on the site is changed, the site shall produce low and moderate income housing or a development fee; or
3. Zoning amendments that impose a development fee consistent with N.J.A.C. 5:93-8.

The Second Round Rules elaborate on the above at N.J.S.A. 5:93-5.1: a municipality may provide for its fair share of low and moderate income through a combination of techniques, including, but not necessarily limited to:

- **Rehabilitation of substandard units;**
- Municipally sponsored and 100% affordable construction;
- **Zoning for Inclusionary Development;**
- **Alternative living arrangements (i.e., group homes);**
- Accessory apartment program;
- Purchase of existing homes;
- Write-down/buy-down programs;
- Market-to-affordable; and
- Assisted living residences

In accordance with N.J.A.C. 5:93-4.2(h) above, the Township has identified multiple locations throughout the Township that may be appropriate for re-zoning, redevelopment or overlay zoning to permit inclusionary development, as is discussed below.

**The Township reserves the right to amend, modify or withdraw sections of this Fair Share Plan consistent with the Settlement Agreement at any time prior to a final judicial determination of the Township’s affordable housing obligation or approval of this plan.**

**Proposed Affordable Housing Zoning**

In accordance with the Second Round Rules, municipalities may create low and moderate income units by zoning site for inclusionary development. As per N.J.A.C. 5:93-5.3,

*“Municipalities shall designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. In reviewing sites, the Council shall give priority to sites where infrastructure is currently or imminently available. All sites designated for low and moderate income housing shall be consistent with the applicable area-wide water quality management plan (including the wastewater management plan) or be included in an amendment application filed prior to the grant of final substantive certification. If there is a denial by DEP, or at the end of two years if there is no DEP determination, then*

*COAH shall revisit the site and housing plan to determine if it provides a realistic opportunity."*

The Township has identified a number of areas that may be suitable for higher density residential development to incorporate an inclusionary component for affordable housing development. These areas will be re-zoned to allow an Affordable Housing Overlay (AHO) Zone to exist on top of existing zoning. The Second Round Rules require that for each site proposed for inclusionary development, the following be provided:

- General description of each site, including acreage, current zoning, surrounding uses, street access; and maps showing site locations.
- Description and maps of any environmental constraints including steep slopes, wetlands and flood plain areas.
- Location, size and capacity of water and sewer facilities; status of the applicable area wide water quality management plan and wastewater management plan.
- Total number of housing units; gross and net density of the proposed development; total number of low and moderate income units, and low-mod units for sale and rent.
- Conformance to COAH's rules for bedroom mix, age restriction, price stratification, rental housing, controls on affordability and affirmative marketing

N.J.A.C. 5:93-5.6 provides further inclusionary zoning requirements, particularly with regard to required permissible densities and set-asides when a community receives a Vacant Land Adjustment.

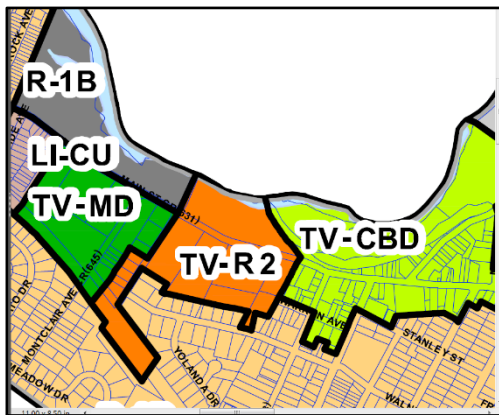
*"When a municipality is receiving an adjustment pursuant to N.J.A.C.5:93-4.2, the municipality shall be required to zone inclusionary sites at a minimum gross density of six (6) units per acre with a 20 percent set-aside."*

The rules also state that the Council on Affordable Housing may require higher densities where existing zoning exceeds the zoning proposed by the municipality, or when the Council determines higher densities are required to provide an opportunity for inclusionary development.

The map below shows areas proposed for new Affordable Housing opportunities that will address the remaining 5 units of the Prospective Need RDP of 8 units and address a significant portion of the Prior Round Unmet Need. Draft ordinances for the proposed project are contained in Appendix C and I.

**Site 1 – Transit Village Medium Density Zone (TV-MD)**

**Site Map with Environmental Constraints and Transit Village Medium Density (TV-MD) Zone**



The site is located in the Transit Village Medium Density Zone (TV-MD) in the central portion of Little Falls on the Main Street corridor, which links the central business district to Rte 23. The privately-owned, 9.4-acre site contains a series of three 1-story warehouse/office buildings fronting on Main Street and Montclair Avenue, while the corner property is an existing Post Office, with a now defunct distribution component. The only environmental constraints are the pocket of wetlands located in the northwest portion of the rear of the site along the railroad tracks. Site access is from Main Street

and Montclair Avenue.

The property is surrounded by the municipal complex to the east across Montclair Avenue, The Mills, a multistory residential complex to the northeast across Main Street, railroad tracks to the west and single family properties in the R1-C Zone to the north. The site is within two blocks of the Little Falls Train Station.

In October 2015 , Little Falls adopted the Transit Village (TV) Districts zoning to reinforce the use of public transportation and a shift away from automobile use by locating higher-density mixed-use development, including employment oriented businesses and higher density residential uses, within proximity to Little Falls bus stop locations along Main Street and the train station. The districts are intended to accommodate a physical pattern of development often found along village main streets and in neighborhood commercial areas of older cities. Daily destinations, such as work, home, shopping, recreation, and transit stops are within walking and biking distances, which reduces automobile dependency and roadway congestion, which creates a vibrant, livable community.

The ordinance includes three separate Transit District's which included the: Transit Village/Central Business District (TV-CBD); **Transit Village Medium Density (TV-MD)**; and Transit Village – Residential District - R2 (TV-R2). See Appendix C. The TV-MD zone has been allocated to include a 20% set aside for rental affordable housing units, while the TV-CBD and TV-R2 include the provision that for every 5 units constructed in a project, one unit of affordable housing must be constructed.

Little Falls proposes to immediately amend the current TV Ordinance to establish an affordable housing unit set aside for new development within the TV zones in order to help meet the Unmet Need, based on the densities discussed below. The proximity to local jobs and transportation in the form of bus and rail transit makes this an ideal opportunity for appropriate inclusionary development.

The Transit Village MD Zone covers all four (4) properties and is envisioned as a series of four story mixed use buildings. The current property owner, Hampshire properties and the Township have met with the post office representatives to investigate the possibility of relocating the post office into future development plans which would give development control of the entire site. Because of this unknown, for purposes of this report we have calculated the development without the post office parcel being included. If at such time a deal is made for the parcel, the affordable housing obligation will be required and the plan amended. The development potential of this property is real as the Hampshire Group has started developing concept plans for both development alternatives.

The Transit Village Development shall be responsible for the development of 4 low income units and 1 very low income unit on site per the regulations stipulated per table 38 of this report, where the remaining units shall be a mix of low-moderate. This development will also satisfy the rental requirement of 3 units as the entire development is proposed as rental units.

<b>Affordable Housing Estimate:</b>	<b>Transit Village MD Zone (20% Rental)</b>	
Estimated Tract / AHO Zone Area:	<b>7.4 Ac. (not including Post Office - Lot 2)*</b>	9.11 Ac. (including Post Office)
Estimated allowable density:	<b>35 units / acre</b>	35 units / acre
Estimated total units:	<b>259 units</b>	318 units
Estimated Affordable Housing Units:	<b>52 units</b>	64 units

\* For purposes of this report, the calculations will not include the development of the post office site, but will use the 7.4 acre site and not include lot 2.

**Site 2 – Proposed Multi Family/Senior Housing Zone (MFS)**

**Site Map with Environmental Constraints and Proposed Multi Family/Senior Housing Zone**



The proposed Multi Family Senior Housing Zone (MFS) site is currently located in the B1-Business Zone, on Main Street, just outside the Transit Village Central Business District. The privately-owned, 1.86-acre site contains an existing Walgreens Pharmacy and associate parking, a two & ½ story residential structure to the west and an adjacent two story mixed use building containing City Looks Barber Shop. Further west, is a small two story mixed use strip mall containing six retail spaces and 2<sup>nd</sup> floor office space. The Passaic Valley Regional High School is located directly across the street to the north and there are single family residences directly to the south of the properties in the R1-B zone. There are no known environmental constraints on the properties. Site access is from Main Street.

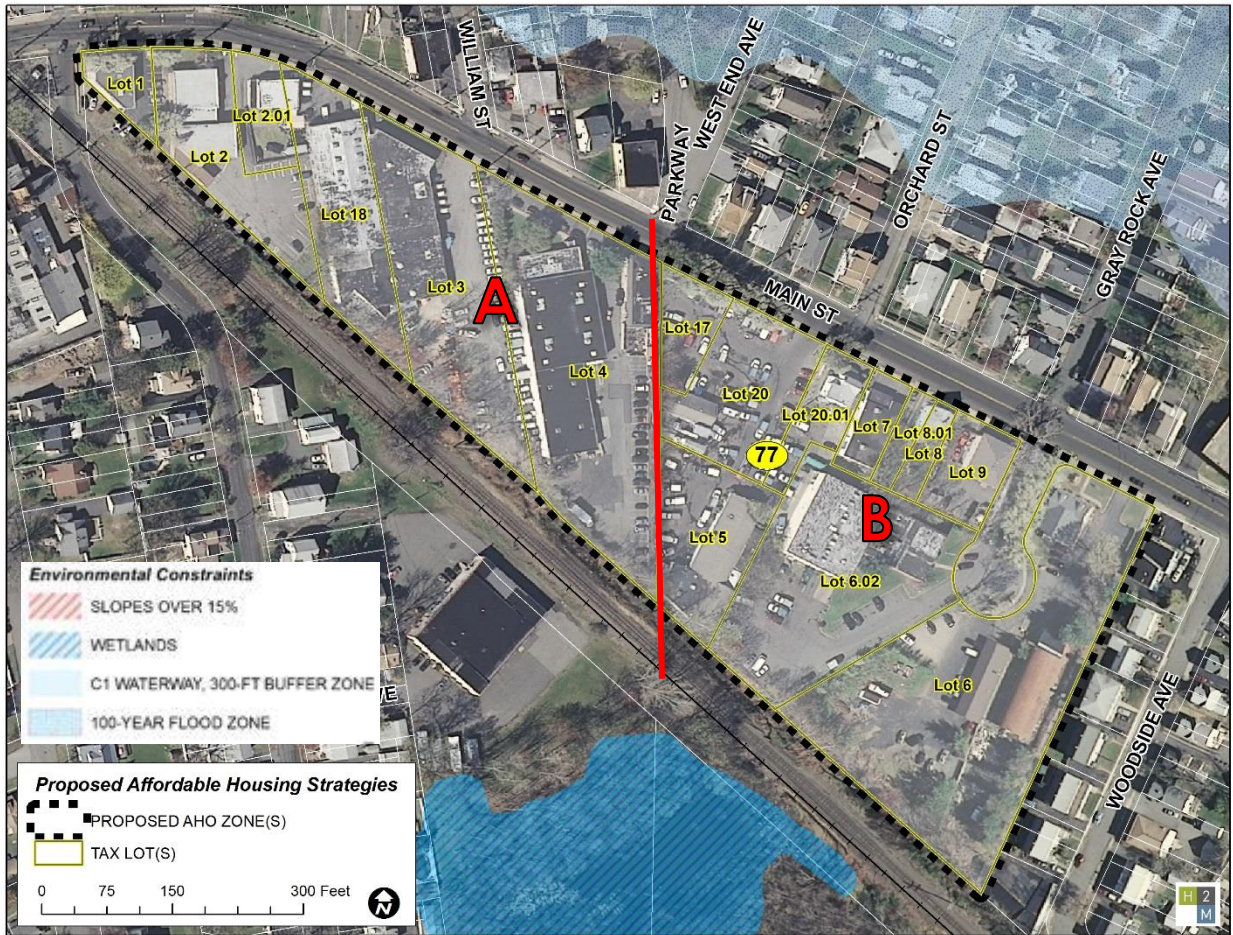
Affordable Housing Estimate:	Multi Family/Senior Housing Zone (MFS)
Estimated Tract / AHO Zone Area:	1.86 Acres
Estimated allowable density:	30 units / acre
Estimated total units:	56 units (10 Senior-max & 46 multifamily units)
Estimated Affordable Housing Units:	11 units (20 % rental)

The Multi Family Senior Housing Zone (MFS) is proposed for all three properties. It is envisioned that the site will develop as a combination of multifamily and senior housing development allowing for appropriate setbacks from adjacent residential properties. The Walgreens property owners have actively been looking for development options on site and have expressed interest about Senior Housing and have met with the Township officials. Little Falls does not currently have any Senior Housing developments in town, therefore this use would be appropriate for the area and Township. The property could be developed with or without the two adjacent structures.

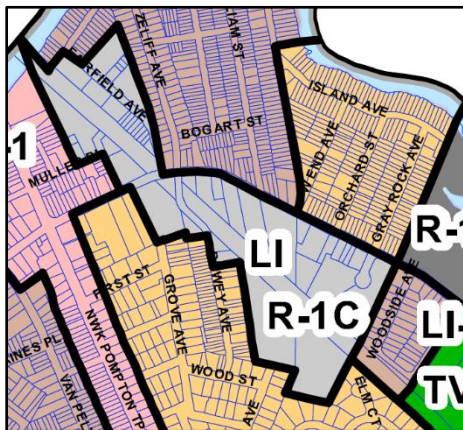
Because of the limited amount of senior housing allowed and bonuses permitted per the credit/bonus structure, the proposed zone allows a maximum of 10 units of senior housing, with the remainder of the site appropriate for multifamily development. The proposed Ordinance is located in Appendix I.

Site 3 – Light Industrial District - Redevelopment Zone

Site Map with Environmental Constraints and Proposed Redevelopment Zone



Light Industrial District - Redevelopment Zone



The 2013 Master Plan Re-Examination Report recommends that portions of the LI – Light Industrial Zone along Main Street be re-zoned to permit redevelopment in the form of either a mixed use concept with service retail and offices on the first floor with residential uses above. First floor uses should try and be identified as those that are different from the surrounding business zones. The plan also discusses potential **townhouse development** fronting along Main Street should also be explored, with flood zones and densities being key considerations for development.

Little Falls is proposing to meet a portion of the Unmet Need, through redevelopment zoning of this area, that would require a 20% set aside for, for sale affordable housing. The Township has passed a resolution (Appendix J) to permit the Planning Board to undertake an Area in Need of Redevelopment Study (AINR) for the above identified properties.

Because of the larger number of buildings, uses and properties owners located within this area it was decided to break it into two areas of discussion for this report, Zones A & B. Final zoning update and or redevelopment designation may include this entire area as one study area or zone.

**Zone A**

The study area is located along Main Street, between Dewey Avenue and the property known as 381 Main Bar and Grill and consists of existing light industrial uses (Ill Eagle Enterprises, Falls Metal Works-vacant), Malanga Auto Body-vacant), 381 Main Bar, Rossi Decorating Center and Trinity Salon. The privately-owned properties consist of 3.81-acres site with no known environmental constraints. The rear of the properties back up to the NJ Transit rail line, while across the street is a mix of 2 story residential structures with intermittent commercial properties, located in the R-1B and R-1C residential zones.

<b>Affordable Housing Estimate:</b>	<b>Light Industrial Redevelopment Zone A</b>
Estimated Tract / AHO Zone Area:	3.81 Acres
Estimated allowable density:	12 units / acre
Estimated total units:	46 units
Estimated Affordable Housing Units:	9 units (20% for sale)

The proposed area as a redevelopment zone could support the development of anywhere from 9 units of for sale affordable housing that is envisioned as a 2.5 story townhouse development fronting on Main Street. The site would have to be developed with significant setbacks to the rail line and is envisioned as residential transition to the Rte. 23 corridors that is within walking distance to the Little Fall's train station.

**Zone B**

The study area is located along Main Street, between the rear of the residential properties on Woodside Avenue and the property known as 381 Main Bar and Grill. The uses consists of existing Rainbow Caterers, which is a major property owner, Falls Automotive, Little Falls Animal Hospital, a for sale two story office building, one single family residence, a vacant commercial building, and what appears to be a landscape contractor. The privately-owned properties consist of 5.2-acres site with no known environmental constraints. The rear of the properties back up to the NJ Transit rail line, while across the street is predominantly 1 & 2 story residential structures located in the R-1B residential zone.

<b>Affordable Housing Estimate:</b>	<b>Light Industrial Redevelopment Zone B</b>
Estimated Tract / AHO Zone Area:	5.2 Acres
Estimated allowable density:	12 units / acre
Estimated total units:	40 units
Estimated Affordable Housing Units:	12 units (20% for sale)

This proposed area as a redevelopment zone could support the development of 12 units of for sale affordable housing that is envisioned as a 2.5 story townhouse development fronting on Main Street. The site would have to be developed with significant setbacks to the rail line and is



envisioned as residential transition to the Rte. 23 corridors that is within walking distance to the Little Fall's train station.

**Site 4 – Affordable Multi-Family Overlay Zone (AMF) - Blk 251 Lot Lots 1-8; 10-11, Lot 14 & 16**

**Affordable Multifamily Site Map with Environmental Constraints and Proposed AMF Overlay Zone**



These parcels were identified in the updated vacant land assessment and are known as Blk 251 Lot Block 251, Lots 1- 8, the unimproved portions of Lot 10-11, Lot 14 and the unimproved portions of Lot 16. For purposes of this report and analysis, and based on discussions with Mr. Burgis, the total acreage of the site does not include the improved areas (parking lot) of existing lots associated with the Overlook office building. The 7.34 acre site is located in the B-3 Zone just off Rte. 46 and is accessible via the Oak Hill Road from Rte 46 and Valley Road. A portion of the site contains an existing parking lot for the Overlook corporate center however the remainder of the site is developable and accessible and is adjacent to an existing Townhome development in Clifton, NJ. The site has access to access to public roadways, adequate sewer and water capacity and does not have any limiting environmental constraints.

<b>Affordable Housing Estimate:</b>	<b>AMF Overlay Zone</b>
Estimated Tract / AHO Zone Area:	7.34 Acres (AHO Zone)
Estimated allowable density:	35 units per acre
Estimated total units:	257
Estimated Affordable Housing Units:	51 (20% rental units)

The identified parcels will be rezoned for a 20% inclusionary housing overlay zone that may provide an estimate of 257 total units and 51 affordable units.

**Summary of Proposed Affordable Housing Sites**

A summary of the affordable housing development potential from the proposed inclusionary, redevelopment and overlay zones to address the Unmet Need is provided below.

Table 40: Proposed Inclusionary Zoning Sites		
Site	Tot. Units Estimated	Est. Low/Mod Units
1	Transit Village - TV-MD	259
2	Multi Family/Senior	56
3	Light Industrial Redevelopment	86
4	AMF Overlay Zone	257
	<b>Total</b>	<b>658</b>
		<b>135</b>

***Summary of Mechanisms and Credits***

The table below summarizes the existing and proposed mechanisms to satisfy the RDP for prior and proposed third round and the total unmet need. The Township's total RDP of 23 units consists of Prior Round RDP (10 units) and Prospective Need RDP (13 units) affordable housing obligation (23 units total) and an Unmet Need number of 529 Units (Prior Round 91, 3<sup>rd</sup> Round 438 units).

Bonus credits are limited based on the low Realistic Development Potential.

<b>Table 41: Existing and Proposed Affordable Housing Credits</b>				
<b>Credits to Address RDP for Prior Round (10 units)</b>		<b>AH Credits/Units</b>	<b>Bonus</b>	<b>Total</b>
1	New Bridge Group Home (built)*	4	1	5
2	Lackawanna Site (rental)*	3	2	5
			<b>subtotal</b>	<b>10</b>
<b>Credits to Address RDP for Prospective Need (13 units)</b>		<b>Credits/Units</b>	<b>Bonus</b>	<b>Total</b>
1	Transit Village Medium Density (rental)	9	4	13
			<b>subtotal</b>	<b>13</b>
<b>Credits to Address Unmet Need for Prior Round and 3<sup>rd</sup> Round (529 Units)</b>		<b>Credits/Units</b>	<b>Bonus</b>	<b>Total</b>
<b>Redevelopment Sites</b>				
1	Light Industrial Redevelopment	21	-	21
<b>Proposed New Zones</b>				
1	Transit Village Medium Density	43	-	43
2	Multi-Family (Senior & Multifamily)	11	-	11
			<b>subtotal</b>	<b>54</b>
<b>Proposed Overlay Zones</b>				
1	Affordable Multi Family Zone	51	-	51
			<b>subtotal</b>	<b>51</b>
<b>Additional Credits</b>				
1	Block 156 Lot 8*	2	-	2
2	Blk139 Lot 6 (166 Stevens)*	2	-	2
3	Blk 237 Lots 3 & 36 (Woods Road)*	3	-	3
			<b>subtotal</b>	<b>7</b>
<b>Total Units Proposed</b>				<b>156</b>

\* Existing AH Overlay Zones

## **VIII. APPENDICES**

- APPENDIX A: Flooded Property Acquisition/Elevation Documentation
- APPENDIX B: New Bridge Group Home Documents
- APPENDIX C: Updated Transit Village Zoning
- APPENDIX D: Housing Trust Fund Spending Plan
- APPENDIX E: Vacant Land Adjustment Analysis
- APPENDIX F: Structural Conditions Survey Map & Preliminary Research
- Appendix G: Draft Affordable Housing Ordinance
- Appendix H: Draft Development Fee Ordinance
- Appendix I: Draft Zoning Ordinances
- Appendix J: Redevelopment Study Resolution
- Appendix K: Draft Rehabilitation Plan/ Operating Manual
- Appendix L: Resolution to Submit HEFSP to Court
- Appendix M: Resolution to contract with CGP&H