



Mack Cali Settlement Discussion

Borough of Upper Saddle River, New Jersey

by: Joseph H. Burgis PP, AICP | May 5, 2016



Background

Major Affordable Housing Court Decisions

- 1975: Mount Laurel I
 - Every developing municipality has an affordable housing obligation
- 1983: Mount Laurel II
 - Every municipality has an obligation
 - Those in a growth area have a greater obligation than those in a non-growth area
- 1986: Mount Laurel III
 - Affirmed validity of Fair Housing Act (adopted in 1985)

NJ Council on Affordable Housing (COAH)

- State legislature creates COAH in 1986
- Charged with establishing affordable housing numbers for every municipality in NJ
- Required to prepare new housing numbers every six years:

Year Period (Rounds)	Affordable Dwelling Units	
	Statewide	USR
Round 1: 1987 to 1993	115,000	284
Round 2: 1987 to 1999	87,000	206*
Round 3: 1999 to 2005-2015	Changed methodology: Invalidated by Courts on two occasions	

**Court Order Judgment of Repose: 94 units*

COAH's 2014 Affordable Housing Numbers for USR

Obligation	COAH	Vacant Land Adjustment
Rehabilitation	0	N/A
Prior Round Obligation (1987-2014)*	166	→ 41
Prospective Round (2014-2024)	41	41
Total	207	82

**Superior Court adjusted Prior Round number by recognizing USR entitled to a 41 unit realistic development potential (2002)*



USR Housing Plan

Plan Component	Number of Units	Status
Regional Contribution Agreements	30	✓
Inclusionary Developments	43	✓ ✓
<i>Pinnacle Properties</i>	<i>18 + 18 Rental Bonuses</i>	
<i>Skymark</i>	<i>7</i>	
100% Municipal Sponsored Site (Behind Porcelanosa)	91	<i>In Progress</i>
<i>70 + 21 Rental Bonuses</i>		
100% Affordable Development Crescent Village	24	✓
Total	188	

Meanwhile...

- **November 2013** Mack Cali (M/C) appears before Borough Council to discuss rezoning
- **March 2014** M/C formally submits rezoning request
- **May 2014** M/C refuses to submit obligatory escrow to fund Borough review of their request, effectively halting rezoning review process
- **September 2014** **M/C files builder's remedy lawsuit, proposes 564 rental dwelling units with a 20% set aside**
- **October 2014** Public forum at Cavallini School
- **November 2014** **Voters reject M/C proposal**

What's Changed?

Indecision 2014

- COAH Board: tasked to vote on new affordable housing numbers
- Voted on October 20, 2014
- **3-3 Vote** on motion to approve housing numbers

Motion doesn't pass

- State affordable housing obligations remain in flux

NJ Supreme Court Takes Over

- March 2015: New Jersey Supreme Court Ruling:
 - COAH dysfunctional
 - Courts take over affordable housing certification process
- Supreme Court did **NOT** establish affordable housing numbers for towns



New Affordable Numbers Proposed

- Experts retained to determine statewide and municipal affordable housing obligations

2015-2025 Obligation	Affordable Housing Units
COAH	40,000
Econsult (for municipalities)	37,000
Fair Share Housing Center (housing advocate)	201,000



USR's Affordable Housing Obligation

Obligation	Econsult	FSHC
Rehabilitation (Present Need)	7	0
Prior Round Obligation (1987-1999)	206	206
Future Obligation (2015-2025)	308	510



Demographics

Indices	564 Rental Units	208 Unit Settlement*
Total Population, based upon CUPR:	1,160	495
Public School Children, based upon:		
Center for Urban Policy Research	89	51
Local USR Apartments/Townhouses	260	56
Blended Ratio	175	54

* statistics for 208 on-site townhouses, excludes off-site units



Summary Comments

Indices	Lawsuit	Settlement*
Number of Units	564	208
Number of Total Persons	1,160	495
Number of Public Schoolchildren	260	56

** statistics for 208 on-site townhouses, excludes off-site units*

