
ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

PASSAIC COUNTY, NEW JERSEY

AUGUST 2018

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ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

1. INTRODUCTION

A. INTRODUCTION TO THE ANALYSIS OF IMPEDIMENTS

Passaic County has prepared an Analysis of Impediments to Fair Housing Choice to satisfy the requirements of the Housing and Community Development Act of 1974, as amended. This Act requires that any community receiving Community Development Block Grant (CDBG) funds affirmatively further fair housing. Passaic County is an entitlement community and designated Urban County encompassing 12 of the jurisdictions in the county that do not receive funds directly. However, one community, the Borough of Ringwood does not participate in the Urban County program. (The communities that receive their own allocation of grant funds are the City of Passaic, the City of Clifton, the City of Paterson, and Wayne Township). The responsibility for compliance with the federal Fair Housing Act extends to nonprofit organizations and other entities, including local units of government that receive federal funds through Passaic County. The U.S. Department of Housing and Urban Development (HUD) is charged with the responsibility to oversee compliance.

Entitlement communities receiving CDBG entitlement funds are required to:

- Examine and attempt to alleviate housing discrimination within their jurisdiction;
- Promote fair housing choice for all persons;
- Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status or national origin;
- Promote housing that is accessible to and usable by persons with disabilities; and
- Comply with the non-discrimination requirements of the Fair Housing Act.

These requirements can be achieved through the preparation of an Analysis of Impediments to Fair Housing Choice. The Analysis of Impediments to Fair Housing Choice (AI) is a review of a jurisdiction's laws, regulations and administrative policies, procedures and practices affecting the location, availability and accessibility of housing, as well as an assessment of conditions, both public and private, affecting fair housing choice.

B. FAIR HOUSING CHOICE

Equal and free access to residential housing (housing choice) is a fundamental right that enables persons defined in the Act as protected classes to pursue personal, educational, employment or other goals. Because housing choice is so critical to personal development, fair housing is a goal that government, public officials, and private citizens must embrace if equality of opportunity is to become a reality.

The federal Fair Housing Act prohibits discrimination in housing based on a person's race, color, religion, sex, disability, familial status, or national origin. In addition, HUD issued a Final Rule on February 3, 2012, that prohibits entitlement communities from discriminating on the basis of actual or perceived sexual orientation, gender identity, or marital status.

This analysis encompasses the following five areas related to fair housing choice:

- the sale or rental of dwellings (public and private);
- the provision of financing assistance for dwellings;
- public policies and actions affecting the approval of sites and other building requirements used in the approval process for the construction of publicly assisted housing;
- the administrative policies concerning community development and housing activities, which affect opportunities of minority households to select housing inside or outside areas of minority concentration; and
- where there is a determination of unlawful segregation or other housing discrimination by a court or a finding of noncompliance by HUD regarding assisted housing in a recipient's jurisdiction, an analysis of the actions which could be taken by the recipient to remedy the discriminatory condition, including actions involving the expenditure of funds made available under 24 CFR Part 570 (i.e., the CDBG program regulations) and/or 24 CFR Part 92 (i.e., the HOME program regulations).

As a federal entitlement community, the Urban County has specific fair housing planning responsibilities. These include:

- conducting an Analysis of Impediments to Fair Housing Choice;
- developing actions to overcome the effects of identified impediments to fair housing; and
- maintaining records to support the jurisdictions' initiatives to affirmatively further fair housing.

HUD interprets these three certifying elements to include:

- analyzing housing discrimination in a jurisdiction and working toward its elimination;
- promoting fair housing choice for all people;
- providing racially and ethnically inclusive patterns of housing occupancy;
- promoting housing that is physically accessible to and usable by all people, particularly individuals with disabilities; and
- fostering compliance with the nondiscrimination provisions of the Fair Housing Act.

This analysis will:

- evaluate population, household, income and housing characteristics by protected classes in each of the jurisdictions;
- evaluate public and private sector policies that impact fair housing choice;
- identify blatant or de facto impediments to fair housing choice where any may exist; and
- recommend specific strategies to overcome the effects of any identified impediments.

HUD defines an impediment to fair housing choice as any actions, omissions or decisions that restrict or have the effect of restricting the availability of housing choices, based on race, color, religion, sex, disability, familial status or national origin.

This analysis serves as the basis for fair housing planning, provides essential information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates, and assists in building public support for fair housing efforts. The elected governmental bodies are expected to review and approve the analysis and use it for direction, leadership, and resources for future fair housing planning. The analysis will serve as a point-in-time baseline against which future progress in terms of implementing fair housing initiatives will be evaluated.

C. THE FEDERAL FAIR HOUSING ACT

What housing is covered?

The federal Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

What does the Fair Housing Act prohibit?

In the sale and rental of housing

No one may take any of the following actions based on race, color, religion, sex, disability, familial status or national origin:

- refuse to rent or sell housing;
- refuse to negotiate for housing;
- make housing unavailable;
- deny a dwelling to a qualified candidate because of a protected characteristic;
- set different terms, conditions or privileges for the sale or rental of a dwelling;
- provide different housing services or facilities;
- falsely deny that housing is available for inspection, sale, or rental;
- for profit, persuade owners to sell or rent (blockbusting); or
- deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

In mortgage lending

No one may take any of the following actions based on race, color, religion, sex, disability, familial status or national origin:

- refuse to make a mortgage loan;
- refuse to provide information regarding loans;
- impose different terms or conditions on a loan, such as different interest rates, points, or fees;
- discriminate in appraising property;
- refuse to purchase a loan; or
- set different terms or conditions for purchasing a loan.

Other prohibitions

It is illegal for anyone to:

- threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right; and
- advertise or make any statement that indicates a limitation or preference based on race, color, religion, sex, disability, familial status, or national origin. This prohibition against discriminatory advertising applies to single family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

Additional Protections for People with Disabilities

If someone has a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities, has a record of such a disability, and/or is regarded as having such a disability, a landlord may not:

- refuse to let the disabled person make reasonable modifications to a dwelling or common use areas, at the disabled person's expense, if necessary for the disabled person to use the housing. Where reasonable, the landlord may permit changes only if the disabled person agrees to restore the property to its original condition when he or she moves;
- refuse to make reasonable accommodations in rules, policies, practices, or services if necessary for the disabled person to use the housing; and
- refuse the use of support animals.

Housing Opportunities for Families with Children

Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children under the age 18 live with:

- a parent;
- a person who has legal custody of the child or children; or
- the designee of the parent or legal custodian, with the parent or custodian's written permission.

Additionally, familial status protection also applies to pregnant women and anyone securing legal custody of a child under age 18.

Housing for older persons is exempt from the prohibition against familial status discrimination if:

- the HUD Secretary has determined that it is specifically designed for and occupied by elderly persons under a federal, state or local government program;
- it is occupied solely by persons who are 62 or older; or
- it houses at least one person who is 55 or older in at least 80% of the occupied units, and adheres to a policy that demonstrates the intent to house persons who are 55 or older, as previously described.

A transition period permits residents on or before September 13, 1988 to continue living in the housing, regardless of their age, without interfering with the exemption.

Recent Changes to HUD Program Regulations

As of a Final Rule effective March 5, 2012, HUD implemented policy with the intention of ensuring that its core programs are open to all eligible individuals and families regardless of sexual orientation, gender identity or marital status. In response to evidence suggesting that lesbian, gay, bisexual and transgender individuals and families were being arbitrarily excluded from housing opportunities in the private sector, HUD established a policy to ensure that its programs do not allow for discrimination against any eligible person or household and that HUD's programs serve as models for equal housing opportunity.

This change to HUD program regulations does not amend the Fair Housing Act to prohibit all discrimination in the private market on the basis of sexual orientation, gender identity or marital status. However, it prohibits discrimination of those types by any housing provider who receives HUD funding, including public housing agencies, those who are insured by the Federal Housing Administration, including lenders, and those who participate in federal entitlement grant programs through HUD.

D. THE NEW JERSEY LAW AGAINST DISCRIMINATION

1. What is covered?

The New Jersey Law Against Discrimination (LAD) was first adopted in 1945 and, as such, was the nation's first civil rights statute. The LAD has been amended numerous times, and, in its current form, protects against discrimination based on race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy), familial status, marital status, domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, and AIDS and HIV status.

The New Jersey LAD has been determined by HUD to be equivalent to the Federal Fair Housing Act. This means that the New Jersey LAD provides substantive rights, procedures, remedies, and judicial review provisions that are substantially equivalent to the Federal Fair Housing Act. As a result, HUD will

refer complaints of housing discrimination that it receives from New Jersey to the Division of Civil Rights for investigation.

The LAD prohibits unlawful discrimination in the areas of employment, housing, places of public accommodation, credit and business contracts. Specific to fair housing, the LAD prohibits discrimination based on the following:

- race;
- creed;
- color;
- national origin;
- sex, gender identity or expression;
- marital status or civil union status;
- affectional or sexual orientation;
- familial status;
- actual or perceived physical or mental disability;
- ancestry or nationality;
- domestic partner status; and
- source of lawful income or source of lawful rent or mortgage payment.

This last bullet point establishes a protection above and beyond the protected class covered by federal fair housing laws. The New Jersey State Supreme Court ruled that landlords cannot refuse to participate in the Housing Choice Voucher Program if their tenants or potential tenants are eligible for it. Specifically, the New Jersey Supreme Court ruled in March 1999 that Franklin Tower One, L.L.C., the owner of an 18-unit apartment building in Jersey City, must accept vouchers and cannot evict a voucher tenant for nonpayment of rent. Furthermore, the Court noted that the NJ LAD prohibiting discrimination based on a tenant's source of income or the source of a tenant's lawful rental payments "makes no distinction between existing tenants and prospective tenants." This legal victory is significant and has far-reaching implications in states where the source of income is protected under fair housing law. Landlords who refuse to participate in the Section 8 federal program and accept Housing Choice Vouchers can no longer refuse to accept a tenant solely on the basis of a Section 8 Voucher and claim that the Section 8 program is voluntary and refuse to participate. They can no longer claim that such participation in the Section 8 Housing Choice Voucher Program forces landlords to endure a burdensome, bureaucratic process.

2. The NJ Division on Civil Rights

The NJ Division on Civil Rights (DCR) is part of the New Jersey Office of the Attorney General's Department of Law and Public Safety and is the agency responsible for investigating discrimination complaints and eradicating illegal discrimination in New Jersey.

Complaints must be filed with the Division on Civil Rights within 180 days after the alleged act of discrimination. A complaint can be filed at any of five regional offices, including the Newark office located at 31 Clinton Street, 3rd floor.

Once a complaint is accepted, the Division will conduct an investigation. Following the completion of the investigation, the Director of DCR will determine whether or not probable cause exists to believe that unlawful discrimination has occurred. If a finding of probable cause is issued, the case will be transmitted to the Office of Administrative Law where a full hearing will take place before an Administrative Law Judge. The case may be litigated by a state Deputy Attorney General on behalf of the Division or the complainant may choose to litigate the case personally or through private counsel. If a finding of no probable cause is issued, the case is closed without further proceedings by the Division. If the Director has not made a probable cause determination within 180 days of the filing of the complaint, the complainant may request to litigate the case at the Office of Administrative Law either personally or through private counsel (but not by a Deputy Attorney General).

If, after investigation and an administrative hearing of a complaint, the Director determines that unlawful discrimination occurred, the Director can order the respondent to take affirmative action to remedy the discrimination. Further, after the hearing, the Director may also award attorneys' fees to prevailing complainants and may assess a statutory penalty against the responding party.

Alternatively, an aggrieved party may file a complaint in New Jersey Superior Court within two years of the alleged violation (six years if the alleged violation occurred before July 27, 1993).

A person may initiate an action in Superior Court without first filing a complaint with the Division. However, filing a complaint in Superior Court bars the filing of a simultaneous complaint with the Division because a person may not process a complaint of discrimination simultaneously before the Division and in Superior Court. A person who files an action in Superior Court is entitled to a jury trial. A successful litigant may be awarded reinstatement, hiring or upgrading and back pay, as well as damages for pain and humiliation. In more egregious cases, an award of punitive (punishment) damages may be made. An award of attorneys' fees is also available to prevailing parties in Superior Court.

3. Penalties for Violations of the LAD

Penalties for violation of the New Jersey Law Against Discrimination are as follows: up to \$10,000 for the first violation, up to \$25,000 for the second violation within 5 years, and up to \$50,000 for two or more violations within a seven year period.

4. Communication from the NJ DCR

In April 2008, the Director of the Division on Civil Rights sent a letter to all real estate agents, brokers, and owners of real estate property in New Jersey. The letter clarified fair housing practices for all parties in an effort to aid in compliance with the applicable state and federal regulations. The letter included the following specific requirements that apply to the sale or rental of real property:

- all persons, regardless of their membership in one of the protected classes or source of lawful income used for rent or mortgage payments, are entitled to equal treatment in the terms, conditions or privileges of the sale or rental of any real property (e.g., it is illegal to deny that housing is available for inspection, sale or rent when it really is available);
- no discriminatory advertising of any kind relating to the proposed sale or rental is permitted;

- the broker or salesperson with whom an owner lists his/her property must refuse the listing if the owner indicates any intention of discriminating on any of the protected bases;
- the broker or salesperson must transmit to the owner every written offer he/she receives on the property;
- any provision in any lease or rental agreement prohibiting maintenance of a pet or pets on the premises is not applicable to a service or guide dog owned by a tenant who is disabled, blind, deaf or has another qualified disability;
- a landlord may not charge a tenant with a disability an extra fee for keeping a service or guide dog; and
- a landlord must permit tenants with disabilities to make reasonable modifications to the existing premises at the tenants' expense if such modifications are necessary to afford such person full enjoyment of the premises.

E. METHODOLOGY

The firm of Mullin & Lonergan Associates, Inc. (M&L) was retained as consultants to conduct the Analysis of Impediments to Fair Housing Choice. M&L utilized a comprehensive approach to complete the Analysis involving the Urban County of Passaic County. The following sources were utilized:

- The most recently available demographic data regarding population, household, housing, income, and employment at the census tract and municipal level;
- Public policies affecting the siting and development of housing;
- Administrative policies concerning housing and community development;
- Financial lending institution data from the Home Mortgage Disclosure Act (HMDA) database;
- Agencies that provide housing and housing related services to members of the protected classes;
- Consolidated Plans, Annual Plans and CAPERs for the Urban County;
- The 2013 Analysis of Impediments to Fair Housing Choice for Passaic County;
- Fair housing complaints filed with HUD and the New Jersey Division on Civil Rights;
- Real estate advertisements from area newspapers of record; and
- Interviews and focus group sessions conducted with agencies and organizations that provide housing and housing related services to members of the protected classes.

1. Urban County Definition

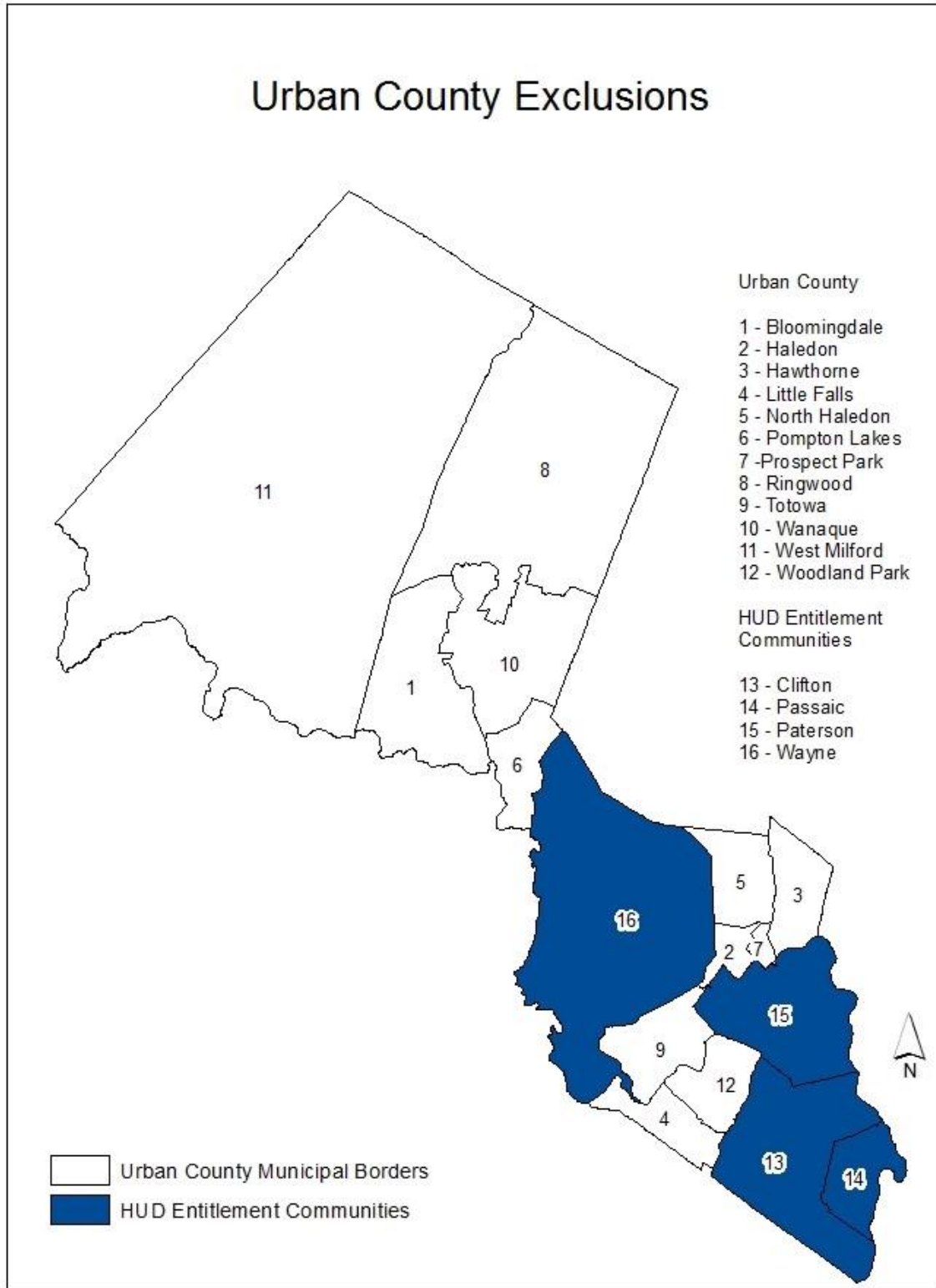
Throughout this report, emphasis is placed on the Urban County rather than on the entire county of Passaic County. The Urban County of Passaic County (a designation conferred by the U.S. Department of Housing and Urban Development) includes all of the geographic area within Passaic County exclusive of the municipalities of Passaic, Paterson, Clifton and Wayne Township, which are HUD CDBG entitlement communities in their own right. The other four entitlement entities prepare their own individual Analysis of Impediments to Fair Housing Choice.

F. USE AND PRESENTATION OF DATA

For the convenience of the reader, demographic and housing data included in this report are presented for the Urban County which encompasses the 10 boroughs and 2 townships that are eligible to receive annual funding from the Urban County's CDBG entitlement grant award,

Data for the entitlement communities of Passaic, Paterson, Clifton and Wayne Township is shown in certain sections when the data is needed for comparison when citing all communities in Passaic County.

These geographic distinctions are illustrated in Map 1-1 on the following page.



G. DEVELOPMENT OF THE AI

1. Lead Agency

The Passaic County Department of Planning and Economic Development was the lead agency for the preparation and implementation of the AI. Staff members identified and invited stakeholders to participate in the process for the purpose of developing a thorough analysis with a practical set of recommendations to eliminate identified impediments to fair housing choice.

2. Agency Consultation

The county engaged in an extensive consultation process with local public agencies, nonprofit organizations and other interested entities in an effort to develop a community planning process for the AI. A series of written questionnaires were mailed to many of the interviewees and detailed lists of issues were developed for the focus group sessions and interviews.

In February 2018, the consulting team conducted a series of focus group sessions and individual interviews to identify current fair housing issues impacting the various agencies and organizations and their clients. This outreach was conducted in conjunction with the Consolidated Planning process.

A list of the stakeholders identified to participate in the AI process is included in Appendix A.

H. THE RELATIONSHIP BETWEEN FAIR HOUSING AND AFFORDABLE HOUSING

As stated in the Introduction, fair housing choice is defined as the ability of persons, regardless of race, color, religion/creed, sex, disability, familial status, or national origin, of similar income levels to have available to them the same housing choices. In New Jersey, this protection is also specifically extended to persons based on ancestry, gender identity or expression, familial status, marital/civil union/domestic partner status, source of lawful income status and handicap/disability status. Persons who are protected from discrimination by fair housing laws are referred to as members of the protected classes.

This AI analyzes a range of fair housing issues regardless of a person's income. To the extent that members of the protected classes tend to have lower incomes, then access to fair housing is related to affordable housing. In many areas across the U.S., a primary impediment to fair housing is a relative absence of affordable housing. Often, however, the public policies implemented in towns and cities create or contribute to the lack of affordable housing in these communities, thereby disproportionately affecting housing choice for members of the protected classes.

This AI is more than an analysis of the adequacy of affordable housing in Passaic County. It defines the relative presence of members of the protected classes within the context of factors that influence the ability of the protected classes to achieve equal access to housing and related services.

2. DEMOGRAPHIC INFORMATION

A. DEMOGRAPHIC PROFILE

1. Population Trends

The Urban County of Passaic County includes all of the land area within the county's borders with four exceptions - Clifton, Passaic, Paterson and Wayne Township.¹ In 2016, the four exception communities represented 357,928 residents (70.6%) of the total population in Passaic County. With the exception of Wayne Township – which is suburban – all entitlement communities are urban in character. The Urban County is urban, suburban and rural in character.

According to the 2010 Decennial Census and the 2016 American Community Survey (ACS) data, Passaic County grew by 5,978 persons (1.2%) between 2000 and 2016. Passaic County grew at a slightly slower rate in comparison with the rest of New Jersey; the state's population increased by 1.4% between 2000 and 2016. The Urban County grew by 2.0% during this same time period from 2010 to 2016. All municipalities saw modest population gains between 0.4% and 4.7% with the smallest gains in Little Falls and the largest gains in Wanaque.

The county's greatest decade-over-decade growth occurred in the late 19th and early 20th centuries. During this time period, the county's population increased each decade by more than 39%. Population slowed in the 1930s and 1940s and increased in the 1950s and 1960s due to the post war boom and the construction of I-287 (1961) and I-80 (1956). Since 1970, Passaic County has grown 10.1%. This growth was outpaced by the Urban County which grew at a rate of 14.5%. During this same period, the state of New Jersey had a growth rate of 24.3%. Despite Passaic County experiencing this overall growth rate of 10.1% between 1970 and 2016, the percentage of New Jersey's total population living in Passaic County and the Urban County has actually decreased by 11.5% for the County as a whole and 7.1%, for the Urban County. A breakdown of the population and population changes by municipality is outlined in Figure 2.1 and a map visually shows trends in population changes; green municipalities have seen a loss of population and blue municipalities have had population growth.

Despite that Passaic County has been experiencing an overall population growth rate of 10.1% between 1970 and 2016, the percentage of New Jersey's population living in Passaic County has decreased. Within the Urban County, Wanaque has grown 34.7% between 1970 and 2016 (of which 4.7% of the growth has occurred since 2010) and West Milford has grown by 53.6% between 1970 and 2016. Haledon and Little Falls have also grown by 20% in the years between 1970 and 2016.

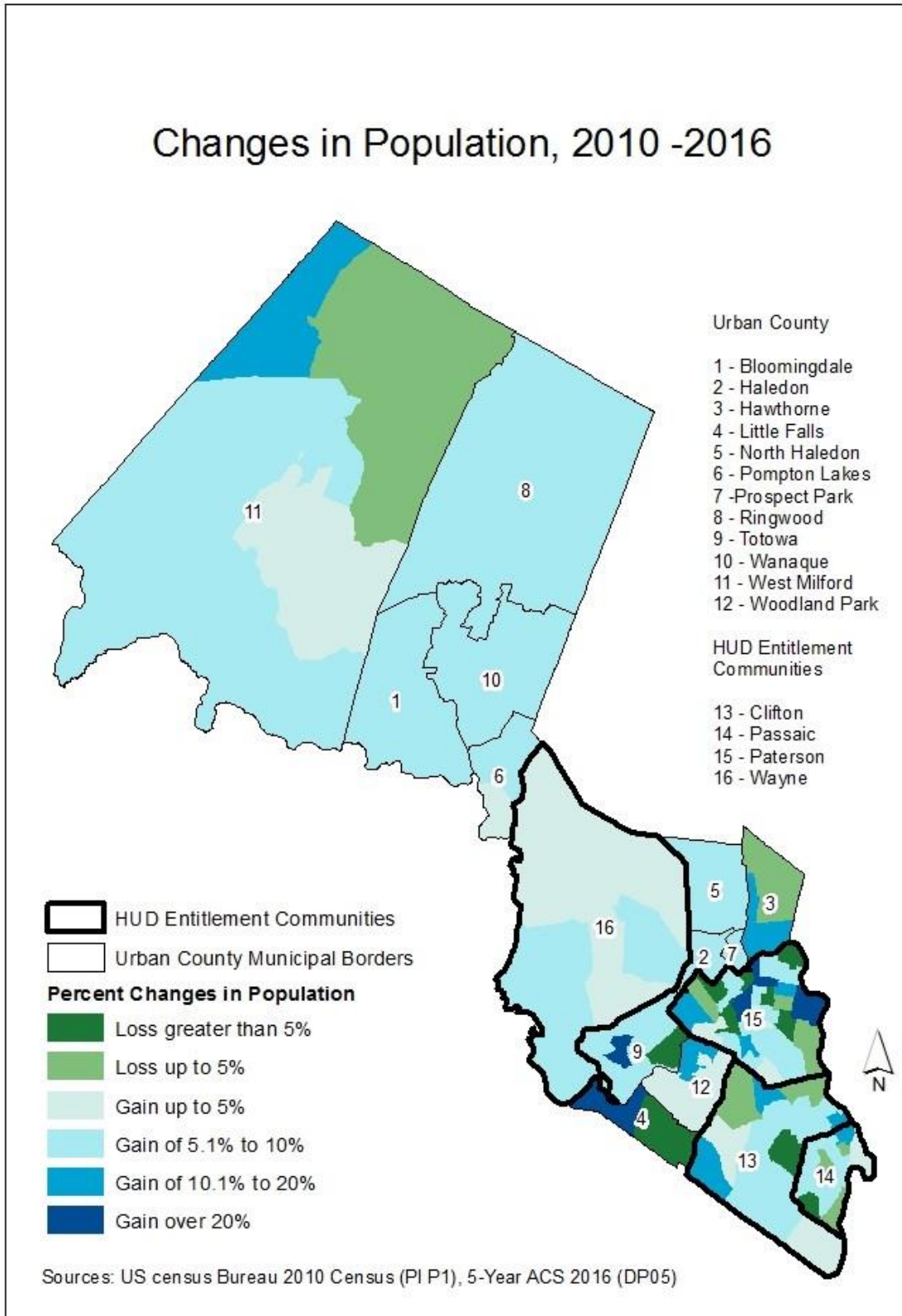
¹ Federal CDBG entitlement municipalities in Passaic County include Clifton, Passaic, Paterson and Wayne Township.

FIGURE 2.1 POPULATION CHANGES BY MUNICIPALITY, 1970 – 2016

Municipality	1970	2000	2010	2016	Percent Change 1970-2000	Percent Change 2000-2010	Percent Change 2010-2016	Percent Change 1970-2016
Bloomington	7,797	7,610	7,656	7,995	-2.4%	0.6%	4.4%	2.5%
Clifton*	82,437	78,672	84,136	85,578	-4.6%	6.9%	1.7%	3.8%
Haledon	6,767	8,252	8,318	8,399	21.9%	0.8%	1.0%	24.1%
Hawthorne	19,173	18,218	18,791	18,950	-5.0%	3.1%	0.8%	-1.2%
Little Falls	11,727	10,855	14,432	14,493	-7.4%	33.0%	0.4%	23.6%
North Haledon	7,614	7,920	8,417	8,490	4.0%	6.3%	0.9%	11.5%
Passaic*	55,124	67,861	69,781	70,536	23.1%	2.8%	1.1%	28.0%
Paterson *	144,824	149,222	146,199	146,894	3.0%	-2.0%	0.5%	1.4%
Pompton Lakes	11,397	10,640	11,097	11,163	-6.6%	4.3%	0.6%	-2.1%
Prospect Park	5,176	5,779	5,865	5,919	11.6%	1.5%	0.9%	14.4%
Ringwood	10,393	12,396	12,228	12,398	19.3%	-1.4%	1.4%	19.3%
Totowa	11,580	9,892	10,804	10,900	-14.6%	9.2%	0.9%	-5.9%
Wanaque	8,636	10,266	11,116	11,636	18.9%	8.3%	4.7%	34.7%
Wayne*	49,141	54,069	54,717	54,920	10.0%	1.2%	0.4%	11.8%
West Milford	17,304	26,410	25,850	26,575	52.6%	-2.1%	2.8%	53.6%
Woodland Park	11,692	10,987	11,819	12,358	-6.0%	7.6%	4.6%	5.7%
State of New Jersey	7,171,112	8,414,350	8,791,894	8,915,456	17.3%	4.5%	1.4%	24.3%
Passaic County	460,782	489,049	501,226	507,204	6.1%	2.5%	1.2%	10.1%
Urban County	129,256	139,225	146,393	149,276	7.7%	5.1%	2.0%	15.5%
Passaic percentage of NJ population	6.4%	5.8%	5.7%	5.7%	-9.5%	-1.9%	-0.2%	-11.5%
Urban County percentage of NJ population	1.8%	1.7%	1.7%	1.7%	-8.2%	0.6%	0.6%	-7.1%

*Urban County excludes Clifton, Passaic and Paterson and Wayne Township.

Sources: US Census Bureau (2010). Decennial census 2010 (P1); US Census Bureau (2006) ACS 2016 (DP05)



2. Racial and Ethnic Population Trends²

While the Urban County remains predominantly White in 2016 (86.5%), the minority population in the Urban County has grown since 1990 when these populations made up less than 4% of the Urban County population. Figure 2.2 shows the number and percentage of racial and ethnic minority populations for 1990, 2000, 2010 and 2016. From 2010 to 2016 the largest population increases in non-White residents were in the Asian and Hispanic communities, as outlined in Figure 2.2.

FIGURE 2.2 RACIAL AND ETHNIC POPULATION COMPOSITION, 1990 - 2016

	1990		2000		2010		2016	
	#	%	#	%	#	%	#	%
Urban Passaic County*	135,361	100.0%	139,225	100.0%	146,393	100.0%	149,276	100.0%
White	130,028	96.1%	126,182	90.6%	126,170	86.2%	129,111	86.5%
Non-White	5,333	3.9%	13,043	9.4%	20,223	13.8%	20,165	13.5%
Black	1,889	1.4%	2,995	2.2%	5,172	3.5%	4,571	3.1%
American Indian	326	0.2%	488	0.4%	586	0.4%	720	0.5%
Asian	1,868	1.4%	3,361	2.4%	5,208	3.6%	6,334	4.2%
Other Race	1,250	0.9%	3,370	2.4%	6,039	4.1%	5,239	3.5%
Multi-racial	**	**	2,829	2.0%	3,218	2.2%	3,301	2.2%
Hispanic***	5,029	3.7%	7,315	5.3%	20,677	14.1%	25,708	17.2%
Total Passaic County	453,060	100.0%	489,049	100.0%	501,226	100.0%	507,204	100.0%
White	325,530	71.9%	304,786	62.3%	314,001	62.6%	321,733	63.4%
Non-White	127,530	28.1%	184,263	37.7%	187,225	37.4%	185,471	36.6%
Black	66,077	14.6%	64,647	13.2%	64,295	12.8%	62,932	12.4%
American Indian	1,161	0.3%	2,166	0.4%	3,348	0.7%	2,242	0.4%
Asian	11,968	2.6%	18,064	3.7%	25,092	5.0%	26,552	5.2%
Other Race	48,324	10.7%	79,598	16.3%	75,891	15.1%	74,829	14.8%
Multi-racial	**	**	19,788	4.0%	18,599	3.7%	18,916	3.7%
Hispanic***	98,092	21.7%	99,389	20.3%	185,677	37.0%	202,234	39.9%

*The Urban County excludes Clifton, Passaic and Paterson and Wayne Township.

**This category was not recorded in the 1990 Census.

***Hispanic ethnicity is counted independently of race by the Census Bureau.

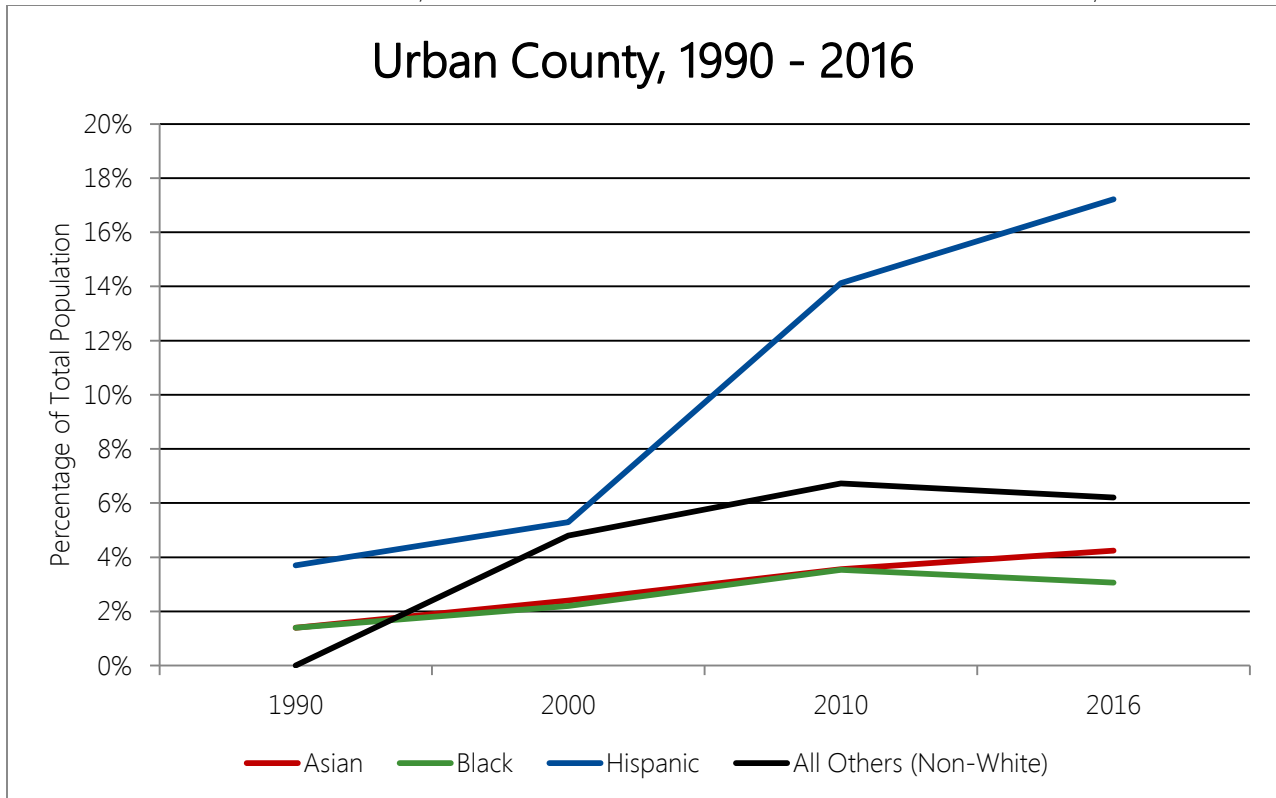
Sources: Census National Historical Geographical Information System: version 2.0 200, 2000 census QT-P3, 2010 US census (PI and DP1) and 5-Year 2016 ACS (DP05).

Between 2010 and 2016 the largest population increases in non-White residents were in the Asian and Hispanic communities.

² For this AI, the term "Black" will be used instead of "African American" as the latter term is viewed by many as too restrictive given the current population in the United States.

Figure 2.3 illustrates how the Hispanic population has grown from 3.7% of the population in 1990 to 17.2% in 2016. While it is true that all non-White populations have increased as a percentage of the total Urban County population from 1990 to 2016, no other ethnic or racial group has seen the same growth rates as the Hispanic population as observed by the steep slope of the line representing the Hispanic population. The single other group that showed the largest gain was the Asian population with a threefold increase from 1.4% to 4.2%. There has been a slight decline in the percentage of the Urban County's population that is made up of Black persons. Since 2010, there has been a decrease in the number of Black residents (601 persons) in the Urban County.

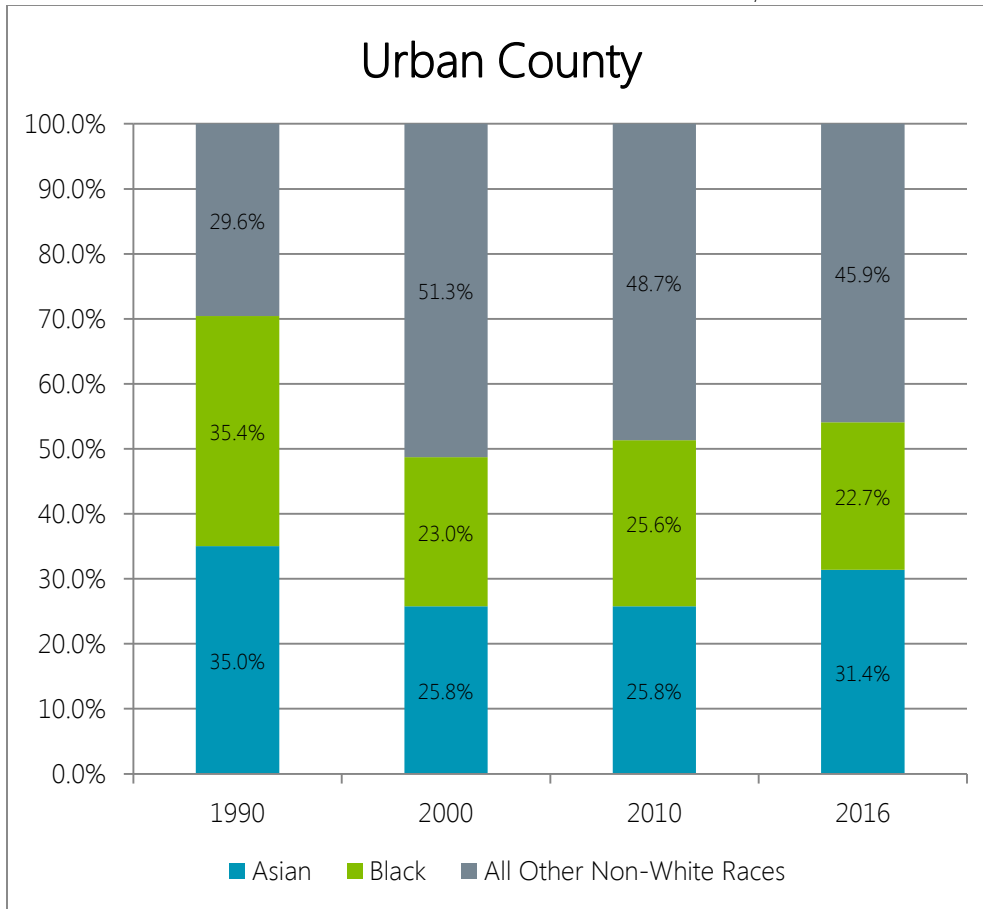
FIGURE 2.3 PERCENTAGE OF RACIAL/ETHNIC MINORITY POPULATIONS IN THE URBAN COUNTY, 1990 - 2016



Sources: Census National Historical Geographical Information System: version 2.0 2000, 2000 Census QT-P3, 2010 US census (PI and DP1) and 5-Year 2016 ACS (DP05).

The above figure shows the percentage of the total population of each racial and ethnic minority. To understand the diversity among the minority populations in the Urban County, one should consider only the non-White population as in Figure 2.4. Hispanic persons are not included on this figure as ethnicity is considered separately from the question of race in census data. This figure shows that the Black and Asian populations have decreased as a percentage of the total minority population within the Urban County.

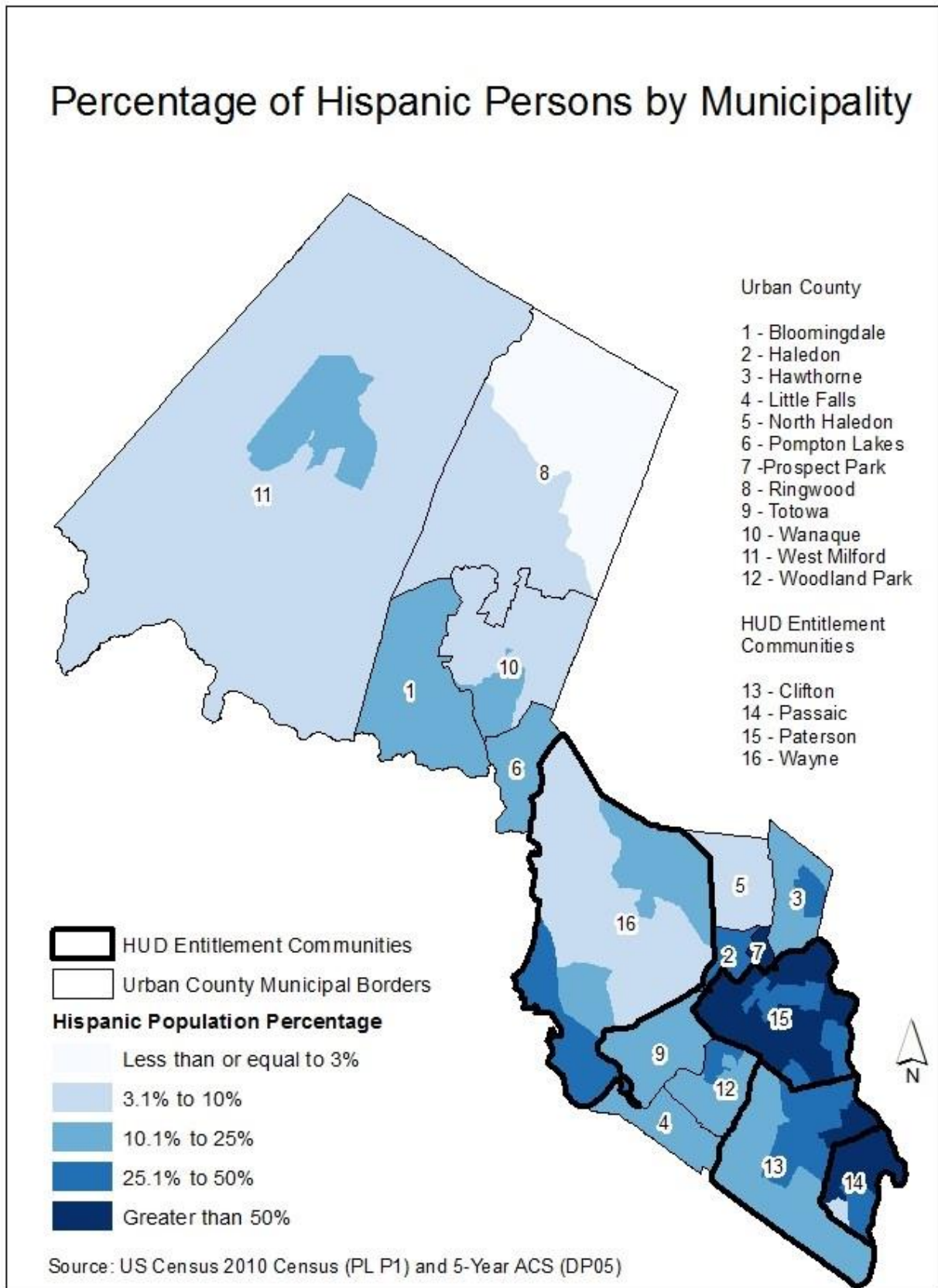
FIGURE 2.4 DIVERSITY TRENDS OF THE NON-WHITE POPULATION, 1990 - 2016



Sources: Census National Historical Geographical Information System: version 2.0 200, 2000 census QT-P3, 2010 US Census (Pi and DP1) and 5-Year 2016 ACS (DP05).

The previous figures show that the number of Hispanic persons has dramatically increased since 1990. The following map shows the current percentage of the population that identifies as being Hispanic as of 2016. The map was made at the census tract level but shows the geographic boundaries of each municipality so that it can be easily observed where Hispanic persons live within the different municipalities. The scale was determined based on historical data and has been used so that a comparison can be made over time. To see the maps that were part of the previous AI, refer to Appendix C.

The differences between 2011 and 2016 are that both Ringwood and Wanaque have seen tracts whose Hispanic populations have decreased. However, the southeastern part of the county has seen increases in the percentage of Hispanic residents.



3. Concentrations of Low and Moderate Income (LMI) Persons

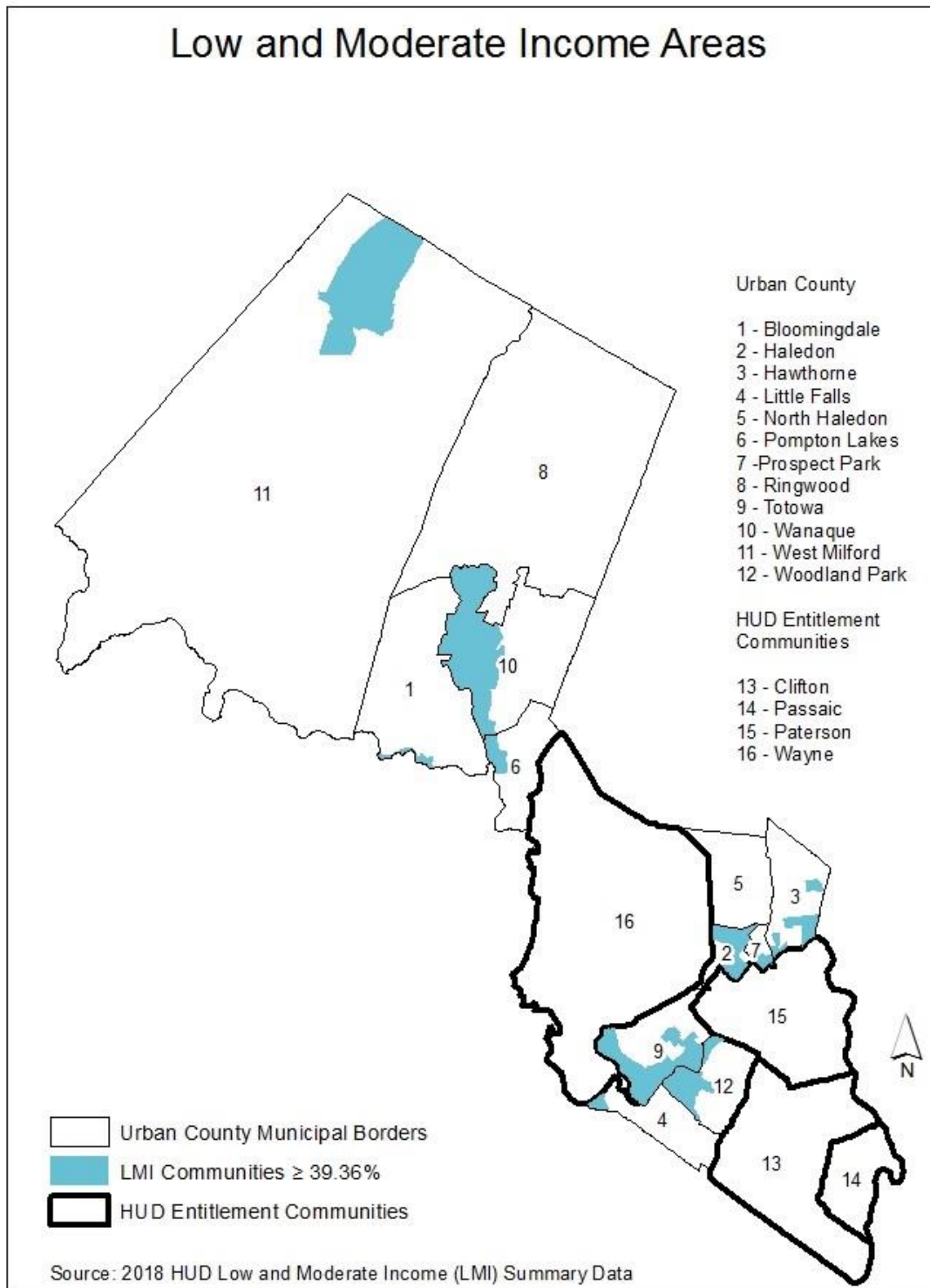
The Community Development Block Grant (CDBG) program includes a statutory requirement that at least 70% of CDBG funds invested benefit low- and moderate-income (LMI) persons; HUD provides the percentage of LMI persons in each census block group. The LMI threshold in the Urban County is 39.36%.³ In the Urban County, 25 of 98 total block groups (25%) qualified as LMI. There are several communities in which there are concentrations of low- and moderate-income persons including Haledon, Hawthorne, Prospect Park, Totowa, Wanaque and Woodland Park.

The LMI threshold in the Urban County is 39.36%.⁴ In the Urban County, 25 of 98 total block groups (25%) qualified as LMI. There are several communities in which there are concentrations of low- and moderate-income persons including Haledon, Hawthorne, Prospect Park, Totowa, Wanaque and Woodland Park.

³ This threshold is determined by HUD and represents the upper quartile of census block groups having the highest concentration of low and moderate income persons in the Urban County.

⁴ This threshold is determined by HUD and represents the upper quartile of census block groups having the highest concentration of low and moderate income persons in the Urban County.

MAP 2-3 HUD-IDENTIFIED LOW AND MODERATE-INCOME AREAS, 2018



4. Racial and Ethnic Minority Concentration Areas of Poverty

Passaic County's Five-Year Consolidated Plan defines areas of racial or ethnic concentration as census tracts where the percentage of a single minority or ethnic group is twice the rate than that across the Urban County. Often, census tracts identified as areas of minority or ethnic concentration have much lower concentration percentages than areas within Passaic, Paterson, and Clifton. This is due to the relative weighting of population within the Urban County.

Across the Urban County in 2016, Black persons comprised 3.1% of the population. Therefore, an area of Black concentration would include any tract where the percentage of Black residents is 6.2% or higher. In the Urban County, Asians make up 4.2% of the population and Hispanic persons make up 17.2% of the population. Areas with percentages of Asian or Hispanic populations exceeding 8.4% or 34.4% for Asians or Hispanic persons, respectively, would also signal a racial or ethnic area of concentration.

To find racially and ethnically concentrated areas that are also areas of poverty, low- and moderate-income (LMI) data was layered on top of racially and ethnically concentrated areas. This created racially and ethnically concentrated areas of poverty (RCAPs & ECAPS). The identified RCAPs and ECAPs are displayed in block groups since LMI data is only given at the block group level. Of the 98 block groups in the Urban County, nine were identified as being a RCAP or ECAP with regard to Black and Hispanic populations. There are no ECAP or RCAP communities that have a concentration of Asian persons. Figure 2.5 summarizes the 25 LMI tracts and illustrates which of these are also a designated RCAP or ECAP.

Map 2-5 indicates that the RCAP and ECAP areas are in the southeastern part of the county and primarily located within excluded communities of Clifton, Passaic and Paterson. Within the Urban County, there are large RCAP and ECAP areas in Haledon and Prospect Park and a small area in Woodland Park.

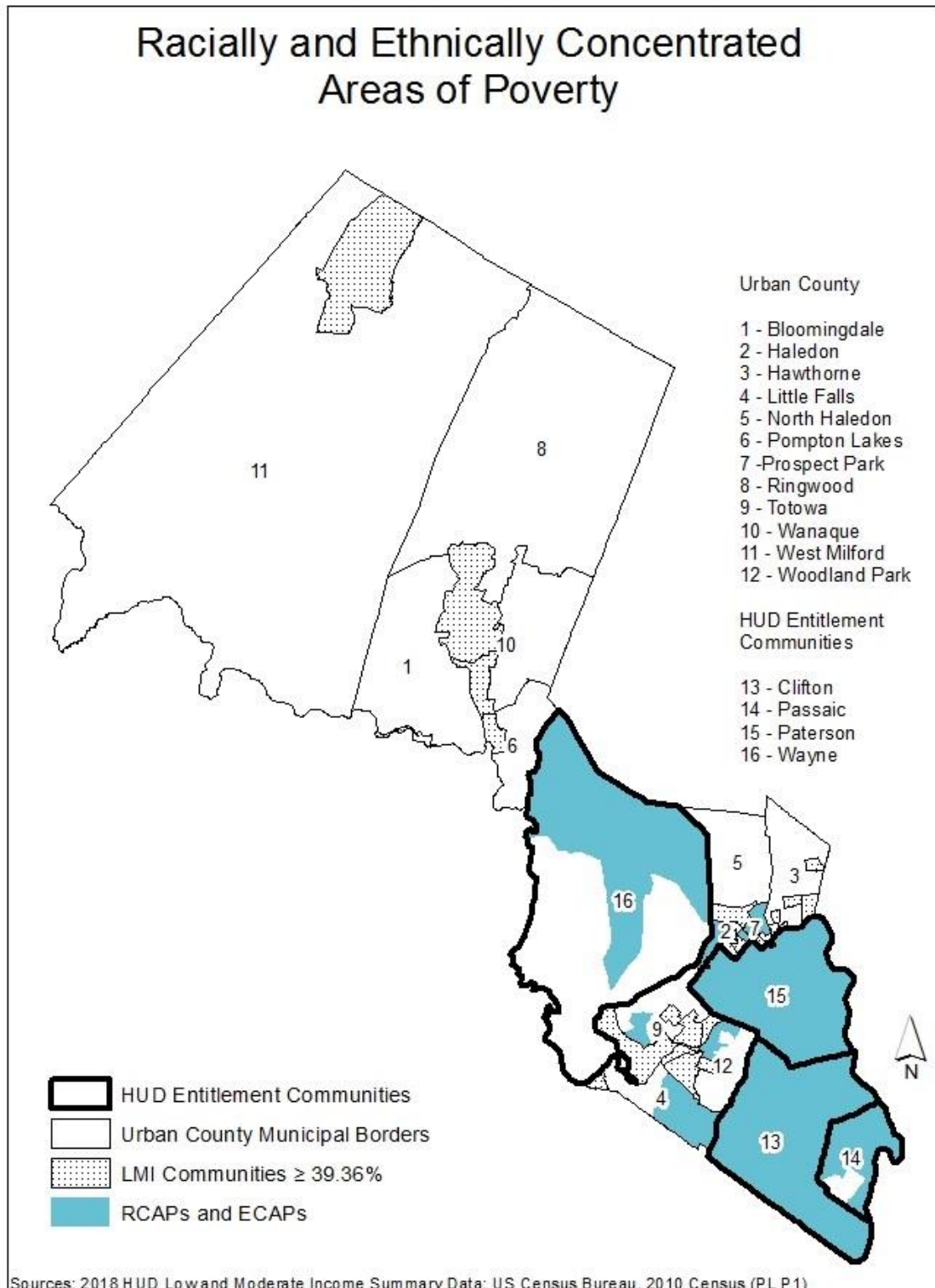
Within the Urban County, there are large RCAP and ECAP areas in Haledon and Prospect Park and a small area in Woodland Park. The racial and ethnic minorities are Black and Hispanic. There are no Asian RCAPs.

FIGURE 2.5 LMI, R/ECAP BLOCK GROUPS, 2016

Urban County					
Municipality	Tract	Block Group	Concentration LMI (% LMI)	Concentration Area (Blacks)	Concentration Area (Hispanics)
Bloomington	1165	3	65.4%		
Haledon	1337	1	51.9%	√	√
Haledon	1337	2	75.4%	√	√
Haledon	1337	3	55.5%	√	√
Haledon	1337	4	49.3%	√	√
Haledon	1337	1	39.4%		√
Hawthorne	1433	3	41.4%		
Hawthorne	1434	1	41.9%		
Hawthorne	1434	2	63.7%		
Hawthorne	1434	4	65.1%		
Little Falls	1540	1	60.4%		
Pompton Lakes	1964	4	42.2%		
Prospect Park	2036	2	47.1%	√	√
Prospect Park	2036	3	57.5%	√	√
Prospect Park	2036	4	45.1%	√	√
Totowa	2238	2	56.9%		
Totowa	2238	2	42.2%		
Totowa	2238	5	43.5%		
Wanaque	2366	1	50.3%		
Wanaque	2366	1	39.4%		
West Milford	2568	1	41.1%		
Woodland Park	2641	1	50.4%		√
Woodland Park	2641	2	51.9%		
Woodland Park	2641	4	53.8%		
Woodland Park	2641	5	40.4%		

Sources: ACS_2006_lowmod-summarized_nj_2018 (HUD), 2010 US Census (PL P1)

MAP 2-4 RACIALLY AND ETHNICALLY CONCENTRATED AREAS OF POVERTY



5. Residential Segregation Patterns

Residential segregation is a measure of the degree of separation of racial or ethnic groups living in a neighborhood or community. Typically, the pattern of residential segregation involves the existence of predominantly homogenous, White suburban communities and low-income, minority inner-city neighborhoods. Latent factors, such as attitudes, or overt factors, such as real estate practices, can limit the range of housing opportunities for minorities. A lack of racial or ethnic integration in a community creates other problems, such as reinforcing prejudicial attitudes and behaviors, narrowing opportunities for interaction, and reducing the degree to which community life is considered harmonious. Areas of extreme minority isolation often experience poverty and social problems at rates that are disproportionately high.⁵ Racial segregation has been linked to diminished employment prospects, poor educational attainment, increased infant and adult mortality rates and increased homicide rates.

The distribution of racial or ethnic groups across a geographic area can be analyzed using an index of dissimilarity. This method allows for comparisons between subpopulations, indicating how much one group is separated from another within a community. The index of dissimilarity (DI) is rated on a scale from 0 to 100, in which a score of 0 corresponds to perfect integration and a score of 100 represents total segregation.⁶ The index is typically interpreted as the percentage of the minority population that would have to move in order for a community or neighborhood to achieve full integration. In Passaic County, White persons are the majority so White will be used as the reference point even within census tracts that are Black or Hispanic majority as this calculation finds the dissimilarity of subgroups within a census tract relative to the countywide majority.

With a 2016 White-Black dissimilarity index of 60.5, Passaic County as a whole is highly segregated based on national standards.⁷ The data indicates that in order to achieve full integration among White and Black residents, 60.5% of Black residents would have to move to another census tract within the county. Among Hispanic populations, Passaic County is moderately segregated with a DI of 47.1. Figure 2.6 illustrates the DI values for different races since 2000 as well as the level of segregation as nationally defined. It also shows the trend in the DI score from 2000 – 2016. The use of color coding highlights that while Black populations are highly segregated (red) there is a positive trend of decreasing DI (green); Hispanic populations are moderately segregated with a decreasing DI over this time period. High DI values are largely due to minority concentrations in the entitlement cities of Clifton, Passaic and Paterson.

While American Indians are both highly segregated and show an increasing DI, this group makes up only 0.4% of the total population of Passaic County in 2016, therefore making the DI for American Indians unreliable. No trend is specified for Other Race and Multiracial is labeled as Increasing DI. Both

⁵ This aspect of segregation is related to the degree to which members of a group reside in areas where their group predominates, thus leading them to have less residential contact with other groups. See: Fossett, Mark. "Racial Segregation in America: A Nontechnical Review of Residential Segregation in Urban Areas." Department of Sociology and Racial and Ethnic Studies Institute, Texas A&M University, 2004.

⁶ The index of dissimilarity is a commonly used demographic tool for measuring inequality. For a given geographic area, the index is equal to $1/2 \sum |[(b/B)-(a/A)]|$, where b is the subgroup population of a census tract, B is the total subgroup population in the county, a is the population of the county's racial majority group in a census tract, and A is the population of the county's majority race in the county.

⁷ According to Douglas S. Massey, an index under 30 is low, between 30 and 60 is moderate, and above 60 is high. See Massey, "Origins of Economic Disparities: The Historical Role of Housing Segregation," in *Segregation: The Rising Costs for America*, edited by James H. Carr and Nandinee K. Kutty (New York: Routledge 2008) p. 41-42.

of these groups saw decreases in the DI from 2000 to 2010 and increases from 2010 to 2016. The reason for the different classification was based on the magnitudes of the increases since 2010. That is, the multiracial DI for 2016 is very near to what it had been in 2000.

With a 2016 White-Black dissimilarity index of 60.5, Passaic County as a whole is highly segregated based on national standards. Black populations are highly segregated and Hispanic populations are moderately segregated.

FIGURE 2.6 DISSIMILARITY INDEX TRENDS, 2000 – 2016

DI with White Population					
	2000	2010	2016	Segregation Level	Trend
White	-	-	-	-	-
Black	69.4	61.6	60.5	High	Decreasing DI
American Indian	52.7	51.1	69.6	High	Increasing DI
Asian	33.6	35	37.6	Moderate	Increasing DI
Other Race	63.9	55.6	57.3	Moderate	No trend
Multiracial	47.5	39.7	45.8	Moderate	Increasing DI
Hispanic	58.7	50.8	47.1	Moderate	Decreasing DI

Source: 2010 Census (PI P1), 2016 ACS 5YR (DP05), Mullin and Lonergan Associates

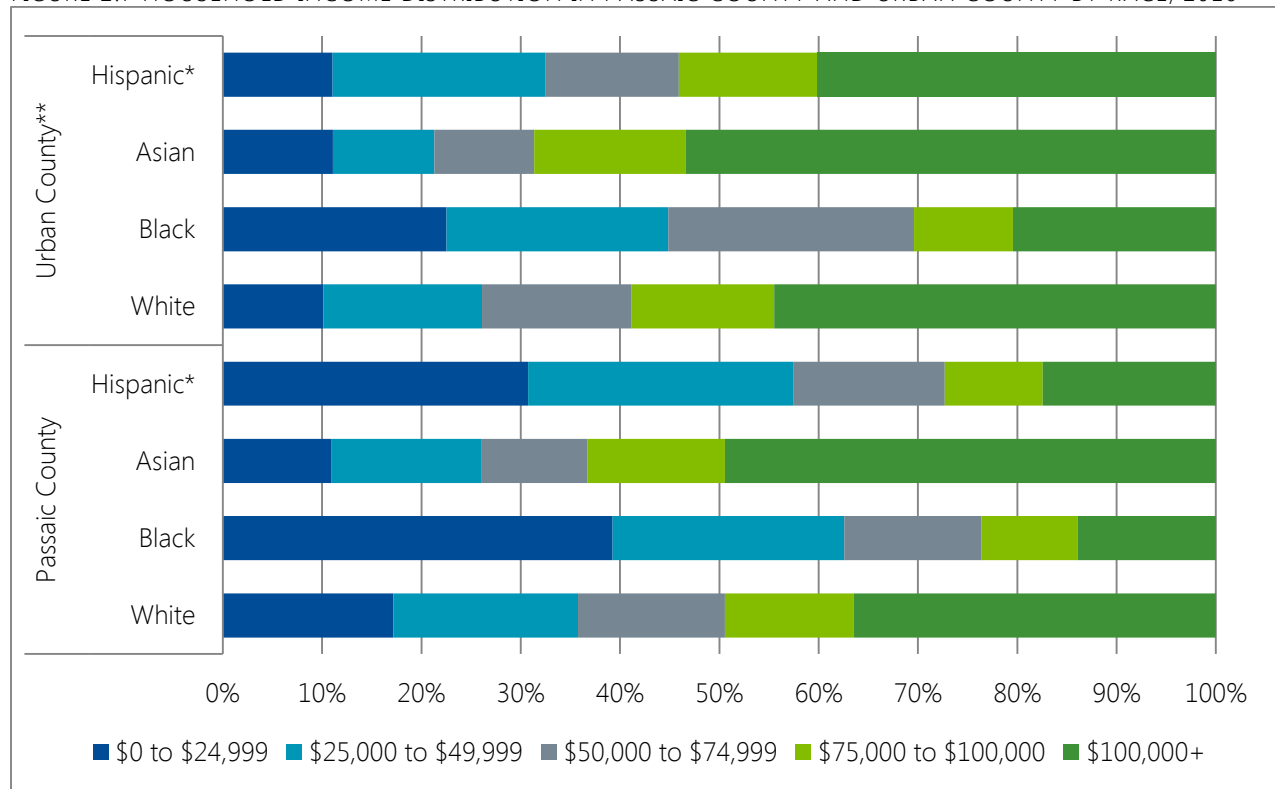
6. Race/Ethnicity, Income and Poverty

Household income is one of several factors used to determine a household's eligibility for a home mortgage loan. Median household income (MHI) in Passaic County was \$54,944 in 2016, down from \$56,299 in 2011. When the 2011 MHI is adjusted to 2016 dollars, the MHI is \$60,566 indicating a decrease of 9.3% in MHI between 2011 and 2016.

Across racial and ethnic groups, Asians had the highest MHI of \$93,535. The MHI for White households was \$67,669, approximately 70% of the MHI for Asian households. Among Black and Hispanic households, MHI was approximately half the White MHI at \$36,489 and \$36,755, respectively.

Figure 2.7 visually compares how the incomes vary by race/ethnicity as well as between Passaic County and the Urban County. All racial groups have higher household incomes in the Urban County than Passaic County. A notable difference is within the Hispanic population; in the Urban County, the percentage of Hispanic households earning less than \$50,000 annually is 32.6% whereas 57.5% of Hispanic households in Passaic County earn less than \$50,000. Asian and White households out-earned Hispanic and Black households in both geographic areas.

FIGURE 2.7 HOUSEHOLD INCOME DISTRIBUTION IN PASSAIC COUNTY AND URBAN COUNTY BY RACE, 2016



*Hispanic ethnicity is counted separately from race in the census data.

**Excludes Clifton, Passaic and Paterson and Wayne Township.

Source: US Census Bureau, 2016 ACS 5-Year (B19001, B19001A, B19001B, B19001D, B19001I)

As suggested by the lower median incomes among Blacks and Hispanics, non-White residents in Passaic County experienced poverty at greater rates than White or Asian residents; the poverty rates for Black and Hispanic populations are more than double the poverty rates of the White and Asian populations.

FIGURE 2.8 MEDIAN HOUSEHOLD INCOME AND POVERTY RATE BY RACE IN PASSAIC COUNTY, 2016

	Median Household Income	Poverty Rate
Passaic County	\$54,944	16.8%
White	\$67,669	11.8%
Black	\$36,489	27.1%
Asian	\$93,535	11.4%
Hispanic	\$36,755	24.8%

Source: US Census Bureau, ACS 2016 (S1701, B19013, B19013A, B19031B, B193031D, B19031I)

Asians had the highest MHI of \$93,535. The MHI for White households was \$67,669, approximately 70% of the MHI for Asian households. Among Black and Hispanic households, MHI was approximately half the White MHI at \$36,489 and \$36,755, respectively. All groups had higher incomes in the Urban County than Passaic County as whole but Black and Hispanic persons fared better in the Urban County than Passaic County.

7. Disability, Income and Poverty

As defined by the Census Bureau, a disability is a long-lasting physical, mental, or emotional condition that can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside, be home alone or to work at a job or business.

The Fair Housing Act prohibits discrimination based on physical, mental or emotional handicap, provided “reasonable accommodation” can be made. Reasonable accommodation may include changes to address the needs of disabled persons, including adaptive structural changes (i.e. constructing an entrance ramp) or administrative changes (i.e. permitting the use of a service animal). In 2016, 9.6% of the Urban County and 8.8% of Passaic County reported at least one disability.⁸

Disability Status and Poverty Rates

According to the National Organization on Disabilities, a significant income gap exists for persons with disabilities given their lower rate of employment. The following discussion relates only to those persons who are aged 20 to 64. As shown in Figure 2.9, persons with disabilities are more likely to live below the poverty level than those who do not have one or more disabilities. Census data can provide insight into the percentage of disabled persons who are in poverty but the numbers will not indicate the likelihood of a person who is disabled (or not disabled) living below the poverty level within a given community. The analysis results displayed in Figure 2.8 factor in the overall poverty rates and rates of a person being disabled and seek to determine the likelihood that a person will live in poverty given if his or her disability status.

A person with a disability and living in the Urban County is 3.6 times more likely to be living below the poverty level than a non-disabled person living in the Urban County. This gap is smaller in Passaic County; a disabled person is 1.9 times more likely to be living below the poverty level than a non-disabled person. Part of this difference is due in large part to the entitlement communities of Clifton, Passaic and Paterson experiencing higher rates of poverty than the communities with the Urban County – a person is generally more likely to experience poverty in Passaic County as a whole because the poverty rates of the entitlement communities are higher than in the Urban County.

FIGURE 2.9 LIKELIHOOD OF LIVING IN POVERTY BASED ON DISABILITY STATUS, 2016

	Passaic County	Urban County*
Probability of a person being in poverty given being disabled	25.6%	17.5%
Probability of a person being in poverty given not being disabled	13.2%	4.9%
What this means	A person with a disability and living in Passaic County is 1.9 times more likely to live in poverty than a person without a disability.	If a person with a disability and living in the Urban County is 3.6 times more likely to live in poverty than a person without a disability.

*Excludes Clifton, Passaic and Paterson as well as Wayne Township.

Source: US Census Bureau, ACS 2016 5-Year (B23024)

⁸ American Community Survey 2016 5 Year (B18101)

While this analysis only focused on those persons who are between age 20 and 64, there are long-term implications for these persons. A person who is living below the poverty level is unlikely to be able to save for retirement and to be able to fully provide for him or herself as he or she ages. By finding ways to decrease the likelihood that a person who has a disability will be in poverty while of working age can have long term positive benefits not only for that individual person but also for the larger community.

Disability Status and Participation in the Labor Market

In Passaic County, only 41.2% of persons with a disability participated in the labor market; in the Urban County the participation rate was 49.7%. This is in sharp contrast to the participation rates among those who do not have a disability as shown in Figure 2.10.

FIGURE 2.10 PARTICIPATION RATES IN THE LABOR MARKET BY DISABILITY STATUS, 2016

	With a Disability	Without a Disability
Passaic County*	41.2%	77.9%
Urban County	49.7%	85.6%

*Excludes Clifton, Passaic and Paterson as well as Wayne Township.
 Source: US Census Bureau, ACS 2016 5-Year (B23024)

A disabled person living in the urban County is 3.6 times more likely to live in poverty than a person without a disability. Disabled persons in the Urban County have lower participation rates in the labor market among those aged 20 to 64 (85.6% participation rate among those without a disability and 49.7% participation rate among those that do have a disability).

8. Familial Status and Income

The Census Bureau divides households into family and non-family households. Family households are married couples with or without children, single-parent families, and other families comprised of related persons. Non-family households are either single persons living alone, or two or more non-related persons living together.

Title VIII of the Civil Rights Act of 1968 protects against gender discrimination in housing. Protection for families with children was added in the 1988 amendments to Title VIII. Except in limited circumstances involving elderly housing and owner-occupied buildings of one to four units, it is unlawful to refuse to rent or sell to families with children.

In the Urban County, household types and the presence of children remained stable from 2010 to 2016. There are some small changes that individually are not particularly telling but when taken together could point to some trends. For example, there has been:

- a decrease in the number of non-family households;
- small upticks in the percentage of both male and female-headed households without children; and
- a small increase in the percentage of married households without children.

One possible explanation is that since 2010, more people have stopped living in non-family households and either gotten married and/or moved into their own housing. Another interesting point is that there has been a 60% increase in the number of male-headed households with children. To keep this in context, the total percentage of such households is still only 1.6% of the population but going from 1% to 1.6% is a large relative increase. To attach absolute numbers to this, from 2010 to 2016 there was an increase of 127 single mothers and an increase of 323 single fathers. The vast majority of single-parent households are still single mothers; however, there has been an increase in the number of single fathers living in the Urban County.

FIGURE 2.11 HOUSEHOLD TYPES AND PRESENCE OF CHILDREN, 2010 - 2016

		Total Number of Households (with and without children)	Family Households						Non-family households
			Married with kids	Married without Kids	Female Headed with kids	Female Headed without kids	Male Headed with kids	Male Headed without kids	Non-family households
2010	Passaic County	161,428	22.3%	26.7%	8.8%	7.2%	2.2%	3.2%	29.7%
	Urban County*	49,421	25.1%	33.5%	4.6%	5.7%	1.0%	1.7%	28.4%
2016	Passaic County	161,534	21.8%	27.2%	9.3%	9.0%	2.3%	3.5%	26.9%
	Urban County*	51,075	24.3%	34.2%	4.7%	6.3%	1.6%	2.6%	26.3%

*Excludes Clifton, Passaic and Paterson and Wayne Township.

Source: US Census Bureau, ACS 2010 5-Year (B11001, B11003), 2016 5-Year (B11001, B11003)

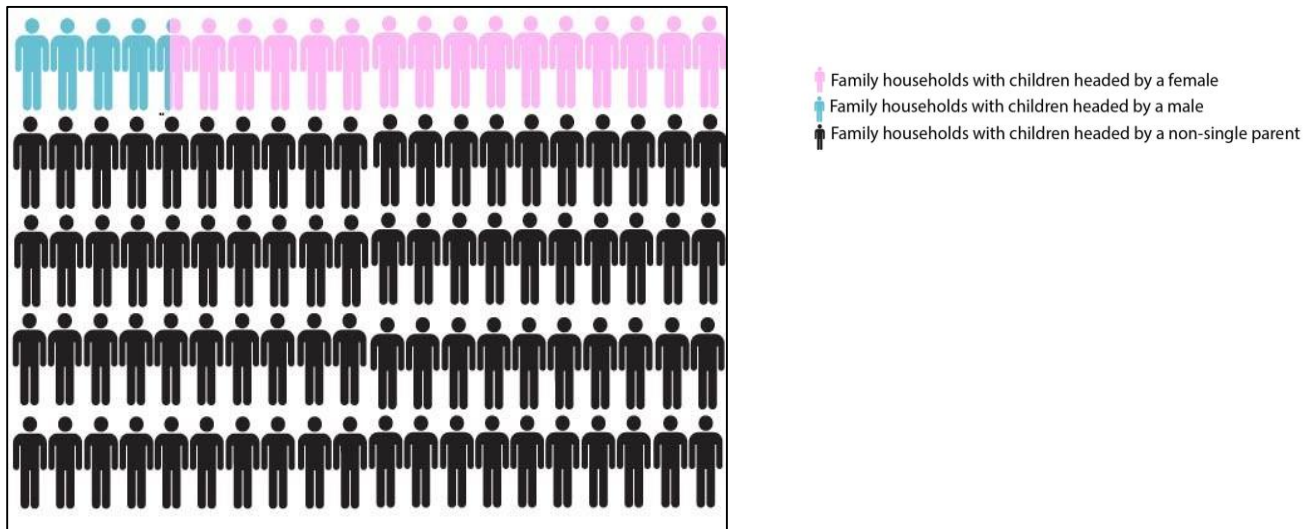
Female-headed households with children often experience difficulty in obtaining housing, primarily as a result of lower-incomes and the potential unwillingness of some landlords to rent their units to families with children. Although female-headed households with children comprised 30.8% of all family households with children in Passaic County in 2016, they accounted for 59.2% of all households with children living below the poverty level. In the Urban County female-headed households with children make up a smaller percentage of the households with children (15.6%) than in Passaic County as a whole but they represent 42.4% of the households with children who are living below the poverty level.

In Passaic County, male-headed households with children make up 7.1% of the households with children but only 7.8% of the households with children that are living in poverty. In the Urban County, male-headed households with children make up 4.3% of the households with children and are only 4.6% of the households with children living below the poverty level.

Female-headed households with children comprised 30.8% of all family households with children in Passaic County in 2016 but they accounted for 59.2% of all households with children living below the poverty level. In the Urban County female-headed households with children make up a smaller percentage of the households with children (15.6%) than in Passaic County as a whole but they represent 42.4% of the households with children who are living below the poverty level. Male-headed households are proportionately represented in the poverty levels.

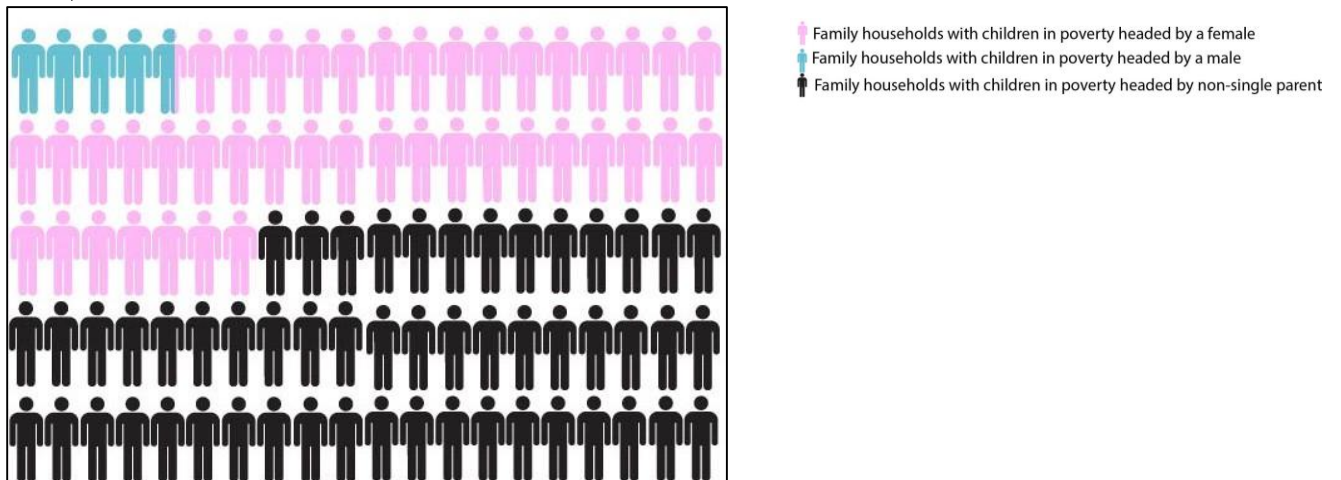
Figures 2.12 and 2.13 illustrate the disparity among male-headed and female-headed households with children. Figure 2.12 shows in blue the percentage of all households with children that are male-headed and in pink shows the percentage of households with children that are female-headed. Figure 2.13 shows the percentage of all households with children in poverty – those with and without children – that are male-headed (blue) and female-headed (pink). If poverty affected all groups equally then there would be the same number of pink and blue people in both figures but instead it is observed that households headed by females make up a disproportionate share of all households living below the poverty level.

FIGURE 2.12 PERCENTAGE OF URBAN COUNTY HOUSEHOLDS WITH CHILDREN HEADED BY A SINGLE PARENT, 2016



Source: US Census Bureau 5-Year ACS (B17006)

FIGURE 2.13 PERCENTAGE OF URBAN COUNTY HOUSEHOLDS WITH CHILDREN LIVING BELOW THE POVERTY LEVEL, 2016



Source: US Census Bureau 5-Year ACS (B17006)

9. Ancestry and Income

Place of Birth and Poverty

It is illegal to refuse the right to housing based on place of birth or ancestry. American Community Survey data on native and foreign-born populations reported that in 2016, 28.5% of all Passaic County residents were foreign-born, up from 27.6% in 2011.⁹ The Urban County had a lower foreign-born population at 16.9%, down from 18.3% in 2011. By way of origin, 29.6% of the Urban County's foreign-born population in 2016 came from Europe, 28.3% from Asia and 39.4% from Latin America.

Passaic County's foreign-born population is more likely to experience poverty than native-born persons as summarized in Figure 2.14. Within Passaic County, the foreign-born population is slightly more likely to experience poverty than native-born persons (i.e. there is a 2.3% higher poverty rate for foreign-born persons than native-born persons). This is very different within the Urban County, however. While the poverty rates are lower for both native and foreign-born persons living in the Urban County, foreign-born persons experience poverty at a rate of 9.9% as compared with 5.8% of native-born persons.

FIGURE 2.14 PERCENTAGE OF PERSONS BELOW POVERTY BASED ON PLACE OF ORIGIN, 2016

Passaic County	Native-born persons	16.1%
	Foreign-born persons	18.4%
Urban County	Native-born persons	5.8%
	Foreign-born persons	9.9%

Source: 2016 ACS 5-Year (B06012)

Foreign-born persons experience poverty at a rate of 9.9% in the Urban County whereas native born persons experience poverty at a rate of 5.8% in the Urban County. In Passaic County, foreign-born persons also experience poverty at a greater rate than native born persons but the discrepancy is not as large. The poverty rate in Passaic County, however, is over three times greater than the poverty rate in the Urban County.

Limited English Proficiency Groups

Persons with limited English proficiency (LEP) are defined by the federal government as persons who have a limited ability to read, write, speak or understand English. HUD issued its guidelines on how to address the needs of persons with LEP in January 2007. HUD uses the prevalence of persons with LEP to identify the potential for impediments to fair housing choice due to their inability to comprehend English. Persons with LEP may encounter obstacles to fair housing by virtue of language and cultural barriers within their new environment. To assist these individuals, it is important that a community recognizes their presence and the potential for discrimination, whether intentional or inadvertent, and

⁹ U.S. Census Bureau, American Community Survey 2016 5-Year Survey (B05006)

establishes policies to eliminate barriers. It is also incumbent upon HUD entitlement communities to determine the need for language assistance and comply with Title VI of the Civil Rights Act of 1964.

ACS data reports on the non-English language spoken at home for the population aged five years and older. In 2016, the Census Bureau reported that 15,614 persons in the Urban County spoke English less than “very well.”¹⁰ This is up from 11,885 persons in 2011. This limited English proficiency subpopulation constituted 11.1% of the Urban County’s total population whereas Passaic County as a whole reports having 22.3% of its population unable to speak English “very well.” Figure 2.15 summarizes the language groups that had more than 1,000 persons with LEP as of 2015, the most recent year for which the Census Bureau provided data.

FIGURE 2.15 LIMITED ENGLISH PROFICIENCY GROUPS, 2015

Languages having more than 1000 persons with LEP	Number of persons with LEP	
	Passaic County	Urban County
Arabic	3,562	-
Chinese	1,139	-
Gujarati	1,988	-
Italian	2,255	1,441
Polish	2,985	-
Spanish	74,062	4,834

*Excludes Clifton, Passaic and Paterson and Wayne Township.

Source: US Census Bureau, ACS 2015 5-Year (B16001)

Spanish speakers comprised 68.9% of Passaic County’s population with LEP and 34.7% of the Urban County’s population with LEP. Interestingly, of the Spanish-speaking persons with LEP in Passaic County, 18.1% of these persons are native born; in the Urban County this percentage is higher at 21.4%.

In Passaic County, each of the language groups listed in Figure 2.15 included more than 1,000 persons with LEP, exceeding HUD “safe harbor” minimums.¹¹ In order to determine whether the translation of vital documents is required, the Urban County must conduct the four-factor analysis. The term “vital document” refers generally to any publication that is needed to gain access to the benefits of a program or service. The four-factor analysis requires entitlement communities such as the Urban County to evaluate the need for translation and/or other accommodations based on four factors:

- the number/proportion of persons with LEP to be served or likely to encounter the program;
- the frequency with which persons with LEP come into contact with the program;
- the nature and importance of the program, activity or services provided by the program; and

¹⁰ U.S. Census Bureau, 2016 5-Year American Community Survey (B16005)

¹¹ HUD has adopted “safe harbor” guidelines for translation of written materials for recipients to ensure they have no compliance finding with Title VI LEP obligations. Included in these guidelines is a recommendation that vital documents are translated when there are 1,000 or more within an LEP language group in the eligible population in the market area or among current beneficiaries. More information at http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq.

- the availability of resources to the grantee versus the costs.

Although there is no requirement to develop a Language Access Plan (LAP), HUD entitlement communities are responsible for serving persons with LEP in accordance with Title VI of the Civil Rights Act of 1964. Conducting the four-factor analysis is the best way to comply with this requirement. The obligation to translate vital documents would also extend to the Passaic County Housing Authority and all Urban County sub-recipients.

Discussion of the existing array of County services for persons with LEP are described in the Public Sector Policies section of the report.

In 2016, there were 15,614 persons in the Urban County who spoke English less than “very well.” This is up from 11,885 persons in 2011. Spanish speakers comprised 34.7% of the Urban County’s LEP population. Interestingly, of the Spanish-speaking persons with LEP in the Urban County, 21.4% of these persons are native born.

10. Patterns of Poverty

Household poverty correlates strongly with limitations in housing choice and disproportionately affects members of the protected classes in Passaic County, particularly Black and Hispanic Households, persons with disabilities, and female-headed households with children. Map 2.5 illustrates the geographic distribution of poverty by census tract across Passaic County. Countywide, the highest concentrations of impoverished areas lie within Passaic and Paterson where many census tracts have poverty rates between 30-50% and above 50%. Most areas within the Urban County have poverty rates below 5% though there are areas in which the rate of poverty is higher. For example, all of Bloomingdale and Woodland Park have poverty rates between 5% and 10% and Haledon is between 10% and 20%. Prospect Park has even higher rates of poverty between 20% and 30% and one census tract in Totowa has a poverty rate over 50%. The specific poverty rate break points that were selected for this map are based on work done by the Economic Innovation Group (EIG) in the 2017 Distressed Communities Index.¹² In this report, the EIG analyzed data for over 99% of the ZIP codes in the country to understand the level of distress or prosperity within communities. There were seven indicators - including poverty rates - that make up a community's score. Each quintile had an average performance for each of the seven metrics; the poverty rates shown on the map are the averages for each quintile. It is noted that these are the averages and so there are some communities that will have higher and lower rates; however, there is no other information provided (such as a range or a standard deviation) to be able to make different cutoff points than the average. This map provides a sixth breakdown - those communities whose poverty rates exceeded the average poverty rate of what was found to be a "distressed" community.

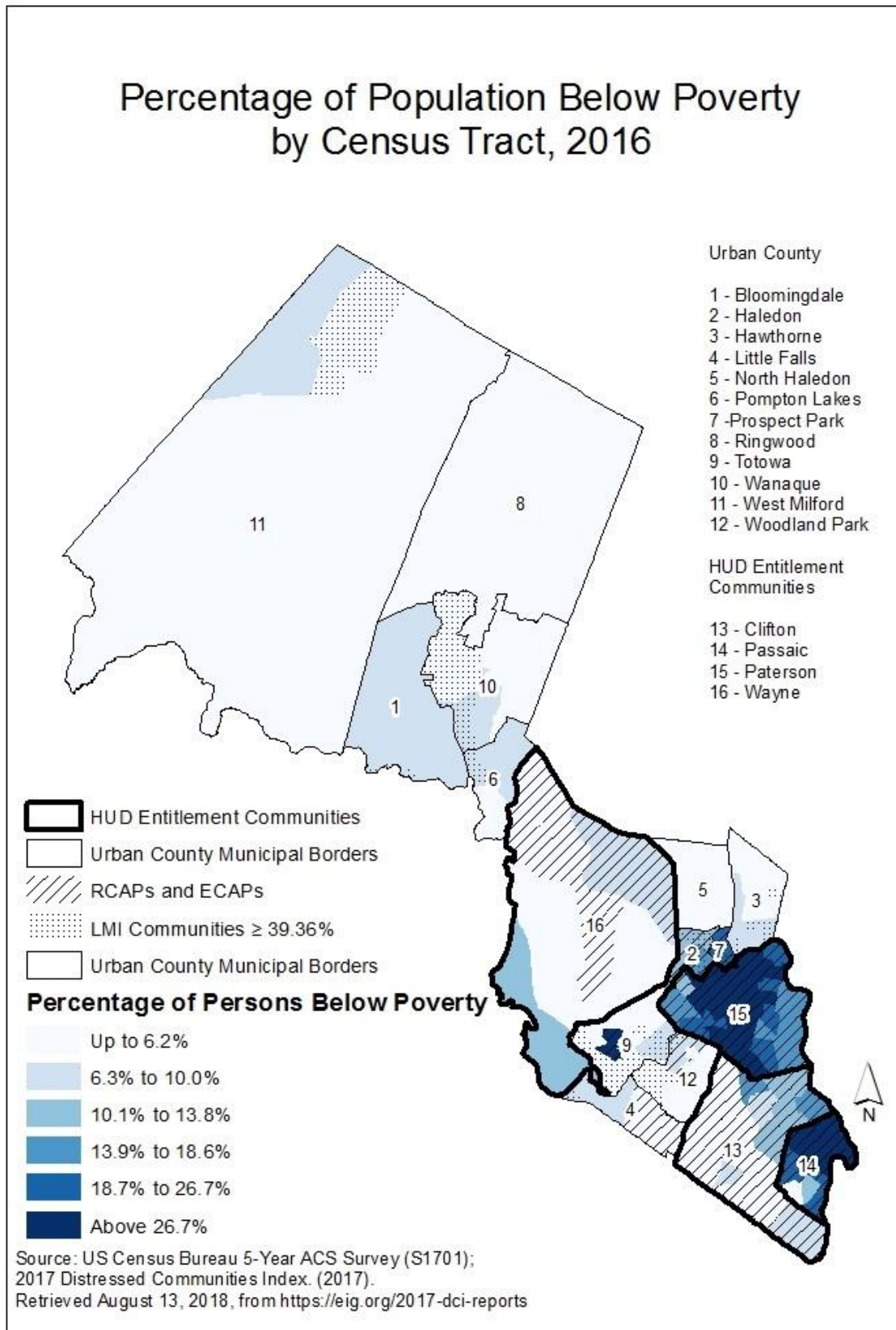
The classifications used by EIG in the report are as follows:

FIGURE 2.16 CLASSIFICATION OF POVERTY RATES, EIG

Classification	Average Poverty rate for that Quintile
Prosperous	6.2%
Comfortable	10.0%
Mid-Tier	13.8%
At risk	18.6%
Distressed	26.7%

Source: 2017 Distressed Communities Index. (2017). Retrieved August 13, 2017, from <http://eig.org/2017-dci-reports>.

¹² 2017 Distressed Communities Index. (2017). Retrieved August 13, 2017, from <http://eig.org/2017-dci-reports>.



11. Protected Class Status and Unemployment

According to the 2016 ACS, Passaic County's unemployment rate was 7.0% which is below the statewide unemployment rate of 7.8% among the civilian labor force aged 16 and older. The American Community Survey estimates provide detailed data by gender and race. In the Urban County, Black residents are substantially more likely to be unemployed than any other racial group. Figure 2.17 shows the unemployment rates for several protected classes.

FIGURE 2.17 CIVILIAN LABOR FORCE AGED 16 AND OLDER, 2016

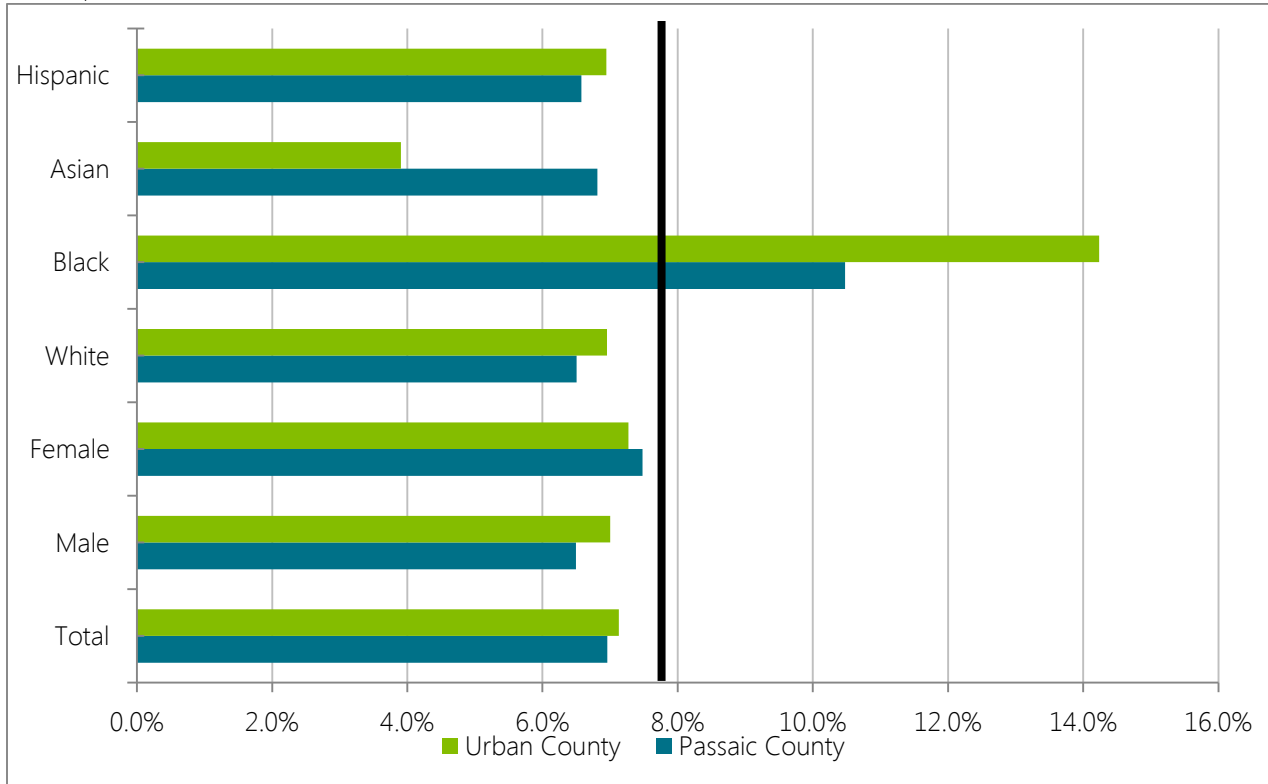
	New Jersey		Passaic County		Urban County*	
	Total	%	Total	%	Total	%
Total CLF	4,677,092	100.0%	250,464	100.0%	82,919	100.0%
Employed	4,310,041	92.2%	233,037	93.0%	77,009	92.9%
Unemployed	367,051	7.8%	17,427	7.0%	5,910	7.1%
Male CLF	2,456,637	100.0%	132,885	100.0%	44,237	100.0%
Employed	2,264,893	92.2%	124,254	93.5%	41,140	93.0%
Unemployed	191,744	7.8%	8,631	6.5%	3,097	7.0%
Female CLF	2,220,455	100.0%	117,579	100.0%	38,682	100.0%
Employed	2,045,148	92.1%	108,783	92.5%	35,869	92.7%
Unemployed	175,307	7.9%	8,796	7.5%	2,813	7.3%
White CLF	3,235,144	100.0%	167,462	100.0%	73,161	100.0%
Employed	3,015,442	93.2%	156,571	93.5%	68,072	93.0%
Unemployed	219,702	6.8%	10,891	6.5%	5,089	7.0%
Black CLF	611,810	100.0%	27,830	100.0%	2,262	100.0%
Employed	526,577	86.1%	24,914	89.5%	1,940	85.8%
Unemployed	85,233	13.9%	2,916	10.5%	322	14.2%
Asian CLF	439,622	100.0%	14,065	100.0%	3,305	100.0%
Employed	415,198	94.4%	13,107	93.2%	3,176	96.1%
Unemployed	24,424	5.6%	958	6.8%	129	3.9%
Hispanic CLF	887,066	100.0%	94,965	100.0%	13,580	100.0%
Employed	810,161	91.3%	88,719	93.4%	12,637	93.1%
Unemployed	76,905	8.7%	6,246	6.6%	943	6.9%

*Excludes Clifton, Passaic and Paterson as well as Wayne Township.

Source: US Census Bureau, ACS 2016 5-Year (B17005, C23002A, C23002B, C23002D, C23002I)

Figure 2.18 makes clear that Black residents are the only protected class in Passaic County or the Urban County with an unemployment rate that exceeds the unemployment rate of the state (7.8%), which is depicted by the black vertical line. With an unemployment rate of 3.9%, only the Asian community in the Urban County has an unemployment rate that is significantly lower than the state average.

FIGURE 2.18 UNEMPLOYMENT RATES OF PROTECTED CLASSES IN THE CIVILIAN LABOR FORCE AGED 16 AND OLDER, 2016



*Excludes Clifton, Passaic and Paterson as well as Wayne Township.

Source: US Census Bureau, ACS 2015 5-Year (B17005, C23002A, C23002B, C23002D, C23002I)

Black residents are the only protected class with an unemployment rate that exceeds the 7.8% unemployment rate statewide; Black unemployment is 14.2%. Asian unemployment is 3.9%.

B. HOUSING MARKET

1. Housing Inventory

The number of housing units in both Passaic County and the Urban County has increased from 2011 to 2016; Passaic County saw an increase of 3.4% and the Urban County saw an increase of 12.9% during this same time period indicating that nearly all of the new housing units were created in the Urban County. Indeed, 94% of the 6,252 new units were in the Urban County.

In seven of 16 municipalities within Passaic County, the total housing stock decreased during this period including four communities within the Urban County. Two of these communities – Bloomingdale and Hawthorne – experienced declines in the number of housing units from 2000-2011 and from 2011-2016. These communities are highlighted in red in Figure 2.16. The communities highlighted in yellow are in the Urban County and saw declines in the number of housing units from 2011-2016 but saw gains from 2000-2011.

From 2011-2016, 94% of the 6,252 new housing units in Passaic County were in the Urban County. Most of the new units were built in the northern part of the county.

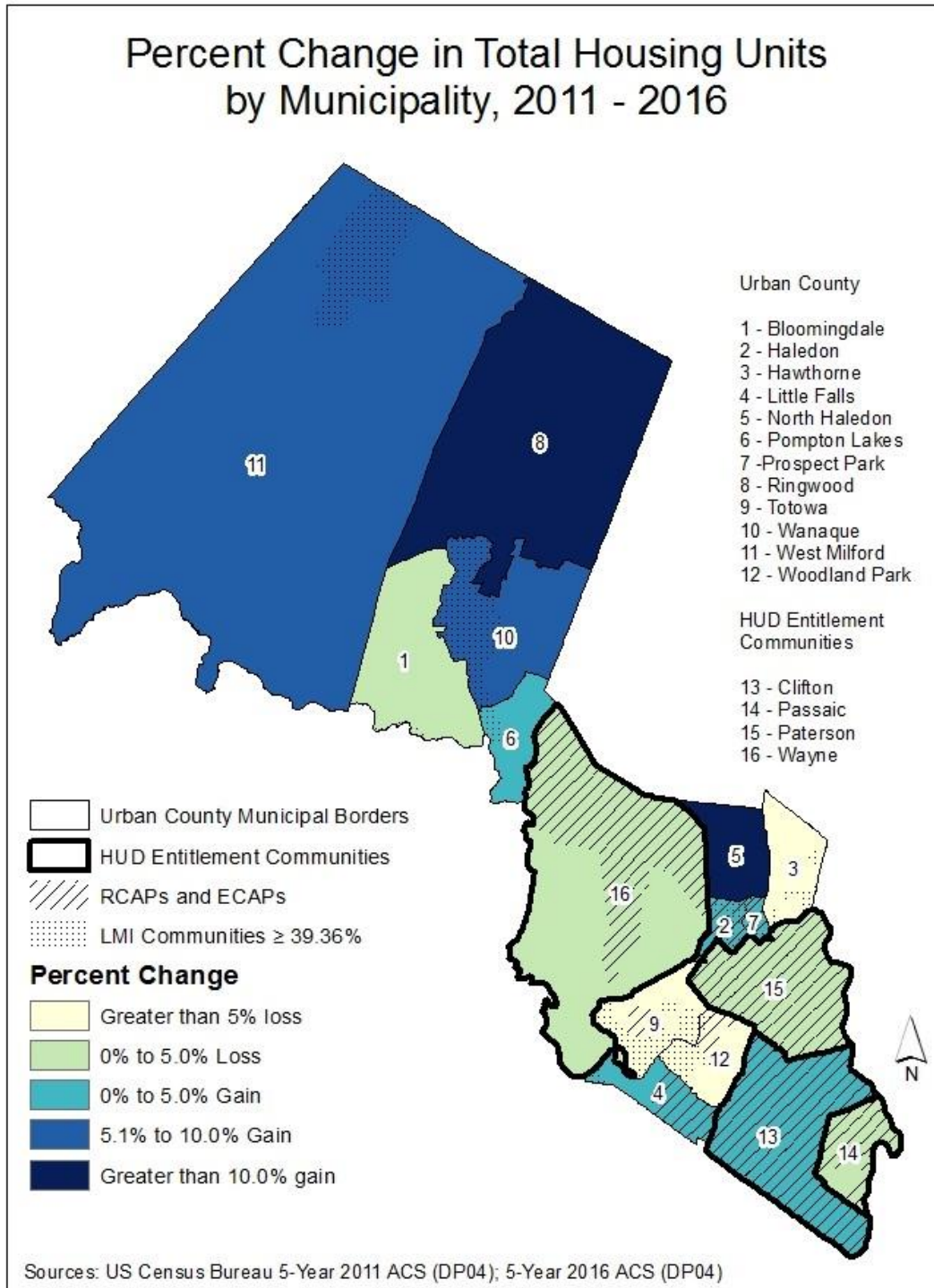
FIGURE 2.19 TREND IN THE TOTAL NUMBER OF HOUSING UNITS BY MUNICIPALITY, 2000-2016

	2000	2011	2016	Change 2000-2011	Change 2011-2016
Passaic County	165,551	170,776	176,639	3.2%	3.4%
Urban County	47,900	48,461	54,713	1.2%	12.9%
Bloomingdale	2,940	2,928	2,904	-0.4%	-0.8%
Clifton*	31,060	31,674	32,128	2.0%	1.4%
Haledon	2,906	2,511	2,620	-13.6%	4.3%
Hawthorne	7,419	7,376	6,925	-0.6%	-6.1%
Little Falls	4,797	5,402	5,515	12.6%	2.1%
North Haledon	2,675	2,801	3,270	4.7%	16.7%
Passaic*	20,194	22,029	21,346	9.1%	-3.1%
Paterson*	47,169	49,664	49,529	5.3%	-0.3%
Pompton Lakes	4,024	4,093	4,242	1.7%	3.6%
Prospect Park	1,889	1,830	1,848	-3.1%	1.0%
Ringwood	4,221	3,826	4,263	-9.4%	11.4%
Totowa	3,620	3,858	3,646	6.6%	-5.5%
Wanaque	3,500	4,021	4,286	14.9%	6.6%
Wayne*	19,228	18,948	18,923	-1.5%	-0.1%
West Milford	9,909	9,815	10,610	-0.9%	8.1%
Woodland Park	4,497	4,861	4,584	8.1%	-5.7%

Source: US Census Bureau 5-year ACS (DP04), 5-Year ACS2016 (DP04)

The following map visually shows the gains and losses in housing units as a percentage of the housing units and is shown by municipality. The green shades show losses and the blue shades show gains in the number of housing units.

MAP 2-6 PERCENT CHANGE IN THE NUMBER OF HOUSING UNITS, 2016



2. Types of Housing Units

In 2016, single-family units comprised 46.9% of the housing units in Passaic County and 70.8% of housing units in the Urban County. Communities with the highest concentration of multi-family units were Passaic and Paterson, with each city being comprised of 84% and 81% multi-family units respectively. Within the Urban County, Prospect Park, Woodland Park, and Haledon contained the highest percentages of multi-family units.

Mobile homes accounted for almost all of the remaining housing units as recreational vehicles (RVs), vans and boats were excluded from the analysis. Mobile homes represent a very small fraction of the total housing units within all geographic areas of the county and exceed 1% in only one municipality - in Wayne Township at 1.4%. For that reason, mobile homes are omitted from the following table.

FIGURE 2.20 TYPES OF HOUSING UNITS BY MUNICIPALITY, 2016

	Total Units**	Single-family Units	Multi-family Units						
			2-units	3-4 units	5-9 units	10-19 units	20+ units	# MF	% MF
Passaic County	176,639	82,822	39,950	16,603	11,310	8,381	17,083	93,327	52.8%
Urban County	54,713	38,740	7,993	1,486	1,657	1,518	3,295	15,949	29.2%
Bloomingtondale	2,904	1,983	270	102	106	158	285	921	31.7%
Clifton*	32,128	16,653	8,144	2,700	1,338	1,033	2,202	15,417	48.0%
Haledon	2,620	1,027	985	319	20	39	230	1,593	60.8%
Hawthorne	6,925	3,801	2,302	134	195	204	289	3,124	45.1%
Little Falls	5,515	3,236	818	206	345	413	497	2,279	41.3%
North Haledon	3,270	3,067	94	75	19	15	0	203	6.2%
Passaic*	21,346	3,372	5,587	2,556	3,817	2,576	3,380	17,916	83.9%
Paterson*	49,529	9,135	17,905	9,471	3,980	2,354	6,605	40,315	81.4%
Pompton Lakes	4,242	3,145	248	166	53	149	481	1,097	25.9%
Prospect Park	1,848	569	1,081	175	13	0	10	1,279	69.2%
Ringwood	4,263	4,143	105	0	0	0	15	120	2.8%
Totowa	3,646	2,802	545	63	104	120	12	844	23.1%
Wanaque	4,286	3,078	354	31	35	19	769	1,208	28.2%
Wayne*	18,923	14,922	321	390	518	900	1,601	3,730	19.7%
West Milford	10,610	9,342	159	65	323	109	588	1,244	11.7%
Woodland Park	4,584	2,547	1,032	150	444	292	119	2,037	44.4%

*Excludes Clifton, Passaic and Paterson and Wayne Township.

**Excludes housing units for boats, RVs and vans

Source: US Census Bureau, ACS 2015 5-Year (DP04)

Tenure of Housing Units

It is useful to consider occupancy of housing units by tenure (i.e. owner or renter) and structure type (i.e. single-family or multi-family). Figure 2.21 shows the tenure and structure type by municipality in 2016. At a high level, it is observed that within both Passaic County and the Urban County, owner-occupied housing tends to be single-family units and renter-occupied units tend to be within multi-family units as shown with the highlighted cells in Figure 2.21.

FIGURE 2.21 HOUSING UNITS BY TENURE AND STRUCTURE TYPE, 2016

	Owner Occupied**				Renter-Occupied**			
	Total	Single-family	Multi-family	Percent Multi-family	Total	Single-family	Multi-family	Percent Multi-family
Passaic County	85,624	68,299	17,325	20.2%	75,484	9,190	66,294	87.8%
Urban County	37,939	32,976	4,963	13.1%	13,136	3,042	10,094	76.8%
Bloomingtondale	1,858	1,778	80	4.3%	917	160	757	82.6%
Clifton*	17,401	13,552	3,849	22.1%	11,655	1,650	10,005	85.8%
Haledon	1,276	850	426	33.4%	1,293	177	1,116	86.3%
Hawthorne	4,116	3,280	836	20.3%	2,632	435	2,197	83.5%
Little Falls	3,265	2,608	657	20.1%	2,005	394	1,611	80.3%
North Haledon	2,927	2,879	48	1.6%	218	63	155	71.1%
Passaic*	4,493	2,519	1,974	43.9%	14,815	747	14,068	95.0%
Paterson*	11,440	5,923	5,517	48.2%	32,250	2,739	29,511	91.5%
Pompton Lakes	2,995	2,678	317	10.6%	946	248	698	73.8%
Prospect Park	778	446	332	42.7%	897	94	803	89.5%
Ringwood	3,684	3,651	33	0.9%	230	143	87	37.8%
Totowa	2,717	2,424	293	10.8%	696	223	473	68.0%
Wanaque	3,443	2,677	766	22.2%	558	191	367	65.8%
Wayne*	14,351	13,329	1,022	7.1%	3,628	1,012	2,616	72.1%
West Milford	8,203	7,611	592	7.2%	1,093	616	477	43.6%
Woodland Park	2,677	2,094	583	21.8%	1,651	298	1,353	82.0%

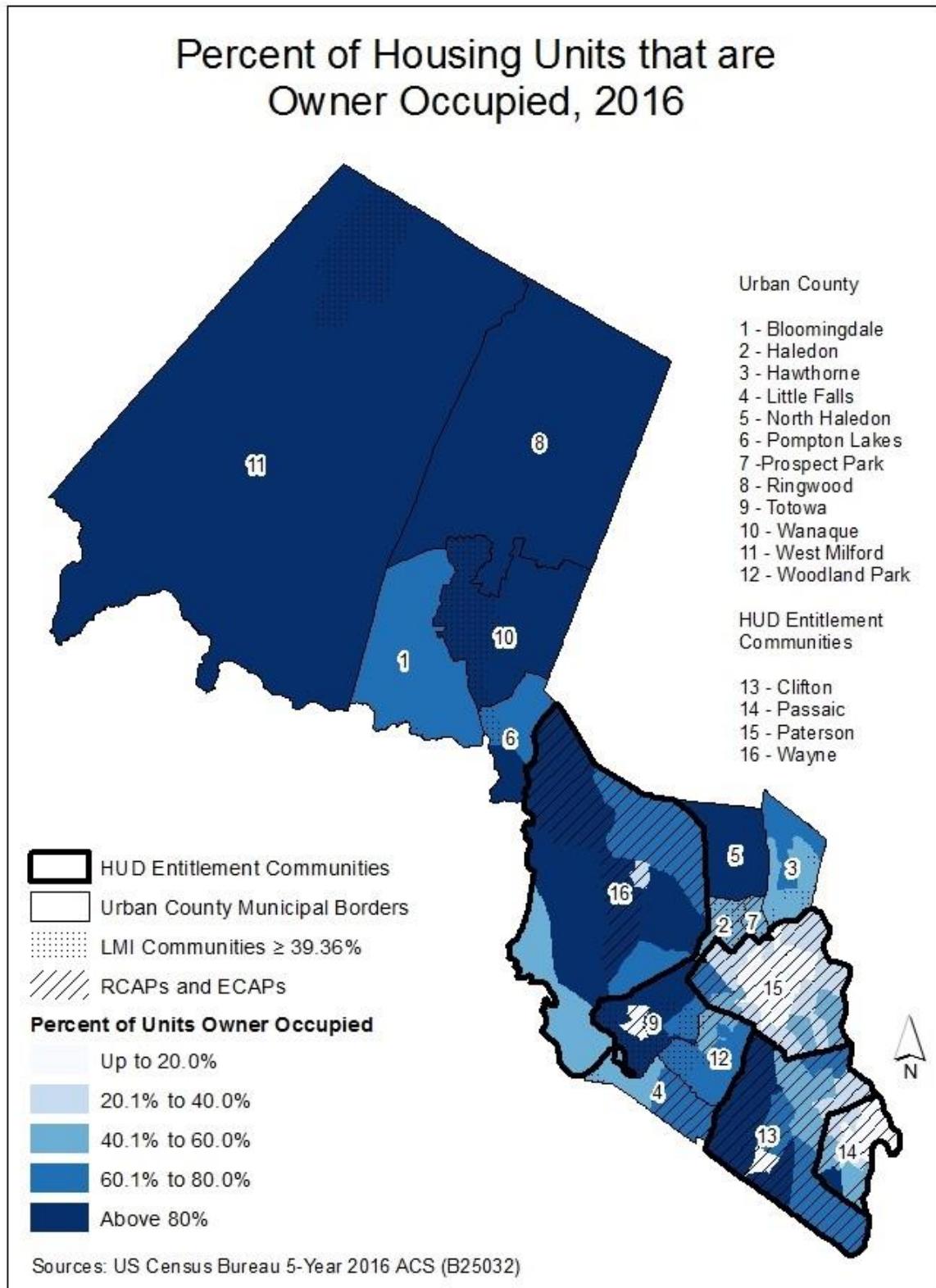
*Excludes Clifton, Passaic and Paterson as well as Wayne Township.

**Excludes housing units for boats, RVs and vans

Source: US Census Bureau, ACS 2015 5-Year (B25032)

Given that owner-occupied units tend to be single family structures, a map showing the percentage of owner-occupied units is helpful by proxy to understand where there are high numbers of single-family units. These areas are found in the northwest part of the county as well as in the entitlement community of Wayne Township. These areas are less dense in nature and more rural or suburban in character.

MAP 2-7 PERCENT OF HOUSING UNITS THAT ARE OWNER-OCCUPIED, 2016

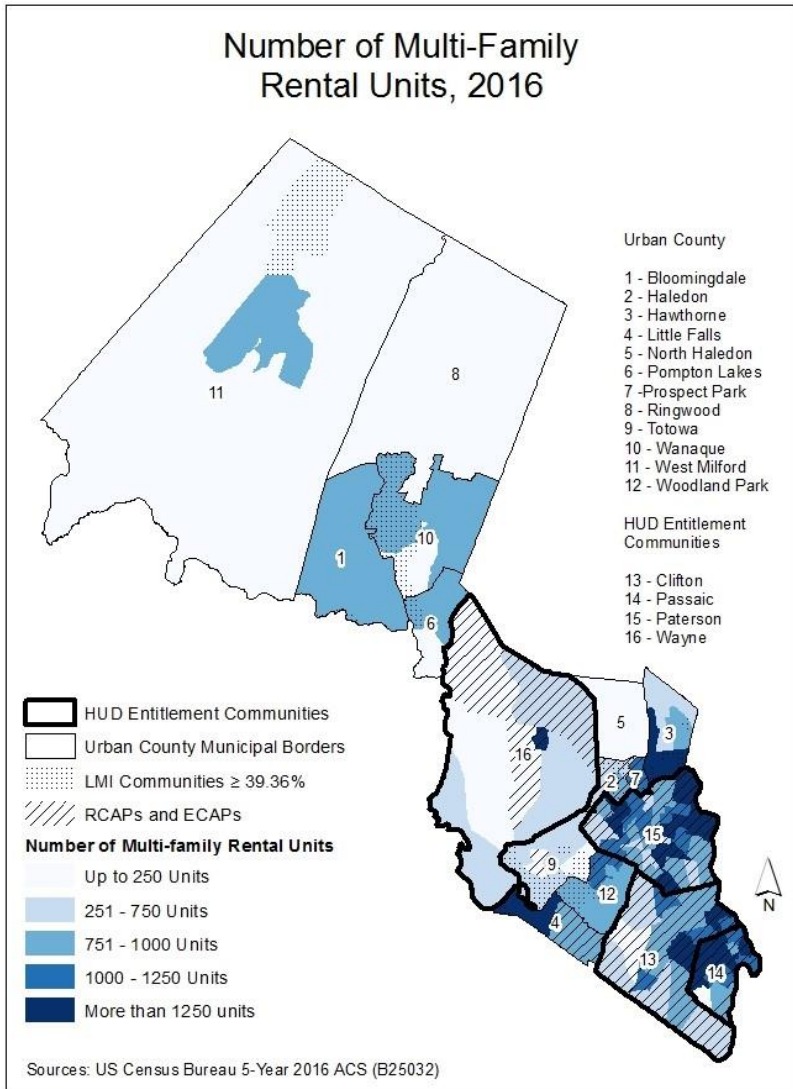


Of the rental units that are available within each community, knowing how many in absolute terms (i.e. the actual number of units) as well as the relative number of units (i.e. the percentage of rental units that are multi-family units) is valuable. Map 2.8 shows the number of rental units that are multi-family units and Map 2.9 shows the percentage of rental units that are multi-family units.

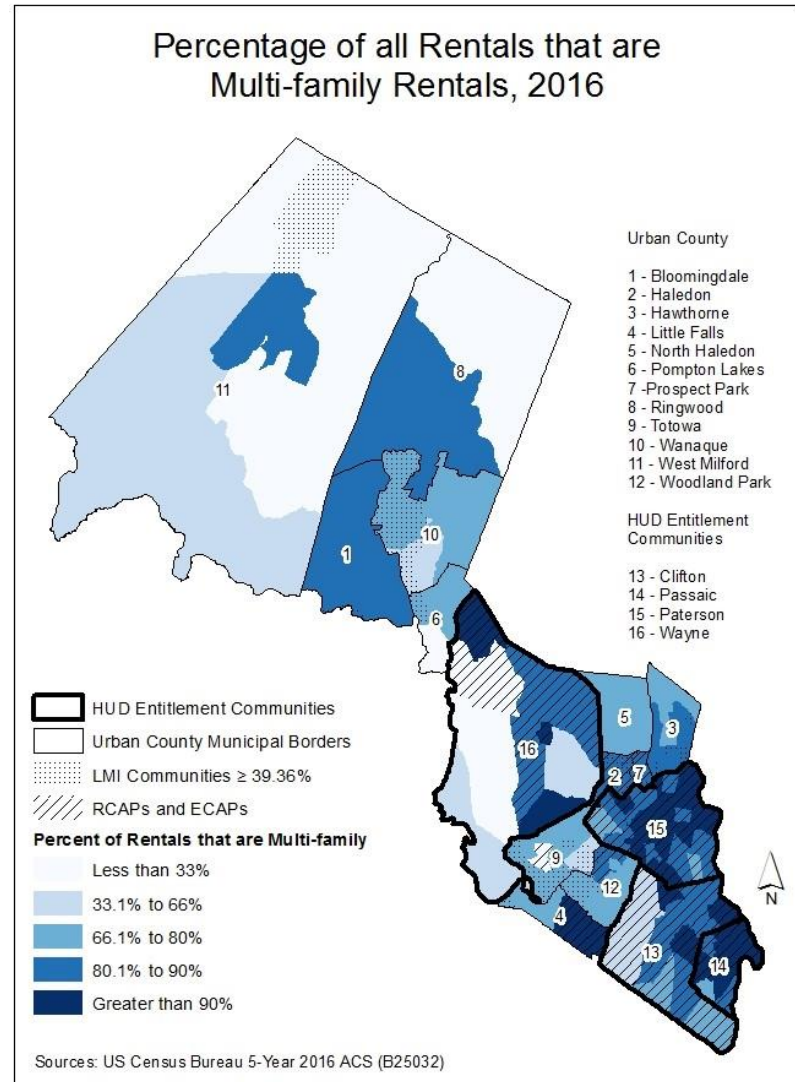
Map 2.8 reiterates that there are not many multi-family rental units in absolute terms outside of Clifton, Passaic and Paterson as highlighted by the many areas in the Urban County that are lighter blue. Map 2.9 illustrates that of the total rental units available, most are multi-family units.

In the Urban County, only Haledon and Prospect Park have greater than 50% of the housing units as multi-family units. In the Urban County, there is a tendency for owner-occupied housing to be single-family units and for renter-occupied units to be in multi-family buildings. While there are not many multi-family rental units in the Urban County in general, they do make up the majority of the rental market confirming that there are few single-family rental options available.

MAP 2-8 NUMBER OF RENTAL UNITS THAT ARE MULTI-FAMILY UNITS, 2016

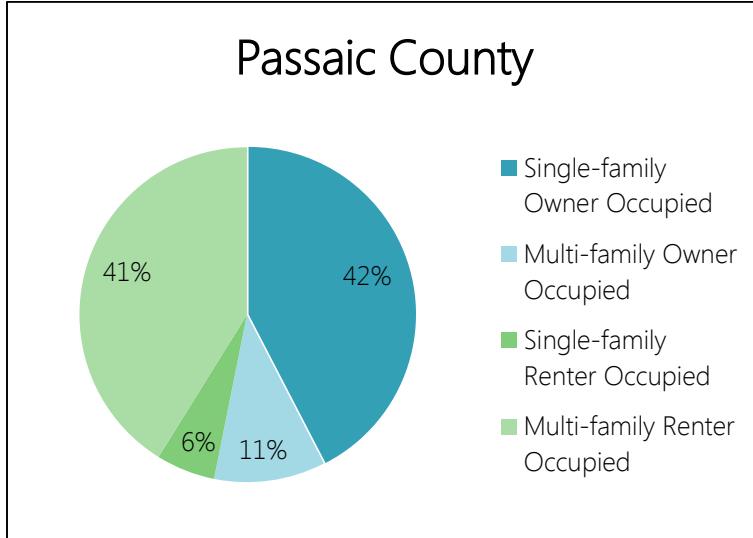


MAP 2-9 PERCENTAGE OF ALL RENTALS THAT ARE MULTI-FAMILY UNITS, 2016



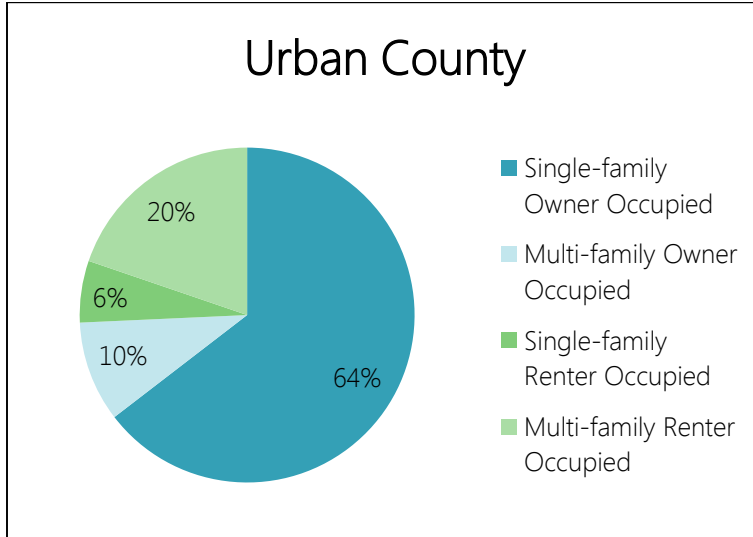
The distribution of housing occupancy by tenure and type is shown in Figures 2.22 and 2.23. Within Passaic County, 52% of residents reside in multi-family units as either renters or as owners whereas there are fewer opportunities to live in multi-family units within the Urban County; only 30% of households reside in a multi-family unit in the Urban County and most of those households are renting.

FIGURE 2.22 DISTRIBUTION OF HOUSING BY TYPE AND TENURE IN PASSAIC COUNTY, 2016



Source: US Census Bureau, ACS 2015 5-Year (B25032)

FIGURE 2.23 DISTRIBUTION OF HOUSING BY TYPE AND TENURE IN THE URBAN COUNTY, 2016



Source: US Census Bureau, ACS 2015 5-Year (B25032)

Multi-family rental units in Passaic County are concentrated within the cities of Clifton, Paterson, and Passaic; these cities contain 78.9% of the county’s multi-family units. This is explained by the population concentrations found in these municipalities as well as the dense, urban character of these communities.

In 2011, within the Urban County, four out of the 12 municipalities had less than 10% of their housing units as renter-occupied multi-family units. The four communities where in 2011 multi-family rental units constituted less than 10% of the total occupied housing stock are listed below along with the updated percentages for 2016.

FIGURE 2.24 PERCENTAGES OF MULTI-FAMILY UNITS IN COMMUNITIES WITH THE LOWEST PERCENTAGES OF MULTI-FAMILY UNITS, 2011 - 2016

	2011	2016
Ringwood	10.8%	2.8%
West Milford	5.1%	11.7%
North Haledon	7.6%	6.2%
Wanaque	8.9%	28.2%

Source: US Census Bureau, 5-Year 2016 ACS (DP04)

Ringwood saw an increase of 11.4% in the number of housing units but the percentage of multi-family units decreased significantly suggesting that single-family developments have been built. North Haledon also saw a decrease in the percentage of multi-family housing units despite growth of 16.7% in the number of units but the decrease is not as dramatic as in Ringwood. West Milford and Wanaque have been increasing the percentage of multi-family units within their borders – Wanaque has seen a large increase in the percentage of multi-family units from 8.9% in 2011 to 28.2% in 2016.

Wanaque has had only a 6.6% increase in the number of total housing units from 2011-2016 but the number of multi-family units has increase from 8.9% to 28.2% between 2011 and 2016. Ringwood, however, has had an increase of 11.4% in the total number of housing units but the percentage of multi-family units decrease sharply from 10.8% of the housing units in 2011 to 2.8% in 2016.

3. Protected Class Status and Home Ownership

The value in home ownership lies in the accumulation of wealth as the owner's share of equity increases with the property's value. Paying a monthly mortgage instead of rent is an investment in an asset that is likely to appreciate.

Historically, non-White households tend to have lower home ownership rates than White households. As previously noted, median incomes for non-Whites are significantly lower than those of Whites. This is one among several factors that contributes to the generally lower rates of homeowners among minorities across the Urban County. Asian households, on the other hand, often have median household incomes higher than or equivalent to Whites and often have similar home ownership rates. In 2016 in the Urban County, Whites and Asians had home ownership rates of 76.0% and 74.7%, respectively. By comparison, Blacks had a home ownership rate of 38.6% and Hispanics had a 55.0% homeownership rate. Black homeownership in the Urban County fell from 50.0% while Hispanic homeownership is up from 50.9% in 2011.

Among municipalities in the Urban County, non-White home ownership rates varied widely, as shown in Figure 2.25. Many boroughs and townships with fewer than 100 non-White households reported non-White home ownership rates of 100%. For example, 100% of the 3 Black households in Pompton Lakes owned their homes.

Black and Hispanic households lag White and Asian households in terms of homeownership rates. Asian and White households have homeownership rates of 74.7% and 76.0%, respectively, whereas Black and Hispanic rates are 38.6% and 55.0%, respectively.

FIGURE 2.25 HOUSING OWNERSHIP BY RACE AND ETHNICITY, 2016

	White		Black		Asian		Hispanic	
	Total HH	Percent Owners	Total HH	Percent Owners	Total HH	Percent Owners	Total HH	Percent Owners
Passaic County	108,932	63.6%	20,048	25.6%	7,172	66.9%	53,810	29.6%
Urban County*	45,962	76.0%	1,257	38.6%	1,649	74.7%	6,525	55.0%
Bloomingtondale	2,642	66.7%	24	0.0%	64	78.1%	225	31.1%
Clifton	21,423	63.6%	1,664	40.7%	2,324	72.8%	8,251	45.7%
Haledon	1,932	50.6%	185	54.6%	77	66.2%	1,011	40.7%
Hawthorne	6,345	61.8%	64	18.8%	32	62.5%	1,152	46.5%
Little Falls	4,784	64.0%	104	0.0%	260	45.4%	361	80.9%
North Haledon	2,928	92.6%	0	-	159	100.0%	63	41.3%
Passaic	10,031	30.0%	2,894	17.5%	659	30.0%	13,015	15.3%
Paterson	15,296	30.0%	13,945	23.5%	1,119	58.4%	24,386	23.1%
Pompton Lakes	3,600	77.7%	3	100.0%	176	68.2%	641	66.3%
Prospect Park	968	46.5%	416	30.5%	45	71.1%	853	51.1%
Ringwood	3,742	94.0%	11	81.8%	66	100.0%	193	100.0%
Totowa	3,015	80.0%	78	33.3%	202	85.6%	474	62.2%
Wanaque	3,533	86.6%	118	84.7%	163	87.1%	297	71.0%
Wayne	16,220	80.9%	288	63.5%	1,421	72.1%	1,633	59.5%
West Milford	8,918	88.7%	46	100.0%	147	91.2%	483	88.0%
Woodland Park	3,555	66.4%	208	29.3%	258	64.3%	772	35.1%

Source: US Census Bureau 5-Year 2016 ACS (B25003A, B25003B, B25003D, B23003I)

*Excludes Clifton, Passaic and Paterson and Wayne Township.

4. The Tendency of Protected Classes to Live in Larger Households

Larger families may be at risk for housing discrimination on the basis of race and the presence of children (familial status). A larger household, whether or not children are present, can raise fair housing concerns. If there are policies or programs that restrict the number of persons that can live together in a single housing unit, and members of the protected classes need more bedrooms to accommodate their larger household, there is a fair housing concern because the restriction on the size of the unit will have a negative impact on members of the protected classes. Such policies do not exist in Passaic County at the county level, but can potentially exist in municipal ordinances.

In the Urban County, Black and Asian households were more likely than White and Hispanic households to live in families with four or more people. In 2010, 25.4% of White families and 24% of Hispanic families had four or more persons per household. By comparison, 35.3% of Black families and 43.4% of Asian families had four or more persons per household. This calculation does consider non-family households since non-family households can comprise large numbers of unrelated individuals. That the Census Bureau has since stopped providing this information so the 2010 decennial census provides the most recent data.

FIGURE 2.26 PERCENTAGE OF HOUSEHOLDS WITH FOUR OR MORE PERSONS, 2010

	Passaic County	Urban County*
White	28.3%	25.4%
Black	31.1%	35.3%
Asian	46.9%	43.4%
Hispanic	23.6%	24.0%
Total	33.1%	27.3%

*Excludes Clifton, Passaic and Paterson and Wayne Township.

Sources: US Census Bureau, Census 2010 (P28, P28A, P28B, P28D, P28I)

Black and Asian households are more likely to live in households with four or more persons and may require larger housing units than White or Hispanic households. In the Urban County, 43.4% of Asian households have more than four people and 35.3% of Black households have more than four persons.

To adequately house larger families, a sufficient supply of larger dwelling units consisting of three or more bedrooms is necessary. In the Urban County, there are fewer rental options to accommodate larger families. Of 13,136 rental units in the Urban County in 2016, only 26.4% had three or more bedrooms compared to 73.8% of the owner housing stock.

FIGURE 2.27 NUMBER AND PERCENTAGE OF HOUSING UNITS BY NUMBER OF BEDROOMS, 2016

	Owner-Occupied Housing Stock		Renter-Occupied Housing Stock	
	Number of Units	Percentage of Units	Number of Units	Percentage of Units
Urban County*				
0 - 1 bedroom	1,386	3.7%	4,180	31.8%
2 bedrooms	8,556	22.6%	5,484	41.7%
3+ bedrooms	27,997	73.8%	3,472	26.4%
Total	37,939	100%	13,136	100%

*Excludes Clifton, Passaic and Paterson and Wayne Township.
Sources: US Census Bureau 5-Year ACS (B25042)

5. Cost of Housing

Increasing housing costs are not a direct form of housing discrimination. However, a lack of affordable housing does constrain housing choice. Residents may be limited to a smaller selection of neighborhoods because of a lack of affordable housing in other areas.

Between 2010 and 2016, median housing value (adjusted for inflation to 2016 dollars using Bureau of Labor Statistics indices) decreased by 20.3%. It is unusual for the median home value to decrease over a ten-year period but note that the 2010 5-Year ACS Survey included data from before the recession that began in 2008 when home values were inflated; the decrease in home value in 2016 reflects the market correction. Figures 2.28 and 2.29 will be used throughout this analysis as they provide data about home values, median gross rent and median household income by race and ethnicity. The analysis will first consider the rental market as this is the market that must be accessible to persons who are either not looking to purchase a home and/or are unable to afford purchasing a home.

FIGURE 2.28 HOUSING VALUE, GROSS RENT AND MEDIAN HOUSEHOLD INCOME IN PASSAIC COUNTY, 2010-2016

	2010	2016	Change
Median Housing Value (2016 \$)	\$418,318	\$333,400	-20.3%
Median Gross Rent (2016 \$)	\$1,181	\$1,211	12.1%
Median Household Income* (2016 \$)	\$60,073	\$61,664	2.6%

*The change in median household wages and housing value was found using 2016 dollars.

Sources: US Census Bureau 5-Year 2010 ACS (SF4: B25077, B25064, B19013); US Census Bureau 5-Year 2016 ACS (SF4: B25077, B25064, B19013)

FIGURE 2.29 MEDIAN HOUSEHOLD INCOME BY RACE/ETHNICITY IN PASSAIC COUNTY, 2010-2016

	Median Household Income* (2016 \$)		
	2010	2016	Change
Average	\$60,073	\$61,664	2.6%
White	\$73,986	\$73,786	-0.3%
Black	\$36,489	\$34,838	-4.5%
Asian	\$93,535	\$98,822	5.7%
Hispanic	\$36,755	\$41,762	13.6%

*The change in median household wages was found using 2016 dollars.

Sources: US Census Bureau 5-Year 2010 ACS (SF4: B25077, B25064, B19013, B19013A, B19013B, B19013D, B19013I); US Census Bureau 5-Year 2016 ACS (SF4: B25077, B25064, B19013, B19013A, B19013B, B19013D, B19013I)

Rental Housing

The number of affordable rental units in the Urban County and Wayne Township declined between 2000 and 2016. The data does not provide a distinction between units that were actually lost from the inventory (through demolition, etc.) and those for which rents were increased. Also, this figure should be analyzed with an understanding that \$500 was worth more in 2000 than in 2011 or 2016, due to inflation.¹³ The data used in Figure 2.30, due to the categorical nature of the variable, cannot be adjusted for inflation.

FIGURE 2.30 NUMBER OF RENTAL UNITS AND THEIR RENTS, 2000 - 2016

Number of Units Renting for:	2000	2011	2016	Change 2000-2011	Change 2011-2016
Less than \$500	726	333	234	-54.1%	-29.7%
\$500 to \$699	1,487	345	188	-76.8%	-45.5%
\$700 to \$999	5,926	1,528	1,085	-74.2%	-29.0%
\$1000 or more	3,820	9,064	10,885	137.3%	20.1%

Sources: US Census Bureau, Census 2000 (SF3: H062), 5-Year 2011 ACS (B25063), 5-Year 2016 ACS (B25063)

To understand the affordability of the rental market beyond the information provided in Figure 2.26, this analysis considers two methods. First, it uses census data and the median gross rent in Passaic County to determine the level of affordability. Second, it uses data from the National Low Income Housing Coalition to assess affordability for renters.

The HUD definition of “affordable” states that the cost of a household’s housing cannot exceed 30% of a household’s gross income. The average gross rent was compared to 30% of the median household incomes for Passaic County as a whole as for well as racial and ethnic groups within Passaic County.

The right-most column in Figure 2.31 was determined by taking the ratio of 30% of the median household income to the median gross rental cost. Any ratio at or above 100% means that the median person can afford the median rental unit and any ratio less than 100% means that the rental market is unaffordable for those households. Figure 2.31 summarizes the findings. Specifically, the rental market is affordable in the aggregate but when the affordability is analyzed by race and ethnicity there are clear differences; White and Asian households at the median income can afford median rental housing but Black and Hispanic households cannot.

The rental market is affordable in the aggregate but when the affordability is analyzed by race and ethnicity there are clear differences; White and Asian households can afford median housing but Black and Hispanic households cannot.

¹³ \$500 in 2000 is worth \$653 in 2011 dollars, according to BLS inflation indices.

FIGURE 2.31 AFFORDABILITY OF MEDIAN GROSS RENTAL UNIT BY RACE AND ETHNICITY, 2016

	Median Household Income	Monthly Income	30% of Monthly Income (i.e. upper limit of what is "affordable")	Average Gross Rent	Ratio of 30% MHI to median gross rental cost
Passaic County	\$61,664	\$5,139	\$1,542	\$1,211	127.3%
White	\$73,786	\$6,149	\$1,845	\$1,211	152.3%
Black	\$34,838	\$2,903	\$871	\$1,211	71.9%
Asian	\$98,822	\$8,235	\$2,471	\$1,211	204.0%
Hispanic	\$41,762	\$3,480	\$1,044	\$1,211	86.2%

Sources: US Census Bureau 5-Year 2016 ACS (SF4: B25077, B25064, B19013, B19013A, B19013B, B19013D, B19013I)

The National Low Income Housing Coalition provides annual information on the Fair Market Rent (FMR) and affordability of rental housing in counties and cities in the U.S. using data from HUD as well as the 5-Year 2016 ACS. In Passaic County, the FMR for a two-bedroom apartment was \$1,691 in 2018. To afford this level of rent and utilities without paying more than 30% of income on housing, a household must earn \$67,640 annually.¹⁴ Assuming a 40-hour work week, 52 weeks per year, attaining this level of income translates into earning an hourly wage of \$32.52.

In Passaic County, a minimum-wage worker earns an hourly wage of \$8.60. To afford the FMR for a two-bedroom apartment, a minimum-wage earner must work 151 hours per week, 52 weeks per year.

In 2018, Monthly Supplemental Security Income (SSI) payments for an individual were \$781 in Passaic County and across New Jersey. If SSI is an individual's sole source of income, \$234 in monthly rent is affordable, while the FMR for a one-bedroom is \$1,439 and \$1,246 for an efficiency unit.

Black and Hispanic households earning the median income cannot afford a rental housing unit priced at the median gross rental price.

Owner-Occupied Housing

Given that Hispanic and Black households are priced out of the rental market it becomes important that they are not also priced out of being able to afford to purchase a home because this would severely limit the availability of communities in which they can live.

One method used to determine the inherent affordability of a housing market is to calculate the percentage of a home that could be purchased by households at the median income level, similar to the previous analysis for rental housing. That is, if a household at the median income can afford the

¹⁴The 30% rule for affordability is used here due to its establishment as a HUD standard. HUD defines households of any income level paying more than 30% of household income on housing expenses as "cost-burdened."

median-priced home then the percentage would be 100%. Anything over 100% for a given population indicates that the median income household can more than afford a median-priced home. Values less than 100% indicate that the median income is not enough to be able to afford a median-priced home. The affordability of the housing market for each racial or ethnic group in the county has been determined as well as a calculation done in the aggregate. To determine affordability (i.e., how much mortgage a household could afford), the following assumptions were made:

- the mortgage was a 30-year fixed rate loan at a 4.0% interest rate;
- the buyer made a 10% down payment on the sales price;
- principal, interest, taxes and insurance (PITI) equaled no more than 30% of gross monthly income;
- property taxes were levied at the County's median tax rate of 3.18 per \$100 against 100% of assessed value (assessments are done by municipalities as needed);¹⁵ and
- the household does not carry any other debt (i.e. there is no outstanding car loan, credit card debt, student loans, or other types of debt).

Figure 2.32 details the estimated maximum affordable sales prices and monthly PITI payments for Whites, Blacks, Asians and Hispanics in Passaic County (income estimates were not available for the Urban County exclusive of Clifton, Passaic, Paterson and Wayne Township).

In Passaic County, the 2016 median sales price for homes was \$333,400. The countywide median household income in 2016 was \$61,664, which translates to a maximum affordable home purchase price of \$171,491. The median income in Passaic County would not allow a household to afford a home at the median sales price which suggests that the county is not an inherently affordable market, and that home ownership opportunities are extremely limited (if any exist) for those at or below the median household income level.

FIGURE 2.32 MAXIMUM AFFORDABLE PURCHASE PRICE FOR A HOUSE BY RACE/ETHNICITY, 2016

	Median Household Income	Maximum Allowable PITI* Payment	Maximum Affordable Purchase Price	Percentage of a Median House that can be Purchased
Passaic County	\$54,944	\$1,374	\$171,491	51.4%
White	\$67,669	\$1,692	\$213,368	64.0%
Black	\$36,489	\$912	\$110,757	33.2%
Asian	\$93,535	\$2,338	\$298,490	89.5%
Hispanic	\$36,755	\$919	\$111,633	33.5%

*PITI means Principal, Interest, Tax and Insurance

Sources: US Census Bureau 5-Year 2016 ACS (B19013, B19013A, B19013B, B19013D, B19013I)

¹⁵ Median was derived from the 2017 combined county/municipal/school millage rates for each municipality in Passaic County. Figures provided by the County Board of Taxation.

The maximum affordable home purchase prices for Whites and Asians were substantially higher than the affordable home prices for Black and Hispanic homebuyers. Figure 2.32 illustrates the disparity in affordability of home ownership by race and ethnicity. While Asian households at the median income are best able to afford the median-priced home even this population is only able to afford 89.5% of the median-priced housing unit. For Black and Hispanic households the picture is more sobering; median households within these groups can afford to buy a house valued at one-third of the median home price. Homeownership in the county as a whole is inherently unaffordable for households at or below the median household income. This analysis assumes that the household does not carry any other consumer debts including car loans, credit card debt and/or student loans. If these common forms of debt were included in the analysis, then the level of affordability is even more restrictive.

In summary, despite that home values have decreased, a median home value of \$333,400 remains unattainable for most households in the county. Median gross rent increased by 12.1% across the county which places a burden on households that are priced out of homeownership. Additionally, real median household income has decreased for White, Black and Asian populations with only the Hispanic population seeing a slight increase of 1.2% in median household wages. The Black population suffered the largest economic losses with a decrease of 12.7% in median household income. Decreases in real median income coupled with increased costs in the rental market limit housing choices for Black residents in particular.

Homeownership in the county as a whole is inherently unaffordable for households at or below the median household income. Even Asian households, with the highest median household income, cannot afford a median-priced home.

3. HOUSING DISCRIMINATION COMPLAINTS

This section analyzes the existence of fair housing complaints or compliance reviews where a charge of a finding of discrimination has been made. This section reviews the existence of any fair housing discrimination suits filed by the United States Department of Justice or private plaintiffs in addition to the identification of other fair housing concerns or problems.

Citizens of Passaic County receive fair housing services from a variety of organizations, including but not limited to the New Jersey Fair Division on Civil Rights, Fair Housing Council of Northern New Jersey and the HUD Office of Fair Housing and Equal Opportunity. These groups provide education and outreach, sponsor community events, process fair housing complaints, and in some cases investigate complaints through testing, and/or work to promote a mutual understanding of diversity among residents.

A. EXISTENCE OF HOUSING COMPLAINTS

The number of complaints reported may under-represent the actual occurrence of housing discrimination in any given community as persons may not file complaints because they are not aware of how or where to file a complaint. Discriminatory practices can be subtle and may not be detected by someone who does not have the benefit of comparing his/her treatment with that of another home seeker. Other times, persons may be aware of discrimination but may not know that housing discrimination is against the law and that there are legal remedies to address discrimination. Households may be more interested in achieving their first priority of finding decent housing and may prefer to avoid going through the process of filing and following through with a complaint. According to the Urban Institute, 83% of those who experience housing discrimination do not report it because they feel nothing will be done. Therefore, education, information, and referral regarding fair housing issues remain critical to equip persons with the ability to reduce impediments.

1. US Department of Housing and Urban Development

The Office of Fair Housing and Equal Opportunity (FHEO) at HUD receives complaints from individuals regarding alleged violations of the federal Fair Housing Act. Fair housing complaints originating in Passaic County were obtained and analyzed for the period of July 2013 through February 2018. In total, 19 complaints originated in Passaic County and were filed with HUD during this period - an average of four per year. This is down from an average of 12 complaints per year as reported in the last AI. A decrease in the number of housing complaints does not necessarily indicate that discrimination has declined. Discrimination may have declined but it could also be that the persons who wanted to file a complaint did not know their rights or where or how to file a complaint.

HUD provided information on the geographic distribution of housing discrimination complaints. Fair housing complaints originated in localities across the county, with the greatest occurrence in Paterson, where eight complaints were based. Within the Urban County, five municipalities had complaints: Haledon, Pompton Lakes, Wanaque, West Milford, and Woodland Park. Each of these communities had one complaint.

FIGURE 3.1 NUMBER OF COMPLAINTS BY MUNICIPALITY, 7/2013 - 2/2018

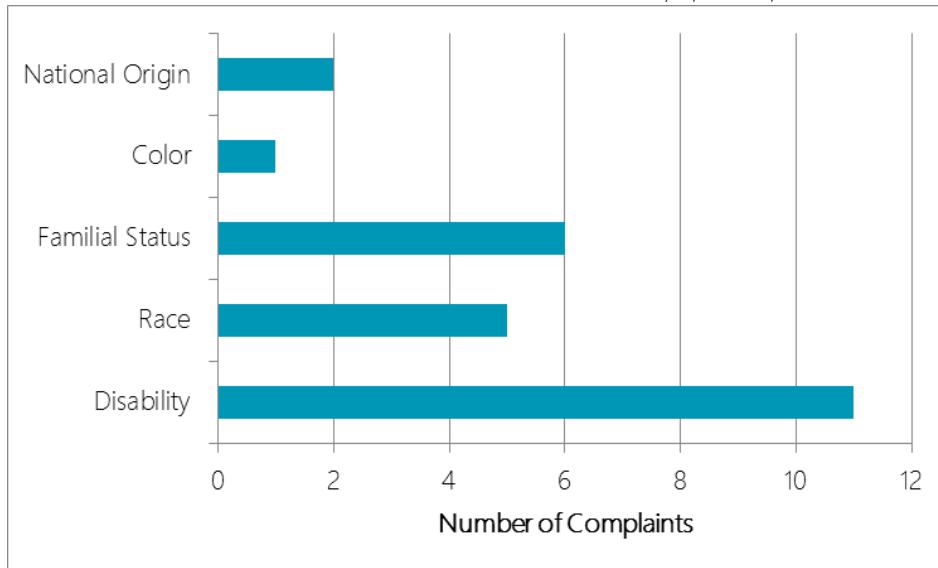
Municipality	Number of Complaints
Clifton*	2
Haledon	1
Passaic*	3
Paterson*	8
Pompton Lakes	1
Wanaque	1
Wayne*	1
West Milford	1
Woodland Park	1
Total Complaints	19
Urban County Complaints	5

*Excluded community

Source: HUD FHEO, Newark Regional Office

The most common reason for complaint was disability status and was cited 11 times. The next most common reasons were familial status and race, with six and five complaints, respectively. A person can select multiples bases for discrimination when filing a complaint; there are 25 reasons listed for the 19 complaints.

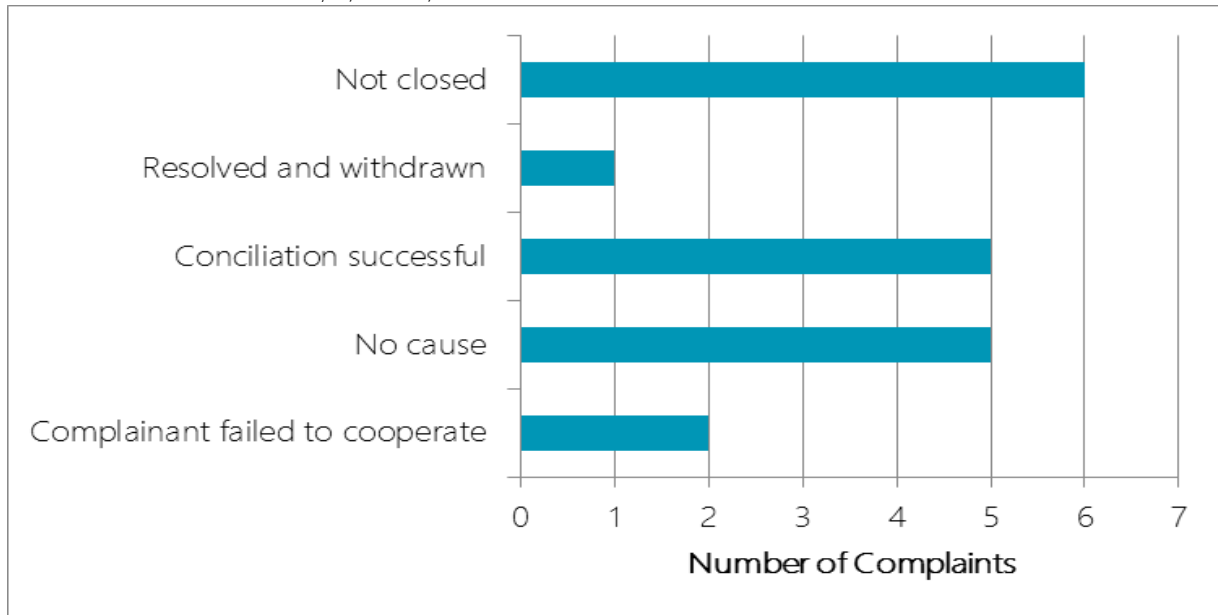
FIGURE 3.2 NUMBER OF COMPLAINTS BY MUNICIPALITY*, 7/13 - 2/18



*This shows all complaints filed in Passaic County including those filed in the entitlement communities of Passaic, Paterson and Clifton as well as Wayne Township.

Source: HUD FHEO, Newark Regional Office

FIGURE 3.3 CASES CLOSED*, 7/13 - 2/18



*This shows all complaints filed in Passaic County including those filed in the entitlement communities of Passaic, Paterson and Clifton and Wayne Township.

Source: HUD FHEO, Newark Regional Office

Of the 13 complaints that were closed as of February 2018, five were conciliated with a successful settlement. A complaint is considered conciliated when all of the parties to the complaint enter into a conciliation agreement with HUD. Such agreements include benefits for the complainant, and affirmative action on the part of the respondent, such as civil rights training. HUD has the authority to monitor and enforce these agreements.

Five complaints were found to be without probable cause. This occurs when the preponderance of evidence obtained during the course of the investigation is insufficient to substantiate the charge of discrimination. Another three cases were administratively closed, due to complaint withdrawal before or after resolution, judicial dismissal, or the complainant's refusal to cooperate.

Caution should be used when interpreting complaints that are administratively closed. This resolution does not always mean that housing discrimination has not occurred. In the case of a complainant withdrawing a complaint, an uncooperative complainant, or a complainant who cannot be located, it is possible that the complainant changed his/her mind, decided against the trouble of following through with the complaint, chose to seek other housing without delay, or withdrew for some other reason.

2. New Jersey Division on Civil Rights

The New Jersey Division on Civil Rights is responsible for the enforcement of the New Jersey Law Against Discrimination (LAD). The Division has an office in Newark which serves Passaic County. Complaints must be filed with the Division within 180 days after the alleged act of discrimination. Once a complaint is accepted, the Division will conduct an investigation. Following the completion of the investigation, the Director of the Division will determine whether or not probable cause exists to indicate an occurrence of discrimination has occurred. If a finding of probable cause is issued, the case is transmitted to the Office of Administrative Law where a full hearing will take place before an Administrative Law Judge.

On January 17, 2018, Passaic County's Department of Planning and Economic Development submitted a Government Records Request Form to Craig Sashihara, the Director of the NJ Division on Civil Rights. The request was for a list of all fair housing complaints originating from Passaic County from July 2013 to the present, including a description of each complaint, the manner in which it was resolved and/or the current status of any open cases. No response was received.

3. The Fair Housing Council of Northern New Jersey

The service area of the Fair Housing Council of Northern New Jersey spans the entire state, though the organization targets its efforts in northern New Jersey. The Fair Housing Council of Northern NJ compiled data on complaints originating in Passaic County for inclusion in the AI, but the data cannot be broken down by municipality. Typically, due to the level of data reporting, the nature of discrimination complaints is more accurately described by HUD and the Division on Civil Rights. No response was received after requests were made.

B. PATTERNS AND TRENDS IN FAIR HOUSING COMPLAINTS

Disability complaints comprised 44.0% of all complaints filed with HUD, followed by familial status complaints, which represented 24.0% of the total complaints. Complaints on the basis of race status represented 20.0% of all complaints filed.

No organization or department within Passaic County has completed fair housing testing. This is the result of limited entitlement allocations for housing development for both entitlements.

C. EXISTENCE OF FAIR HOUSING DISCRIMINATION SUIT

There is no pending fair housing discrimination suit involving Passaic County.

D. DETERMINATION OF UNLAWFUL SEGREGATION

There is no pending unlawful segregation order involving Passaic County.

4. REVIEW OF PUBLIC SECTOR POLICIES

The analysis of impediments is a review of impediments to fair housing choice in the public and private sectors. Impediments to fair housing choice are any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status or national origin that restrict housing choices or the availability of housing choices, or any actions, omissions or decisions that have the effect of restricting housing choices or the availability of housing choice. Policies, practices or procedures that appear neutral on their face but that operate to deny or adversely affect the provision of housing to persons of a particular race, color, religion, sex, disability, familial status, or national origin may constitute such impediments.

An important element of the AI includes an examination of public policies and their potential impacts on housing choice. This section evaluates the public policies in the Urban County to determine opportunities for furthering fair housing choice.

C. POLICIES GOVERNING INVESTMENT OF FEDERAL ENTITLEMENT FUNDS

From a budgetary standpoint, housing choice can be affected by the allocation of staff and financial resources to housing related programs and initiatives. The decline in federal funding opportunities for affordable housing for lower-income households has shifted much of the challenge of affordable housing production to state, county and local government decision makers.

Passaic County's federal entitlement funds received from HUD may be used for a variety of activities to serve a range of needs. The primary objective of the Community Development Block Grant (CDBG) program is to develop viable urban communities by providing decent housing, a suitable living environment, and economic opportunities principally for persons of low and moderate income levels. Funds can be used for an array of activities including: housing rehabilitation, homeownership assistance, lead-based paint detection and removal, construction or rehabilitation of public facilities and infrastructure, removal of architectural barriers, public services, rehabilitation of commercial or industrial buildings, and loans or grants to businesses.

In 2014 the county received \$815,756 in CDBG funds plus an additional \$50,245 in reallocated funds from Westchester County, NY, which were spent on additional administration costs as well as a public infrastructure project. In 2015 the county received \$822,008 and in 2016, the allocation was \$810,869 in CDGB funds. The funds went towards many types of activities including street improvements, ADA access improvement, sanitary and storm water improvements, and recreational facility improvements. Federal entitlement funds were not allocated towards housing projects and Passaic County does not receive HOME or ESG funding from HUD.

1. Project Proposal and Selection

Passaic County's Department of Planning and Economic Development is ultimately responsible for federal entitlement programs administered by the county. The Department compiles the Five-Year Consolidated Plan (CP), which establishes policies and priorities to govern entitlement spending. (The 2013-2017 CP was extended for an additional year through August 31, 2019 to align with the program years of the other HUD grantees in Passaic County when the Assessment of Fair Housing was required.)

Passaic County allocates its formula grant funds on a competitive basis within the Urban County.

In the current Consolidated Plan, three of the County's five priority needs were related to housing activities. These included:

- Affordable housing (rehabilitation and construction of owner-occupied and rental housing units);
- Special needs (housing assistance and services for the elderly and veterans); and
- Homelessness (street outreach, emergency shelter, prevention, rapid re-housing, and supportive services).

The 2018-2022 CP identifies six goals to meet the needs of Passaic County, two of which are related to housing activities:

- Affordable housing (creation and preservation of affordable housing including housing serving the homeless); and
- Homelessness (support the efforts of the Passaic County Interagency Council on Homelessness (PCICH) to reduce homelessness).

2. Affirmative Marketing Policy

Since the Urban County does not receive HOME funds or use CDBG entitlement funding for housing projects of five units or more, an affirmative marketing policy is not required. However, the Urban County markets its housing rehabilitation program in a manner compliant with the principles of affirmatively furthering fair housing. It achieves this by providing information on its housing rehabilitation program to each Urban County municipality so that information can be distributed to area residents and requests that municipalities refer homeowners with known or developing problems.

3. Grants to Local Units of Government

The County divides CDBG public infrastructure funds among communities on a competitive basis. Only 12 out of the 16 municipalities in Passaic County are eligible as the remaining four communities - Wayne Township, Clifton, Passaic, and Paterson - are separate federal entitlement communities. Projects are selected based on meeting a national objective, timeliness and need. Low income benefit can be derived by serving a low income census block group or by undertaking projects designed to remove barriers in compliance with the American Disabilities Act.

4. Spending Patterns

Entitlement jurisdictions are required to prepare Annual Plans describing activities that will be supported by federal entitlement grant funds. At the end of each fiscal year, jurisdictions prepare Consolidated Annual Performance and Evaluation Reports (CAPERs) to report on progress achieved. The following narrative includes an analysis of entitlement fund investment between 2014 and 2016 in the Urban County as reported in these documents.

Figure 4.1 lists the type of activities the Urban County funded between 2014 and 2016. During this period the three activities with the largest expenditures were street improvements, sanitary and storm sewer improvements and recreational facilities. Note that when a street improvement was completed and it included ADA upgrades to curbs and storm water drains, this expenditure was categorized as a Street Improvement as the CAPERs do not detail how much money for each project went to the various subcategories. No funds were allocated towards affordable housing developments.

FIGURE 4.1 URBAN COUNTY CDBG EXPENDITURES, FY 2014-2016

Eligible Activity	FY 2014		FY 2015		FY 2016	
	Amount	Percentage	Amount	Percentage	Amount	Percentage
Public Facilities	\$610,470	74.8%	\$615,472	74.9%	\$601,560	74.2%
Street Improvements	\$195,081	23.9%	\$245,000	29.8%	\$225,000	27.7%
ADA Improvements	\$108,808	13.3%	\$50,000	6.1%	\$44,560	5.5%
Sanitary and Storm Sewer Improvements	\$306,581	37.6%	\$320,472	39.0%	\$232,000	28.6%
Recreational Facilities	-		-		\$100,000	12.3%
Public Services	\$42,135	5.2%	\$42,135	5.1%	\$47,135	5.8%
Senior Citizens and Disabled Persons	\$32,135	3.9%	\$32,135	3.9%	\$32,135	4.0%
Counseling	\$10,000	1.2%	\$10,000	1.2%	\$15,000	1.8%
Administration	\$163,151	20.0%	\$164,401	20.0%	\$162,174	20.0%
County Administration	\$163,151	20.0%	\$164,401	20.0%	\$162,174	20.0%
Total CDBG Expenditures	\$815,756	100.0%	\$822,008	100.0%	\$810,869	100.0%

Source: FY 2014-2016 CAPER Reports for Passaic County (Urban County)

5. Section 3 Policy

Section 3 of the HUD Act of 1968 requires that wherever HUD financial assistance is expended for housing or community development, to the greatest extent feasible, economic opportunities must be given to local public housing residents and LMI persons who live in the metropolitan area where the assisted project is located. The policy is intended to direct the employment and other economic opportunities created by federal financial assistance for housing and community development programs toward LMI persons, particularly those who are recipients of government assistance for housing.

Section 3 is the legal basis for providing jobs for residents and awarding contracts to Section 3 businesses, which include businesses that are at least 51% owned by Section 3 residents, whose permanent, full-time employees include at least 30% current Section 3 residents, or businesses that commit to subcontract at least 25% of the dollar award to a Section 3 business concern. The opportunities provided can include job, training, employment or contracts.

Recipients of federal assistance are required, to the greatest extent feasible, to provide all types of employment opportunities to low- and very low-income persons, including seasonal and temporary employment and long-term jobs. HUD receives annual reports from recipients, monitors the performance of contractors and investigates complaints of Section 3 violation, examining employment and contract records for evidence of actions taken to train and employ Section 3 residents and to award contracts to Section 3 businesses.

Passaic County's Section 3 Plan, which was adopted in September 2013 and reviewed for the previous AI, has not been updated since the last review. The county states that it will include Section 3 information and requirements in its existing procurement policy and adopt a Section 3 contracting policy and procedure to be included in procurements of covered activities paid for with HUD funding.

To promote its Section 3 Plan to Section 3 residents, the county advertises that Section 3 residents should contact the Workforce Development Center One-Stop Office, work with the Passaic County Housing Authority to seek out referral sources, and provide outreach material to relevant county departments and business development centers.

To promote its Section 3 Plan to Section 3 Business Concerns, the county:

- provides notice of contracting opportunities to all known Disadvantaged Business Enterprises;
- works with Wayne Paterson University and other business start-up programs to conduct workshops;
- informs relevant business assistance agencies, Minority and Women's Business Enterprises and community organizations of contracting opportunities;
- establishes relationships with the Small Business Administration, Chamber of Commerce, SCORE, and other sources to assist in educating and mentoring residents desiring to start a business; and
- develops resources or seek out training to assist residents interested in starting their own business.

D. APPOINTED BOARDS AND COMMISSIONS

A community's sensitivity to fair housing issues is often determined by people in positions of public leadership. The perception of housing needs and the intensity of a community's commitment to housing related goals and objectives are often measured by board members, directors, directorships, and the extent to which these individuals relate within an organized framework of agencies, groups, and individuals involved in housing matters. The expansion of fair housing choice requires a team effort, and public leadership and commitment is a prerequisite to strategic action.

The Passaic County Board of Chosen Freeholders appoints residents to serve on dozens boards and commissions focused on a wide range of issues; the following bodies are especially relevant to issues of fair housing. The experiences and perspectives of women and persons with disabilities and racial and ethnic minorities enhance the decision-making process, further ensuring that the county is able to understand and serve the needs of these populations.

1. Passaic County Planning Board

The Passaic County Planning Board, comprised of 11 members, is primarily responsible for reviewing and approving site plans and subdivision plans, permits for conditional uses, planned developments, and generally overseeing the County's planning program.

Of the 11 members on the Planning Board, two are women. There are three Black persons and one Hispanic person.

2. Passaic County Public Housing Agency

Passaic County's Public Housing Agency assists 802 households through its Housing Choice Voucher program. The Agency's board currently has seven members; one member is Black and another is Middle Eastern. Six of the seven members are men. Six of the seven members are members of the County Board of Chosen Freeholders. The Agency serves all municipalities in Passaic County, with the exception of Clifton, Passaic, and Paterson, which each have their own public housing authority.

3. Passaic County Continuum of Care

The County's Continuum of Care (CoC) board is a 47-member body charged with making decisions related to the local administration of this federal program. The CoC is administered by the Department of Community Services, which utilizes its Comprehensive Emergency Assistance System Committee (CEAS) as the CoC entity. The board is comprised of representatives of non-profit service providers, religious leaders, business representatives, and concerned citizens. The board is comprised of 34 women, 11 Black and 10 Hispanic persons.

E. ACCESSIBILITY OF RESIDENTIAL HOUSING UNITS

From a regulatory standpoint, local governments develop measures to control land use (such as zoning regulations) and define the range and density of housing resources that can be introduced in a community. Housing quality standards are enforced through local building codes and inspection procedures.

1. Private Housing Stock

In New Jersey, all municipalities must use the ANSI A117.1 American National Standard for Buildings and Facilities – Providing Accessibility and Usability for Physically Handicapped People as the standard for meeting accessibility requirements for new construction. Local standards may be more stringent but cannot be less stringent.

Passaic County does not require accessibility requirements more stringent than the State's ANSI A117.1 standards. The Urban County encourages people with accessibility modification needs to apply for funds available in their home rehabilitation program.

2. Public Housing Stock

Section 504 of the Rehabilitation Act of 1973 and 24 CFR Part 8 requires 5% of all public housing units to be accessible to persons with mobility impairments. Another 2% of public housing units must be accessible to persons with sensory impairments. In addition, an authority's administrative offices, application offices and other non-residential facilities must be accessible to persons with disabilities. The Uniform Federal Accessibility Standards (UFAS) is the standard against which residential and non-residential spaces are judged to be accessible.

Passaic County Housing Agency is not required to prepare a Section 504 Needs Assessment and Transition Plan as it owns no traditional public housing units.

F. LANGUAGE ACCESS PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

As noted in an earlier section of this report, in the Urban County only two languages - Spanish and Italian - have more than 1,000 speakers with limited English proficiency (LEP).¹⁶

Based on the four factor analysis criteria (used to determine which languages require translation of vital documents), only Spanish was identified as requiring vital document translation in Passaic County's Language Assessment Plan. According to the 2016 American Community Survey, there are 6,275 LEP speakers in the Urban County – 1,441 Italian speakers and 4,834 Spanish speakers. Spanish speakers with LEP frequently use county services, and the majority of persons with LEP encountered by the county are Spanish speaking. Although there were over 1,000 Italian speakers with limited English, the frequency of contact and the need of services were not evident.

The plan indicated that there are four full-time Spanish speaking staff within the Passaic County Public Housing Agency. These staff members generally take a civil service test for bilingual competency. Other native speakers who did not take the civil service test were also used in a limited capacity. Additionally, the Public Housing Agency utilizes documents provided by HUD in languages other than English and has translated others. Documents in Spanish are the most widely distributed.

There are two full-time Spanish speaking staff in the Human Services Office in the county. Other bilingual staff include a handful of individuals who speak Italian, German, Tagalog, Arabic, Polish, and American Sign Language. Most libraries and municipal buildings through Passaic County maintain Spanish-language literature. Additionally, Ringwood Borough has a Spanish speaking police officer; Prospect Park has court staff who speak several languages including Arabic, Circassian, and Spanish; and North Haledon has police officers that speak Spanish and Italian.

The county provides a number of services to Spanish speakers with LEP. The most important service is the translation of all vital documents. Vital documents are defined as "those documents that are critical for ensuring meaningful access or awareness of rights or services, by beneficiaries or potential beneficiaries generally and persons with LEP specifically". Outreach of vital documents to LEP Spanish speakers must be inclusively conducted through publishing and marketing all public notices in Spanish and placing them in Spanish media. Additionally, the county participates in community-sponsored events, and makes presentations through community organizations to target persons with LEP, and ensure that they are aware of LEP assistance. Flyers and other communications are also posted in Spanish in the county's lobby and interviews and program briefings are conducted in Spanish.

For non-Spanish speakers, the county provides an interpreter. First, the county will seek an interpreter in-house. If an in-house interpreter is unavailable, then the county will hire a professional interpreter service. The State of New Jersey has a registry of linguistic interpreters available.

G. COMPREHENSIVE PLANNING

¹⁶ The 2011 American Community Survey reported a limited English-speaking ability among 5,991 Spanish speakers and 1,533 Italian speakers in the Urban County.

A community's comprehensive plan is a statement of policies relative to new development and preservation of existing assets. In particular, the land use element of the comprehensive plan defines the location, type, and character of future development. The housing element of the comprehensive plan expresses the preferred density and intensity of residential neighborhoods within the county. Taken together, the land use and housing elements of the comprehensive plan act as a vision of the type of community that Passaic County wishes to become.

Municipalities in New Jersey obtain their authority to develop and adopt comprehensive plans and zoning ordinances from the Municipal Land Use Law (MLUL), the enabling legislation for municipal land use and development planning and zoning.

In September 13, 1988, Passaic County adopted a comprehensive Master Plan. The document is meant to guide county officials' decisions on growth and development in Passaic County, as well as provide long-term goals for residents, businesses, and officials. Passaic County's comprehensive Master Plan includes the following elements: land use, transportation, sustainability, housing, corridor enhancement plan, agriculture retention and farmland preservation, open space and recreation, the highlands, and Morris Canal greenway feasibility study. Over the past 25 years there have been many updates and additions to the Master Plan, particularly over recent years.

- Transportation Element – updated in 2012
- Highlands Element – updated in 2011
- Parks, Recreation and Open Space – updated in 2014
- Sustainability Element – updated in 2013
- Corridor Enhancement – updated in 2008

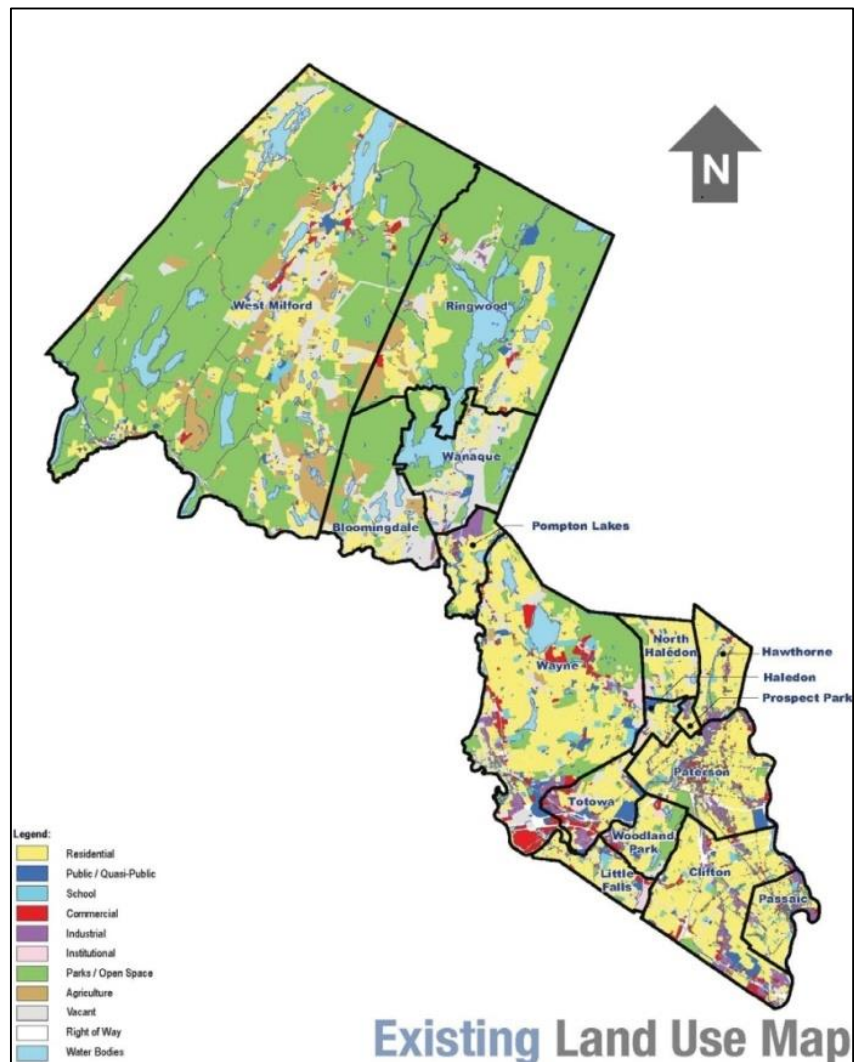
Some elements of the Master Plan have not been updated for many years including the land use and housing elements. Since the land use and housing elements of the Master Plan are dated, for the purposes of this AI, the land-use guiding principles contained in the Master Plan's transportation, sustainability, highland, and open space and recreation elements were reviewed. Because no changes were made to the first three of these four elements, the work from the previous AI is included but not amended.

1. Transportation element

The transportation element, developed in October of 2012, projects that Passaic County will grow to 609,000 persons by 2036. That is a 22% population increase from 2011. The plan further projects that 92% of this growth will occur in the municipalities of Passaic, Paterson, Clifton, and Wayne. This concentration of growth and development pressures in built-up communities is the result of the development limitations set forth by the Highlands Water Protection and Planning Act of 2004. The Act essentially excludes extensive development in the county's northern half, which represents nearly half of the county's land area.

MAP 4-1 EXISTING LAND USE MAP

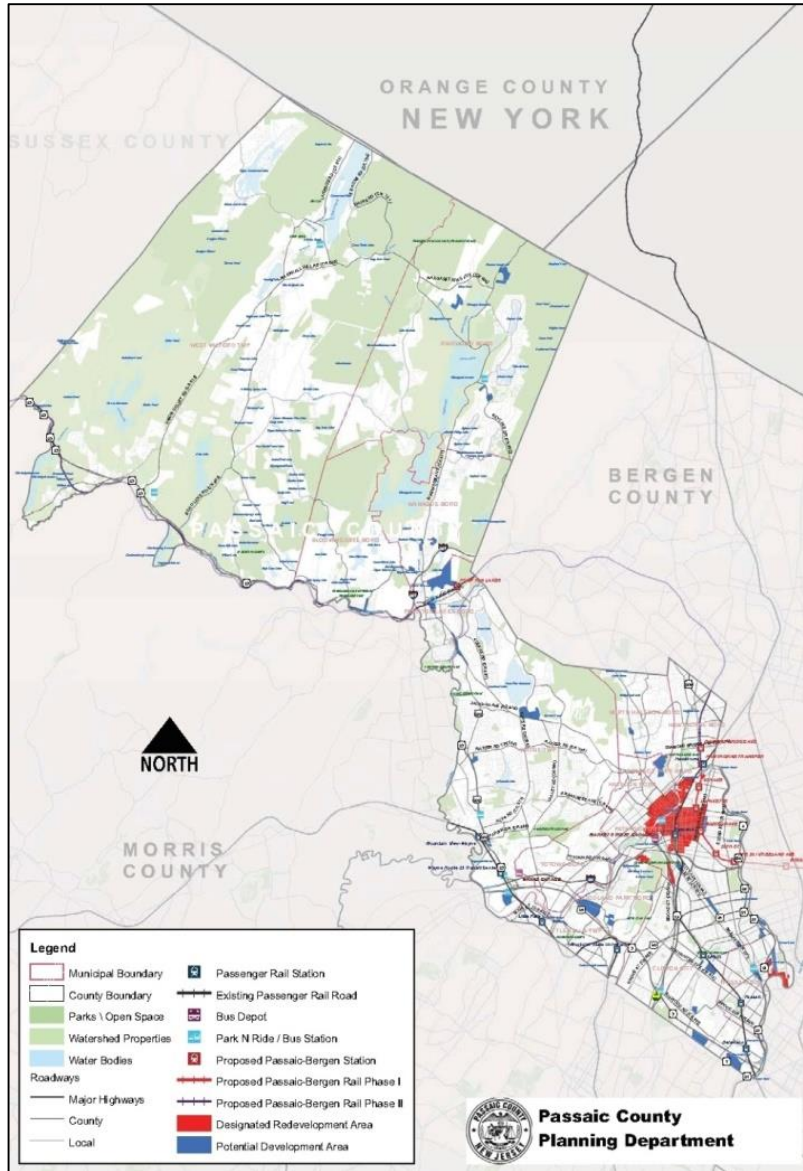
Considering the concentration of population gains in already built-up portions of the county, the transportation element prioritizes the movement of people and traffic in a more efficient manner over existing roadway systems as opposed to expanding roadway systems. In terms of land-use, this means denser development with a priority of developing around transit centers and improving public transportation in the southern half of the county.



Source: 2013 AI

MAP 4-2 DESIGNATED AND POTENTIAL DEVELOPMENT AREAS

The map at left lists all the “designated redevelopment areas” and “potential development areas” recommended by the county in the transportation element. The element emphasizes placing redevelopment and development areas near important transportation lines and existing infrastructure and development.

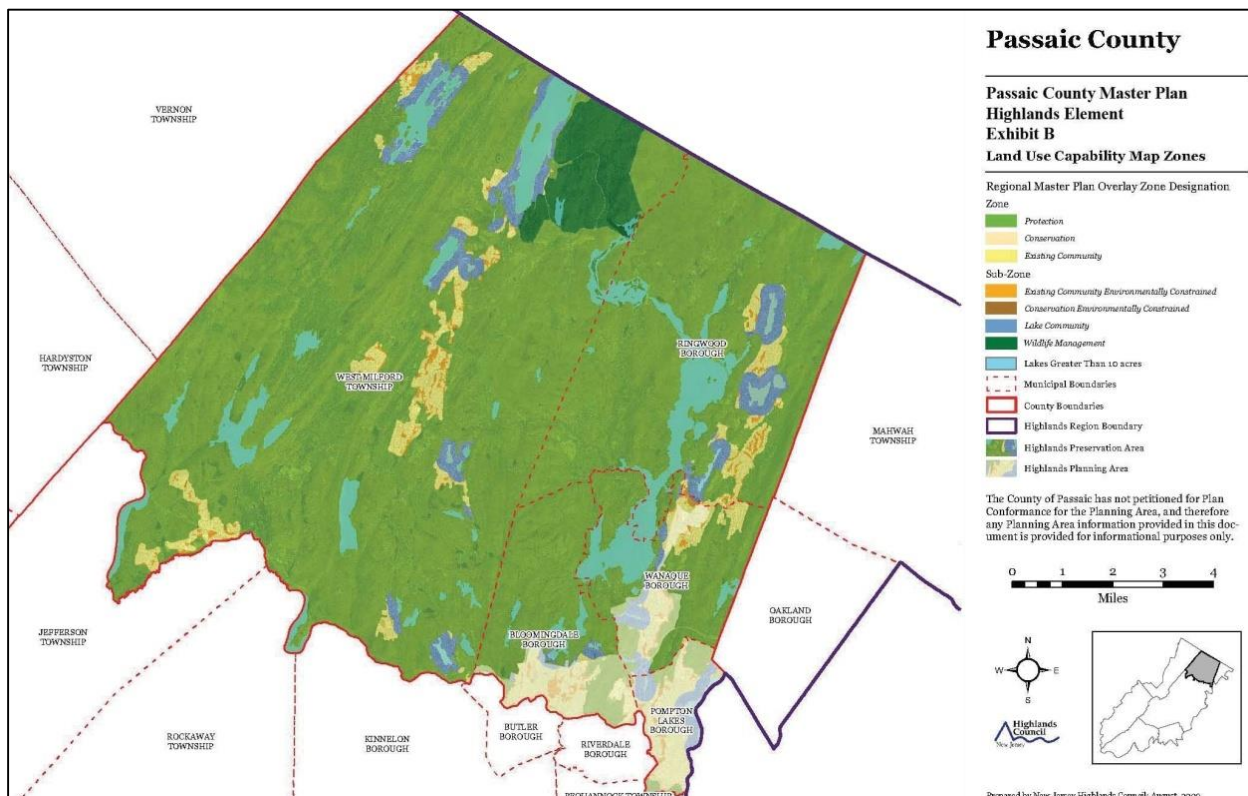


2. Highlands element

The Highlands element of the Master Plan was created in May of 2011. The element fulfills the requirement in the Highland Water Protection and Planning Act to implement the Highland mandates through a local government. The highland element creates zones and sub-zones which function as overlays to the county's existing land use element. The zones ensure that density and intensity of future development and redevelopment do not exceed the capacity of the land, natural resources, or existing infrastructure.

The following map created for the highland element displays the location of zones and sub-zones in the county's environmentally sensitive northern half.

MAP 4-3 LAND USE CAPABILITY MAP ZONES



3. Sustainability element

The Sustainability element was updated/amended by the county in 2013. In the Master Plan, sustainability is defined as:

“A systematic approach that supports economic responsibility, environmental stewardship, and a thriving community to achieve and encourage the highest level of efficiency and conservation of resources in local government operations”

The planning and design section of the sustainability element listed the following strategies, which are relevant to reducing impediments to affordable housing:

11.A: Encourage mixed-use and live-work development, redevelopment and adaptive reuse, in-fill development, context sensitive design, and historic preservation through county Planning Board development review.

12.A: Encourage and provide support for municipalities that adopt zoning regulations that promote smart-growth form, transit oriented development, ‘transit villages’, and freight-oriented development.

13.B: Develop neighborhood traffic management programs.

13.C: Implement bicycle and pedestrian safety infrastructure improvements recommended in Moving Passaic County and the Passaic County Complete Streets Guidelines.

14. A: Encourage large developers to provide new housing options through adaptive reuse, interior design, infill development, and brownfield revitalization; and/or utilize cluster development that preserves open space and environmentally sensitive areas.

14.B: Identify an acceptable site to develop a housing complex, utilizing previous funds set aside for the development of affordable housing, to provide additional housing for county residents.

14.C: Work with local land use boards to promote accessory-use housing within municipal zoning codes and ordinances, especially in the Highlands Preservation Area.

14.F: Ensure safe, decent, sanitary affordable housing by providing rental assistance to eligible county residents who reside in privately owned apartments through the administration of 802 federally funded Housing Choice Vouchers.

14.G: Provide better housing options for veterans and persons with disabilities.

16.F: Introduce traffic-calming measures on county roads to lower vehicle emissions and increase pedestrian safety; encourage traffic calming on municipal roads.

The report also reaffirms the county's commitment to:

"Uphold U.S. policy for the achievement of equal housing opportunity throughout the nation. In the selection of families and in the provision of services, there shall be no discrimination against any person on the grounds of race, color, creed, sex, religion, nation origin, sexual preference, and marital status."

4. Open Space Element

The open space comprehensive plan was adopted in July 2014. Specific goals of the open space element that are related to fair housing choice are highlighted below. Consideration of the Open Space Element is important for fair housing; proximity to waterways and green spaces often raises the property values (and taxes) on housing units located near to these amenities.¹⁷ As the county makes improvements to and increases access to green spaces – in particular in low- and moderate-income areas - it will be important to ensure that residents are able to continue to afford to live in their housing units.

Improve the quality of life of Passaic County residents

This goal includes facilitating access for all Passaic County residents to the Passaic County Park System including its programming and active and passive activities that are relevant to residents to promote the use of the parks. There is a commitment to the preservation of the county's air and water resources and other environmental features that make Passaic County's open space so valuable to the residents and the region; this is consistent with goals set forth in the Highlands element.

Increase the accessibility of the Passaic County Park System

In alignment with goals of the transportation element, this goal includes strengthening coordination with public transit providers and other carriers to facilitate access to green spaces. Access to and coordination of public transit is particularly important for households that are reliant on public transit. To increase accessibility of the parks, the county will encourage municipalities to develop bicycle and pedestrian facilities that can link residential areas with parks and open spaces and to provide adequate bicycle parking at the facilities. Another element of this goal is to make all county parks, recreation areas and open spaces comply with the Americans with Disabilities Act (ADA).

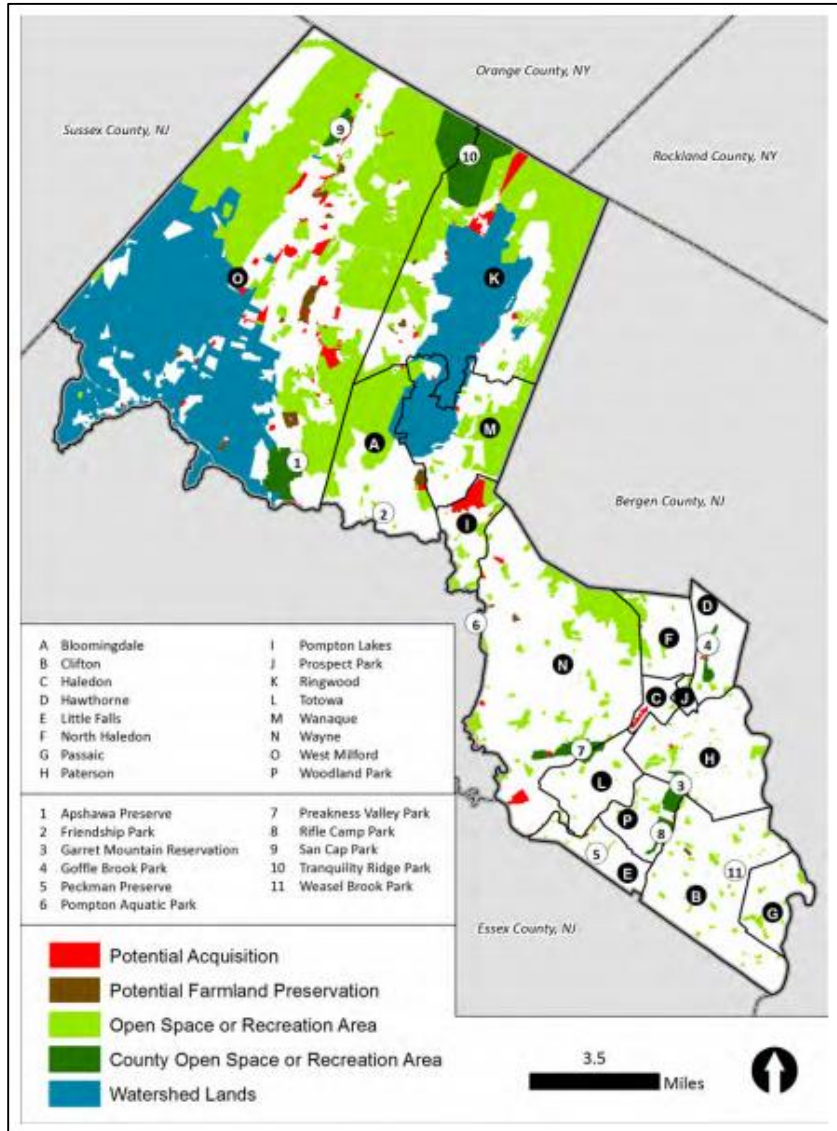
Expand the Passaic County Park System

This goal is in alignment with other elements from the Master Plan. Meeting this goal requires the acquisition of new properties in strategic locations (i.e. along rivers and scenic areas) and in historically underserved municipalities in the southern part of the county. Indeed, more than three-quarters of the county's parks and open space are in the northern part of the county while the southern part of the county houses over 85% of the county's population. Expanding the number of parks in the southern part of the county could be challenging as the county is already built up but the county will be working to meet the needs of the underserved southern municipalities.

The following two maps are placed side-by-side for comparison purposes. Map 4.4 shows the open spaces map from the Open Spaces Element and Map 4.5 shows LMI and R/ECAP areas. The LMI area in West Milford is designated as mostly open space whereas LMI, ECAP and RCAP areas in the southern part of the county have fewer opportunities for expanding access to green and open spaces, primarily due to the built up nature of the southern part of the county.

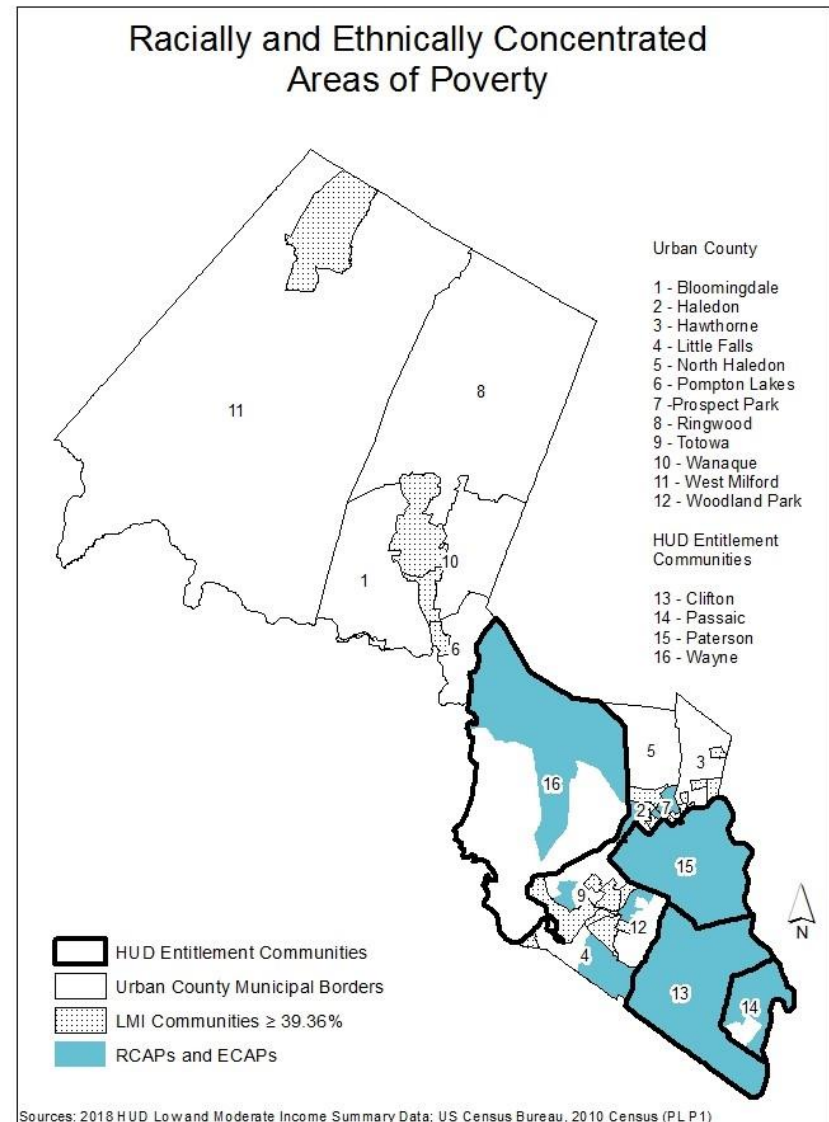
¹⁷ Cho, S., Bowker, J.M. & Park, W.M. (2006). Measuring the contribution of water and green space amenities to housing values: An application and comparison of spatially weighted hedonic models. *Journal of Agricultural and Resource Economics*, 31 (3), 485-507. Retrieved August 14, 2018, from <http://www.fs.usda.gov/research/pubs/26380>.

MAP 4-4 OPEN SPACES MAP



Source: Passaic County Comprehensive Plan Open Spaces

MAP 4-5 RCAP, ECAP AND LMI AREAS



H. ZONING

Passaic County has very limited ability to address barriers that are imposed due to local regulations. In New Jersey, the power behind land development decisions resides with the local municipal governments through the formulation and administration of local controls including master plans, zoning ordinances and subdivision ordinances. Building and development permits are also regulated by the municipalities. While the county does not charge impact fees, request set-asides, require referendums or any other process or policy that increases housing construction costs, many municipalities within the Urban County charge development fees that contribute to their affordable housing trust fund.

The zoning ordinances reviewed included all 12 municipalities in the Urban County:

- Bloomington
- Haledon
- Hawthorne
- Little Falls
- North Haledon
- Pompton Lakes
- Prospect Park
- Ringwood
- Totowa
- Wanaque
- West Milford
- Woodland Park

Northern Passaic County is characterized by its rural landscape and includes Pompton Lakes, Bloomington, Ringwood, and West Milford. While it was once thought that this region could support intense development, that perception has changed. The New Jersey Highlands Legislation and its accompanying master plan have set the course for preserving the region's most precious water resources. As a result, significant limitations on the amount of land that can be developed as well as the character of that development have been put in place. A lack of ground water, steep slopes and other environmental constraints have limited the remaining buildable areas for any proposed new development.

In the southern region of Passaic County, the landscape is more urban/suburban in nature. Here, the issues include available space for new construction and significantly higher land values. The mature suburbs in the southern portion of the County are largely built out resulting in a limited amount of available land for new construction. There is also an added development demand since building in the northern region of Passaic County has been restricted through the Highlands Act. The suburban character and existing zoning standards make it more difficult to introduce more dense development patterns that may be needed to support low income housing and meet the demand for more housing as the population pressure increases.

Summaries of the reviews conducted on each municipal zoning ordinance to identify regulations that may potentially impede fair housing choice are included in Appendix B.

The analysis of zoning regulations was based on the following five topics raised in HUD's Fair Housing Planning Guide, which include:

- the opportunity to develop various housing types (including apartments and housing at various densities);
- the opportunity to develop alternative designs (such as cluster developments, planned residential developments, inclusionary zoning and transit-oriented developments);
- minimum lot size requirements;
- dispersal requirements and regulatory provisions for housing facilities for persons with disabilities (i.e. group homes) in single family zoning districts; and
- restrictions on the number of unrelated persons in dwelling units.

1. Date of Ordinance

Generally speaking, the older a zoning ordinance, the less effectively it addresses changing land uses, lifestyles and demographics. However, the age of the zoning ordinance does not necessarily mean that the regulations impede housing choice by members of the protected classes.

The date of the reviewed ordinances ranged from 1979 to 2017. Almost all of the jurisdictions have amended their ordinances within the past eight years. The most common amendments were related to additions in the number/types of zoning districts.

2. Residential Zoning Districts and Permitted Dwelling Types

The number of residential zoning districts is not as significant as the characteristics of each district including permitted land uses, minimum lot sizes and the range of permitted housing types. However, the number of residential zoning districts is indicative of the municipality's desire to promote and provide a diverse housing stock for different types of households at a wide range of income levels.

Restrictive forms of land use that exclude any particular form of housing, particularly multi-family housing, discourage the development of affordable housing. Allowing varied residential types reduces potential impediments to housing choice by members of the protected classes.

Municipalities in New Jersey generally have many residential zoning districts. This is largely due to the creation of affordable housing districts, which municipalities created to fulfill the *Mount Laurel* low-moderate-income housing fair share requirements. To better understand the degrees of affordable housing options provided by municipalities in Passaic County, three categories were created for the purpose of this AI.

The first category, which includes Hawthorne and Prospect Park, permits a variety of housing types including a variety of residential districts that permit duplexes and multi-family structures, and many residential districts that permit medium and high densities. In addition to providing affordable housing districts, Hawthorne also permits multi-family housing and densities of up to 24 dwelling units per acre

in affordable housing residential districts. In Prospect Park, all residential districts permit at least 11 dwelling units per acre and most also permit housing types other than detached single-family units.

The second category, which includes Pompton Lakes, Wanaque, Bloomingdale, Haledon, Woodland Park and Little Falls, zone higher densities and multi-family housing (options most conducive to affordable housing) in secluded affordable housing districts. The vast majority of residential districts in these municipalities permit only low density detached single family units. Pompton Lakes permits a maximum of two dwelling units per acre in areas outside of its affordable housing districts. It will be difficult in Haledon to construct townhouses in the TH zone as tracts of land larger than 9 acres are required and much of the community is built out.

The third category, which includes Ringwood, North Haledon, Totowa and West Milford, exclusively permit low densities outside of their affordable housing districts and restrict the ability of these affordable housing districts to effectively provide affordable housing options through large minimum development sizes and capping developments at medium densities (approximately five to six units per acre). In Ringwood, the special residence district (affordable housing district) must be constructed on at least a 65 acre site with building lot coverage exceeding no more than 5% of the total lot size. West Milford's zoning ordinance only permits densities of six dwelling units per acre in its rental overlay. As a result of these zoning policies, 1.7% of all housing units in Ringwood were multi-family.

3. Definition of Family

Restrictive definitions of family may impede unrelated individuals from sharing a dwelling unit. Defining family broadly supports non-traditional families and the blending of families who may be living together for economic purposes. Restrictions in the definition of family typically cap the number of unrelated individuals that can live together. These restrictions can impede the development of group homes, effectively limiting housing choice for persons with disabilities. The number of persons in a dwelling unit should be based on occupancy codes determined by the local building inspector's office.

The ordinances reviewed for the AI could be divided into four categories based on the definition of "family". The first category - which includes Hawthorne, Prospect Park, Wanaque, and Totowa - only permit those persons related by blood and marriage to be considered a family. Not permitting any unrelated individuals to constitute a family is an overly restrictive measure and is a violation of the Fair Housing Act if it excludes group homes in the definition of a family. It also has a disproportionate impact on families with children when more than one family resides in the same unit. The ordinances in the municipalities seem to permit group homes to varying degrees but they are effectively excluded from the definition of family through the exclusion of all unrelated individuals from the definition of family. This is inconsistent with the Fair Housing Act.

The second category limits the number of unrelated individuals who can comprise a family but does not include group homes within the definition of family. This includes the municipalities of Haledon, North Haledon, and Bloomingdale. These boroughs cap unrelated individuals who can reside in the same household between four and five. While it is not a violation of the Fair Housing Act to limit the number of unrelated individuals who comprise a family, the restrictions should be lifted and the municipalities should rely on building code limitations.

The third category, which includes Little Falls, Ringwood, and Pompton Lakes, do not restrict unrelated individuals who can reside together but exclude group homes from the definition of family. Group homes should not be excluded from the definition of family especially when they function in the same manner as a family household of unrelated individuals. This restriction is arbitrary and in violation of the Fair Housing Act. Ringwood's definition of family appears that it could include group homes but regulations around group homes require that they be in the Special Residence District. This is inconsistent with the Fair Housing Act which requires group homes to be regulated as single family homes in residential districts.

The fourth category includes West Milford and Woodland Park which do not provide definitions of family. It should be noted that Woodland Park also does not define "group home" but there is a definition for "rooming/boarded houses" as follows: residences for "more than six persons for the developmentally disabled and community shelters for victims of domestic violence shall be permitted as a conditional use in all residential districts provided that there are no more than 14 persons living there and that the structure is at least 1500 feet from a school or other boarding house." This is in violation of the New Jersey Municipal Land Use law (see below).

4. Regulation of Group Homes

Group homes are residential uses that do not adversely impact a community. Efforts should be made to ensure group homes can be easily accommodated throughout the community under the same standards as any other residential use. Of particular concern are those group homes that serve persons with disabilities. Because a group home for persons with disabilities serves to provide a non-institutional experience for its occupants, imposing conditions separate from all residential uses in the zoning district is contrary to the purpose of a group home. More importantly, the restrictions, unless executed against all residential uses in the zoning district, are an impediment to the siting of group homes, which is in violation of the Fair Housing Act.

Two primary purposes of a group home residence are normalization and community integration. By allowing group residences throughout the community in agreement with the same standards as applied to all other residential uses occupied by a family, the purposes of the use are not hindered, and housing choice for persons with disabilities is not impeded. Toward this end, municipalities may not impose distancing requirements on group homes for persons with disabilities.

In New Jersey, group homes are referred to as "community residences for the developmentally disabled" in the State's Municipal Land Use Law (MLUL). The term is defined to mean a licensed residential facility that provides "food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons who require assistance, temporarily or permanently, in order to live in the community." The land use includes group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels. The MLUL authorizes community residences in all residential districts of a municipality, which must regulate them in the same manner as single family dwelling units. Furthermore, MLUL does not allow municipalities in New Jersey to require prior notification for the siting of group homes, to establish minimal distance requirements between group homes, to require group homes to obtain a conditional

use permit or a special use permit before commencing operation, or to limit the number of group residences in the municipality.

The ordinances reviewed for the Urban County provided very little information on group homes. Of the 12 ordinances reviewed, 10 did not include a definition for group home or "community residences/facility". Zoning ordinances also made it difficult to determine where group homes were permitted by right, as a conditional use or in some cases if they were permitted at all.

Municipalities with sufficient information regarding group home regulations can be grouped into two categories: those that permit group homes in all residential districts and municipalities that appear to restrict the location of group homes. The sole inclusive municipality is the borough of Hawthorne. Hawthorne states clearly that group homes will not be excluded in any residential district.

Municipalities that appear to restrict the location of group homes include: Little Falls, Prospect Park and Ringwood. Group homes in Little Falls Township are only allowed as a conditional use in its residence district R-1C. Ringwood strongly suggests that group homes may only be permitted in its Special Residence District on a minimum lot size of two acres. Prospect Park defines its group homes as institutional uses that are allowed as a permitted and conditional uses to various degrees. The remaining municipalities were too scant on details regarding group homes to reasonably determine their degree of regulation.

Totowa appears to prohibit group homes entirely, though there is no explicit definition of a group home. The definition of family is limiting and the municipality does define a boarding house as five or more people not meeting the definition of family but living together. The code (415-132) states that no boarding houses are permitted.

5. Affordable Housing Options

The New Jersey Legislature passed the NJ Fair Housing Act in 1985 as a result of the Mount Laurel Decision in the New Jersey Supreme Court case of *Southern Burlington County N.A.A.C.P. v. Mount Laurel Township* (1975 & 1983). The legislature passed the Act after determining there was a constitutional obligation for municipalities to foster affordable housing as a result of the *Mount Laurel* decision. The Act amended the New Jersey Municipal Land Use Law requiring that for a municipality to have the power to zone it must adopt a land use element and a housing element within its Master Plan. Additionally, to implement and enforce the NJ Fair Housing Act of 1985, the Council on Affordable Housing (COAH) was created by the Fair Housing Act. Their main function is the establishment of fair share housing obligations for each municipality in New Jersey.

There are various methods for municipalities to address their fair share obligation for the provision of affordable housing. The methods include rehabilitation and resale of existing units, zoning specific areas for low income housing, construction of accessory apartments, buy-down programs, and the construction of congregate living and group homes for physically disabled and mentally disabled persons. COAH certification is not mandatory, but by having a municipal housing element and a fair share plan certified by COAH, a municipality is deemed in compliance, thus, limiting exposure from exclusionary lawsuits. More importantly, the certification ensures a municipality has a plan to address its need for affordable housing by low income households.

In line with having local zoning control, the policies that may impact affordable housing - including zoning and other land use controls and building and development permit - are regulated by the municipalities in Passaic County.

The municipalities employ a number of tools to fulfill their fair share housing obligations. The most common tools included affordable housing districts/zones (also known as inclusionary zoning), development fees that are placed in a housing trust fund, rental control/stabilization and new construction requirements including affordable housing mandates. Less utilized tools included the provision of mother/daughter dwelling units, accessory apartments and period of affordability mandates. The municipalities of Pompton Lakes, Prospect Park, Wayne, and Woodland Park have the strongest fair share housing compliance plans. Ringwood, West Milford, Totowa and Wanaque should consider including more residential areas with higher maximum densities and more housing variety in their fair share housing compliance plans.

Municipalities could also consider the creation of "growth share" provisions. Woodland Park has already incorporated this concept. Through the third round rules enacted in 2008 by COAH, which updated the number of low-moderate-income homes needed statewide and the methodology of providing them, each New Jersey municipality is required to link the production of affordable housing with municipal growth in a "growth share plan". The plan established that for every five new residential units constructed, the municipality shall be obligated to include one housing unit that is affordable to low-moderate-income households. To date, only a handful of municipalities within Passaic County have included a growth share plan in their zoning ordinance.

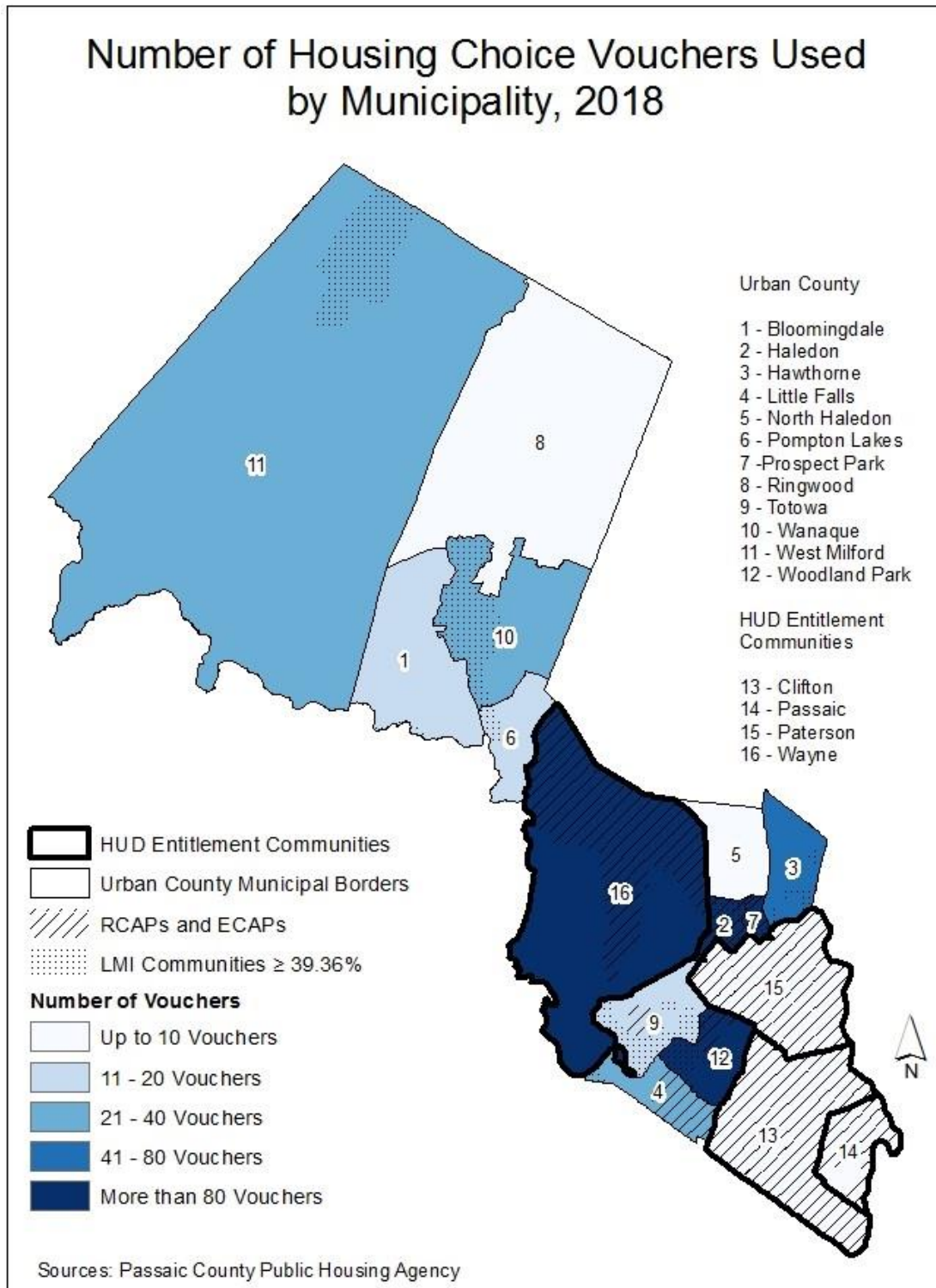
I. PUBLIC HOUSING

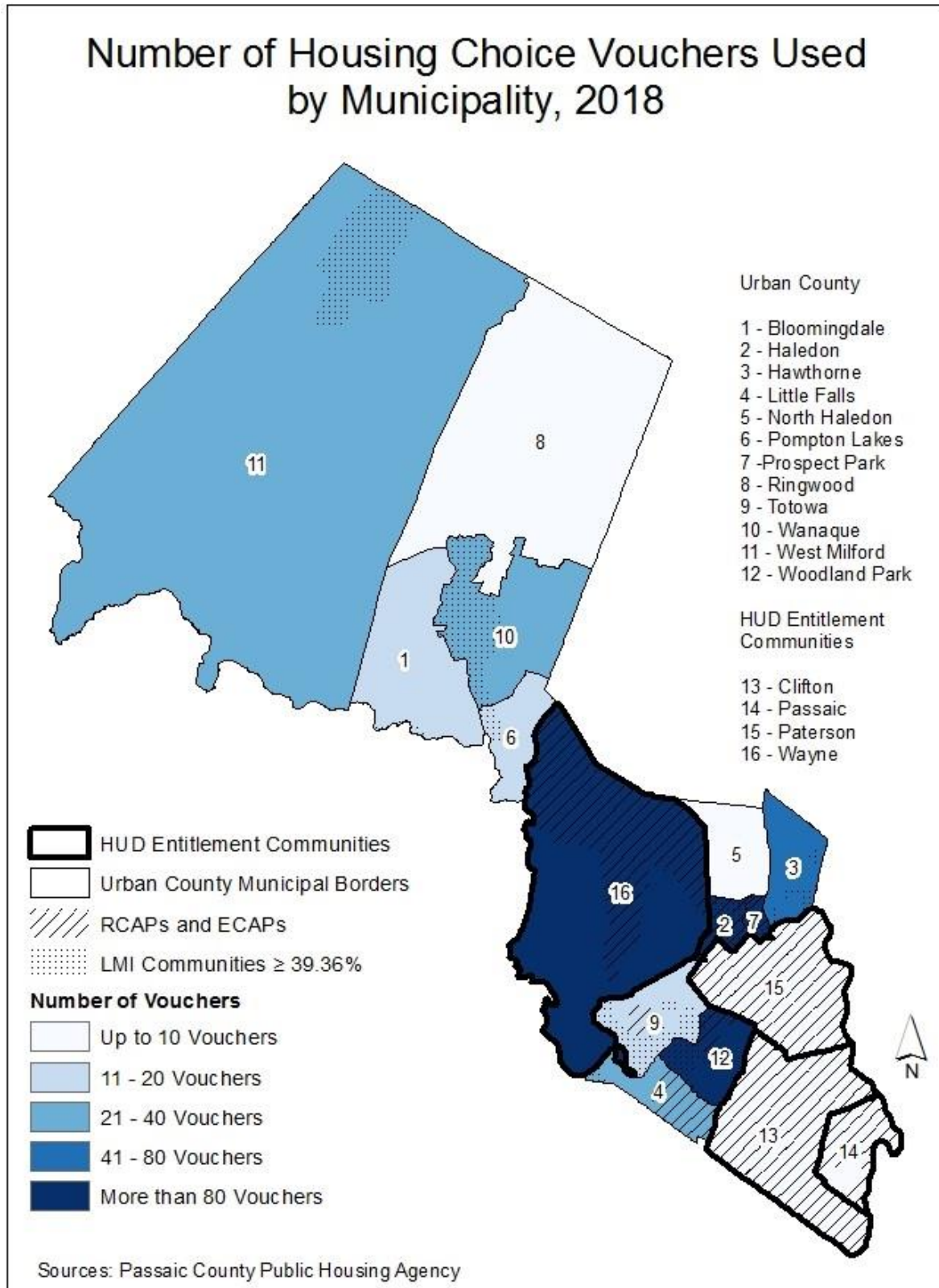
1. Public Housing Units

The Passaic County Public Housing Agency does not own or manage any public housing units.

2. Housing Choice Voucher program

Passaic County Public Housing Agency manages the Housing Voucher Choice program in the Urban County and Wayne Township. There are 802 tenant-based vouchers in the Urban County and 3,852 households on the voucher waiting list. Of those on the waiting list, 12.3% have indicated that they are elderly and 1% report being disabled. No additional demographic information is available about the persons receiving vouchers, including the presence of children or race/ethnicity. The following two maps show the distribution of housing vouchers throughout the Urban County. The data provided is at the municipality level.





The following table shows the distribution of vouchers by municipality and the percentage of vouchers being used in each municipality. The table also includes the percentage of the Urban County's households that live in each municipality.

FIGURE 4.2 NUMBER/PERCENTAGE OF VOUCHERS USED AND COMPARISON TO MUNICIPALITY POPULATION

Municipality	Number of Vouchers	Percentage of Vouchers	Percentage of Population of Urban County
Bloomingtondale	11	1.4%	5.4%
Haledon	211	26.4%	5.6%
Hawthorne	64	8.0%	12.7%
Little Falls	23	2.9%	9.7%
North Haledon	4	0.5%	5.7%
Pompton Lakes	20	2.5%	7.5%
Prospect Park	204	25.6%	4.0%
Ringwood	4	0.5%	8.3%
Totowa	14	1.8%	7.3%
Wanaque	21	2.6%	7.8%
West Milford	32	4.0%	17.8%
Woodland Park	81	10.2%	8.3%

The locations of units rented by voucher holders are disproportionately located in Prospect Park and Haledon. Over 25% of voucher holders live in each of these communities but less than 10% of the Urban County's population lives in these two communities combined. Both Prospect Park and Haledon are also low- and moderate-income areas and R/ECAP areas.

The concentration of voucher-holders in these areas appears to be a function of market rental rates which tend to be lower in area of Passaic County with older housing stock. Voucher holders are heavily concentrated in lower-cost market areas where rents can be supported by HUD-prescribed payment standards. In these areas, there is less difficulty in finding units priced to meet the rental needs of voucher holders.

J. TAXES

Taxes impact housing affordability. While not an impediment to fair housing choice in and of themselves, real estate taxes can impact the choice that households make with regard to where to live. Tax increases can be burdensome to low-income homeowners, and increases are usually passed on to renters through rent increases. Tax rates for specific districts and the assessed value of all properties are the two major calculations used to determine revenues collected by a jurisdiction. Determining a jurisdiction's relative housing affordability, in part, can be accomplished using tax rates.

However, a straight comparison of tax rates to determine whether a property is affordable or unaffordable gives an incomplete and unrealistic picture of property taxes. Local governments with higher property tax rates, for example, may have higher rates because the assessed values of properties in the community are low, resulting in a fairly low tax bill for any given property. In all of the communities surrounding a jurisdiction, comparable rates for various classes of property (residential, commercial, industrial, etc.) are assigned to balance each community's unique set of resources and needs. These factors and others that are out of the municipality's control must be considered when performing tax rate comparisons.

In order to achieve uniform property assessment across the community, Passaic County municipalities calculate a yearly equalization factor, or multiplier, that is part of the property tax equation. The equalized tax rate is the rate that would apply if the property taxed were assessed at true value. Because New Jersey defines true value as the market value, and conducts a statistically designed sales ratio program in order to calculate state promulgated equalization ratios, the equalized property tax rate for New Jersey municipalities is the general tax rate multiplied by the equalization ratio, which creates the effective tax rate. The county tax rate and regional school district tax rate originally are flat rates for all municipalities within Passaic County. However, after the equalization ratio is applied these rates are adjusted and differ per municipality. The effective tax rate reflects all changes made based on the equalization ratio and is the final tax rate used to determine real estate tax.

In New Jersey, regular property assessments are not required. Instead, municipalities will reassess properties when the county's Board of Assessment determines that equalization ratios are not effective anymore in providing accurate market value rates. Within Passaic County, approximately 65% of the municipalities have had a property reassessment completed within the last 15-20 years.

Regularly updating county property assessments is recommended as it minimizes the potential for inequity in the system of taxation as changes in assessed value keep pace with changes in market value across the board. This ensures that neighborhoods that are in decline will not be overtaxed, and that those that are prospering in neighborhoods of increasing value are not under-taxed.

For taxpayers in Passaic County and elsewhere across New Jersey, the district school tax is typically the largest factor in the total tax rate. Total tax rates throughout the county range from 2.060 per \$100 in Totowa to 7.107 per \$100 in Passaic. Figure 4.3 details tax rates by municipality in Passaic County, broken down by municipality, county, and school district tax rates. All values are per \$100 of assessed

value and not per \$1000 as used in calculating millage rates.¹⁸ The effective tax rate ranges from 2.52 to 4.71 per \$100 of assessed value.

FIGURE 4.3 TAX RATES PER \$100 BY MUNICIPALITY, 2017

Municipality	County		School		Municipal			General Rate	Effective Tax Rate
	Tax	Open Space	District	Regional	Tax	Open Space	Library		
Prospect Park	0.783	0.011	1.194	1.412	1.653	0.000	0.000	5.053	4.709
Haledon	0.766	0.011	1.249	0.996	1.448	0.000	0.035	4.505	4.279
Paterson*	0.750	0.011	0.738	0.000	2.625	0.000	0.036	4.160	3.883
Pompton Lakes	1.340	0.019	3.913	0.000	1.612	0.010	0.060	6.954	3.785
Bloomington	0.840	0.012	2.254	0.000	1.046	0.025	0.037	4.214	3.656
West Milford	0.796	0.011	1.968	0.000	0.887	0.005	0.036	3.703	3.393
Wanaque	0.820	0.012	1.320	0.685	0.857	0.009	0.037	3.740	3.308
Ringwood	0.808	0.012	1.344	0.713	0.768	0.010	0.000	3.655	3.293
Passaic*	0.815	0.012	0.555	0.000	2.068	0.000	0.037	3.487	3.075
Hawthorne	1.408	0.020	3.092	0.000	1.167	0.000	0.064	5.751	2.969
Clifton*	1.320	0.019	2.518	0.000	1.447	0.000	0.060	5.364	2.942
Little falls	0.799	0.011	0.974	0.510	0.828	0.005	0.036	3.163	2.893
Woodland Park	0.783	0.011	0.971	0.510	0.759	0.010	0.035	3.079	2.859
Wayne*	1.399	0.020	2.808	0.000	1.106	0.020	0.062	5.415	2.820
North Haledon	0.814	0.012	0.905	0.217	0.865	0.000	0.037	2.850	2.558
Totowa	0.678	0.010	0.691	0.426	0.523	0.000	0.031	2.359	2.520

Source: Passaic County Board of Taxation

¹⁸ This information was provided by the Passaic County Board of Taxation.

Figure 4.4 displays the median housing value, effective tax rates and median annual real estate taxes per municipality in Passaic County. The range of median housing values was from \$236,000 in Paterson to \$445,200 in Wayne Township. The municipalities are ranked from highest to lowest median housing value.

FIGURE 4.4 MEDIAN HOUSING VALUE BY MUNICIPALITY, 2016

Municipality	Median Housing Value	Effective Tax Rate	Median Annual Real Estate Taxes
Wayne*	\$445,200	2.82	\$12,555
North Haledon	\$436,000	2.558	\$11,153
Little Falls	\$380,000	2.893	\$10,993
Woodland Park	\$371,000	2.859	\$10,607
Totowa	\$369,600	2.52	\$9,314
Hawthorne	\$368,300	2.969	\$10,935
Ringwood	\$348,900	3.293	\$11,489
Clifton*	\$330,300	2.942	\$9,717
Bloomingtondale	\$306,800	3.656	\$11,217
Passaic*	\$303,600	3.075	\$9,336
Wanaque	\$295,900	3.308	\$9,788
Prompton Lakes	\$294,800	3.785	\$11,158
West Milford	\$288,800	3.393	\$9,799
Haledon	\$259,100	4.279	\$11,087
Prospect Park	\$249,800	4.709	\$11,763
Paterson*	\$236,000	3.883	\$9,164

Highest and lowest median annual real estate taxes in Passaic County are in Wayne and Paterson, respectively.

Highest and lowest median annual real estate taxes in the Urban County are in Prospect Park and Totowa, respectively.

Source: US Census 5-Year 2016 ACS (B25077)

In Passaic County, the highest median annual real estate taxes are in Wayne (which has the highest median housing value) and the lowest in Paterson (which has the lowest median housing value). The median real estate tax bill is 37% higher in Wayne than Paterson but the median housing value is 87% higher.

In the Urban County, the highest median annual real estate taxes are in Prospect Park (which has the lowest median house value in the Urban County) and the lowest median real estate tax bill is in Totowa (which has the fourth highest median house value in the Urban County). A homeowner in Prospect Park pays 26.3% more in annual taxes than a homeowner in Totowa but the median house in Totowa is valued 48% higher than a median house in Prospect Park. Prospect Park has the highest effective tax rate of all municipalities in Passaic County and is a R/ECAP area.

New Jersey law provides property tax relief for targeted policy outcomes and special-needs populations through a number of exemptions and credits. One of these is the Property Tax Reimbursement

Program (known as the "Senior Freeze"), that reimburses eligible senior citizen homeowners and persons with disabilities for property tax increases. The amount of the reimbursement is the difference between the amount of property taxes that were due and paid for the "base year" (the first year that an individual met all the eligibility requirements) and the amount due and paid for the current year for which the individual is applying for the reimbursement. Other programs include an annual deduction for veterans of up to \$250 that extends to spouses and civil union partners, and a property tax exemption for certain totally and permanently disabled persons. It is the property owner's responsibility to apply for these reimbursements as provided by law.

K. PUBLIC TRUSTS AND FUNDS

In 2009, the New Jersey legislature passed the *County Homeless Trust Fund Act* which enabled counties to collect a \$3 fee on recorded documents to fund the County Homeless Trust Fund for initiatives to address homelessness. Passaic County is one of nine counties in New Jersey to establish a Homeless Trust Fund and was the first county to do so.

L. PUBLIC TRANSIT

1. Primary Modes of Transit

Households without a vehicle - which in most cases are primarily low-moderate income households - are at a disadvantage in accessing jobs and services, particularly if public transit is unavailable. Access to public transit is critical to these households. Without convenient access, employment is potentially at risk and the ability to remain housed is threatened. The linkages between residential areas (with minority concentrations and LMI persons) and employment opportunities are critical to expanding fair housing choice.

Figure 4.5 shows the trends from 2011 to 2016 in terms of how people in Passaic County and the Urban County commute to work. Excluded from this table are those persons who walk, ride a bicycle or motorcycle, or walk to work. During this time frame, Passaic County had an increase of 1.2% in the percentage of people to use public transportation while the Urban County had a slight decrease (0.1%) in the percentage of public transits users. In the Urban County, there has not been an increase in the number of people commuting by driving alone, carpooling or public transit indicating that there have been increases in the number of people using one of the excluded commuting methods/working from home. It is logical that public transit usage in the Urban County is less than in Passaic County as a whole given that the Urban County excludes the urban centers of Clifton, Passaic and Paterson where there is more robust service for public transit. On the whole in Passaic County, driving alone and carpooling is down while public transit commuting is up.

FIGURE 4.5 MEANS OF TRANSPORTATION TO WORK, 2011-2016

		Total Workers	Drive Alone		Carpool		Public Transit	
			Number	%	Number	%	Number	%
Passaic County	2011	222,006	158,959	71.6%	20,475	13.5%	19,664	8.1%
	2016	229,862	162,742	70.8%	26,894	11.7%	21,377	9.3%
Urban County	2011	74,675	61,322	82.1%	5,842	7.8%	3,180	4.3%
	2016	75,869	61,437	81.0%	5,811	7.7%	3,193	4.2%

Source: US Census Bureau 2011 5-Year ACS (S08301), 2016 5-Year ACS (S0801)

Figure 4.6 breaks down the commuting data by race/ethnicity for the three primary methods of commuting to work. For all groups, driving alone is the primary method of commuting. However, non-Whites and Hispanic people are over-represented in using public transit and carpooling. Black and Asian persons in particular use public transit at rates that far exceed the county rate and Hispanic persons tend to carpool. While Hispanic persons tend to rely on driving alone less than Whites, the gap between White and Hispanic persons using a car alone has closed by 3% since 2011. The reason for this is not clear in the data. It could be due to changes in the behavior of either group. For example, White persons have shown an increase in the usage of public transit as well as carpooling. In recent

years, there has been a rise in the number of people who are permitted to work from home years which could also be contributing to the slight shifts.

FIGURE 4.6 MEANS OF TRANSPORTATION TO WORK BY RACE/ETHNICITY, 2016

	Total		White		Black		Asian		Hispanic	
Drive Alone	162,694	70.8%	115,025	75.0%	16,107	65.5%	8,623	67.0%	52,387	60.1%
Carpool	26,979	11.7%	15,135	9.9%	3,291	13.4%	1,565	12.2%	15,486	17.8%
Public Transit	21,474	9.3%	11,617	7.6%	3,479	14.1%	1,868	14.5%	10,544	12.1%
Other*	18,715	8.1%	11,541	7.5%	1,718	7.0%	816	6.3%	8,701	10.0%
Total	229,862	100%	153,318	100%	24,595	100%	12,872	100%	87,118	100%

*Includes working from home and those who commute riding a bicycle, a motorcycle or by walking.

Source: US Census Bureau 2016 5-Year ACS (S0802)

2. New Jersey Transit

Serving all of New Jersey, New Jersey Transit is the nation's third largest provider of bus, rail and light rail transit and links major points in New Jersey, New York and Philadelphia. The agency operates a fleet of 2,221 buses, 1,231 trains and 21 light rail vehicles. On 252 bus routes and 12 rail lines statewide, New Jersey Transit provides nearly 270 million passenger trips each year.¹⁹

Municipalities within Passaic County receive varying degrees of public transit service. Two rail lines run through the county. One is located in the southeastern corner and passes through Passaic, Clifton, Paterson, and Hawthorn and the other is near the southern border of the county and passes through Little Falls and Wayne. The best public transit areas include Passaic, Clifton and Paterson. These areas have many bus lines and one, if not both, of the aforementioned rail lines. Public transit options are also strong in Wayne, Little Falls, Totowa, Haledon, Hawthorne, and Woodland Park. Bloomingdale and Pompton Lakes have only a handful of limited-service bus lines. Prospect Park and North Haledon also have a handful of bus lines passing through their municipalities, but are in close proximity to frequent service bus lines in adjacent municipalities. Bus service is most limited in the northwest portions of the county. This includes Ringwood, Wanaque and West Milford.

Fare rates on NJ Transit increased in 2010 and again in 2015. Because of increasing costs, there are growing concerns that there might need to be another fare increase. However, there has been commitment in 2018 from the current state government leaders that additional funding will be made available to prevent another fare hike.

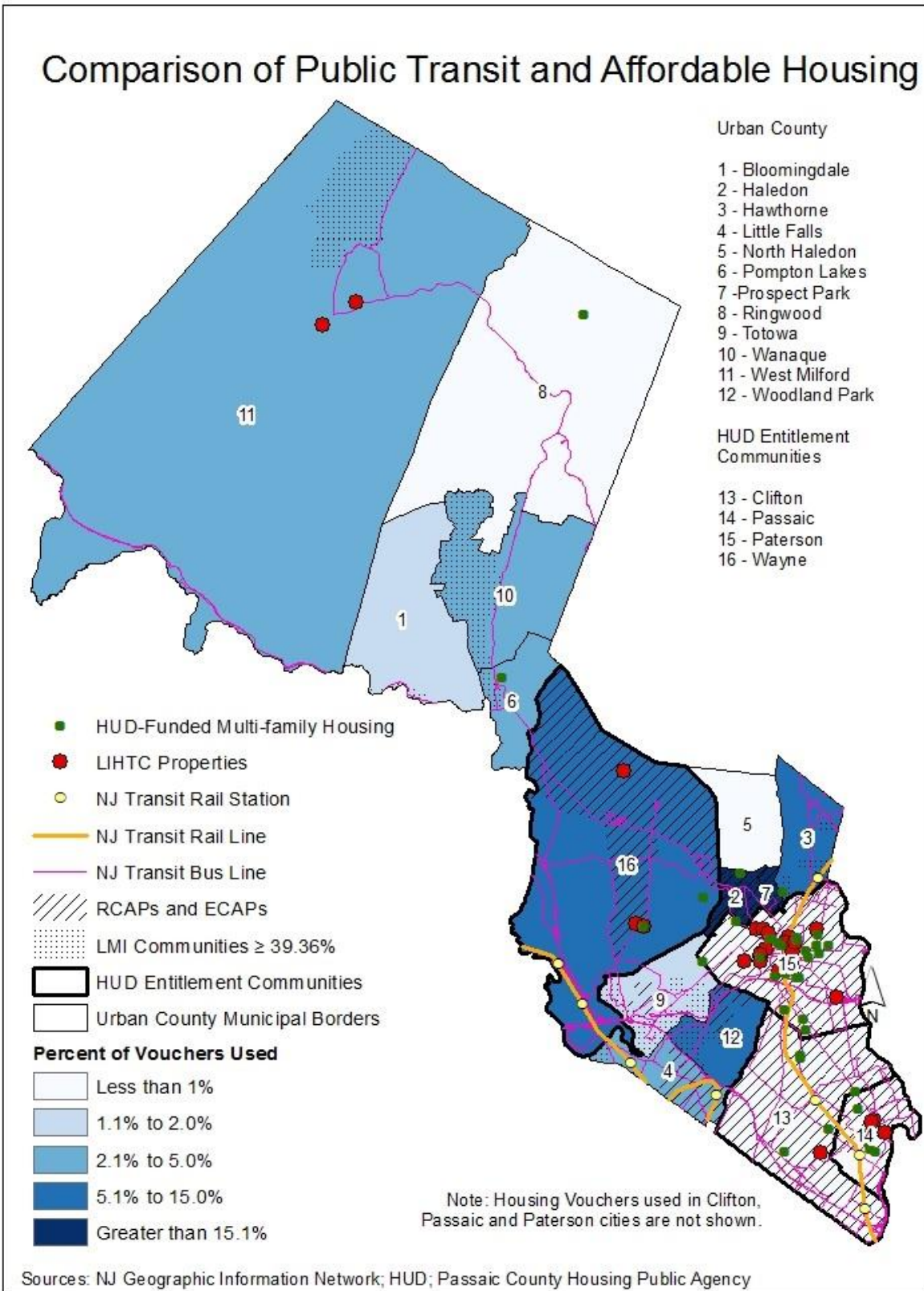
Fixed-route buses provide service to public housing and subsidized rental housing sites across the county, and to areas of economic growth that supply low-skill and entry-level employment. The following map compares existing transit routes to public and affordable housing sites. The base map displays the percentage of voucher units by municipality. This is overlaid with all bus routes, rail lines and rail stops from NJ transit, Low Income Housing Tax Credit (LIHTC) projects, and HUD funded multi-family affordable units. The map shows a clear dichotomy between the northern and southern half of

¹⁹ New Jersey Transit. (2018). Retrieved August 1, 2018, from https://www.njtransit.com/tm/tm_servletsrv?hdnPageAction=CorpInfoTo

the county. The southern half of Passaic County contains an abundance of public transit options, while public transit in the northern half is sparse. There are, however, variations in the southern half of the county in terms of level of service, as was described earlier in this section.

Almost all of the LIHTC and HUD-funded multi-family projects in the Urban County are located near public transit. There are also a handful of areas with limited public transit options containing high numbers of housing voucher units (at least 2.4% of total share within the Passaic County Public Housing Agency). These areas include the eastern half of Woodland Park, the southwestern part of Hawthorne and all of Bloomingdale.

No public transit service is available around the clock in Passaic County. In fact, bus service is not available on Sundays on almost all of the bus lines. Limited resources often prevent adequate service offerings for second-shift workers, whose shifts can last later than the last bus on many lines.



3. Accessibility

Almost all NJ Transit buses are equipped with wheelchair lifts or ramps, in accordance with the ADA. All buses are equipped with the kneeling feature to lower the bus several inches for persons who have difficulty with the first step on the bus. Some regional rail cars are accessible for persons with disabilities. Within the transit stations that serve Passaic County, three of the stations are handicapped accessible including the Paterson Station, the Mountain View Wayne Station and the Wayne Route 23 Station. For those unable to access fixed-route bus services, NJ Transit provides ADA paratransit services through Access Link.

NJ Transit's Reduced Fare Program serves senior citizens 62 and older and passengers with disabilities. Senior citizens and persons with disabilities save 50% or more of the regular one-way fare. To receive the discount, they need to show their valid NJ Transit Reduced Fare ID/Card, Medicare card or other valid form of identification.

4. Transportation Planning

As mentioned earlier in the report, Passaic County created a transportation element for its Master Plan. The transportation element was most recently updated in October of 2012. The key transportation issues identified in the plan are briefly highlighted below:

- There is a lack of midday service and reverse-commutes along many bus lines.
- Better service is needed to respond to industrial and university needs. This would require more off-peak hour service along strategic routes.
- The transit system has not kept pace with increased travel demand. In recent years, funding for transit investments, as well as operations, has become increasingly constrained.
- The reduction in service has created hardships for many people.

The main theme running through the transportation element is the coordination of the transit system with land use policies in promotion of responsible economic growth.

Recommendations of the transportation element include:

- focusing development around transit oriented development;
- moving people and traffic in a more efficient manner over the existing roadway system as opposed to expanding it;
- strengthening the public transit system in underserved areas; and
- growing the transit system to reduce dependence on cars and reduce greenhouse gas emissions.

North New Jersey Transportation Planning Authority (NJTPA) is the designated metropolitan planning organization (MPO) for Northern New Jersey. As such, NJTPA develops the long-range transportation plans required by federal regulations and funding sources. NJTPA has released Plan 2045, formerly called the 2040 Plan. This plan seeks to "ensure that the transportation system can sustain economic recovery and growth while also advancing a host of important objectives, including protecting the environment, improving quality of life, providing a range of travel options beyond just the automobile, and connecting all residents with opportunities regardless of disability or income."

In Plan 2045, NJTPA encourages localities to adopt land use policies that support walking and biking by encouraging mixed use development, particularly in downtown areas and near transit lines. The creation of higher density, mixed-use developments in close proximity to public transit facilities can provide an opportunity for the inclusion of an affordable housing component and, therefore, greater housing choice for members of the protected classes in Passaic County.

The plan also supports a Job Access and Reverse Commute (JARC) program, which helps low-income populations in urban areas reach jobs in the suburbs, and the New Freedom program, which provides enhanced access to transit facilities and transportation services for people with disabilities. Both of these programs address the needs of populations covered in the Fair Housing Act.

5. PRIVATE SECTOR POLICIES

A. MORTGAGE LENDING PRACTICES

Under the terms of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (F.I.R.R.E.A.), any commercial lending institution that makes five or more home mortgage loans annually must report all residential loan activity to the Federal Reserve Bank under the terms of the Home Mortgage Disclosure Act (HMDA). The HMDA regulations require most institutions involved in lending to comply and report information on loans denied, withdrawn, or incomplete by race, sex, and income of the applicant. The information from the HMDA statements assists in determining whether financial institutions are serving the housing needs of their communities. The data also helps to identify possible discriminatory lending practices and patterns.

The most recent HMDA data available for Passaic County is from 2014 to 2016. This data can be used to determine whether there is a need to encourage area lenders, business leaders and the community at large to actively promote existing programs, or develop new programs to assist residents in securing home mortgage loans for home purchases. The data focus on the number of homeowner mortgage applications received by lenders for home purchases of one- to four-family dwellings and manufactured housing units across the entire county. The information provided is for the primary applicant only; co-applicants were not included in the analysis. In addition, where no information is provided or categorized as not applicable, no analysis has been conducted due to lack of information. Figure 5.1 summarizes three years of HMDA data by race, ethnicity, and action taken on the applications, followed by detailed analysis. Grouping all three years of data into the analysis increases the likelihood that differences among groups are statistically significant. This is especially important in view of the data on mortgage application denials, which also suggests differences according to race and ethnicity.

FIGURE 5.1 OVERVIEW OF AGGREGATED MORTGAGE APPLICATIONS, 2014-2016

	Total Applicants		Originated		Approved, Not Accepted		Denied		Withdrawn/ Incomplete	
	#	%	#	%	#	%	#	%	#	%
Loan Purpose	36592	100.0 %	19949	100.0 %	1271	100.0 %	8143	100.0 %	7229	100.0 %
Home Purchase	14998	41.0%	9902	49.6%	558	43.9%	2053	25.2%	2485	34.4%
Refinance	18925	51.7%	9012	45.2%	641	50.4%	4795	58.9%	4477	61.9%
Home Improvement	2669	7.3%	1035	5.2%	72	5.7%	1295	15.9%	267	3.7%
Loan Type (Purchase)	14998	100.0 %	9902	100.0 %	558	100.0 %	2053	100.0 %	2485	100.0 %
Conventional	9153	61.0%	6336	64.0%	311	55.7%	1097	53.4%	1409	56.7%
FHA, FSA/RHS, VA	5845	39.0%	3566	36.0%	247	44.3%	956	46.6%	1076	43.3%
Property Type	14998	100.0 %	9902	100.0 %	558	100.0 %	2053	100.0 %	2485	100.0 %
1- to 4-family Unit (not Mfg Unit)	14951	99.7%	9898	100.0 %	557	99.8%	2016	98.2%	2480	99.8%
Manufactured Housing Unit	47	0.3%	4	0.04%	1	0.2%	37	1.8%	5	0.2%

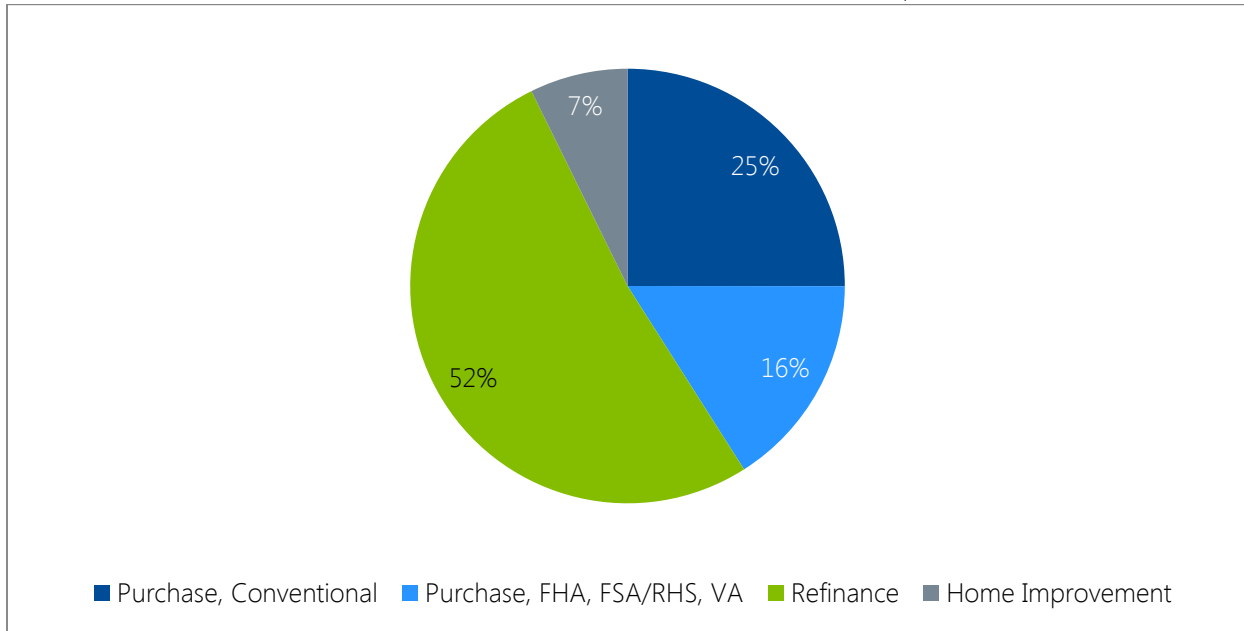
Source: 2014 – 2016 Home Mortgage Disclosure Act database provided by Consumer Financial Protection Bureau

B. APPLICATION AND APPLICANT CHARACTERISTICS

1. Applications by Type of Loan

Figure 5.2 shows the overall breakdown of the purpose of the loans – purchase of a new home, refinance or home improvement. Home purchases are further broken down by whether it was a conventional loan or a FHA, FSA/RHS or VA loan; all home purchases are shown in blue but different shades are used to distinguish between the types of loan. During this time period, more than half of all loan applications were for refinancing of existing loans. This trend resulted from the historically low mortgage rates during the period after the Recession of 2008-2009.

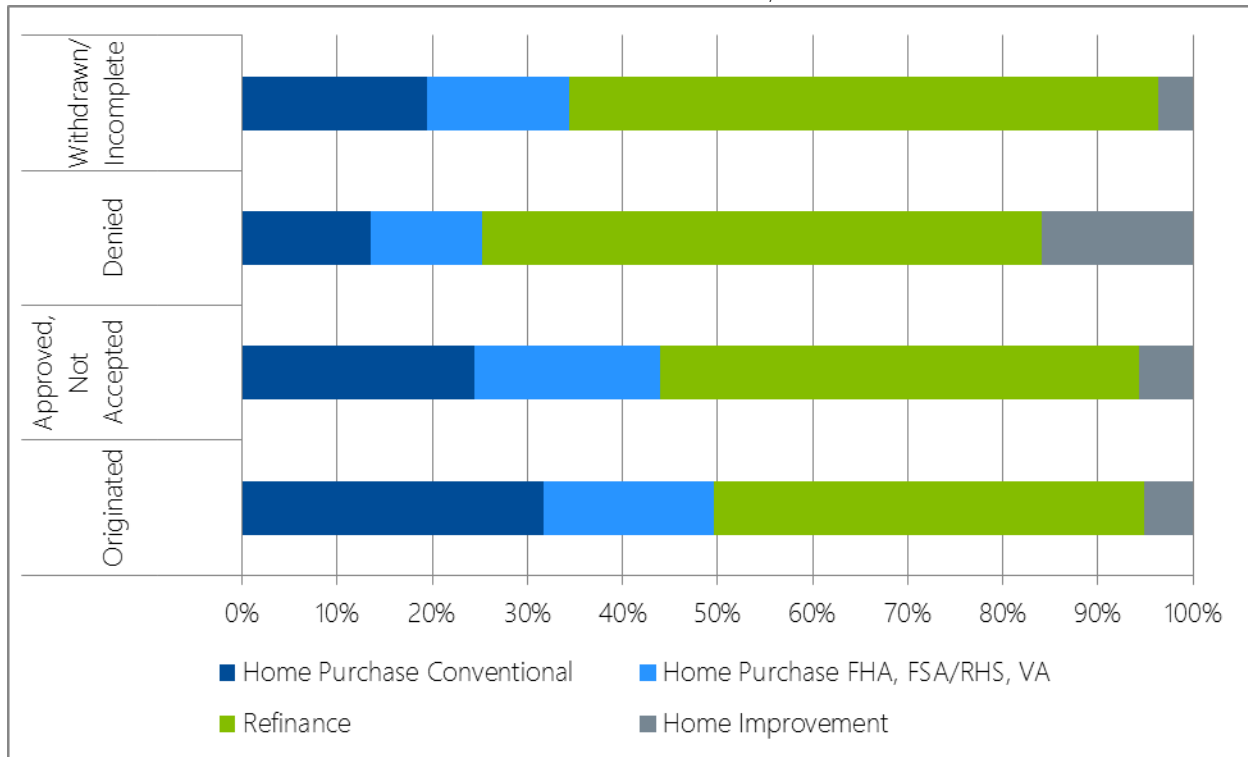
FIGURE 5.2 OVERVIEW OF AGGREGATED MORTGAGE APPLICATION BY PURPOSE, 2014-2016



Source: 2014 – 2016 Home Mortgage Disclosure Act database provided by Consumer Financial Protection Bureau

Figure 5.3 breaks down all loan applications into loan status – originated, approved but not accepted, denied, or withdrawn/incomplete. Of the loans that were originated, there were slightly more originations for a home purchase than a refinance; for loans that were approved but not accepted there were slightly more applications for refinancing. It is not clear from the data the reason that the applicants did not accept the loan. Despite that over half of the total applications were refinance loans, many of these were denied. While the number of home improvement applications was small (7%), many of these were denied.

FIGURE 5.3 DISTRIBUTION OF LOAN OUTCOME BY LOAN PURPOSE, 2014-2016



Source: 2014 – 2016 Home Mortgage Disclosure Act database provided by Consumer Financial Protection Bureau

2. Applications by Type of Home

Very nearly all of the mortgage applications were for one- to four-family units – only 0.1% of applications were for manufactured homes. The origination rate for manufactured homes is low; only three of 38 applications originated. Not only are denial rates high at 73.9% but there are also many applications that are withdrawn or closed for being incomplete (15.7%).

3. Applications by Race and Ethnicity

In doing a comparison of the race/ethnicity of mortgage applicants with the race/ethnicity of the general population in Passaic County, some differences emerge in terms of under-representation in the mortgage loan market. Figure 5.4 compares these data. For groups that are under-represented are highlighted in blue. Black and Hispanic applicants are under-represented in the mortgage loan market.

FIGURE 5.4 COMPARISON OF APPLICANT RACE/ETHNICITY AND RACE/ETHNICITY OF ALL HOUSEHOLDS

	As a percentage of all households in Passaic County	Percentage of Mortgage Applicants
Applicant Race		
White	67.4%	74.3%
Black	12.4%	5.5%
Asian	4.4%	6.7%
No Info/NA	-	13.5%
Applicant Ethnicity		
Hispanic or Latino	33.3%	22.5%
Not Hispanic or Latino	66.7%	66.8%
No Info/NA	-	10.6%

Source: 2014 – 2016 Home Mortgage Disclosure Act database provided by Consumer Financial Protection Bureau; US Census Bureau 5-Year 2016 ACS (DP05).

4. Loan Purpose by Race/ Ethnicity

The following figure outlines loan purpose by race/ethnicity. There are some minor variations by race and loan purpose but none of the differences are so large to be able to make a meaningful statement about differences. However, Hispanic persons are less likely to seek a refinancing mortgage than non-Hispanic persons and instead seek to purchase a home.

FIGURE 5.5 MORTGAGE LOAN PURPOSE BY RACE/ ETHNICITY, 2014-2016

		Home purchase		Refinancing		Home improvement		Grand Total	
Race	White	10,733	42.6%	12,674	50.3%	1780	7.1%	25,187	100.0%
	Black	717	38.4%	986	52.9%	162	8.7%	1,865	100.0%
	Asian	1,016	44.9%	1,130	49.9%	119	5.3%	2,265	100.0%
	No info/NA	1,442	31.4%	2,773	60.3%	380	8.3%	4,595	100.0%
Ethnicity*	Hispanic	3,918	51.3%	3,219	42.1%	507	6.6%	7,644	100.0%
	Not Hispanic	8,842	39.0%	12,186	53.8%	1,639	7.2%	22,667	100.0%
	No info/NA	1,148	31.9%	2,158	59.9%	295	8.2%	3,601	100.0%

*Ethnicity is counted independently of race.

Source: 2014 – 2016 Home Mortgage Disclosure Act database provided by Consumer Financial Protection Bureau

Figure 5.6 is a slightly different display of the summary data in Figure 5.1 in that it also includes breakdown by race/ethnicity and the percentages are not calculated as a percentage of the whole (as in Figure 5.1) but rather as a percentage of the group. As an example, consider the grey section that provides data for loan type. The darkest grey section (column at left) shows the breakdown of all mortgages by the loan type. It is observed that conventional loans are the most sought after type of loan followed by FHA-insured loans at 68.4% and 28.3% respectively. To understand the outcomes

within any given type of loan one should look at the row. For example, in the FHS-insured row it is observed that 53.2% of the loans are originated and only 18.3% are denied. To compare FHS-origination and denial rates, compare the different rows to each other; FHA-insured originations lag conventional originations by just a few percentage points but are also less likely to be denied by 5%. The difference is that more FHA-insured loans are withdrawn/incomplete or are approved by the bank but not accepted by the applicant.

Other trends to highlight include:

- There are very few loan applications for manufactured housing units (includes mobile homes) – there were only 38 applications over three years – but nearly three quarters of the applications were denied and many other applications were withdrawn or closed due to being incomplete.
- For comparison purposes to the last AI, there were only 55% as many applications from 2014-2016 than there were from 2009-2011. This can likely be attributed to the housing crisis in late 2008.
- The number of applications for home purchases and home improvements were fairly consistent within the two different time spans. However, there were 41,978 refinancing applications from 2009-2011 compared with only 17,563 from 2014-2016. This makes sense because interest rates fell to an historic low following the housing crisis and consumers sought to lower their interest rates.

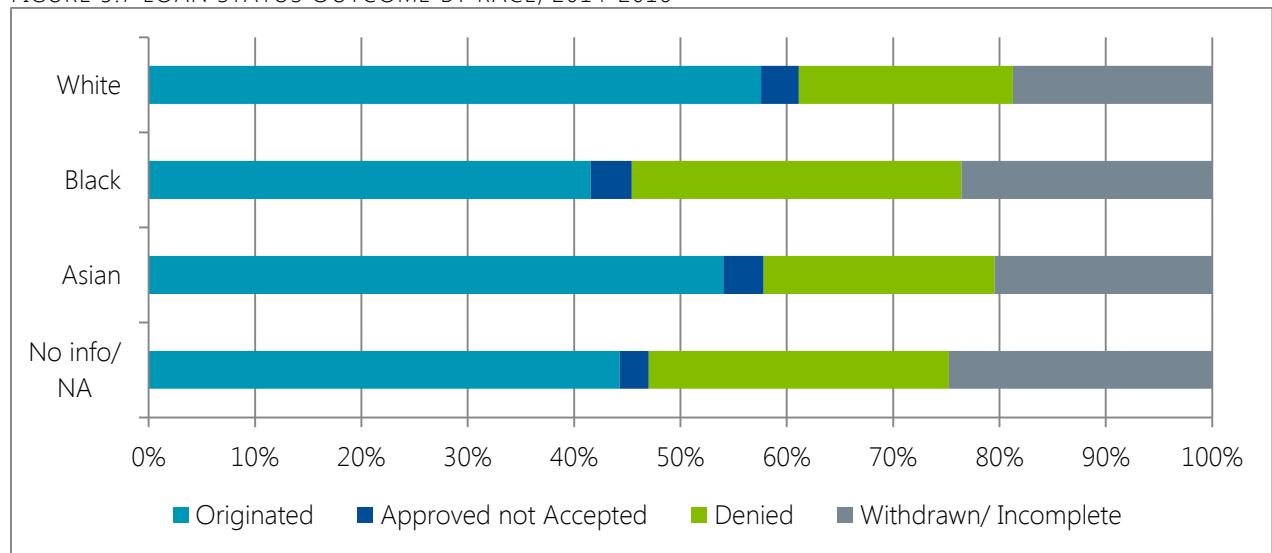
FIGURE 5.6 SUMMARY DATA FOR MORTGAGES IN PASSAIC COUNTY, 2014-2016

Loan Purpose	Total		Originated		Approved, not accepted		Denied		Withdrawn/ Incomplete	
Home improvement	2,441	7.2%	961	39.4%	71	2.9%	1,152	47.2%	257	10.5%
Home purchase	13,908	41.0%	9,197	66.1%	509	3.7%	1,892	13.6%	2,310	16.6%
Refinancing	17,563	51.8%	8,377	47.7%	598	3.4%	4,395	25.0%	4,193	23.9%
Loan Type										
Conventional	23,196	68.4%	12,902	55.6%	711	3.1%	5,411	23.3%	4,172	18.0%
FHA-insured	9,611	28.3%	5,110	53.2%	452	4.7%	1,759	18.3%	2,290	23.8%
FSA/RHS-guaranteed	38	0.1%	17	44.7%		0.0%	13	34.2%	8	21.1%
VA-guaranteed	1,067	3.1%	506	47.4%	15	1.4%	256	24.0%	290	27.2%
Property Type										
Manufactured housing	38	0.1%	3	7.9%	1	2.6%	28	73.7%	6	15.8%
1- to 4-family dwelling	33,874	99.9%	18,532	54.7%	1,177	3.5%	7,411	21.9%	6,754	19.9%
Applicant Race										
White	25,187	74.3%	14,501	57.6%	895	3.6%	5,072	20.1%	4,719	18.7%
Black	1,865	5.5%	775	41.6%	72	3.9%	578	31.0%	440	23.6%
Asian	2,265	6.7%	1,224	54.0%	86	3.8%	492	21.7%	463	20.4%
No Info/NA	4,595	13.5%	2,035	44.3%	125	2.7%	1,297	28.2%	1,138	24.8%
Applicant Ethnicity										
Hispanic or Latino	7,644	22.5%	3,809	49.8%	305	4.0%	1,893	24.8%	1,637	21.4%
Not Hispanic or Latino	22,667	66.8%	13,040	57.5%	781	3.4%	4,568	20.2%	4,278	18.9%
No Info/NA	3,601	10.6%	1,686	46.8%	92	2.6%	978	27.2%	845	23.5%
Total Applications	33,912	100.0%	18,535	54.7%	1,178	3.5%	7,439	21.9%	6,760	19.9%

Source: 2014 – 2016 Home Mortgage Disclosure Act database provided by Consumer Financial Protection Bureau

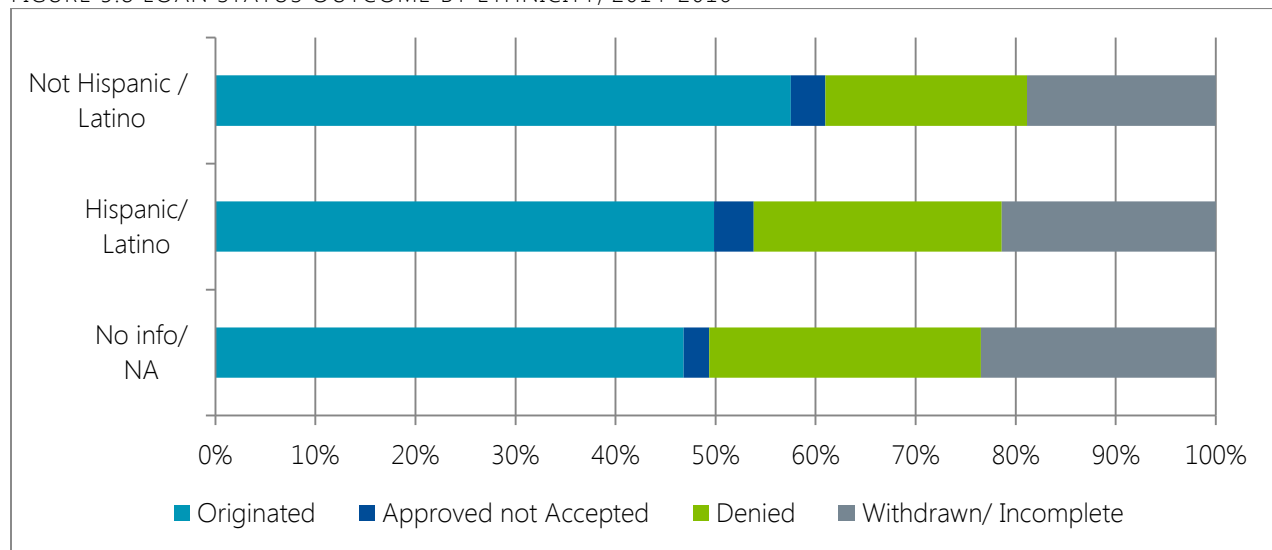
Figure 5.7 uses blue to signify that a loan was originated (or approved but the applicant rejected the loan); White and Asian applicants had loans approved/originated a greater percentage of the time than Black persons. Asian applicants did not have their applications approved more than White persons despite that Asians out-earn Whites. Denial rates (shown in green) are also higher among Black persons than non-Black persons. Figure 5.8 reveals that Hispanic persons have both lower approved/origination rates and higher denials than non-Hispanic persons.

FIGURE 5.7 LOAN STATUS OUTCOME BY RACE, 2014-2016



Source: 2014 – 2016 Home Mortgage Disclosure Act database provided by Consumer Financial Protection Bureau

FIGURE 5.8 LOAN STATUS OUTCOME BY ETHNICITY, 2014-2016



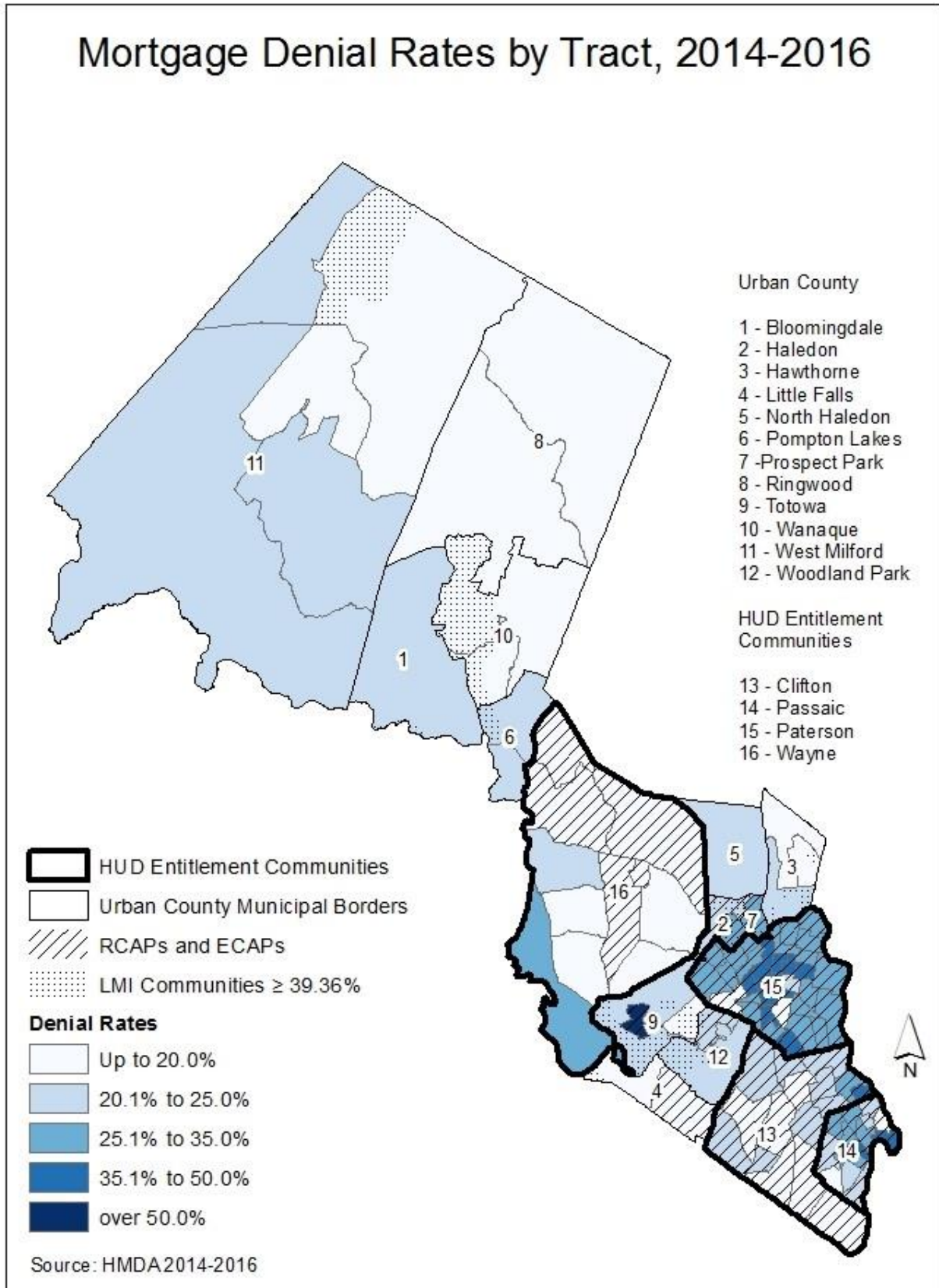
Source: 2014 – 2016 Home Mortgage Disclosure Act database provided by Consumer Financial Protection Bureau

5. Mortgage Application Denials

In the previous section it was shown that Hispanic and Black mortgage applications are not originated or approved at equal rates as White and Asian applications. This section investigates the reasons stated by the lenders as to why the loans were not approved.

Locations of Mortgage Denials

The greatest concentrations of mortgage application denials are in the entitlement communities of Passaic and Paterson. There is also one tract in Wayne that has high denial rates and one tract in Totowa that has extremely high denial rates over 50%. The significance of these trends is the limited opportunity for homeownership among LMI residents.



Primary Reason Given for a Denial

The following table outlines the reasons that were stated for a mortgage not being approved. The blue cells are for race and the green cells for ethnicity. For all groups, the two main reasons for denial are debt-to-income ratio and credit history with the exception of Asian applicants whose second most common reason was lack of collateral.

Asian applicants were most commonly told that the debt-to-income ratio was too high; Black applicants were most likely to be told that credit history was the primary reason for the loan denial.

FIGURE 5.9 PRIMARY REASON FOR MORTGAGE APPLICATION DENIAL BY RACE/ ETHNICITY, 2014-2016

	White	Black	Asian	Total (race)	Hispanic*	Not Hispanic	Total (ethnicity)
Collateral	18.8%	13.9%	16.0%	18.1%	14.5%	19.5%	18.1%
Credit application incomplete	11.8%	7.3%	9.4%	12.1%	9.5%	12.1%	12.1%
Credit history	21.4%	36.2%	15.2%	22.3%	24.4%	21.6%	22.3%
Debt-to-income ratio	31.9%	29.6%	42.8%	31.8%	32.5%	32.3%	31.8%
Employment history	1.1%	0.7%	1.3%	1.1%	1.0%	1.1%	1.1%
Insufficient cash	2.6%	3.8%	4.0%	2.7%	3.1%	2.8%	2.7%
Mortgage insurance denied	0.2%	0.0%	0.0%	0.1%	0.4%	0.0%	0.1%
Other	9.1%	5.6%	7.2%	8.5%	11.1%	7.5%	8.5%
Unverifiable information	3.2%	2.8%	4.0%	3.2%	3.6%	3.1%	3.2%
Grand Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

*Ethnicity is considered independently of race.

Source: 2014 – 2016 Home Mortgage Disclosure Act database provided by Consumer Financial Protection Bureau

Denials by Race/ Ethnicity and Income

For this analysis, lower-income households include those with incomes between 0% and 80% of median family income (MFI), while upper-income households include those with incomes above 80% MFI. Applications made by lower-income households accounted for 36.3% of all denials between 2014 and 2016, although they accounted for only 16.6% of total applications for those three years.

Among lower-income applicants, the denial rates were higher among Black applicants than White or Asian applicants. The denial rate was slightly higher among non-Hispanic persons than Hispanic persons. The highest denial rates (41.2%) within ethnicity were for the applicants for which there was no information provided.

While the overall denial rate was lower for upper-income applicants than for lower-income applicants, the denial rate pattern persists: Black applicants faced higher denial rates. In the case of ethnicity, upper-income Hispanic applicants were denied at higher rates. These findings are shown in Figure 5.10.

FIGURE 5.10 MORTGAGE APPLICATION DENIALS BY RACE/ ETHNICITY AND INCOME, 2014-2016

		Total	White	Black	Asian	No info/ NA on race	Hispanic	Not Hispanic	No info / NA on ethnicity
Lower- income	Total Apps	5,641	3,967	471	375	828	1,883	3,187	571
	Denials	2,046	1,321	231	135	359	643	1,168	235
	% Denied	36.3%	33.3%	49.0%	36.0%	43.4%	34.1%	36.6%	41.2%
Upper- income	Total Apps	25,059	19,100	1,096	1,731	3,132	4,759	17,712	2,588
	Denials	4,782	3,370	284	321	807	1,060	3,071	651
	% Denied	19.1%	17.6%	25.9%	18.5%	25.8%	22.3%	17.3%	25.2%
Total	Total Apps	33,912	25,187	1,865	2,265	4,595	7,644	22,667	3,601
	Denials	7,439	5,072	578	492	1,297	1,893	4,568	978
	% Denied	22%	20%	31%	22%	28%	25%	20.2%	27%

*Ethnicity is considered separate from race.

**The statistics for the total loans includes information for which there was incomplete information about income.

Source: 2014 – 2016 Home Mortgage Disclosure Act database provided by Consumer Financial Protection Bureau

6. High-Cost Lending

Definition of High-Cost Lending

The widespread housing finance market crisis brought a new level of public attention to lending practices that victimize vulnerable populations. Subprime lending, designed for borrowers who are considered a credit risk, has increased the availability of credit to low-income persons. At the same time, subprime lending has often exploited borrowers charging excessive fees, penalties, and interest rates that make financial stability difficult to achieve. Higher monthly mortgage payments make housing less affordable, increasing the risk of mortgage delinquency and foreclosure and the likelihood that properties will fall into disrepair.

Some subprime borrowers have credit scores, income levels, and down payments high enough to qualify for conventional, prime loans, but are nonetheless steered toward more expensive subprime mortgages. This is especially true for non-Whites, which tend to fall disproportionately into the category of subprime borrowers. The practice of targeting minorities for subprime lending qualifies as mortgage discrimination.

Since 2005, HMDA data has included price information for loans priced above reporting thresholds set by the Federal Reserve Board. This data is provided by lenders via Loan Application Registers and can be aggregated to complete an analysis of loans by lender or for a specified geographic area. HMDA does not require lenders to report credit scores for applicants, so the data does not indicate which loans are subprime. It does, however, provide price information for loans considered "high-cost."

A loan is considered high-cost if it meets one of the following criteria:

- A first-lien loan with an interest rate at least three percentage points higher than the prevailing U.S. Treasury standard at the time the loan application was filed. The standard is equal to the current price of comparable-maturity Treasury securities, or
- A second-lien loan with an interest rate at least five percentage points higher than the standard.

Not all loans carrying high APRs are subprime, and not all subprime loans carry high APRs. However, high-cost lending is a strong predictor of subprime lending, and it can also indicate a loan that applies a heavy cost burden on the borrower, increasing the risk of mortgage delinquency.

The following figure displays loan origination information by race/ethnicity as well as by income level (lower-income and upper-income as defined in the previous section). Among lower-income applicants, the overall rate of high-costs loans is 11.5%. However, White applicants face high-cost loans at a lower rate (10.9%). Asian applicants also are above the overall rate but not nearly as much as Hispanic and Black applicants; 18.2% of all Hispanic applicants and 16.9% of Black applicants who are also lower-income were offered high-cost loans. These numbers clearly show a disparity in lending practices. An even higher percentage of upper-income Hispanic and Black applicants were offered high-cost loans than those who are lower-income (20.0% for Hispanic and 17.5% for Black applicants). At the same time that the rate of incidence of high-costs loans for Black and Hispanic applicants was increasing, it was decreasing for White and Asian applicants.

FIGURE 5.11 HIGH COST LOANS BY RACE AND INCOME LEVEL, 2014-2016

		Total	White	Black	Asian	No info/NA (race)	Hispanic*	Not Hispanic	No info/NA (ethnicity)
Lower Income	Total originations	3,665	2,726	225	214	450	1,212	2,098	355
	High-Cost	422	297	38	26	61	220	156	46
	% High-Cost	11.5%	10.9%	16.9%	12.1%	13.6%	18.2%	7.4%	13.0%
Upper Income	Total originations	14,867	11,772	520	1,010	1,565	2,596	10,940	1,331
	High-Cost	1,054	855	91	38	70	520	491	43
	% High-Cost	7.1%	7.3%	17.5%	3.8%	4.5%	20.0%	4.5%	3.2%
Total	Total originations	18,532	14,501	745	1,224	2,015	3,809	13,040	1,686
	High-Cost	1,476	1,153	129	64	131	741	647	89
	% High-Cost	8.0%	8.0%	17.3%	5.2%	6.5%	19.5%	5.0%	5.3%

*Ethnicity is considered separate from race.

**The statistics for the total loans includes information for which there was incomplete information about income.

Source: 2014 – 2016 Home Mortgage Disclosure Act database provided by Consumer Financial Protection Bureau

To investigate which lenders were servicing the largest number of loans in Passaic County and to determine if they were originating a high percentage of high-cost loans, an analysis was conducted. The numbers in parentheses in the rank column are the ranks from the previous AI. Note that Wells Fargo remains the top lender over this time period but that other lenders have emerged as leaders. Quicken Loans was not previously in the top ten lenders but now ranks second behind Wells Fargo and is a distant leader over the third place lender, NJ Lenders Corp. These ten lenders collectively originate 36.5% of all loans but are lending out 11.5% of the high-cost loans which is higher than the aggregated average of 8.0% high-cost loans. Among the top ten lenders, the one that stands out the most in terms of high-cost loan originations is Homebridge Financial Services as 12.0% of their 640 originated loans were high-cost loans. This lender was not one of the top ten lenders identified in the previous AI. These data are captured in Figure 5.12.

FIGURE 5.12 TOP TEN LENDERS AND LOANS ORIGINATED, 2014-2016

Rank*	Institution Name	Number of Loans Originated	Number of High Cost Loans Originated	Percentage of High Cost Loans
1 (1)	Wells Fargo	1,557	37	2.4%
2	Quicken Loans	1,253	11	0.9%
3 (10)	NJ Lenders Corp	769	14	1.8%
4	Homebridge Financial Services	640	77	12.0%
5 (4)	Valley National Bank	619	2	0.3%
6 (3)	JP Morgan Chase Bank	463	14	3.0%
7 (9)	PNC Bank	399	0	0.0%
8 (2)	Bank of America	398	3	0.8%
9	Columbia Bank	333	0	0.0%
10	Weichert Financial Services	330	12	3.6%
	Total	6761	170	-
	Percentage of total	36.5%	11.5%	-

*The number in parentheses is the old rank from the previous AI. These are provided for comparison purposes.

Source: 2014 – 2016 Home Mortgage Disclosure Act database provided by Consumer Financial Protection Bureau

One logical way to break up the data is to consider lenders that are subject to the Community Reinvestment Act (CRA) regulations and those lenders that are not. Of the top ten lenders, the following are not federally regulated banks:

- Quicken Loans;
- NJ Lenders Corp;
- Homebridge Financial Services; and
- Weichert Financial Services.

The lenders that are not federally regulated and subject to CRA standards are highlighted in the following table, Figure 5.13, for one or both of the following reasons:

- The rate of origination for a particular group was higher than the institution’s overall rate (even if that rate is lower than the overall rate). This shows that while that particular institution may not rely on high-cost mortgage products overall there are still a disproportionate number of the high-cost mortgages that are originated being sold to protected classes. For example, Quicken Loans has very low overall rates of origination for high-cost loans (1.5% for lower-income applicants) but among Black applicants, 12.5% of the loans originated for lower-income Blacks are high-cost.
- The rate of origination is high by very nearly any standard. For example, of all mortgages originated at Homebridge Financial Services for an upper-income applicant, 13.5% of mortgages are high-cost loans.

FIGURE 5.13 NON-REGULATED LENDERS IN THE TOP TEN OF ALL LENDERS AND HIGH COST LOANS, 2014-2016

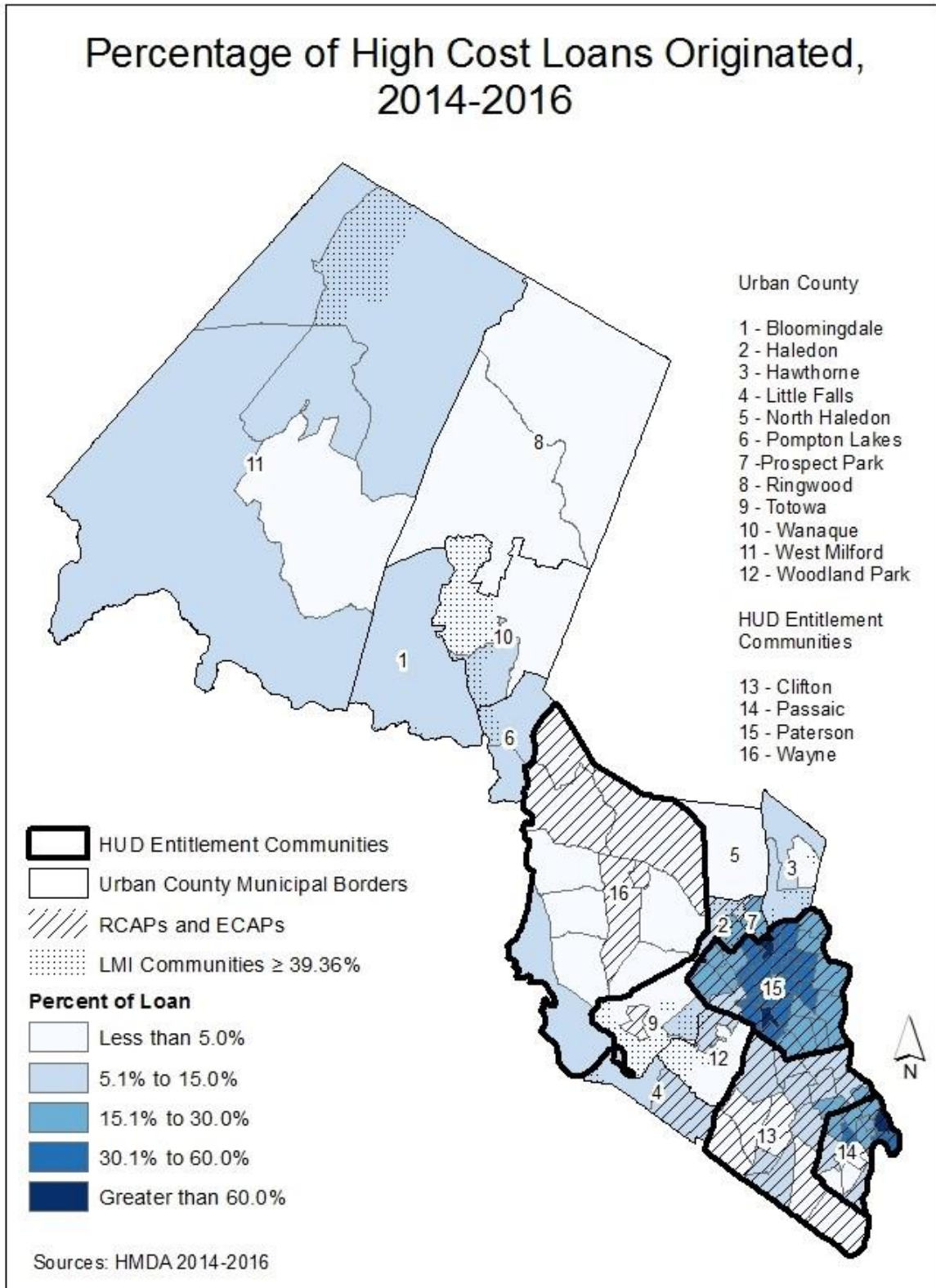
	Income Level	Loan Status	White	Black	Asian	No info (race)	Overall	Hispanic	No info (ethnicity)	Not Hispanic	Overall (ethnicity)
Quicken Loans	Lower	Number Originated	107	8	5	77	197	2	0	1	3
		% High-cost Loans	1.9%	12.5%	0.0%	0.0%	1.5%	0.0%	0.0%	0.0%	0.0%
	Upper	Number Originated	574	28	142	312	1056	95	274	687	1056
		% High-cost Loans	1.0%	0.0%	0.0%	0.6%	0.8%	2.1%	0.4%	0.7%	0.8%
NJ Lenders Corp	Lower	Number Originated	79	2	6	4	91	19	4	68	91
		% High-cost Loans	2.5%	0.0%	0.0%	0.0%	2.2%	5.3%	0.0%	1.5%	2.2%
	Upper	Number Originated	613	10	18	37	678	67	34	577	678
		% High-cost Loans	1.5%	20.0%	5.6%	0.0%	1.8%	3.0%	2.9%	1.6%	1.8%
Homebridge Financial Services	Lower	Number Originated	142	13	10	10	175	68	9	98	175
		% High-cost Loans	7.0%	23.1%	0.0%	10.0%	8.0%	8.8%	0.0%	8.2%	8.0%
	Upper	Number Originated	405	13	17	30	465	127	25	313	465
		% High-cost Loans	13.6%	38.5%	0.0%	10.0%	13.5%	22.0%	8.0%	10.5%	13.5%
Weichert Financial Services	Lower	Number Originated	36	1	2	1	40	7	1	32	40
		% High-cost Loans	0.0%	100.0%	0.0%	0.0%	2.5%	0.0%	0.0%	3.1%	2.5%
	Upper	Number Originated	251	12	21	6	290	57	5	228	290
		% High-cost Loans	3.6%	8.3%	4.8%	0.0%	3.8%	3.5%	20.0%	2.2%	2.8%

Source: 2014 – 2016 Home Mortgage Disclosure Act database provided by Consumer Financial Protection Bureau.

To understand which communities are most impacted by high-cost loans, the mortgage originations for high-cost loans were mapped. The census tract provided in the HMDA data refers to the address of the property for which the high-cost loan was originated.

Map 5.2 shows that the majority of high-cost loans are being originated in Paterson and Passaic. These are the same areas that face high denial rates and the loans that are being originated tend to be high-cost loans. The areas in Wayne and Totowa that also face high denial rates are not faced with high incidences of high-cost loans.

Passaic County does not have control over institutions in the private sector. However, the county works with organizations that provide education on financial matters and these data would be helpful to distribute to these types of organizations. It is also possible that for some applicants they are seeing lenders that are not federally regulated as an alternative way to get financing but they are unaware of their options or don't know the types of questions to ask throughout the process. Homebuyer counseling and credit counseling would provide homebuyers with the knowledge needed to find the right mortgage product.



C. REAL ESTATE PRACTICES

The Passaic County Board of Realtors (PCBOR) serves all of Passaic County and its contiguous areas. It is over 100 years old and currently has 2,800 members with the central office located in Wayne, New Jersey. It is a member of the New Jersey Association Board of Realtors and the National Association of Realtors (NAR).

The PCBOR does not play an active role in fair housing issues at this time. Their website (www.pcbor.com) is the major means by which fair housing issues are conveyed to members. The Code of Ethics is prominently displayed and can be accessed from this website. Every member of PCBOR is required to comply with the code. New member orientation and NJAR Cultural Diversity Voluntary Training are also used to provide education on the topic.

Fair housing educational classes are provided to PCBOR members by professional instructors on a monthly basis. The instructors use national and state fair housing laws and case studies to explore the topic. Fair housing education is not a requirement for licensing by the NJ licensing board.

Fair housing staff from local or state fair housing commissions have been asked to speak to local members about fair housing issues in the past, but not recently. Members are told to post HUD Fair Housing Posters in their offices and to use Equal Housing Opportunity decals where appropriate.

If a fair housing complaint is filed against a PCBOR member, it is reviewed by the Grievance Committee/Hearing Panel. The Grievance Panel would then review all complaints received by the Association and refer them to the appropriate agency, if applicable.

The local Multi-List Service employs a listing form describing accessibility features of the unit for sale or lease (e.g., ramps, counters, bathrooms, wide doorways, etc.) and the location of listing features that permits an agent to market the property to persons with disabilities.

There are members of the protected classes on the PCBOR Board of Directors with eleven women and two non-White members among the thirteen board members, directors and alternate directors. However, there are no specific initiatives in place to attract non-Whites, women, and persons with disabilities to careers as real estate professionals. There are also no scholarship programs for licensing provided to prospective agents. PCBOR does not maintain a database of the demographic characteristics of its membership.

D. NEWSPAPER ADVERTISING

Under federal law, no advertising with respect to the sale or rental of a dwelling may indicate any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin.

Publishers and advertisers are culpable under federal law for making, printing or publishing advertisements that violate the Fair Housing Act. Thus, they should not publish or cause to be published an advertisement that expresses a preference, limitation or discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin. The law, as found in the Fair Housing Amendments Act of 1988, describes the use of words, photographs, symbols or other approaches that are considered discriminatory.

1. The Record

For this AI, the Sunday, August 12, 2018 real estate print edition was reviewed. The newspaper also offers an online housing classified section which was reviewed but much less rigorously than the reviewed print edition. The website is NorthJersey.com.

The Record covers a number of counties in northern New Jersey. The fair housing disclaimer was included in the print edition.

"All real estate advertising in this newspaper herein is subject to the Federal Fair Housing Act of 1968 as amended which makes it illegal to advertise "any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination. This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis. To complain of discrimination, call HUD toll free at 1-800-669-9777. For the hearing impaired call 1-800-927-9275."

In addition, several major real estate firms and individual Realtors placed the HUD fair housing logo in their banner ads. However, no disclaimer was listed in the housing classified section of the online version.

2. Advertisement Reviews

There were 15 housing units advertised for rent – 12 apartments and three homes. None of the advertisements for the homes advertised beyond the rental price, the number of bedrooms and the location nor did any of the ads post the fair housing disclaimer.

Of the 12 apartment rentals:

- Three ads posted the Equal Housing Opportunity logo.
- Eight listed "no fee" in the advertisement.
- None of the advertisements mentioned Housing Choice Vouchers. This is a departure from the last AI in which a number of advertisements listed "Section 8 is ok" which may be a sign of underlying discrimination. As mentioned earlier, the New Jersey Law Against Discrimination

(LAD) prohibits against any discrimination based on “source of lawful income/source of lawful rent or mortgage payment”. This means that landlords cannot deny the use of a Housing Choice Voucher since it is considered a lawful source of income.

A sample of 25 housing units advertisements were read from the online listings on NorthJersey.com and of these, one stated that only one adult per room is permitted and one advertised that the first \$200 worth of repairs are the responsibility of the tenant. These 25 advertisements were reviewed on August 9, 2018.

The real estate listings on NorthJersey.com were very easy to use allowing one to enter the specific desired community and then permitting specific sorting by maximum/minimum price, type of housing unit, number of bedrooms and bathrooms, etc. However, many improvements could be made to the website including posting the Equal Opportunity Statement. Another online option to view housing listings is NJ.Com. This website provides news for each county in New Jersey and additionally includes a housing classified section.

New Jersey residents searching for affordable and/or accessible housing can use the New Jersey Housing Resource Center at <http://www.nj.gov/njrc/>. The website lists affordable rental and sales units, temporary units for persons made homeless by Hurricane Sandy, and homes with accessibility features. In Passaic County, 7 of the 16 municipalities have listings including: Clifton, Little Falls, Passaic, Paterson, Wayne, West Milford and Woodland Park. This website’s availability of listings was reviewed on August 9, 2018.

6. EVALUATION OF CURRENT FAIR HOUSING PROFILE

A. FAIR HOUSING POLICIES AND ACTIONS SINCE THE PREVIOUS AI

The Urban County last conducted an AI in 2015 and reports progress in fair housing initiatives annually in the CAPER. Actionable items identified in the last AI are:

- The majority of the fair housing complaints filed through the Office of Fair Housing and Equal Opportunity in Newark, NJ involved disability, familial status and race as the reason for complaint.
- Passaic County had not updated the land use and housing elements of its Comprehensive Plan.
- Many of the municipal zoning ordinances in the Urban County were outdated, lack certain terms, definitions and/or regulations or are in violation of federal fair housing laws.
- Public transit was limited to the most densely populated areas and is unavailable to second and third shift workers and those working on Sundays and holidays.
- Housing Choice Vouchers operated by the Passaic County Housing Authority were disproportionately concentrated in Haledon and Prospect Park boroughs, which are RCAP/ECAP areas.
- Historical patterns of racial segregation persist in the Urban County.
- Black and Hispanic households earn significantly less than their White counterparts.
- The existing stock of affordable housing for low- and moderate-income households has decreased.

In reviewing the CAPERs from the last three years, steps have been taken to address these issues and to affirmatively further fair housing choice. These include, but are not limited to the following:

- In 2014, Passaic County hosted a Fair Housing seminar targeted to Housing Choice Voucher landlords and local officials to review fair housing concepts and best practices. This conference included speakers from agencies from all levels of government. The Fair Housing Council of Northern New Jersey spoke briefly about available services and staffed a table where attendees could arrange counseling or receive additional material.
- In 2014, 2015, 2016 and 2017, the county contracted with the Fair Housing Council of Northern New Jersey using CDBG funding. This organization provides fair housing counseling, assistance with filing of complaints of housing discrimination with the appropriate state and federal offices, and investigation of complaints of housing discrimination to resolve the issue. They provided individual counselling to 16 residents, did outreach through several venues including the County

Fair, and held counseling sessions for residents in Prospect Park on Fair Housing regulations. A workshop was offered in Prospect Park on July 25, 2015 and follow-up counseling within the Borough building was offered.

- In 2015, the Fair Housing Council of Northern New Jersey – Housing Discrimination Council was funded. They provided fair housing counseling, filing of complaints of housing discrimination with New Jersey and the US, investigation of complaints of housing discrimination, and worked to resolve any issues associated with a fair housing complaint.
- In 2015, eight homeowner housing units were rehabilitated.
- In 2016, Habitat for Humanity finished a reconstruction project on a housing units; this project had started in 2013.
- Passaic County also continues to coordinate services with EZ-Ride to provide van-pooling and car-pooling services to individuals with special needs. Passaic County has funded a bus to provide transportation services to local seniors and individuals with special needs in West Milford.
- Given that housing ordinances are controlled at the local level, Passaic County continues to provide support and technical assistance to municipalities to promote ordinances that are in favor of fair housing and group homes.
- Each year Passaic County requests that each municipality pass a resolution to support fair housing in their communities.
- Passaic County Housing Agency provides case management assistance and the Home Energy and Weatherization department provides energy subsidies and home repair services to LMI households.
- The county ensures that all Passaic County advertisements placed in the Record and Herald News newspaper comply with the Fair Housing Act.

B. PARTNERSHIP AND REGIONAL COORDINATION

Within Passaic County, five separate entitlement communities are responsible for identifying and mitigating impediments to fair housing choice. However, limited housing opportunity, like most other social problems, is an issue that does not respect municipal borders. Racial and economic desegregation, in particular, requires policy coordination on a regional level. This is especially true in Passaic County where poverty and impacted areas are concentrated in the Cities of Clifton, Paterson, and Passaic.

One meaningful step toward regional collaboration within Passaic County would be a joint undertaking of the AI that involves all entitlement communities in the County. Not only would such an effort achieve an economy of scale, but it would enable the participants to identify and mitigate

impediments to fair housing choice that transcend municipal boundaries. Several of the fair housing stakeholders, including the local advocacy organizations, are common denominators to the regional fair housing landscape. Education and outreach initiatives, in particular, are most effective when conducted at the regional level. Until this level of coordination can be achieved, another possible path is for each entitlement communities to work together after completing their individual AIs to take collective approaches to affirmatively furthering fair housing.

C. ADVOCACY ORGANIZATIONS

Several fair housing advocacy organizations serve the Urban County and its municipalities. A summary of these organizations is included below.

Fair Housing Council of Northern NJ: The Fair Housing Council is a private, nonprofit organization which has served Northern New Jersey since 1959. The Fair Housing Council is one of the oldest and most respected fair housing organizations in the United States and is the only enforcement agency in the state of New Jersey. The Council's officers and Board of Trustees are composed of business and community leaders, clergy, representatives of local organizations, attorneys and others interested in making fair housing a reality for all people.

Some of the services which the Council offers include:

- Expert housing and financial counseling;
- Information and educational programs for housing and lending consumers, real estate professionals, schools, etc.;
- Investigating housing and lending discriminatory complaints and providing legal assistance if needed to pursue fair housing complaints through HUD or the State and Federal courts;
- Providing assistance to corporations seeking housing for non-White employees;
- Working with real estate agents and lending institutions to ensure compliance with fair housing laws;
- Providing assistance to banks and other financial institutions to work towards equity for housing; and
- Designing affirmative action programs to implement court-ordered consent degrees for real estate management companies.

Fair Share Housing Center: Fair Share Housing Center (FSHC) was founded in 1975. It is the only public interest organization devoted to defending the housing rights of New Jersey's poor through enforcement of the Mount Laurel Doctrine, the landmark decision that prohibits economic discrimination through exclusionary zoning and requires all towns to provide their "fair share" of their region's need for affordable housing.

NJ Human Relations Council: Created in 1997 by the New Jersey Legislature, the council was created with the purpose of "developing policy proposals for the state, assisting with coordination efforts to promote "prejudice reduction," working to prevent crimes based on race, color, religion, national origin, sexual orientation, ethnicity, gender, or disability. The Council also acts as a clearinghouse for information and program ideas among the existing county and municipal human relations commissions.

Among its many activities, the Council will cooperate with state, county, and local government agencies to educate, encourage, develop, promote, and strengthen respect for human rights and cultural diversity and prevent and combat racism, intolerance, and bigotry.

NJ Division of Civil Rights: The Division on Civil Rights (Division) is charged with enforcing the Law Against Discrimination (LAD) within the State of New Jersey. Accordingly, the mission of the Division is the eradication of illegal discrimination based on race, religion, color, national origin, handicap, age, nationality, ancestry, marital status, domestic partnership or civil union status, familial status, affectional or sexual orientation, gender identity or expression, and sex, in areas such as employment, public accommodations, and housing. The Division serves as a fair and impartial forum for addressing claims that the LAD has been violated. Thus, fostering sensitivity, tolerance, acceptance and respect is at the core of the Division's work.

7. GENERAL FAIR HOUSING OBSERVATIONS

This section of the AI is a summary of general observations included in earlier sections of the report. General observations include the results of primary and secondary research that define the underlying conditions, trends, and context for fair housing planning for the Urban County. These observations in and of themselves do not necessarily constitute impediments to fair housing choice. Rather, they establish a contextual framework for the impediments to fair housing choice that are presented in the following section of the AI.

A. DEMOGRAPHIC AND HOUSING MARKET OBSERVATIONS

- Passaic County has been experiencing an overall population growth rate of 10.4% since 1970 but the percentage of New Jersey's population living in Passaic County has decreased. Within the Urban County, Wanaque has grown 34.7% since 1970 (and 4.7% since 2010) and West Milford has grown by 53.6% since 1907 (and 2.8% since 2010). Haledon, Little Falls and Ringwood have also grown by 20% or more since 1970.
- Between 2010 and 2016 the largest population increases in non-White residents were in the Asian and Hispanic communities.
- The HUD LMI threshold in the Urban County is 39.36%. In the Urban County, 25 of 98 total block groups (25%) qualified as LMI. There are several communities in which there are concentrations of low- and moderate-income persons including Haledon, Hawthorne, Prospect Park, Totowa, Wanaque and Woodland Park.
- Within the Urban County, there are large RCAP and ECAP areas in Haledon and Prospect Park and a small area in Woodland Park. The racial and ethnic minorities are Black and Hispanic. There are no Asian RCAPs.
- With a 2016 White-Black dissimilarity index of 60.5, Passaic County as a whole is highly segregated based on national standards. Black populations are highly segregated and Hispanic populations are moderately segregated.
- Asians had the highest MHI of \$93,535. The MHI for White households was \$67,669, approximately 70% of the MHI for Asian households. Among Black and Hispanic households, MHI was approximately half the White MHI at \$36,489 and \$36,755, respectively. All groups had higher incomes in the Urban County than Passaic County as a whole but Black and Hispanic households fared better in the Urban County than across Passaic County.
- A disabled person living in the Urban County is 3.6 times more likely to live in poverty than a person without a disability. Disabled persons in the Urban County has lower participation rates in the labor market among those aged 20 to 64 (85.6% participation rate among those without a disability and 49.7% participation rate among those with a disability).

- Female-headed households with children comprised 30.8% of all family households with kids in Passaic County in 2016 but they accounted for 59.2% of all households with children living below the poverty level. In the Urban County female-headed households with children make up a smaller percentage of the households with children (15.6%) than in Passaic County as a whole but they make up 42.4% of the households with children who are living below the poverty level. Male-headed households are proportionately represented in the poverty levels.
- Foreign-born persons experience poverty at a rate of 9.9% in the Urban County whereas native born persons experience poverty at a rate of 5.8%. In Passaic County, foreign-born persons also experience poverty at a greater rate than native born persons but the discrepancy is not as large. Note, however, that the poverty rate in Passaic County is over three times greater than the poverty rate in the Urban County.
- In 2016, there were 15,614 persons in the Urban County who spoke English less than “very well.” This is up from 11,885 persons in 2011. Spanish speakers comprised 34.7% of the Urban County’s LEP population. Interestingly, of the Spanish-speaking persons with LEP in the Urban County, 21.4% of them are native born.
- Black residents are the only protected class that has an unemployment rate that exceeds the 7.8% unemployment rate statewide; Black unemployment is 14.2%. Asian unemployment is 3.9%.
- From 2011-2016, 94% of the 6,252 new housing units in Passaic County were in the Urban County. Most of the new units were built in the northern part of the county.
- In the Urban County, only Haledon and Prospect Park have greater than 50% of the housing units that are multi-family units. In the Urban County, there is a tendency for owner-occupied housing to be single-family units and for renter-occupied units to be in multi-family buildings. While there are not many multi-family rental units in the Urban County in general, they do make up the majority of the rental market confirming that there are few single-family rental options available.
- It is notable that Wanaque has had only a 6.6% increase in the number of total housing units from 2011-2016 but the number of multi-family units has increased from 8.9% to 28.2% between 2011 and 2016. Ringwood, however, has had an increase of 11.4% in the total number of housing units but the percentage of multi-family units decreased sharply from 10.8% in 2011 to 2.8% in 2016.
- Black and Hispanic households lag behind White and Asian households in terms of homeownership rates. Asian and White households have homeownership rates of 74.7% and 76.0%, respectively, whereas Black and Hispanic rates are 38.6% and 55.0%, respectively.

- Black and Asian households are more likely to live in households with four or more persons than White or Hispanic households. In the Urban County, 43.4% of Asian households and 35.3% of Black households have more than four persons.
- The rental market is affordable in the aggregate but when the affordability is analyzed by race and ethnicity there are clear differences; White and Asian households can afford the median priced housing and Black and Hispanic households cannot.
- Black and Hispanic households earning the median income for their respective race/ethnicity cannot afford a rental housing unit priced at the median gross rental price; they are priced out of the rental market.
- Homeownership in the county as a whole is inherently unaffordable for its residents. Even Asian households, with the highest median household income, cannot afford a median-priced home at that income level.

B. FAIR HOUSING PROFILE OBSERVATIONS

- There are still a number of municipalities within the Urban County that have limiting definitions of “family”.
- Most municipalities do not define or regulate “group homes” in ways that are consistent with the Fair Housing Act. Several municipalities state that group homes can only be located in specific areas of the community.
- The locations of units rented by voucher holders are disproportionately located in Prospect Park and Haledon. For example, the percentage of the total Urban County population residing in Prospect Park and Haledon are 4.0% and 5.6%, respectively, but each of these communities has over 25% of the voucher holders. Both Prospect Park and Haledon are also RCAPs and ECAPs.
- Mortgage applications of Black and Hispanic applicants face higher denial rates than White and Asian applicants.
- Among all groups that are informed that the debt-to-income ratio was too high this was most told to Asian applicants; Black applicants are the group most likely to be told that credit history was the primary reason for the loan not being approved.
- Black and Hispanic applicants are offered high-cost loans at disproportionate rates than other applicant groups. This was true at lower-income levels and even more so at upper-income levels.

8. IMPEDIMENTS TO FAIR HOUSING CHOICE

This section outlines impediments to fair housing choice identified through this analysis. Equal and free access to residential housing (housing choice) is a fundamental right that enables protected classes to pursue personal, educational, employment or other goals. Providing a range of housing choices can result in greater self-sufficiency and opportunity. The identified impediments are divided into two categories – public and private sector impediments.

A. PUBLIC SECTOR

Impediment A: Limited housing choice results in Housing Choice Voucher concentration in primarily in older, less expensive communities

Housing Choice Vouchers administered by the Passaic County Housing Authority are disproportionately concentrated in Haledon and Prospect Park, which are predominantly R/ECAPs (racially and ethnically concentrated areas of poverty). Currently 52.0% of all vouchers are concentrated in Haledon and Prospect Park. These boroughs collectively house 9.6% of the population of the Urban County – 5.6% in Haledon and 4.0% in Prospect Park.

Proposed Action 1: Target renovation and development efforts in Haledon and Prospect Park

Rehabilitation and redevelopment efforts within Haledon and Prospect Park Boroughs are needed to improve the housing stock in these areas where a large number of low-income residents currently reside.

Proposed Action 2: Encourage new development efforts in areas other than Haledon and Prospect Park

Passaic County should work with all municipalities to develop transit oriented development throughout the county and to promote higher density housing in development efforts. Passaic County should also support applications for HOME funding and for tax credits/funding through the New Jersey housing and Mortgage Finance Agency.

Impediment B: Public transit limits mobility and housing choice

Public transit is limited to the county's most densely developed areas and overall is unavailable to second and third shift workers and, depending on location, may not be available to those working on Sundays. Public transit service varies significantly across municipalities in Passaic County. The best transit service is in the southeastern portion of the county, including the municipalities of Clifton, Passaic, and Paterson. Jurisdictions such as Little Falls, Hawthorne, and Haledon also have good daytime transit service. Transit service availability declines drastically as one approaches the northern portion of the county.

There have been fare hikes in recent years. Even small increases in transit fares disproportionately affect low- and moderate-income households because the increased fare is a greater percentage of a lower income person's household income than a higher wage earner's income. It is more difficult for a lower income person to afford the upfront cost of a monthly bus pass which forces these persons to pay for

individual daily bus fares. For those who rely on public transit, buying daily fares is more costly than purchasing a monthly pass.

[Proposed Action 1: Incentivize and promote development in areas of opportunity along existing public transit routes](#)

Passaic County should identify opportunities along existing public transit routes for the development of medium-density and high-density, affordable, multi-family housing. Once opportunities are identified, Passaic County can work with local municipalities to incentivize and promote the development of affordable and varied housing along these routes.

[Proposed Action 2: Promote the expansion of public transit service](#)

Passaic County should continue collaborating with New Jersey Transit to promote the expansion of public transit service in non-impacted, high growth areas of the county such as North Haledon, Pompton Lakes, and Wanaque. This could include ride-to-work public transit routes using smaller vehicles that consider the needs of second and third shift workers and those working on Sundays and holidays. Expansion of services is needed in addition to the current efforts to provide EZ-Ride services for individuals with special needs.

[Proposed Action 3: Promote a NJ Transit fare-capping program](#)

Passaic County should suggest to and work with New Jersey Transit to promote the implementation of a fare capping system. A user would continue to buy daily bus fares but accumulate credit toward the purchase of a monthly pass. Once a rider has purchased enough daily fares that the total amount paid is equivalent to the cost of a monthly pass then rider's daily pass automatically converts to a monthly pass and the rider will not pay for bus fare until a new month begins. A similar system has recently been implemented in Dallas, TX.²⁰

Impediment C: The Land Use and Housing elements of the Comprehensive Plan are outdated

Passaic County has not updated the land use and housing elements of its Comprehensive Plan for over a decade. Currently, goals and the vision for land use and housing are interspersed amongst different elements of the Comprehensive Plan.

[Proposed Action 1: Update the Land Use and Housing elements of the Passaic County Comprehensive Plan](#)

An updated land use and housing element would clearly and cohesively present the county's goals and vision. Updating these documents ensures that the land use and housing elements are in alignment with the recently updated open space and transportation elements. Lastly, an updated land use element could review the amount of developable land in the county and include an analysis of developable areas along existing public transit routes (see above).

²⁰Dallas Area Rapid Transit. (2018, August 27). DART Rider Alerts. Retrieved August 16, 2018, from <http://dart.org/rideralerts/fullra.asp?id=4125>

Proposed action 2: Collect COAH plans from each municipality

Passaic County should collect the COAH plans of each municipality during the process of updating the housing element of the comprehensive plan.

Proposed Action 3: Provide technical assistance to local municipalities to create opportunities to develop affordable housing

The updated housing element would be the basis for working with local communities to understand and adopt compatible local plans. The county should provide outreach and technical assistance to local municipalities to create opportunities for affordable housing development.

Impediment D: Planning documents in some municipalities are not in alignment with fair housing Law

While Passaic County's land use and planning principles are consistent with fair housing principles and best practices, the real power to control land use is exercised by the municipalities. The county can promote the adoption of ordinances that are compliant with the Fair Housing Act.

Many of the municipal zoning ordinances in the Urban County are outdated, lack certain terms, definitions, and/or regulations, or are in violation of Federal fair housing law. Although all of the zoning ordinances reviewed in the Urban County permitted affordable housing types in at least one residential district, the amount of land zoned and available for the development of affordable housing types was sometimes limited by the municipality or the land requirements would be difficult to meet given that the community is already built up.

All of the municipalities in the Urban County placed undue restrictions on group living facilities for persons with disabilities. This was done either through restricting them as conditional uses or not including them within the definition of family.

Proposed Action 1: Continue to provide technical assistance to municipalities to bring their ordinances into full compliance with the Fair Housing Act

To bring all Urban County municipalities into full compliance with the Fair Housing Act, Passaic County Planning and Economic Development staff should continue to provide technical assistance to municipalities, assist them in rewriting zoning ordinances to remove any restrictions on group living facilities for persons with disabilities, assist them in rewriting zoning ordinances to define "family" in an inclusive way, and/or writing zoning ordinances to permit more residential areas conducive to affordable housing.

Impediment E: Based on housing complaints received by HUD, there is the continued presence of discrimination on the bases of race, disability and familial status, which limits housing choice

Several fair housing complaints were filed with HUD since the last AI. While Passaic County does not have direct control over private landlords, HOAs, condo associations, neighbors, etc., Passaic County is committed to affirmatively furthering fair housing choice and to taking action to eliminate housing discrimination.

The most common reason for a housing complaint filed with HUD was disability followed by familial status and race. Within the Urban County, five municipalities had complaints: Haledon, Pompton Lakes, Wanaque, West Milford, and Woodland Park. Each community had one complaint.

Proposed Action 1: Continue to provide education and outreach related to fair housing

In the last AI, it was suggested that the County include an allocation for fair housing services in their CDBG entitlement budget. Allocating CDBG dollars towards fair housing services greatly improves the county's ability to monitor fair housing issues and strongly demonstrates to HUD that the county is addressing fair housing issues.

Passaic County implemented the recommendation to include an allocation for outreach. The county partnered with the Fair Housing Council of Northern New Jersey to provide education and outreach on fair housing laws, rights, and responsibilities. In addition, the county sponsors and hosts a Fair Housing Conference each year to educate the public on fair housing rules and regulations. It is recommended that Passaic County continue to host the conference and to continue to provide outreach and education to the general public, landlords and the real estate community.

Proposed Action 2: Update the fair housing information on the Passaic County website

To further educate the public about fair housing laws and to make it easier for individuals to file a housing complaint, Passaic County should update the fair housing information on the county's webpage.

B. PRIVATE SECTOR

Impediment A: Non-White households were less likely to be homeowners and are more likely to have been offered a high-cost loan than white households

The primary reason an applicant was denied a mortgage was having a debt-to-income ratio that was too high and the second most common reason was the applicant's credit history.

Non-White mortgage applicants were more likely to be denied than White applicants. Black and Hispanic persons were more likely to be offered a high-cost loan than White and non-Hispanic applicants among both lower and upper income applicants. The percentage of high-cost loans decreased for upper-income Whites and non-Hispanics but the percentage increased for Black and Hispanic applicants.

Proposed Action 1: Provide credit counseling to protected classes

Providing credit and pre-purchase counseling to members of the protected classes can be included as part of future CDBG funds. Counseling can include budgeting and debt reduction but should also include the education on how to establish good credit history.

Proposed Action 2: Engage HUD-certified housing counselors

Passaic County should seek out and coordinate with HUD-certified housing counselors working in existing organizations to provide credit repair education. Housing counselors would educate consumers about loan products available in the marketplace and inform applicants of the importance of being aware of any adverse terms or conditions (including higher interest rates).

Proposed action 3: Educate the public about predatory lending

At the fair housing conference, Passaic County should include a session on predatory lending to educate the public on the potential pitfalls of various loan products available to consumers.

Impediment B: Newspaper advertising does not consistently include the fair housing logo

The print version of *The Record* does include the fair housing logo but the online version does not. All advertising of real estate should prominently display the fair housing logo independent of the media format.

Proposed Action 1: Ask the Record to display the fair housing logo

Passaic County should send a letter to inform the editors of *The Record* that it is their responsibility to display the publisher's policy on fair housing in all housing related advertising whether in print or digital media.

Impediment C: Low Employment rates and wages for certain members of the protected classes reduce housing choice

The combination of low labor force participation among persons with a disability, low wages for Black and Hispanic workers and high unemployment rates among Blacks make it difficult for members of protected classes to attain suitable housing due to affordability as well as proximity to public transit and other factors.

Proposed Action 1: Engage with the Workforce Development Board

The Workforce Development Board (WDB) engages with new and existing businesses to provide economic opportunities for those in the region as well as overseeing the Passaic County One-Stop Solution for job seekers. It would be a benefit to strengthen connections with the WDB to assist in providing opportunities to those members of the protected classes – including youth – to build the skillsets that pay higher wages to help alleviate poverty and allow for more choices for persons living in the county.

9. FAIR HOUSING ACTION PLAN

This section outlines actions to be taken and benchmarks, timelines and costs associated with each action to remove impediments to fair housing choice. Proposed actions are divided into private and public sector domains.

Actions	Entities Responsible	Benchmark	Time to Complete	Potential Cost	Date Completed
PUBLIC SECTOR					
Impediment A: Limited housing choice results in Housing Choice Vouchers concentrated in primarily older, less expensive communities					
Target renovation and development efforts in Haledon and Prospect Park to bring more opportunities to these areas	Passaic County, Department of Planning and Economic Development	Increase in the number and percentage of housing units available to low- and moderate-income households; number of letters written in support of applications for DCA HOME funds and other grants.	Ongoing	\$0	
Encourage new development efforts in areas other than Haledon and Prospect Park	Passaic County, Department of Planning and Economic Development	Increase in the number and percentage of housing units available to low- and moderate-income households; number of letters written in support of applications for DCA HOME funds and other grants.	Ongoing	\$0	
Impediment B: Public transit limits mobility and housing choice					
Identify, incentivize and promote development in areas of opportunity along existing public transit routes	Passaic County, Department of Planning and Economic Development	In the update to the Master Plan elements for housing and land use, inclusion of a map showing potential areas of development/rehabilitation that identifies the land area available, the municipality in which the area is located, the current zoning ordinances and recommendations about the number and types of housing that could be developed/rehabilitated.	2020	\$0	

Promote the expansion of public transit service (i.e. holiday and Sunday service as well as second and third shift service)	Passaic County, Department of Planning and Economic Development	Meeting with NJ Transit and/or public transit advocacy groups	ongoing	\$0	
Promote a NJ Transit fare-capping program	Passaic County, Department of Planning and Economic Development	Meeting with NJ Transit and/or public transit advocacy groups	2019	\$0	
Impediment C: The Land Use and Housing Elements of the Comprehensive Plan are outdated					
Update the Land Use and Housing Elements of the Passaic County Comprehensive Plan.	Passaic County, Department of Planning and Economic Development	Update Land Use and Housing elements documents	2020	\$80,000	
Collect COAH plans from each municipality as part of updating the housing element	Passaic County, Department of Planning and Economic Development	Assemble COAH plans for each municipality	2020	\$0	
Provide technical assistance to local municipalities to create opportunities to develop affordable housing	Passaic County, Department of Planning and Economic Development	Meet with each of the 12 municipalities	2020	\$0	
Impediment D: Planning documents in some municipalities are not in alignment with fair housing laws					
Continue to provide technical assistance to municipalities to bring them into full compliance with the Fair Housing laws	Passaic County, Department of Planning and Economic Development	Meet with each of the 12 municipalities	ongoing	\$0	

Impediment E: Based on housing complaints received by HUD, there is the continued presence of discrimination on the bases of race, disability and familial status, which limits housing choice					
Continue to provide education and outreach services to the public, landlords and persons in the real estate industry regarding fair housing laws and/or contract with a third-party to provide this service; Continue to provide educational materials and to promote fair housing at the Fair Housing Conference each spring	Passaic County, Department of Planning and Economic Development	Number of people (landlords, real estate agent and consumers) educated about fair housing laws	ongoing	up to \$10,000 annually (if contracted to a third-party)	
Update the fair housing information on the Passaic County website	Passaic County, Department of Planning and Economic Development	Completion of the update to the website	2019	\$0	
PRIVATE SECTOR					
Impediment A: Non-White households are less likely to be homeowners and are more likely to have been offered a high-cost loan than White households					
Provide credit counseling to members of the protected classes and/or contract with a third party to provide this service	Passaic County, Department of Planning and Economic Development	Number of people receiving credit counseling	ongoing	up to \$10,000 annually (if contracted to a third-party)	
Engage HUD-certified housing counselors (see Resources tab)	Passaic County, Department of Planning and Economic Development	Meeting with HUD-certified housing counselors	Ongoing	\$0	

At the annual fair housing conference, provide education to the public about predatory lending practices	Passaic County, Department of Planning and Economic Development	Completed session on predatory lending at the annual fair housing conference	2019	\$0	
Impediment B: Newspaper advertising does not consistently include the fair housing logo					
Make <i>The Record and The Herald</i> aware that the on-line real estate section must display the Fair Housing logo	Passaic County, Department of Planning and Economic Development	Letters sent to <i>The Record and The Herald</i>	2019	\$0	
Impediment C: Members of the protected classes face lower wages and higher unemployment rates which de facto limits housing choice					
Raise awareness among new and existing local businesses of the benefits of partnering with the Workforce Development Board to assist in growing opportunities for meaningful employment, particularly for members of the protected classes	Passaic County, Department of Planning and Economic Development	Increase in the number of youth and adults earning industry-valued credentials as a result of WDB initiatives	ongoing	\$0	

10. SIGNATURE PAGE FOR THE URBAN COUNTY

By my signature I certify that the Analysis of Impediments to Fair Housing Choice for the Urban County of Passaic County is in compliance with the intent and directives of the regulations of the Community Development Block Grant program.

(Signature of Authorizing Official)

Date

APPENDIX A – STAKEHOLDER LIST

The following is a list of the persons interviewed as part of the AI process:

Passaic County Staff

Michael LaPlace – Director, Planning Department

Nicole Fox – Director, Passaic County Improvement Authority

Deb Hoffman – Director, Division of Economic Development

Social Services

Kathy Talmadge- Catholic Family and Community Services

Sister Mary Farrell - Sisters of Charity

Donna Fico – Eva’s Village

Yvonne Zuidema – United Way of Passaic County

Housing Providers

Bob Guarasci – New Jersey Community Development Corporation

Barbara Dunn – Paterson Habitat for Humanity

Passaic County Human Services & Senior Services

Francine Vince – Director, Dept. of County Human Services

Samuel Yodice – Director, Dept. of Senior Services

Charles Featherson – Division of Community Outreach and Family Services

APPENDIX B – ZONING ORDINANCE REVIEW

Bloomingdale		
QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	<p>R130: One Family Zone</p> <p>R40: One Family Zone</p> <p>R20: One Family Zone</p> <p>R10: One Family Zone</p> <p>R40TH: One Family Residential and Townhouse Zone</p> <p>R-G: Garden Apartment Zone</p> <p>R-M: In-Town Apartment and Senior Citizen Housing Zone</p> <p>R-G: Cluster Garden Apartments and Open Space Zone</p> <p>R20-U: Union Avenue Zone</p> <p>AH-1: Affordable Housing Overlay</p> <p>IMF: Inclusionary Multi-Family District</p>	The ordinance provides for a decent variety of housing and densities. The districts of R-40TH, R-M, R-G, R-10 & R-M, and IMF permit higher densities, multi-family units and apartments. However, after a brief site visit, it is clear that residential districts with higher densities and multi-family options is limited and large minimum lot single family residential units covers the vast majority of residential districts.
Definition of Family	An individual or two (2) or more persons related by blood or marriage or a group of not more than five (5) persons, excluding servants, who are not related by blood or marriage living together as a single housekeeping unit in a dwelling unit.	Unrelated individuals who can live together are limited to five. This restricts non-traditional families and unduly restricts unrelated individuals from sharing a dwelling unit to save on costs. Additionally, group homes are not included in the definition of family which is inconsistent with the Fair Housing Act.
Definition and Regulation of Group Home	No definition provided.	Conceivably, a group home would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned in the ordinance.
Definition and Regulation of Mobile Homes	No definition provided.	Mobile home is excluded from the definition of "dwelling unit" and therefore mobile homes are likely not permitted within the Borough.
Affordable Housing Options	<p>*IMF- Inclusionary MF District: District was created to implement the Fair Share Plan of the Borough. In order to create this district a number of lots were rezoned. Varying densities between 6-15 dwelling units per acre were established. The zone shall not exceed a total of 173 units and most set aside 15% of total units for low-moderate-income households (LMI).</p> <p>*Development Fee: Developers are required to pay 2% towards the housing trust fund on non-residential projects. A 1% fee is required for all residential districts. Affordable housing developers are exempt from the development fee.</p> <p>*Set Aside Requirement: Residential developments with 5 or more units (other than single-family units) must set aside 20% of units for LMI households in the growth district.</p>	The Borough provides for a decent amount of affordable housing options. The inclusion of affordable housing could be improved through a higher percentage of residential zones, which permit higher densities and housing choices other than single-family detached units. On a positive note, unlike the majority of ordinances reviewed, the Borough includes a "growth share" provision requiring an affordable housing unit for every 5 new units developed within the growth district.
Date of Ordinance: October 2000		
Amended through: September 2013		

Haledon		
QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	A: Residence Zone	The highest single family densities are permitted in Residence Zone A, which permits approximately 8 dwelling units per acre. Multi-family is permitted in Residence Zone B and townhouses are permitted in the Townhouse Zone (TH). However, units developed in TH must be developed in planned residential developments at a minimum of 9 acres per site. Haledon provides for a decent variety of housing types and densities, however, it will prove difficult to construct the highest permitted densities in the TH Zone since tracts of land larger than 9 acres are difficult to locate with most of the Borough already built out.
	A-A: Residence Zone	
	A-A-A: Residence Zone	
	A-A-1: Residence Zone	
	B: Residence Zone	
	TH: Townhouse Zone	
Definition of Family	Any number of individuals related by blood, marriage or adoption, or not more than four persons who are not so related, living together as a single housekeeping unit, using rooms and housekeeping facilities in common and having such meals as they may eat at home generally prepared and eaten together.	Unrelated individuals who can live together are limited to four. This restricts non-traditional families and unduly restricts unrelated individuals from sharing a dwelling unit to save on costs. Additionally, group homes are not included in the definition of family which is inconsistent with the Fair Housing Act.
Definition and Regulation of Group Home	None	Conceivably, a group home would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned in the ordinance.
Definition and Regulation of Mobile Homes	None	Conceivably, a mobile homes would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned as a permitted or excluded use.
Affordable Housing Options	No affordable housing options found	There should be something codified in regards to how the Borough plans to implement the Mt. Laurel II decision.
Date of Ordinance: July 1979		
Amend through: December 2007		

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Hawthorne		
QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	<p>R-1: One Family</p> <p>R-2: One & Two Family</p> <p>R-3: Apartment</p> <p>R-4: Garden Apartment</p> <p>R-5: Planned Unit Development</p> <p>R-6: Affordable Housing</p> <p>R-7: Assisted Living/ Affordable Housing</p> <p>R-8: Supportive Housing/ Affordable Housing</p> <p>R-9: Affordable Housing/ MF Attached Housing</p> <p>R-10: Detached SF/ Affordable Housing</p>	There is a great variety of housing options and densities presented in the Borough's ordinance. R-3 and R-4 permit multifamily structures at a maximum of 24 and 14 dwelling units per acre; respectively. SF dwellings of up to 8 dwelling units per acre and duplexes are permitted in R-2. The Borough also provides specific zoning districts for affordable housing in districts R-6 - R10.
Definition of Family	A group of individuals related by blood or marriage, living, cooking and housekeeping together as a single household unit.	This definition is very restrictive as it only defines a family as those living together who are related by blood or marriage. This restricts non-traditional families and unduly restricts unrelated individuals from sharing a dwelling unit to save on costs. The ordinance also does not include group homes within the definition of family which is inconsistent with the Fair Housing Act.
Definition and Regulation of Group Home	<p>No group home definition provided. Instead group homes were defined as an <i>Alternative Living Arrangement</i>.</p> <p>"A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas."</p>	It appears that the ordinance permits group homes in all residential zoning districts as it states under Room and Boarding Houses: "Nothing contained herein shall prevent or be deemed to prohibit use of any property or structure as a family resource home, community home for the developmentally disabled or mentally ill, adult family home, assisted living facility, nursing home or home designed for charitable assistance as defined herein, subject, nevertheless, to any other statute, regulation or ordinance pertaining to such use."
Definition and Regulation of Mobile Homes	A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include "recreational vehicle."	Conceivably, a group home would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned in the ordinance.
Affordable Housing Options	<p>*Affordable Housing Districts: The ordinance provides zoning districts specific for affordable housing development. This includes R-6 through R-10. Districts R-7 and R-8 combine affordable housing with assisted living, supportive housing and MF and SF districts.</p> <p>*Development Fee: Fees go towards the housing trust fund to construct affordable housing units in the Borough. Half of 1% is collected for housing developments and housing sales. a 1% fee is charged for non-residential developments.</p>	The provision of affordable housing districts adds to the Borough's already diverse housing options as many other districts permit high densities and multi-family housing.
Date of Ordinance: January 1979		
Amend through: June 2014		

Little Falls		
QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	<p>R-1A: Residence District</p> <p>R-1B: Residence District</p> <p>R-1C: Residence District</p> <p>R-2: Residence District</p> <p>R-3: Residence District</p> <p>R-3A: Residence District</p> <p>MDR: Medium Density Residential Zone</p> <p>LICU: Light Industrial/ Conditional Use District</p> <p>AHO: Affordable Housing Overlay Zone</p> <p>AHO II: Affordable Housing Overlay II Zone</p> <p>TV: Transit Village</p> <p>MFS: Multi-family/ Senior Zone</p> <p>AMF: Affordable Multi-family Overlay</p>	The ordinance provides for a variety of housing options including single family units , multi-family units, and mid rises. The highest dwelling units per acre for single family units is 12. While many districts permit multi-family and mid-rises, R-3, R-3A, and AHO II require large minimum development sizes. There is very little open space available in Little Falls Township to provide for these districts requiring high minimum lot sizes which in turn makes multi-family and affordable housing development more difficult.
Definition of Family	Persons living together as a single nonprofit housekeeping unit, living and cooking together, whose relationship exhibits a kind of stability, permanency and functional lifestyle which is equivalent to that of the traditional family unit, as distinguished from fraternities and sororities, societies, clubs, associations, lodges, halfway houses, shelters and other forms of specialized communal living of a transient nature.	The definition does not limit the number of unrelated individuals who can reside in the same household thus allowing non-traditional families and an unrestricted amount of unrelated individuals to reside together. However, the definition appears to exclude group homes from being defined as a family as "specialized communal living of a transient nature" is excluded from the definition. This aspect is inconsistent with the Fair Housing Act.
Definition and Regulation of Group Home	Under 97-1: "A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements."	As stated, group homes are not defined as a family. Additionally, group homes are not treated as single family homes as they are not permitted in all residential districts that permit single family homes. Group homes are only permitted as a conditional use in R-1C (excluding correctional facilities). This is inconsistent with the Fair Housing Act
Definition and Regulation of Mobile Homes	A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.	Conceivably, a mobile homes would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned as a permitted or excluded use.
Affordable Housing Options	<p>*Rent Control: This was enacted to limit the annual increase of rents, and permit renters to request a "reasonable rental value" if their unit is not receiving the same standard of service as similar rental properties. A "rent leveling board" was created in the township to oversee rent control regulations and policies.</p> <p>*Affordable Housing Zones: These zones were created to provide realistic opportunities for the construction of LMI housing as land becomes available for development. Development fees are required for developers who do not provide the minimum amount of affordable units in their developments.</p>	Rent control measures are a very effective tool to keep rentals affordable and within reach of lower income residents. These measures were created by the Township to comply with the Mount Laurel II decision. The township also created two affordable housing zones. These zones are not the most effective means to encourage affordable housing as they do not permit very high densities and AHO II requires 6 acres minimum for the development.
Date of Ordinance: December 1995		
Amend through: March 2017		

North Haledon		
QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	<p>RA-1</p> <p>RA-2</p> <p>RA-3</p> <p>AHTD-1: Affordable Housing Township District</p> <p>AHTD -2: Affordable Housing Townhouse District</p> <p>AAHD: Affordable Adult Housing District</p> <p>MFTH: Residential/ Multi-family Townhouse Zone</p>	A maximum of three (3) dwelling units per acre are permitted amongst the residential districts besides the AHTD zone. The AHTD zone is a zoning district specifically created to comply with the Mount Laurel II decision to provide more affordable housing options. The site is 100 acres and only permits up to 4.5 dwelling units per acre in pockets and 2.5 dwelling units per acre for the entire site. The Borough needs more housing options and areas of higher densities to promote affordable housing. The AAHD and MFTH zones are only for persons aged 55 and older.
Definition of Family	A group of individuals related to each other by blood or marriage, or a group of not more than four individuals not necessarily related to each other by blood or marriage, all of whom live, eat, cook and housekeep together as a single household unit in a dwelling unit, as that term is defined by this section, that is not partitioned or otherwise segregated from any other dwelling unit, whether by door, wall or otherwise.	The ordinance limits unrelated individuals who can live together to four (4). This restricts non-traditional families and unduly restricts unrelated individuals from sharing a dwelling unit to save on costs. The ordinance also does not include group homes within the definition of family which is inconsistent with the Fair Housing Act.
Definition and Regulation of Group Home	No definition provided	Conceivably, a group home would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned in the ordinance. However, this may not be the case as nursing homes are specifically required to be built on a minimum of 7 acres. This rule may also be applied to group homes.
Definition and Regulation of Mobile Homes	No definition of mobile homes was included. There was, under "manufactured home" the following: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.	Mobile homes are strictly prohibited in North Haledon. This raises affordability issues as it limits low cost housing options.
Affordable Housing Options	<p>*Dwelling, Mother/Daughter Units: One-family residences are permitted to allow immediate family to reside in same dwelling as owners and have their own living facilities. No separation is required that segregates one portion of the dwelling from the other.</p> <p>*Inclusionary/LMI: Any townhouse developments require 20% of units to be reserved for low-to-moderate income residents. Developers can instead pay an \$40,000 per unit in lieu of fulfilling this obligation.</p> <p>*An Affordable Housing Board was created to provide standards and policies applicable to affordable housing.</p> <p>* Affordable Housing Trust Fund - developers pay a 1% fee for residential developments and 2% for nonresidential developments to the Trust. Developments that include affordable housing are exempt from the fee.</p>	These affordable housing policies were created to fulfill the Borough's Mount Laurel obligations. To truly embrace the promotion of affordable housing in the community, the inclusionary provision should be expanded to include more than townhouse development.
Date of Ordinance: 1981		
Amend through: June 2012		

Pompton Lakes		
QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	R1: Environmental Sensitive District	The ordinance provides for a variety of housing options including very low densities in R-1 (maximum of 2 units per acre in cluster areas and one unit per 2.5 acres in non-cluster areas), to maximum of 10 dwelling units in R-8 and R-9. Densities in R-3 and R-4 are limited to 125 and 3 dwelling units per acre, respectively. R-5 permits attached single family units at higher densities of 8 dwelling units per acre. The affordable housing districts were created to comply with the Mount Laurel II decision. These districts do not represent a high percentage of residential areas in the Borough but are distributed very evenly across the Borough.
	R-3: Detached Single Family Residence District	
	R-4: Detached Single Family Residence District	
	R-5: Attached Single Family Residence District	
	R-6: Multi-Family District	
	R-7: Affordable Housing District 1	
	R-8: Affordable Housing District 2	
	R-9: Multi-Family District	
	R-10: Affordable Housing District 3	
Definition of Family	One or more persons living together in a permanent domestic arrangement as opposed to a transient living arrangement.	The ordinance is open and inclusive for unrelated and non-traditional families yet may restrict group homes from being included in the definition of family as it excludes "transient living arrangements".
Definition and Regulation of Group Home	Group homes are included within the definition of single family dwelling	Conceivably, a group home would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned in the ordinance. However, there is a term called "Community Residence for the Developmentally Disabled" and the limit is 15 persons.
Definition and Regulation of Mobile Homes	Defined as "House Trailer" Any portable or mobile structure or vehicle used as a dwelling unit or for sleeping purposes or for the conduct of business, whether or not such vehicle or structure is attached to a foundation.	Mobile homes are explicitly prohibited for use as dwelling units. This raises affordability issues as it limits low costs housing options.
Affordable Housing Options	*Accessory Apartments are permitted in all Single Family detached residential districts. This is specifically geared towards the elderly who likely desire to live with younger relatives. *Development Fee: A 1% is collected from all residential developers and a 2% fee is collected from non-residential developers to be placed towards the housing trust fund for the development of affordable housing. *Affordable Housing Districts: These districts permit higher densities and often require 20% of units to be reserved for low-to-moderate-income households.	These affordable housing policies were created to fulfill the Borough's Mount Laurel obligations. The ordinance includes a good amount of affordable housing provisions and a fair amount of densities and housing varies are permitted in the zoning. The affordable housing districts, however, should be expanded as they currently cover a very small portion of the Borough.
Date of Ordinance: July 1993		
Amend through: November 2011		

Prospect Park		
QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	<p>R-1: Residential District</p> <p>R-2: Townhouse Residential</p> <p>Q-MR-1: Quarry Medium Density Residential District</p> <p>Q-MR-2: Quarry Medium Density Residential District</p> <p>VCR: Village Commercial/ Residential District</p> <p>P-LWO: Professional Live/ Work Overlay District</p> <p>B-C: Community Business Zone</p> <p>B-G-1: General Business Zone</p>	The ordinance provides for a variety of housing options including single family units , two-family, townhouses, apartments, and mixed-use development. All districts permit at least 11 dwelling units per acre and many permit a maximum of 19-20 dwelling units per acre. The VCR and P-LWO permit mixed-use and live/work living arrangements. Districts B-C and B-G-1 permit apartments on the upper floors of commercial buildings. The Quarry Medium Density Residential Districts of Q-MR-1 and Q-MR-2 are 70 acre minimum lots reserved for townhomes and a high percentage of affordable units. The maximum gross density in these districts is 12 units per acre.
Definition of Family	One (1) or more persons related by blood, marriage or adoption and foster children placed with such persons by the Division of Youth and Family Services in the Department of Institutions and Agencies or a duly incorporated child care agency and children placed pursuant to law in a group home recognized as such by the Department of Institutions and Agencies in accordance with its rules and regulations; provided, however, that no group home shall contain more than twelve (12) children.	The ordinance excludes all unrelated individuals from the definition of family. This restricts non-traditional families and unduly restricts unrelated individuals from sharing a dwelling unit to save on costs. The ordinance also does not include group homes within the definition of family which is inconsistent with the Fair Housing Act.
Definition and Regulation of Group Home	No definition provided	It appears that groups homes are equivalent to institutional uses. However, no definition of institutional uses is provided to confirm this. Assuming they are equivalent, group homes are only permitted as a conditional use in R-1, R-2, and VCR. Institutional uses are permitted by right in B-C and B-G-1 but it is unlikely that group homes could locate here since only upper floor residential is permitted in these districts. This does not treat group homes the same as a single-family home and therefore is inconsistent with the Fair Housing Act.
Definition and Regulation of Mobile Homes	Mobile home or manufacturing home is never mentioned in the document.	Conceivably, a mobile would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned in the ordinance. However, the ordinance explicitly prohibits any use not specifically mentioned as a permitted use.
Affordable Housing Options	<p>*Housing Element and Fair Share Plan: This requires residential development of 4 or more units to incorporate affordable housing elements. Residential developments of less than 4 units are required to pay a low-moderate-income (LMI) development fee. Some elements of the plan include: <i>- Rehabilitation Program:</i> Renovates deficient housing units occupied by LMI households <i>*New Construction requirements:</i> Accessibility requirements; at least 30% of all affordable housing units must be 2 bedrooms and 20% must be 3 bedrooms; combined one bedroom and efficiency units shall not exceed 20% of all units; fair housing obligation shall be equally divided between low and moderate income units. *Inclusionary Zone: Created to ensure efficient use of land through compact forms of development and to create realistic opportunities for affordable housing. Inclusionary zoning policies were enacted in the districts B-C, B-G-1, VCR, Q-MR-1, and Q-MR-2. Q-MR-1 and Q-MR-2 require 20% and 25% of all units , respectively, to be affordable. Districts B-C, B-G-1 & VCR permit densities of 19 dwelling units and require 20% of all units to be affordable. *Maximum Rents and Sales Prices: Rentals must be affordable to households of 52% of medium household income (MHI). At least 10% of all LMI units shall be affordable to households of 30% MHI. The Maximum sales price to restricted ownership is 70% of MHI.</p>	Prospect Park provides a wide range of affordable housing options through the plethora of districts that permit high densities and require minimum percentages of affordable units. The Borough also provides the statutory mandate to enforce the provision of affordable housing options through new affordable housing construction mandates, proscribed bedroom breakdowns, minimum affordability requirements in many residential districts, and LMI development fees. This ordinance goes beyond the majority of New Jersey municipalities in ensuring affordable housing options and complying with the Mount Laurel II decision.
Date of Ordinance: Aug & Nov 2009		
Amend through: Nov 2009		

Ringwood		
QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	C-200: Conservation Residential District	While there are many residential zoning districts in Ringwood Borough, the variety of housing types and densities available appears very limited. R-40, R-80, C-200 require a minimum of one acre lots. The ordinance does not specify the maximum densities permitted in the remaining districts, but it is likely that they are low. RT-40, however, does permit two family units and the SRD may permits higher densities as it was created to allow affordable housing opportunities. SRD, however, requires 5% maximum building lot coverage and requires a 65 acre development minimum. These stipulations do not lend themselves well to promoting affordable housing.
	R-80V: Single Family Residential District	
	R-40V: Single Family Residential District	
	R-20: Single Family Residential District	
	RT-40: One and Two Family Residential District	
	SRD: Special Residence District	
Definition of Family	Shall mean any number of persons related by blood, marriage or adoption or living together as a single housekeeping unit and using certain rooms and housekeeping facilities in common. A "family" shall also include foster children placed with a family in such dwelling by the Division of Youth and Family Services in the Department of Institutions and Agencies or a duly incorporated child care agency and children placed pursuant to law in single-family dwellings known as "group homes."	This definition is inclusive through its permission of an unregulated number of unrelated individuals and children placed in group homes. It is unclear whether group homes are permitted within the definition of family.
Definition and Regulation of Group Home	No definition given but a number of regulations were given. All group home lots must be at minimum 2 acres; maximum density of 8 bedrooms per acre; maximum of 16 bedrooms in the group home development; and group homes may consist of detached dwelling or multi-family structures.	Group homes are regulated to be in isolation from other residential areas neighborhoods through requirements to locate them within the Special Residence District and a 2 acre minimum lot size requirement. This is very inconsistent with the Fair Housing Act. The Fair Housing Act requires group homes to be appear as typical single family and multi-family homes in residential districts.
Definition and Regulation of Mobile Homes	No definition or regulations given.	Conceivably, a mobile homes would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned as a permitted or excluded use.
Affordable Housing Options	The Special Residence District (SRD) was created to comply with the Boroughs low-moderate-income housing obligation by providing a realistic opportunity for affordable housing. The district requires 15% of units to be affordable. Of the affordable units 10%-20% must be efficiency units, at least 30% must be 2 bedrooms or more, and at least 20% must be 3 bedrooms or more. Rent for affordable units is capped at 57% of medium household income (MHI). Newly developed affordable units must be kept affordable for at least 30 years. The District also permits senior housing and group homes. This is likely the only location they are permitted in the Borough. Additionally, the Borough collects a development fee that is used toward their Housing Trust Fund.	The Borough likely fulfills their minimum duties to be in compliance with the Mount Laurel II decision. The SRD areas are limited and it appears due to high minimum density requirements that affordable housing would be difficult to develop in other areas of the Borough. It also that appears group homes and senior housing facilities are relegated to only SRD areas.
Date of Ordinance: 1985		
Amend through: 2006		

Totowa		
QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	R-40: Single Family Residential District	A fair amount of housing options are available in Totowa Borough. Two family homes are permitted in R-B and townhomes and attached dwellings are permitted in AHD and R-AH. Densities higher than 6 dwelling units per acre, however, are not permitted in any residential districts. This can be very limiting for affordable housing options. Also large portions of the Borough only permit a maximum of 2 dwelling units per acre.
	R-20A: Single Family Residential District	
	R-20: Single Family Residential District	
	R-7: Single Family Residential District	
	R-B: Two-Family Residential District	
	R-SC: Senior Citizen Housing	
	R-AH: Affordable Housing District	
	AHD: Adult Housing Overlay Zone	
Definition of Family	<p>A married couple, their children (natural or adopted) and the mother and/or father of the married couple; a single person, his or her children (natural or adopted) and his or her mother and/or father; or two individuals whose relationship is of a permanent and domestic character, their children (natural or adopted) and the mother and/or father of either or both individuals.</p> <p>A "boarding house" is defined as: any dwelling or part of a dwelling occupied by five or more unrelated persons not meeting the definition of "family."</p>	The ordinance is very limiting in its definition of family. Unrelated individuals and non-traditional families are not included in the definition. The ordinance also does not include group homes within the definition of family, which is inconsistent with the Fair Housing Act.
Definition and Regulation of Group Home	<p>No definition nor regulations of group homes are given.</p> <p>However, 415-132 states that within residential zone: "No boardinghouse or rooming house shall be permitted."</p>	Based on the definitions of "family" and "boarding house" it appears that group homes are not permitted in residential zones.
Definition and Regulation of Mobile Homes	<p>Defined as House Trailer.</p> <p>Any portable or mobile structure or vehicle used as a dwelling unit or for sleeping purposes or for the conduct of business, whether or not such vehicle or structure is attached to a foundation.</p>	Conceivably, a mobile homes would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned as a permitted or excluded use.
Affordable Housing Options	<p>*Development Fee: A 1% non-residential development is placed in a housing trust fund to development affordable housing.</p> <p>*The Affordable Housing District (R-AH) was created to fulfill the Borough's affordable housing obligations. The district requires 20% of units to be affordable (another portion of the ordinance states 10%; this discrepancy should be reviewed). Additionally, at least 35% of units must be two bedrooms, at least 15% must be three bedrooms, and a maximum of 20% of units may be used for efficiency units.</p>	These tools are likely adequate in fulfilling the Mt. Laurel II decision. More can be done to promote affordable housing through the allowance of higher densities throughout the Borough.
Date of Ordinance: June 1995		
Amend through: August 2013		

Wanaque		
QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	<p>R-10: Residential District</p> <p>R-15: Residential District</p> <p>R-30: Residential District</p> <p>R-40: Residential District</p> <p>R-D3: Residential Zone</p> <p>RD-3-AHO: Affordable Housing Overlay Zone</p> <p>R-87: Residential District</p> <p>TH: Townhouse District</p> <p>AH-1, AH-2, AH-3: Affordable Housing Zones</p> <p>FAR: Fourth Avenue Residential Overlay Zone</p> <p>AAH, AAH-1: Active Adult Housing District</p> <p>SNH: Supportive and Special Needs Housing Overlay</p>	<p>A fair amount of housing variety is permitted in the Borough's zoning ordinance. Higher densities and multi-family and townhouse developments are relegated to the Affordable Housing Overlay Zones, and the Townhouse District. These residential areas permit a maximum of 12 dwelling units per acre for apartments and 8 dwelling units per acre for townhomes. The business district also permits apartments but only above commercial uses.</p> <p>The other residential districts including: R-10, R-15, R-30, R-40 and R-87 permit very low densities which are not very conducive to affordable housing. FAR, AAH and AAH-2 are adult housing zones for persons over age 55.</p>
Definition of Family	One or more persons related by blood, marriage or adoption, living together as a single housekeeping unit and using certain facilities in common, as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or motel.	The ordinance is very limiting in its definition of family. Unrelated individuals and non-traditional families are not included in the definition. The ordinance also does not include group homes within the definition of family which is inconsistent with the Fair Housing Act.
Definition and Regulation of Group Home	No definition nor regulations of group homes are given.	Conceivably, a group home would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned in the ordinance. However, a "dwelling" is for "families" and, as stated, the definition of "family" is limiting.
Definition and Regulation of Mobile Homes	No definition nor regulation of mobile homes could be found in the ordinance.	Conceivably, a mobile homes would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned as a permitted or excluded use.
Affordable Housing Options	<p>*Inclusionary Zoning: This provision created the affordable housing overlay zone for the purposes of providing a realistic opportunity for low-moderate income (LMI) housing. The zone requires 20% of owner-occupied housing to be affordable and 15% of all rental units to be affordable. Additionally, 30% of affordable units should be two bedroom, 20% should be three bedroom, and numerous accessibility requirements apply.</p> <p>*Rent Controls: All rental affordable units must be affordable to households earning 60% of MHI. Also, restrictive ownership units must be affordable to households earning 70% of MHI.</p>	These tools are likely adequate in fulfilling the Mt. Laurel II decision. More can be done to promote affordable housing through the allowance of higher densities throughout the Borough.
Date of Ordinance: 1983		
Amend through: December 2012		

West Milford		
QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	<p>R-1/PN: Multi-Family Residential</p> <p>R-1, R-1/I: Higher Density Residential</p> <p>R-2: Moderate Density Residential</p> <p>R-3: Low Density Residential</p> <p>R-4: Very Low Density Residential</p> <p>LR: Lakeside Residential</p> <p>SHD/R-2: Rental Overlay/ R-2 Special Housing District</p> <p>SCC: Senior Congregate Zone</p> <p>HNCP: Historic New City Preservation Zone</p> <p>AADD: Active Adult Dwelling District</p>	There are few housing options available within the Township. Districts SHD and SCC are the only residential districts that permit multi-family housing and higher densities. SHD permits a maximum of 6 dwelling units per acre. SCC may provide high densities but density thresholds are not mentioned in the ordinance. The remaining residential districts only permit single-family structures between minimum densities of 3 units per acre to minimum lot sizes of 4 acres.
Definition of Family	No definition is provided	A definition of family must be provided in order to be in compliance with the Fair Housing Act.
Definition and Regulation of Group Home	No definition is provided.	Conceivably, a group home would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned in the ordinance.
Definition and Regulation of Mobile Homes	A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."	Conceivably, mobile homes would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically mentioned as a permitted or excluded use.
Affordable Housing Options	Affordable housing requirements are in effect for residential districts R-1/PN, SHD/R2, SCC, and any Multi-Family developments with more than 10 units. The requirements include 15% of all units to be set aside for affordable housing which includes 20% of all rental units to be affordable. Additionally, the unit mix must be at least 35% two bedroom, 15% three bedroom, and a maximum of 10% efficiency units. The Township also has a housing fund for the purposes of receiving government and/or private contributions. The fund automatically collects development fees of 1% from residential developments and 2.5% from non-residential developments.	The affordable housing measures are likely adequate to comply with the Mount Laurel II mandate. However, much could be done to increase affordable housing options by permitting more areas of higher densities and multi-family units throughout the township.
Date of Ordinance: May 1990		
Amend through: December 2012		

Woodland Park		
QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	Residence A: Single Family District	The ordinance provides for a variety of housing options and densities. Districts A & B permit only single family structures at low densities. R-C permits two family units at maximum densities of 7 dwelling units per acre. Districts R-D, R-E, & R-G districts permit multi-family units, townhouses at densities between 7 and 15 dwelling units per acre. These districts require large minimum development tracts of between 10-15 acres. The inclusionary multi-family residential districts permits the highest densities at 20 dwelling units per acre but with a minimum development area of 5 acres. Multi-family units, townhomes, and garden apartments are all permitted in the district.
	Residence B: Single Family District	
	Residence C: Single Family District	
	Residence D: Garden Apartment District	
	Residence E: Townhouse District	
	Residence F: Planned Unit Development	
	Residence G: Adult Residential District	
	Residence H: Inclusionary Multi-Family Residential District	
	Senior Citizen Residential District	
Definition of Family	No definition is provided	A definition of family must be provided in order to be in compliance with the Fair Housing Act.
Definition and Regulation of Group Home	No definition nor regulations of group homes are given.	22-24.8 states: Rooming/Boarding Houses housing more than six persons for the developmentally disabled and community shelters for victims of domestic violence shall be permitted as a conditional use in all residential districts provided that there are no more than 14 persons living there and that the structure is at least 1500 feet from a school or other boarding house.
Definition and Regulation of Mobile Homes	Shall mean a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term " manufactured home " does not include a "recreational vehicle."	Conceivably, a mobile homes would be permitted as a single family unit in any residential district without any additional restrictions or regulations as they are never specifically regulated.
Affordable Housing Options	<p>*Affordable Housing: Developers are required to set-aside one affordable housing unit amongst 5 market units. Developments with less than 5 housing units require developers to deposit development fees to the Affordable housing trust fund. This includes 15% for residential developments and 2.5% for non-residential developments. Unit mix requirements for affordable rentals include a minimum of 30% two-bedrooms, 20% three bedrooms, and between 10%-20% of apartments must be efficient and one-bedroom. Additionally, affordable rentals are capped at 57.5 of medium household income (MHI) and gross rents shall never exceed 30% of households' MHI.</p> <p>*Rent Stabilization: No increases are permitted within a 12 month period for month to month renters. Also rents are capped at increases of 2.5% unless a hardship can be demonstrated.</p>	Woodland Park Borough provides a fair amount of affordable housing options and districts that permit higher densities. The most innovative aspect of the Borough's affordable housing ordinance is requiring an affordable housing unit per every 5 market developed units. And then requiring impact fees for developments smaller than 5 units. This ensures that developers cannot escape the provision of affordable housing by developing small developments.
Date of Ordinance: February 2017		
Amend through: December 2017		

APPENDIX C – OTHER MAPS

Mapping the increase of the Hispanic population across the county between 1980 and 2011 visually captured the rapid growth of Hispanics in Passaic County. The Census Bureau has changed tract boundaries each decade, and some municipal boundaries have changed since 1980. However, the maps below include an overlay of 2010 municipal boundaries for the sake of drawing comparisons across years. For the same reason, the same percentage scale is used on all maps.

Passaic County's Hispanic population was captured almost exclusively within Paterson and Passaic Cities before 1980. Not until 1990 did Hispanics begin to spread out noticeably throughout Passaic County, starting with municipalities adjacent to Passaic and Paterson. By 2011, large areas of Passaic County had Hispanic populations above 10 percent. The 2016 map provided in this AI uses the same percentage breakdowns so that a comparison can be made.

