

THE CITY OF SUMMIT

N E W J E R S E Y

CITY HALL 512 SPRINGFIELD AVENUE SUMMIT, NJ 07901

City of Summit Housing Element & Fair Share Plan FAQs

June 2025

1. What is affordable housing and why is Summit legally obligated to create affordable housing?

Affordable housing is income-restricted housing that is available for sale or for rent.

As a general proposition, affordable housing is restricted to very-low, low-, and moderate-income households, although there are exceptions, such as specific types of special-needs housing. These categories are derived from the state's median regional income limits.

In very brief, the history of affordable housing in New Jersey can be traced back to 1975, when the state Supreme Court first decided in So. Burlington Cty. NAACP v. Township of Mount Laurel (known as Mount Laurel II) that every developing municipality throughout New Jersey had an affirmative obligation to provide for its fair share of affordable housing. From this decision and many twists and turns in the courts as well as state legislature, that fundamental obligation remains on nearly every municipality in New Jersey, including Summit.

2. How is Summit planning to meet its affordable housing obligation?

Summit has developed a blueprint for addressing its fair share of affordable housing which is referred to as our Housing Element & Fair Share Plan (HE&FSP). In practice this is a component of our master plan and accordingly a product of the Planning Board which is ultimately endorsed by the governing body.

Our plan details how a diversity of stakeholders will together create a targeted number of affordable housing units over the next ten years and importantly considers a diversity of mechanisms including but not limited to:

- Conversion of existing market-rate units to affordable
- Development of group homes to support those with special needs
- Construction of new inclusionary or 100% affordable developments in appropriate locations and at acceptable densities

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A number of factors contributed to the development of Summit's plan including but not limited to identified needs of our community, the merits of concentration v. dispersion of development, compatibility within the context of the surrounding community, impact to existing uses, and when identifying specific sites proximity to public transportation and regional roadways, walkability to amenities, proximity to existing water and sewer utility areas allowing for future connectivity as may be required to accommodate development with sufficient capacity for same were taken into account.

Importantly without an approved HE&FSP, a municipality may be susceptible to a builder's remedy lawsuit in which a developer could file suit to have a specific piece of property rezoned to permit housing at higher densities than a municipality would otherwise allow, provided a certain percentage of units are reserved as affordable.

Accordingly, Summit is seeking a balance between the necessary compliance with state mandates while maintaining to the greatest degree possible local control over how Summit's built environment evolves.

3. If I'm a resident looking for more information, where can I learn more about Summit's plan to meet its obligation over the next ten years?

Look no further than Summit's [Housing Element & Fair Share Plan](#), which was posted to the city website on Friday, June 13, 2025.

The detailed plan is comprised of three primary parts:

- First, the *Housing Element*, which provides a community overview of the City, as well as background information regarding its population, housing, and employment characteristics as well as projections of the City's housing stock and employment.
- Second, the *Fair Share Obligation*, which is an overview of the City's fair share obligation and includes a brief history of the methodologies utilized to calculate affordable housing obligations throughout the state including here in Summit.
- Third, the *Fair Share Plan*, which details the manner in which the City has addressed its prior First, Second and Third Round obligations, how it will address its Fourth Round Prospective Need Obligation, and how same is consistent with all applicable regulations and state planning initiatives.

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4. Are Summit residents given preference for the affordable housing units created as part of Summit's HE&FSP?

State statute and associated regulations explicitly prohibit affordable housing units with residency preference from being counted towards meeting Summit's formal affordable housing obligation. This policy decision has been made and maintained by the State in recognition of and as an ongoing effort to address the established regional need for affordable housing development. This is, for example, why then median regional income limits guide eligibility to occupy affordable housing units.

5. What's next in this process and how can residents stay engaged?

After many months of hard work by Summit's Planning Board, support by the governing body, and valuable input from city staff, our professionals, and of course the public, Summit's final [Housing Element & Fair Share Plan](#) was posted to the city website on Friday June 13, 2025.

Next, the Planning Board will vote on adoption of the plan at its Monday, June 23, 2025, meeting before finally on Tuesday, June 24, 2025, the governing body will vote to endorse the plan. At that point the duly approved and endorsed plan will be filed with the state, which will in effect preserve Summit's immunity against builder's remedy lawsuits and equally important serve as our blueprint for meeting Summit's affordable housing obligation for the next ten years.

At the Monday June 23, 2025, Planning Board meeting, the City's Planner will expand on all of the above during the public hearing, including what happens after the plan is filed. Opportunity for public comment will also be included in that meeting's agenda so as to provide the Planning Board and other interested stakeholders continued feedback on how best our city can meet its affordable housing obligation over the next ten years.