

Housing Element and Fair Share Plan

Town of Secaucus
Hudson County, New Jersey

June 17, 2025

Clarke Caton Hintz

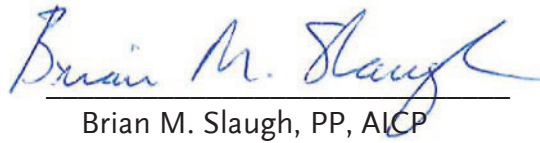


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Planning Board
Town of Secaucus
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EXECUTIVE SUMMARY

The Housing Element and Fair Share Plan for the Town of Secaucus, Hudson County, addresses its constitutional obligation to provide for affordable housing under the mandate of the *Mount Laurel Doctrine* established by the New Jersey Supreme Court beginning in 1975 and addressed legislatively in the New Jersey Fair Housing Act of 1985.¹ Together, the Housing Element and Fair Share Plan constitute the affordable housing plan for the Town of Secaucus. The Housing Element is a component of the Town's Master Plan for development and redevelopment, and the Fair Share Plan constitutes the means and documents designed to implement the Housing Element. Together, the two major divisions are called the "housing plan" in this document.

There are four components to a municipality's affordable housing obligation: (1) the Present Need or Rehabilitation share, (2) the Prior Round obligation or the recalculated First and Second Round obligation, (3) the Third Round obligation which covers both the Gap Present Need (1999-2015) and Future Need for the period covering July 1, 2015 through June 30, 2025, and (4) the Fourth Round prospective Need obligation for the period covering July 1, 2025 through June 30, 2035.

Affordable Housing Obligations of Secaucus

For the Third and Prior Round Obligations, the Town entered into a Settlement Agreement with Fair Share Housing Center, Inc. ("FSHC") on June 15, 2017. The Town adopted its Third Round Housing Element and Fair Share Plan ("HEFSP") on September 25, 2017, endorsed by the Town Council on September 28, 2017. The Town's Third Round HEFSP was approved by the Superior Court in a Judgment of Compliance and Repose ("JOR") issued on December 18, 2017. The Town's court-approved Prospective Need obligations through The Third Round are as follows:

- Prior Round obligation of 590 units; and
- A Third Round Prospective Need obligation encompassing both the Gap Present Need and Prospective Need of 1,266 units.

The Town's Third Round obligation was determined to be composed of a Realistic Development Potential (RDP) of 194 units and an Unmet Need of 1,072 units. Due to changed circumstances after the completion of the Third Round HEFSP, the Town has increased its Third Round RDP to 294 units and reduced its Unmet Need to 972 units.

For the Fourth Round, the Town accepted the obligations calculated by the NJ Department of Community Affairs (DCA) with a Present Need of 25 units and a Prospective Need of 1,282 units, capped at 1,000 units. The Town has determined it has a Fourth Round RDP of 0 units and an Unmet Need of 1,000 units.

¹ - N.J.S.A. 52:27D-301 et seq.

INTRODUCTION

The proposed Fourth Round HEFSP was prepared in accordance with N.J.S.A. 40:55D-28(b)(3) of the Municipal Land Use Law (MLUL) and the mandatory requirements of a Housing Element under the recently amended New Jersey Fair Housing Act², relevant regulations of the New Jersey Council On Affordable Housing (COAH), and the Administrative Office of the Courts Directive #14-24. The Fourth Round Housing Element and Fair Share Plan also delineates the actions taken, and to be taken, by the Town to satisfy its affordable housing responsibilities under applicable laws. This Fourth Round Housing Element and Fair Share Plan will be submitted to the Affordable Housing Dispute Resolution Program and subsequently to Superior Court for a determination as to its compliance with the requirements.

As noted, a municipality's Fourth Round affordable housing obligation has two components: (1) Present Need (Rehabilitation Share); and (2) Prospective Need. Pursuant to the amended FHA, the New Jersey Department of Community Affairs (DCA) calculated these obligations on an advisory basis for all municipalities. Municipalities were able to either elect to accept the DCA's calculated obligations or to perform their own calculations based on the revised law. However, Secaucus Town decided to accept the DCA's numbers, and its Town Council adopted Resolution #2025-32 (Appendix C) on January 30, 2025, accepting a Fourth Round Present Need of 25 units and a Prospective Need of 1,282 units, capped at 1,000 units. On January 30, 2025, the Town also filed its Fourth Round Declaratory Judgment Action ("DJ Action") with the Program/Superior Court, pursuant to the requirements of the amended FHA and the Administrative Directive #14-24. Thereafter, on April 23, 2025, the Superior Court issued an Order accepting the Town's Fourth Round Present Need/Prospective Need (see Appendix D) and directing the municipality to file this document.

As part of this Fourth Round HEFSP, the Town has conducted an updated Vacant Land Analysis (VLA) that has adjusted the Town's Third Round Prospective Need of 1,266 units to a Third Round RDP 294 and an Unmet Need of 972 units. The updated VLA has also reduced the Town's Fourth Round Prospective Need obligation (2025-2035) of 1,000 units to a Fourth Round RDP of zero and a Fourth Round Unmet Need of 1,000.

BRIEF HISTORY AND REGIONAL LOCATION

While originally part of North Bergen Township, in 1900, Secaucus became the last municipality to be created by succession in Hudson County. Until the arrival of railroads starting in the late 1830's and early 1840's, Hudson County remained largely agrarian. Secaucus remained largely agricultural (with a predominate focus on the raising of swine) until the construction of the New Jersey Turnpike in 1951 made the Town more accessible and promoted suburban residential development on higher

² - P.L. 2024, c.2

elevations in the center of the municipality. The creation of the Hackensack Meadowlands Development Commission (NJMC) in 1968 and the promulgation of regional land development controls in 1970 laid the foundation for the emergence of Secaucus as a distribution center for the New York City metropolitan area, particularly for the garment industry. In turn, retail outlets for excess merchandise were developed as Secaucus became one of the first “outlet centers.” Though the outlet center retail format has waned in Secaucus, it remains an employment center in the region with a diverse mix of industries including warehousing and distribution, broadcasting, retail, professional and business services, and tourism.

In 2004, NJMC adopted a revised master plan for development, the first comprehensive overhaul since its initial master plan in 1969, and has regularly updated it since that time, with the latest update adopted in 2020. In February 2015, the NJMC merged with the New Jersey Sports and Exposition Authority (“NJSEA”). As a result of this merger, legislation was passed which allows municipalities to take over review of land-use applications within their jurisdiction. Secaucus has passed an ordinance to take over this control. The re-assumption of such control requires that the Town also adopt the NJSEA’s master plan, zoning regulations, and redevelopment plans – including its affordable housing policies. The former NJMC’s response to affordable housing has focused on the creation of affordable units through inclusionary zoning in many of the zoning districts that it has created under its jurisdiction. Through petition to the NJSEA, a developer may propose inclusionary development. Staff undertake a site suitability analysis and if found to be suitable, make a favorable recommendation to approve such development. Redevelopment also comes into play where the agency contemplates multi-family redevelopment of site. Thus under the NJSEA’s policies, there is a large component of Secaucus’ land area that is subject to mandatory capture of at least 20% of all dwelling units as affordable housing.

The Town of Secaucus is located in northwestern Hudson County, along the eastern spur of the New Jersey Turnpike approximately 8.5 miles from the center of Manhattan, New York City and 9 miles from Newark, New Jersey. It is approximately 6.6 square miles in area and had a population of 22,181 people in 2020. The 36.4% increase in population from 2010 to 2020 represents the third largest population growth in Hudson County. Both Harrison (42.8%) and Weehawken (37.0%) had similar percentage increases. Secaucus has the seventh largest population among municipalities in Hudson County.

AFFORDABLE HOUSING JUDICIAL AND LEGISLATIVE BACKGROUND

In the 1975 Mount Laurel³ decision, the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide diversity and choice in the housing types permitted in the municipality, including housing for low-

³ - Southern Burlington County NAACP v. Township of Mount Laurel, 67 N.J. 151 (1975)

and moderate-income households. In its 1983 Mount Laurel II decision,⁴ the NJ Supreme Court extended to all municipalities with any “growth area” as designated in the State Development Guide Plan (now superseded by the State Development and Redevelopment Plan, or SDRP) the obligation to provide their “fair share” of a calculated regional need for affordable units. Mount Laurel II also introduced a “builder’s remedy” if a municipality was not providing its fair share of affordable housing. A builder’s remedy may permit a developer that is successful in litigation the right to develop what is typically a higher density multifamily project on land not zoned to permit such use, so long as a “substantial” percentage of the proposed units would be reserved for low- and moderate-income households.

In 1985, in response to Mount Laurel II, the New Jersey Legislature enacted the Fair Housing Act (“FHA”).⁵ The FHA created the Council on Affordable Housing (“COAH”) as an administrative body responsible for oversight of municipalities’ affordable housing efforts, rather than having oversight go through the courts. The Legislature charged COAH with promulgating regulations (i) to establish housing regions; (ii) to estimate low- and moderate-income housing needs; (iii) to set criteria and guidelines for municipalities to use in determining and addressing their fair share obligations, and (iv) to create a process for the review and approval of municipal housing elements and fair share plans.

COAH’s First and Second Rounds (1987-1999)

COAH created the criteria and regulations for municipalities to address their affordable housing obligations. COAH originally established a methodology for determining municipal affordable housing obligations for the six-year period between 1987 and 1993,⁶ which period became known as the First Round. This methodology established an existing need to address substandard housing that was being occupied by low- and moderate-income households (variously known as “present need” or “rehabilitation share”), and calculated future demand, to be satisfied typically, but not exclusively, with new construction (“prospective need” or “fair share”).

The First Round methodology was superseded in 1994 by COAH’s Second Round regulations.⁷ The 1994 regulations recalculated a portion of the 1987-1993 affordable housing obligations for each municipality and computed the additional municipal affordable housing need from 1993 to 1999 using 1990 census data. These regulations identified a municipality’s cumulative obligations for the First and Second Rounds. Under regulations adopted for the Third Round, a municipality’s obligation to provide affordable housing for the First and Second Rounds is referred to cumulatively as the Prior Round obligation.

COAH’s Third Round and Related Judicial and Legislative Activity, (1999-2025)

4 - Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983)

5 - N.J.S.A. 52:27D-301 et seq.

6 - N.J.A.C. 5:92-1 et seq.

7 - N.J.A.C. 5:93-1.1 et seq.

The FHA had originally required housing rounds to be for a six-year period for the First and Second Rounds, then in 2001, the time period increased to a 10-year period consistent with the Municipal Land Use Law (“MLUL”). In order to utilize 2000 census data which had not yet been released, COAH delayed the start of the Third Round from 1999 to 2004, with the Third Round time period initially ending in 2014. In December 2004, COAH’s first version of the Third Round rules⁸ became effective, and the 15-year Third Round time period (1999 – 2014) was condensed into an affordable housing delivery period from January 1, 2004, through January 1, 2014.

The 2004 Third Round rules marked a significant departure from the methods utilized in COAH’s Prior Round. Previously, COAH assigned an affordable housing obligation as an absolute number to each municipality. These Third Round rules implemented a “growth share” approach that linked the production of affordable housing to residential and non-residential development in a municipality.

On January 25, 2007, a New Jersey Appellate Court decision⁹ invalidated key elements of the first version of the Third Round rules, including the growth share approach. The Court ordered COAH to propose and adopt amendments to its rules, with COAH issuing revised rules effective on June 2, 2008 (as well as a further rule revision effective on October 20, 2008) which largely retained the growth share approach.

Just as various parties had challenged COAH’s initial Third Round regulations, parties challenged COAH’s 2008 revised Third Round rules. On October 8, 2010, the Appellate Division issued its decision on the challenges.¹⁰ The Appellate Division upheld the COAH Prior Round regulations that assigned rehabilitation and Prior Round numbers to each municipality, but invalidated the regulations by which the agency assigned housing obligations in the Third Round, again ruling that COAH could not allocate obligations through a growth share formula. Instead, the Appellate Division directed COAH to use methods similar to those used in the First and Second Rounds.

Third Round Judicial Activity

After various challenges were filed, on September 26, 2013, the NJ Supreme Court upheld the Appellate Court decision¹¹ and ordered COAH to prepare the necessary rules. COAH failed to adopt new rules, and more challenges ensued.

On March 10, 2015, the New Jersey Supreme Court issued a ruling on FSHC’s Motion in Aid of Litigant’s Rights, which became known as *Mount Laurel IV*.¹² In this

⁸ - N.J.A.C. 5:94-1 and 5:95-1

⁹ - In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super. 1 (2007)

¹⁰ - In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462 (2010)

¹¹ - In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing, 215 N.J. 578 (2013)

¹² - ibid.

decision, the Court transferred responsibility for reviewing and approving housing elements and fair share plans from COAH to designated Mount Laurel trial judges, declaring COAH “moribund.” Municipalities were now to apply to the Courts, instead of COAH, if they wished to be protected from exclusionary zoning lawsuits. The Mount Laurel trial judges, with the assistance of a Court-appointed Special Adjudicator, were tasked with reviewing municipal plans much in the same manner as COAH had done previously. Those towns whose plans were approved by the Court received a Judgment of Compliance and Repose, the court equivalent of COAH’s substantive certification.

While the NJ Supreme Court’s decision set a process in motion for towns to address their Third Round obligation, the decision did not assign those obligations. Instead, that was to be done by the trial courts, although ultimately most towns entered into settlement agreements to set their fair share obligations. The Court stated that municipalities should rely on COAH’s Second Round rules (N.J.A.C. 5:93) and those components of COAH’s 2008 regulations that were specifically upheld, as well as the FHA, in their preparation of Third Round housing elements and fair share plans.

On January 17, 2017, the NJ Supreme Court rendered a decision¹³ that found that the period between 1999 and 2015, now known as the “gap period,” when no valid affordable housing regulations were in force, generated an affordable housing obligation. This obligation required an expanded definition of the municipal Present Need obligation to include the unaddressed housing needs of low- and moderate-income households that had formed during the gap period. This meant that the municipal affordable housing obligation would now comprise four components: Present Need (rehabilitation), Prior Round (1987-1999, new construction), Gap Need (1999-2015, new construction), and Prospective Need (Third Round, 2015 to 2025, new construction).

Third Round Legislative Activity

In addition to the state agency negotiation and judicial decisions, the New Jersey Legislature has amended the FHA several times in recent years.

- A statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing was established in 2008;
- New regional contribution agreements (“RCAs”) were eliminated in 2008;
- A very-low income requirement was added in 2008;
- In 2008, a requirement was added that municipalities had to commit to spend development fees within four years of the date of collection. This was later

¹³ - In Re Declaratory Judgment Actions Filed by Various Municipalities, 227 N.J. 508 (2017)

addressed in a Superior Court decision which found the four-year period begins at the time the Court approves the municipal spending plan.¹⁴

- In 2020, all affordable units have to be affirmatively marketed and also listed on the state's Affordable Housing Resource Center website.¹⁵

The Fourth Round (2025-2035)

As noted in the introduction, the rules upon which this document is based came about from the FHA amendments in P.L. 2024, c. 2, passed on March 20, 2024. The key parts of the law include:

- The abolition of the NJ Council on Affordable Housing;
- Designating the NJ Department of Community Affairs ("DCA") to develop new municipal obligations using a methodology that is mainly spelled out in the law. These obligations are advisory, not binding;
- Establishing a timeline within which municipalities need to adopt and submit binding resolutions establishing their Fourth Round fair share obligations, in order for them to retain their immunity from exclusionary-zoning lawsuits;
- Requiring the NJ Housing and Mortgage Finance Agency ("HMFA") and DCA to update rules and standards governing affordable housing production, trust funds and administration;
- Establishing a court-based Affordable Housing Dispute Resolution Program ("Program") that hears challenges to municipalities' affordable housing obligation determinations and housing plans;
- Establishing a longer period of deed restrictions for rental units to 40 years;
- Changing the criteria whereby municipalities may gain affordable housing bonuses;
- Establishing new reporting and monitoring procedures and deadlines for both affordable units and affordable housing trust funds, and assigns oversight for reporting and monitoring to DCA.

Furthermore, in December 2024, the Administrative Office of the Courts issued Administrative Directive #14-24, establishing procedures for implementation of the Program and for municipalities to file their Fourth Round Declaratory Judgment ("DJ") filings, etc. This Administrative Directive also sets requirements for what must be included in a Fourth Round HEFSP.

¹⁴ - In the Matter of the Adoption of the Monroe Township Housing Element and Fair Share Plan, and Implementing Ordinances (112 A.3d 595 (App. Div. [2015]))

¹⁵ - <https://njhrc.gov>

This plan has been prepared to meet the requirements of the FHA as most recently amended, as well as the 2024 Administrative Directive, as necessary. Where such requirements contradict each other, this document adheres to the statute.

TOWN OF SECAUCUS' AFFORDABLE HOUSING HISTORY

Secaucus has demonstrated a long-standing commitment of voluntary compliance with its Mount Laurel fair share obligations. The municipality voluntarily addressed its constitutional affordable housing obligation in response to the FHA and COAH's First Round, Second Round, and Third Round regulations (both adopted iterations from 2004 and 2008).

First and Second Round Plans

In the First Round, the Town's pre-credited allocation consisted of an indigenous need (rehabilitation component) of 212 units, reallocated present need (a regional share of indigenous need from other municipalities with a surplus of need) of 479 units, and a prospective need (future demand for new construction) of 330 units, totaling 1,020 units (rounded). Subsequent adjustments were made by COAH resulting in a pre-credited need of 866 units. Secaucus was the only municipality in Hudson County to receive substantive certification in the First Round and, along with Teterboro, was one of only two municipalities in the New Jersey Meadowlands District to file before COAH.

The Town filed its petition for Second Round substantive certification with COAH on October 8, 1998. The Town's Second Round calculated need of 534 units consisted of a rehabilitation component of 45 units and a new construction component of 489 units (this number reflects the prior cycle credit of 100 units from the First Round). Based on the availability of vacant land, the Town requested an adjustment of its 489-unit Second Round new construction obligation by 347 units, resulting in a realistic development potential (RDP) of 142 units.

The Town addressed its cumulative 1987-1999 obligation with seven rehabilitated units and a planned program for 38 additional rehabilitations, 75 existing units, 25 bonus credits, and inclusionary zoning with a 20% set-aside of 142 units. This Second Round housing plan was not certified by COAH.

Approximately 88% of the land area of the Town of Secaucus was under the zoning jurisdiction of the New Jersey Meadowlands Commission, or NJMC, (now subsumed by the New Jersey Sports and Exposition Authority). The small land area under the Town's zoning jurisdiction is almost entirely residential and lacks vacant sites suitable for development. After Secaucus took this position, COAH initiated a dialogue with the then NJMC in an effort to create an inter-agency Memorandum of Understanding in which the NJMC would address affordable housing matters under its jurisdiction; however, a Memorandum of Understanding was never adopted by any of the agencies involved.

By 2004, the idea of a Memorandum of Understanding had been abandoned by COAH and Secaucus decided to wait for the adoption of Third Round rules, occurring in December 2004, to file a Third Round housing plan.

2005 Third Round Plan

As previously indicated, COAH's Third Round rules marked a significant departure from the affordable housing formulas utilized in COAH's two earlier rounds. Previously, COAH assigned an affordable housing obligation as an absolute number to each municipality. The new Third Round rules in 2004 implemented a "growth share" approach that linked the production of affordable housing with future residential and non-residential development within a municipality. The Town prepared a Third Round plan that was adopted on December 6, 2005 and petitioned COAH for initial Third Round certification on December 20, 2005. The Town addressed a rehabilitation component of 24 units with 54 housing units rehabilitated, a Prior Round recalculated number of 478 units with a growth share of 259 units. The plan proposed units from a planned transit village redevelopment, rental bonuses and a group home, with a three-unit surplus.

The Town did not receive substantive certification of this Third Round plan prior to the Appellate Division's invalidation of the first set of Third Round rules on January 25, 2007. COAH only granted substantive certification to three municipalities of the hundreds of petitions made to the agency.

2008 Third Round Plan

Secaucus adopted a revised Third Round Housing Element and Fair Share Plan, dated December 16, 2008, addressing its cumulative Third Round (1987-2018) fair share obligation. The second iteration of the Third Round rules assigned Secaucus a rehabilitation component of 67 units, a Prior Round obligation of 590 units and a Third Round growth share obligation of 253. Secaucus filed the revised Third Round plan with COAH on December 30, 2008. Two objections were received and the Town responded in August 2008. However, mediation never ensued and COAH took no action on the Town's 2008 Third Round Plan prior to the invalidation of the second iteration of the Third Round rules.

2017 Amended Third Round Plan

The New Jersey Supreme Court in its March 10, 2015¹⁶ decision established a process for individual municipalities to gain approval of their housing plans after determining that the administrative process operated by the New Jersey Council on Affordable Housing had broken down and become moribund. The Court's decision

¹⁶ - In Re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)

led to the Town of Secaucus filing a declaratory judgment action on July 6, 2015 in Superior Court.¹⁷

In this judicial process, the Town appeared before the Hon. Joseph Turula, J.S.C., in its effort to address its affordable housing obligation. The Town entered into a Settlement Agreement with FSHC and established through a fairness hearing held before Judge Turula on June 15, 2017 that its affordable housing proposal as represented in the agreement was fair to the low- and moderate-income citizens of the state. An order approving the settlement agreement was entered on June 15, 2017 in the case. The order required a duly adopted and endorsed Housing Element and Fair Share Plan to be filed with the court by September 30, 2017.

In fulfillment of the order, the Town adopted its Third Round HEFSP on September 25, 2017, endorsed by the Town Council on September 28, 2017, which superseded the HEFSP adopted in December 2005. The Town's Third Round HEFSP was approved by the Superior Court in a JOR issued on December 18, 2017.

2025 Fourth Round Plan

On January 28, 2025, the Town adopted Resolution 2025-32 accepting the DCA's calculated affordable housing obligations and subsequently filed a Fourth Round DJ Action with the Program/Superior Court. In an April 23, 2025 Order, the Court affirmed the Town's acceptance of the DCA's Fourth Round Present Need/Prospective Need and ordered that this document be prepared.

HOUSING ELEMENT AND FAIR SHARE PLAN REQUIREMENTS

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 *et seq.*), a municipal master plan must include a housing plan element as the foundation for the municipal zoning ordinance (see N.J.S.A. 40:55D-28b(3)). Pursuant to the FHA (N.J.S.A. 52:27D-301 *et seq.*), a municipality's housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. Specifically, N.J.S.A. 52:27D-310 requires that the housing element contain at least the following:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;

¹⁷ - Docket No. HUD-L-2911-15.

- c. An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing, as established pursuant to section 3 of P.L. 2024, c.2 (C.52:27D-304.1);
- f. A consideration of the lands most appropriate for construction of low- and moderate-income housing_and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity_as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20); and
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan_of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

In addition to FHA requirements, this Fourth Round HEFSP has been prepared in compliance with the following requirements set forth by Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024:

1. Inclusion of detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.
2. The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis. When the detailed analyses are completed, the municipality can see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced. If it becomes apparent that one (or more) of the sites in the plan does not have the capacity to accommodate all of the development proposed for it, the burden will be on the municipality either to adjust its zoning regulations (height, setbacks, etc.) so that the site will be able to yield the number of units and affordable units anticipated by the settlement agreement or to find other mechanisms or other sites as needed to address the likelihood of a shortfall.
3. The final HEFSP must fully document the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrate that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.
4. The HEFSP must include an analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement. Once the HEFSP has been prepared, it must be reviewed by Fair Share Housing Center and the Program's Special Adjudicator for compliance with the terms of the executed settlement agreement, the FHA and Uniform Housing Affordability Controls ("UHAC") regulations. The HEFSP must be adopted by the Planning Board and the implementation components of the HEFSP must be adopted by the governing body.

This part of the Court Directive presupposes a settlement agreement in the Fourth Round, which is not the case for Secaucus. Furthermore, Secaucus does not propose a 100% municipally sponsored project for the Fourth Round which would necessitate the level of detail as spelled out in the Court Directive.

The Court Directive indicates that the HEFSP must also include (in an Appendix) all adopted ordinances and resolutions needed to implement the housing plan, except that this is contraindicated in the Fair Housing Act. In this instance, this document follows the law. The Directive indicates that the following is required to be submitted:

1. All zoning amendments (or redevelopment plans, if applicable).
2. An Affordable Housing Ordinance that includes, among other required regulations, its applicability to 100 percent affordable and tax credit projects, the monitoring and any reporting requirements set forth in the settlement agreement, requirements regarding very low income housing and very low income affordability consistent with the FHA and the settlement agreement, provisions for calculating annual increases in income levels and sales prices and rent levels, and a clarification regarding the minimum length of the affordability controls (at least 30 years, until the municipality takes action to release the controls).
3. The adoption of the mandatory set aside ordinance, if any, and the repeal of the existing growth share provisions of the code.
4. An executed and updated Development Fee Ordinance that reflects the court's jurisdiction.
5. An Affirmative Marketing Plan adopted by resolution that contains specific directive to be followed by the Agent in affirmatively marketing affordable housing units, with an updated COAH form appended to the Affirmative Marketing Plan, and with both documents specifically reflecting the direct notification requirements set forth in the settlement agreement.
6. An updated and adopted Spending Plan indicating how the municipality intends to allocate development fees and other funds, and detailing (in mini manuals) how the municipality proposes to expend funds for affordability assistance, especially those funds earmarked for very low income affordability assistance.
7. A resolution of intent to fund any shortfall in the costs of the municipality's municipally sponsored affordable housing developments as well as its rehabilitation program, including by bonding if necessary.
8. Copies of the resolution(s) and/or contract(s) appointing one or more Agent(s) and of the adopted ordinance creating the position of, and resolution appointing, the Municipal Affordable Housing Liaison.
9. A resolution from the Planning Board adopting the HEFSP, and, if a final Judgment is sought before all of the implementing ordinances and

resolutions can be adopted, a resolution of the governing body endorsing the HEFSP.

AFFORDABILITY REQUIREMENTS

Affordable housing is defined under New Jersey's FHA as a dwelling, either for-sale or rent that is within the financial means of households of low or moderate income as income is measured within each housing region. Secaucus is in COAH's Region 1, which includes the Counties of Bergen, Hudson, Passaic, and Sussex. These housing regions were established as part of the First Round rules. Moderate-income households are those with incomes exceeding 50% up to 80% of the regional median income. Low-income households are those with annual incomes 50% or less than regional median income. In 2008 the New Jersey Legislature created an additional sub-category of low income – very low-income – which has been defined as households with incomes 30% or less of the regional median income.

Through the UHAC regulations, which are administrative rules issued by HMFA in N.J.A.C. 5:80-26.1 et seq., the maximum rent for a qualified unit is required to be affordable to households that earn no more than 60% of the median income for the region. This is to account for the typical wage earner who over time gains more income and whose household then has a higher income compared to the regional median. The average rent is required to be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units is required to be affordable to households that earn no more than 70% of the median income and the average sale price affordable to a household that earns no more than 55% of the median income.

The regional median income is now defined in the amended FHA and continues to utilize the U. S. Department of Housing and Urban Development ("HUD") income limits on a regional basis. In the spring of each year HUD releases updated income limits which COAH used to reformulate slightly to match the housing regions. When COAH no longer was functioning, this job was taken over by the Affordable Housing Professionals of New Jersey, an association made up of persons who administer affordable housing programs for governments. This role by the AHPNJ was recognized by numerous judges in affordable housing cases and the organization's charts were specifically included in orders adjudicating settlements. The amended FHA now places this responsibility with DCA. It is from these income limits that the rents and sale prices for affordable units are derived. See Table 1 for 2024 income limits for Region 1 and Tables 2 and 3 for illustrative sale prices and gross rents from 2024 (the latest figures available). The sample rents and sale prices are illustrative and are gross figures which do not account for the specified utility allowance for rentals.

Table 1. 2024 Income Limits for Region 1

Household Income Levels	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household	6 Person Household
Median	\$84,288	\$96,329	\$108,371	\$120,412	\$130,045	\$139,678
Moderate	\$67,431	\$77,064	\$86,697	\$96,329	\$104,036	\$111,742
Low	\$42,144	\$48,165	\$54,185	\$60,206	\$65,022	\$69,839
Very Low	\$25,286	\$28,899	\$32,511	\$36,124	\$39,013	\$41,903

Source: 2024 Affordable Housing Regional Income Limits by Household Size, Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) in April of 2024

Table 2. Illustrative 2024 Affordable Rents for Region 1

Household Income Levels (% of Median Income)	1 Bedroom Unit Rent	2 Bedroom Unit Rent	3 Bedroom Unit Rent
Moderate (60%)	\$1,047	\$1,179	\$1,381
Low (50%)	\$821	\$908	\$1,068
Very Low (30%)	\$369	\$366	\$442

Source: Affordable Housing Professionals of New Jersey Affordable Housing General Rent Calculator, April 2024.

Table 3. Illustrative 2024 Affordable Sales Prices for Region 1

Household Income Levels (% of Median Income)	1 Bedroom Unit Price	2 Bedroom Unit Price	3 Bedroom Unit Price
Moderate (65%)	\$113,536	\$145,610	\$175,546
Low (50%)	\$76,528	\$101,200	\$124,228
Very Low (30%)	\$27,183	\$41,986	\$55,803

Source: Affordable Housing Professionals of New Jersey Affordable Housing General Sales Price Calculator, April 2024.

HOUSING CONDITIONS

The 2019-2023 American Community Survey (ACS)¹⁸ indicates that Secaucus has approximately 9,109 housing units, of which 584, or 6.4%, are vacant. Only 26.1% of the Town's housing stock consists of single-family detached units. While 36.9% of all units are single-family (attached or detached), Secaucus also contains many two-unit and 10+ unit buildings, 14.5% and 40.3% of the total housing stock, respectively. When comparing the Town's housing stock to that of the County and State, it is apparent that housing types in Secaucus are not indicative of the housing opportunities in the County or New Jersey as a whole. For example, while the County

¹⁸ - The American Community Survey replaced the long-form Census as the source for much of the housing data necessary to complete this section. The Census is a one-time count of the population while this ACS is an estimate taken over five years through sampling. As such, data in the ACS is subject to a margin of error.

has a higher percent (42.1%) of 10+ unit buildings than Secaucus (40.3%), the percent of these unit types in Secaucus far exceeds that of the State where only 17.2% of all dwelling units fall into this category. Secaucus has a more suburban character than the rest of Hudson County, but is more urban than the State as a whole. See Table 4, Housing Units in Structure and Tenure of Occupant, for a detailed explanation of the housing units in 2023.

Table 4. Housing Units in Structure and Tenure of Occupant, 2023

Number of Units	Owner Occupied	Percent of Total	Renter Occupied	Percent of Total	Vacant	Percent of Total	Total Occupied	Total Units	Percent of Total
1, Detached	1,921	21.1%	345	3.8%	112	1.2%	2,266	2,378	26.1%
1, Attached	744	8.2%	235	2.6%	0	0.0%	979	979	10.7%
2	560	6.1%	646	7.1%	112	1.2%	1,206	1,318	14.5%
3 or 4	358	3.9%	254	2.8%	25	0.3%	612	637	7.0%
5 to 9	33	0.4%	53	0.6%	0	0.0%	86	86	0.9%
10 or more	563	6.2%	2,775	30.5%	335	3.7%	3,338	3,673	40.3%
Other	21	0.2%	17	0.2%	0	0.0%	38	38	0.4%
Total	4,200	46.1%	4,325	47.5%	584	6.4%	8,525	9,109	100.0%

Source: 2019-2023 American Community Survey 5-Year Estimate (B25032, DP04)

Table 5, Housing Units by Age, illustrates the age of the Town's housing stock. Nearly three quarters (72.0%) of the Town's housing stock was constructed after 1960. Only 14% of the housing units in Secaucus were built prior to 1939. These numbers indicate that the Town has a relatively newer housing stock when compared to surrounding municipalities.

Table 5. Housing Units by Age, 2023

Year Built	Total Units	Percent	Owner	Renter
2020 or later	12	0.1%	12	0
2010 to 2019	1,708	20.0%	186	1522
2000 to 2009	913	10.7%	329	584
1980 to 1999	1,563	18.3%	859	704
1960 to 1979	1,943	22.8%	1135	808
1940 to 1959	1,194	14.0%	908	286
1939 or earlier	1,192	14.0%	771	421
Totals	8,525	100.0%	4,200	4,325
Median Year Built	1979		1971	1998

Source: 2019-2023 American Community Survey 5-Year Estimate (Tables DP04, B25036, B25037)

The plurality (37.5%) of housing units in Secaucus contain two bedrooms, and 65.1% of all units have two bedrooms or less. A further breakdown of housing units by number of bedrooms indicates that the County, when compared to Secaucus, has a

lower percentage of units containing 4+ bedrooms (6.6%) and a higher percentage of units containing one bedroom or less (35.9%).

Table 6. Number of Bedrooms per Housing Unit, 2023

Bedrooms	Number of Units	Percent of Total
Efficiency	496	5.4%
1	2,011	22.1%
2	3,419	37.5%
3	1,888	20.7%
4	1,119	12.3%
5+	176	1.9%
Total	9,109	100.0%

Source: 2019-2023 American Community Survey 5-Year Estimate (Table DP04)

Table 7, Value of Owner-Occupied Housing Units, shows that the median home value between 2013 and 2023 increased from \$403,800 to \$557,800, or approximately 38.1%. Compared to Secaucus, Hudson County saw a higher percent growth in owner-occupied home values during the same time period (46.5%). Based on the 2024 Illustrative Sales prices provided in Table 3, approximately 61 units (1.5%) of owner-occupied housing units may be affordable to very low- income households (depending on the number of rooms in the unit). Meanwhile, approximately 83 units (2.0%) may be affordable to low- and moderate-income households. In total, 144 owner-occupied housing units in the Town, or 3.5%, may be affordable to very low-, low- and moderate-income households.

Table 7. Value of Owner-Occupied Housing Units, 2013 and 2023

Housing Unit Value	2013 Units	Percent	2023 Units	Percent
Less than \$50,000	47	1.1%	61	1.5%
\$50,000 to \$99,999	41	1.0%	26	0.6%
\$100,000 to \$149,999	115	2.8%	37	0.9%
\$150,000 to \$199,999	85	2.1%	20	0.5%
\$200,000 to \$299,999	470	11.4%	263	6.3%
\$300,000 to \$499,999	2,208	53.4%	1,324	31.5%
\$500,000 to \$999,999	1,069	25.8%	2,449	58.3%
\$1,000,000 or more	101	2.4%	20	0.5%
Total	4,136	100.0%	4,200	100.0%
Median Value	\$403,800		\$557,800	

Sources: 2009-2013 and 2019-2023 American Community Survey 5-Year Estimate (Table DP04)

In 2023, the median rent in Secaucus was \$2,197, compared to \$1,811 in Hudson County. Approximately 24.0% of rental units in Secaucus have rents of \$3,000 or more. Based on the 2024 Illustrative Rents Prices provided in Table 2, approximately

209 rental units (4.8%) in Secaucus maybe affordable to very low- income renters and an additional 311 rental units (7.2%) may be affordable to low- income households; approximately 1,156 rental units (26.7%) may be affordable to moderate income- households inclusive of the units also affordable to very low- and low income- households. The numbers are based on rent ranges and depend on the number of bedrooms required.

Table 8. Gross Rent by Housing Unit in Secaucus and Hudson County, 2023

Gross Rent	Units in Secaucus	Percent of Total	Units in Hudson County	Percent of Total
Less than \$500	209	4.8%	11,355	5.6%
\$500 to \$999	311	7.2%	17,297	8.5%
\$1,000 to \$1,499	636	14.7%	42,233	20.8%
\$1,500 to \$1,999	756	17.5%	47,021	23.1%
\$2,000 to \$2,499	637	14.7%	29,384	14.4%
\$2,500 to \$2,999	736	17.0%	17,992	8.8%
\$3,000 or more	1,040	24.0%	34,933	17.2%
No cash rent	-	0.0%	3,177	-
Total	4,325	100.0%	203,392	100.0%
Median Rent	\$2,197		\$1,811	

Sources: Table B25063 Gross Rent; Table B25064 Median Gross Rent (Dollars), ACS 2019-2023

Housing is generally considered to be affordable if the rents, mortgages, and other essential costs consume 28% or less of an owner-household's income or 30% or less of a renter-household's income. This percentage is lower for homeowners to account for the additional home maintenance costs associated with ownership. While only 25.9% of all households in Secaucus are expending more than 30% of their incomes on housing, for the renter population, housing is slightly less affordable. Approximately 64.0% of those cost-burdened households are renter-occupied housing.

Table 9. Housing Affordability, 2023

Monthly Housing Costs as Percent of Income	Owner-Occupied	% of Total	Renter	% of Total	All Occupied	% of Total
Less than 20 Percent	2,560	30.2%	1,605	18.9%	4,165	49.1%
20 to 29 Percent	836	9.9%	1,282	15.1%	2,118	25.0%
30 Percent or More	794	9.4%	1,405	16.6%	2,199	25.9%
Zero/Negative Income	10	0.1%	33	0.4%	43	0.5%
No Cash Rent	-	-	-	-	-	-
Total*	4,190	49.4%	4,292	50.6%	8,482	100.0%

*Units with no mortgage, no cash rent, or no positive income are excluded.

Source: Table S2503 Financial Characteristics, ACS 2017-2022.

In 2023, there were 41 housing units in Secaucus that were overcrowded (more than one person per room) and built pre-1950. A total of 63 units had incomplete kitchen facilities and 4,578 units were 50+ years old. Historically, these conditions are indicators of housing deficiency, which are used to determine the number of units requiring rehabilitation.

Table 10. Indicators of Housing Deficiency, 2023

Indicator	50+ Years Old	Incomplete Plumbing	Incomplete Kitchen	Crowded or Overcrowded, and Built Pre-1950
Number of Units	4,578	0	63	41

Source: Table B25047 Plumbing Facilities for All Housing Units, ACS 2019-2023; Table 25051: Kitchen Facilities for All Housing Units, ACS 2019-2023; Table B25034 Year Structure Built, ACS 2019-2023; Table B25050: Tenure By Plumbing Facilities by Occupants per Room by Year Structure Built, ACS 2019-2023.

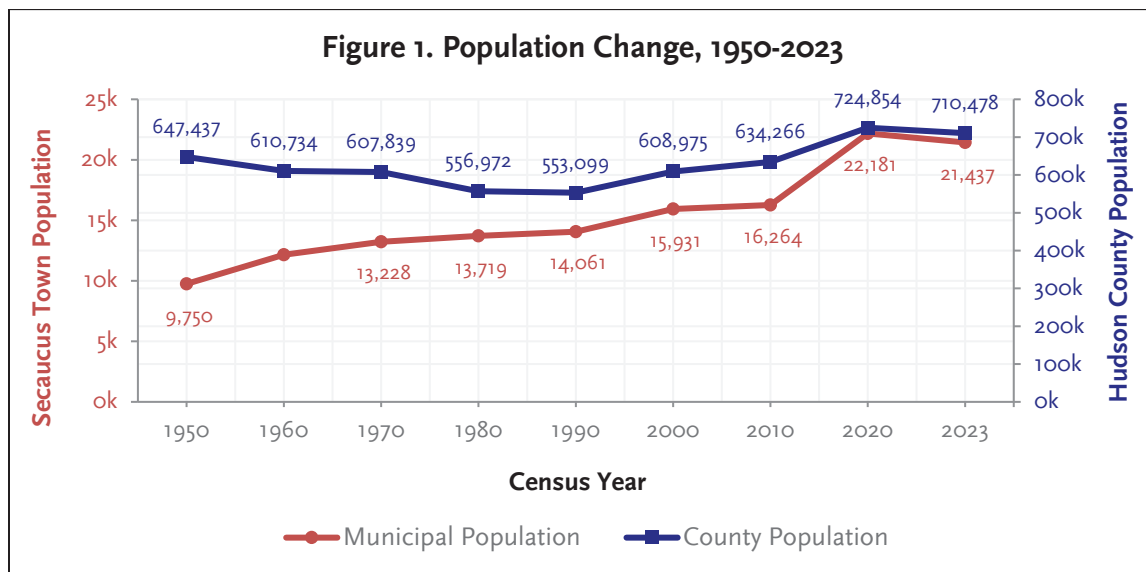
POPULATION CHARACTERISTICS

Between 1950 and 2023, the population of Secaucus saw its biggest increase from 2010 to 2020, when the population increased by 36.4%. Similarly, Hudson County saw its biggest increase during the same period, when the population increased by 14.3%. The Town experienced a steady increase from 1950 until 2020, whereas the County experienced declines between 1950 and 1990. See Table 11 and Figure 1, Population Change.

Table 11. Population Change 1950 to 2023, Secaucus and Hudson County

Year	Secaucus	Change Since Last Census (%)	Hudson County	Change Since Last Census (%)
1950	9,750	-	647,437	-
1960	12,154	24.7%	610,734	-5.7%
1970	13,228	8.8%	607,839	-0.5%
1980	13,719	3.7%	556,972	-8.4%
1990	14,061	2.5%	553,099	-0.7%
2000	15,931	13.3%	608,975	10.1%
2010	16,264	2.1%	634,266	4.2%
2020	22,181	36.4%	724,854	14.3%
2023	21,437	-3.4%	710,478	-2.0%

Source: U.S. Decennial Censuses 1950-2020; 2019-2023 American Community Survey 5-Year Estimate (B01003)



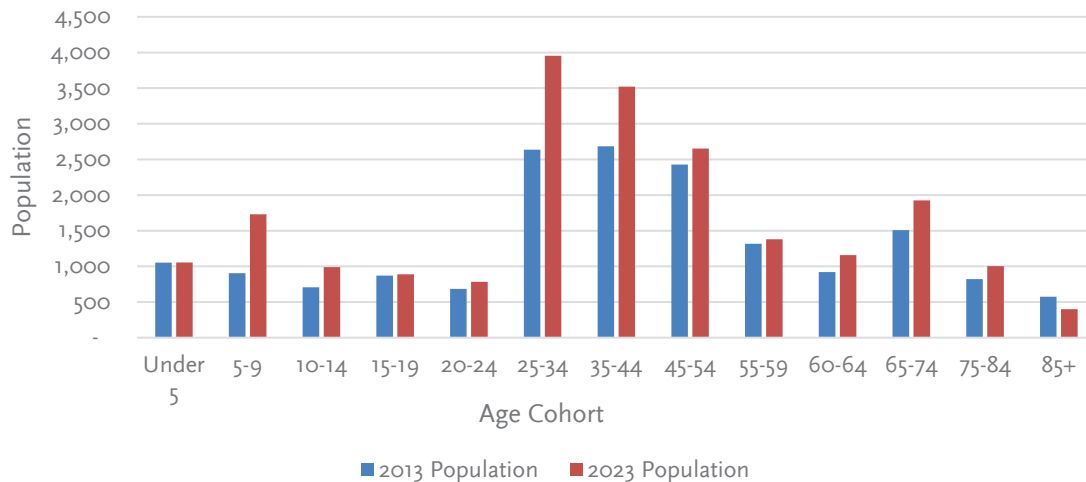
Since 2013, age cohorts in Secaucus have had some significant increases in all age cohorts, with the exception of the 85+ age cohort. While Secaucus saw a 30.3% reduction in the senior population 85 years and older, there were a large increases in the children and young adult population. The age bracket with the most growth was the 5 to 9-year old age cohort, increasing by 91.4%, followed by the 25 to 34-year old age cohort, which increased by 50.0%. The growth in the Town of young families helped bring the median age down from 41.6 to 38.6 years from 2013 to 2023.

Table 12. Age of Population, 2013 to 2023

Age in Years	2013	Percent of Total	2023	Percent of Total	Cohort Change
Under 5	1,052	6.1%	1,055	4.9%	0.3%
5-9	904	5.3%	1,730	8.1%	91.4%
10-14	706	4.1%	989	4.6%	40.1%
15-19	871	5.1%	888	4.1%	2.0%
20-24	684	4.0%	782	3.6%	14.3%
25-34	2,637	15.4%	3,955	18.4%	50.0%
35-44	2,683	15.7%	3,521	16.4%	31.2%
45-54	2,428	14.2%	2,652	12.4%	9.2%
55-59	1,318	7.7%	1,379	6.4%	4.6%
60-64	919	5.4%	1,157	5.4%	25.9%
65-74	1,508	8.8%	1,925	9.0%	27.7%
75-84	822	4.8%	1,004	4.7%	22.1%
85+	574	3.4%	400	1.9%	-30.3%
Total	17,106	100.0%	21,437	100.0%	25.3%
Median Age	41.6		38.6		

Source: 2019-2023 American Community Survey 5-Year Estimate (DP05)

Figure 2. Age of Population, 2013 and 2023



HOUSEHOLD CHARACTERISTICS

A household is defined by the U.S. Census Bureau as those persons who occupy a single room or group of rooms constituting a housing unit; however, these persons may or may not be related. Secaucus Town's households primarily consist of smaller households, with approximately 58.0% one or two person households in 2013 and 2023. This is lower than Hudson County's share of one or two person households in 2013 (58.7%) and 2023 (62.4%). This general trend is also reflected in the average household size, where the Town and County's average household size in 2013 (2.56 vs. 2.61) decreased in 2023 (2.44 vs 2.38). See Table 13, Household Size of Occupied Units.

Table 13. Household Size of Occupied Units, Secaucus, 2023

Household Size (Persons per Household)	2013		2023	
	Units	Percent	Units	Percent
1 Person	1,841	28.8%	2,153	25.3%
2 Persons	1,835	28.7%	2,820	33.1%
3 Persons	1,157	18.1%	1,562	18.3%
4+ Persons	1,554	24.3%	1,990	23.3%
Total	6,387	100.0%	8,525	100.0%
Average Household Size	2.56		2.44	

Sources: Table S1101 and Table S2501, U.S. Census Bureau 2009-2013 and 2019-2023 American Community Survey Five-Year Estimates

As a subset of households, a family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. In 2023, there were 8,525 households in the Town. Approximately 52.6% of the households are comprised of married couples with or without children. Approximately 31.3% of the Town's households are non-family households, which include individuals living alone. See Table 14, Household Composition.

Table 14. Household Composition, 2023

Household Type	Number of Households	Percent
Family households	5,859	68.7%
Married-couple family	4,480	52.6%
With Children	1,885	22.1%
With No Children	2,595	30.4%
Male householder, no spouse present	503	5.9%
Female householder, no spouse present	876	10.3%
Nonfamily households	2,666	31.3%
Householder living alone	2,153	25.3%
Total Households	8,525	100.0%

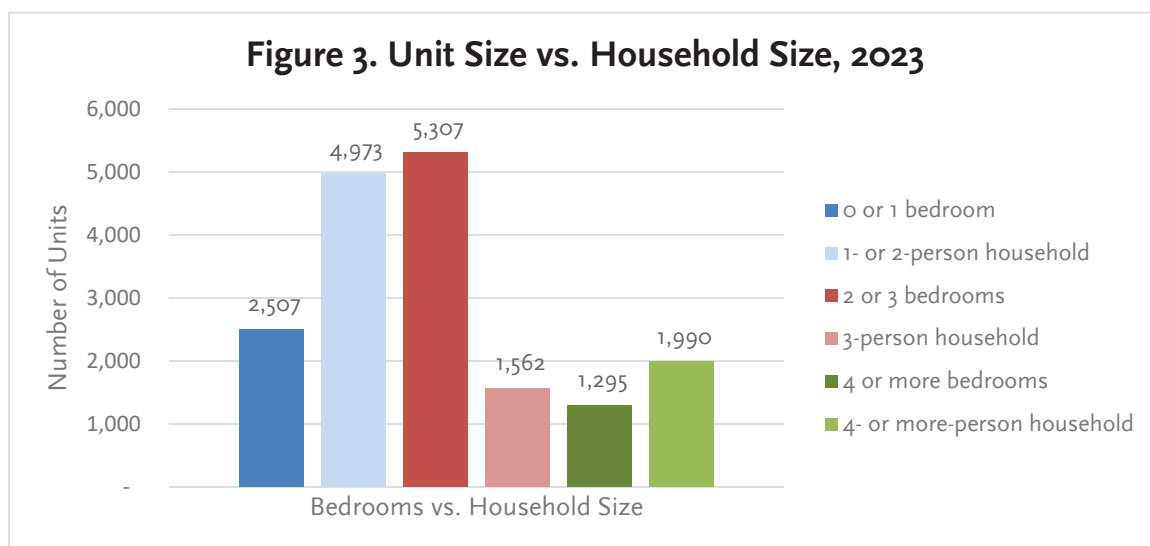
Source: 2019-2023 American Community Survey 5-Year Estimate (S2501 and DP05)

When the number of bedrooms in a unit (from Table 6 above) is considered vs. the size of households in Secaucus, the housing available appears to generally match the household sizes: The number of smaller households (three people or fewer; 76.7% of all households) are generally consistent with the number of smaller units available in the Town (one or two bedrooms; 65.1% of all units). Table 15 and Figure 3, Unit Size vs. Household Size provide more detail.

Table 15. Unit Size vs. Household Size, 2023

Unit Size	Number of Units	Percent of Total Units	Household Size	Number of Households	Percent of Total Households
0 or 1 bedroom	2,507	27.5%	1 Person	2,153	25.3%
2 bedrooms	3,419	37.5%	2 Persons	2,820	33.1%
3 bedrooms	1,888	20.7%	3 Persons	1,562	18.3%
4 or more bedrooms	1,295	14.2%	4+ Persons	1,990	23.3%
Total	9,109	100.0%	Total	8,525	100.0%

Sources: Table DP04, S1101 and S2501, U.S. Census Bureau 2019-2023 American Community Survey Five-Year Estimates



INCOME CHARACTERISTICS

In Secaucus, the median income in 2023 was \$134,746 for households and \$161,037 for families. Comparable figures for the County were \$90,032 for households and \$99,378 for families. Table 17, Household Income, further illustrates these findings by noting the number of households in the Town in each income group. The Town's poverty rates for individuals and families (6.0% and 2.6%) are less than the individual and family poverty rates for the county (14.8% and 10.9%). See Table 17, Individual and Family Poverty Rates, for the comparison.

Table 16. Household Income, Secaucus and Hudson County, 2023

Household Income	Secaucus	Percent	Hudson	Percent
Less than \$10,000	244	2.9%	15,644	5.3%
\$10,000-\$14,999	124	1.5%	13,027	4.4%
\$15,000-\$24,999	269	3.2%	17,551	5.9%
\$25,000-\$34,999	427	5.0%	17,065	5.8%
\$35,000-\$49,999	194	2.3%	23,438	7.9%
\$50,000-\$74,999	1,061	12.4%	39,496	13.4%
\$75,000-\$99,999	871	10.2%	33,329	11.3%
\$100,000-\$149,999	1,595	18.7%	49,157	16.6%
\$150,000-\$199,999	960	11.3%	29,260	9.9%
\$200,000+	2,780	32.6%	57,585	19.5%
Total	8,525	100.0%	295,552	100.0%
Median Income	\$134,746		\$90,032	

Source: Table DP04, S1101 and S2501, U.S. Census Bureau 2019-2023 American Community Survey Five-Year Estimates

Table 17. Individual and Family Poverty Rates, 2023

Governmental Level	Families	Individuals
Secaucus Town	2.6%	6.0%
Hudson County	10.9%	14.8%

Source: Tables S1702 and DP03, Poverty Status in Past 12 Months, ACS 2019-2023.

EMPLOYMENT CHARACTERISTICS

Table 18, Employed Residents by Industry Sector, shows the distribution of employment by industry for employed Secaucus residents. The four (4) industries representing the largest concentrations of employed residents in Secaucus in 2023 were Educational Services, and Health Care and Social Assistance with 21.2% of employed residents; Professional, Scientific, and Management, and Administrative and Waste Management Services with 19.7%; Financing, Insurance, Real Estate, Renting, and Leasing with 16.1%; and Retail Trade with 9.5%.

Table 18. Employed Residents by Industry Sector, 2023

Industry	Number	Percent
Agriculture, Forestry, Fishing and Hunting, and Mining	21	0.2%
Construction	495	4.5%
Manufacturing	612	5.5%
Wholesale Trade	425	3.8%
Retail Trade	1,058	9.5%
Transportation and Warehousing, and Utilities	504	4.5%
Information	199	1.8%
Financing and Insurance, and Real Estate, Renting, and Leasing	1,785	16.1%
Professional, Scientific, and Management, Administrative and Waste Management Services	2,189	19.7%
Educational Services, and Health Care and Social Assistance	2,352	21.2%
Arts, Entertainment, and Recreation, and Accommodation and Food Services	444	4.0%
Public Administration	449	4.0%
Other	586	5.3%
Total	11,119	100.0%

Source: Table DP03 Selected Economic Characteristics, ACS 2019-2023

POPULATION PROJECTIONS

The North Jersey Transportation Planning Authority (NJTPA), the Metropolitan Planning Organization (MPO) that encompasses the Town of Secaucus as well as much of metropolitan New York in New Jersey, publishes population and employment projections. The NJTPA projects that by 2050, the Town's population will increase by 17.5% while employment will increase 10.2%. Table 19, Population, Household, and Employment Projections, 2015 to 2050 provides more details regarding the NJTPA projections.

Table 19. Population, Household, and Employment Projections, 2020 to 2050

Demographic	Secaucus			Hudson County		
	2015	2050	% Change	2015	2050	% Change
Population	18,088	21,255	17.5%	662,619	856,947	29.3%
Employment	41,281	45,504	10.2%	282,020	366,913	30.1%

Source: NJTPA Regional Transportation Plan. Forecasts, adopted September 13, 2021

*2015 data from NJTPA calculations and may differ from other data sources

The FHA requires that housing plans include a 10-year projection of new housing units based on the number of building permits, development applications approved, and probable developments, as well as other indicators deemed appropriate (N.J.S.A. 52:27D-310.b). Annual construction permits issued for new housing units in Secaucus averaged approximately 191.2 per year during the years 2014 through 2023. The level of certificates of occupancy issued reflects the build out of Osprey Cove, XChange, the Harper, Sussex Green, and the Waverton – a level of development unlikely to be repeated in the Fourth Round.

Secaucus is likely to see the build-out of XChange, which is an additional 564 units in the Fourth Round, and perhaps additional background growth of 2 units per year for a total of 574 units, is the projected growth in residential development. There would need to be a major change in development economics for the redevelopment of logistics buildings into the Secaucus Transit Village or construction on top of the Frank R. Lautenberg train station to occur at this time in the business cycle.

Table 20, Housing Projections to 2035, provides an estimate of anticipated residential growth based on the extrapolation of prior housing activity into the future.

Table 20. Housing Projections to 2035

Year	Certificates of Occupancy Issued	Demolition Permits Issued	Net New Housing Units
2014	284	7	277
2015	38	9	29
2016	385	5	380
2017	12	13	-1
2018	641	1	640
2019	5	5	0
2020	21	4	17
2021	2	2	0
2022	118	4	114
2023	406	3	403
Total	1,912	53	1,859
Average per Year 2014-2023			185.9
10-Year Projection (2024-2033)			574 units

Source: NJDCA Construction Reporter, 2014-2023 Demolition Permits Yearly Summary data, and 2014-2023 Housing Units Certified; CCH analysis.

CONSIDERATION OF LAND FOR AFFORDABLE HOUSING

The prior housing plans of 1998, 2005, 2008, and 2017 established that Secaucus lacks the land necessary to address more than a few hundred units at the time each was written. A vacant land analysis has also been undertaken in this document which has determined that the Town has a realistic development potential, or RDP, of zero units for the Fourth Round. *See* p. 43.

There are a number of factors that preclude sites from consideration. Because Secaucus has been designated for high intensity commercial and industrial uses for decades by the Hackensack Meadowlands Development Commission, now the New Jersey Sports and Exposition Authority, land use incompatibility presents major challenges. Secaucus is the center of a transportation network of freight railroads, passenger lines, and major highways; lacking only port access. These include six NJ Transit passenger lines, the Amtrak Northeast Corridor, CSX and Norfolk Southern Railway freight lines, the eastern spur of the New Jersey Turnpike with two exits in Secaucus (15X and 16E), Interstate 495 leading from Secaucus to the Lincoln Tunnel and Route 3, a major east-west connector between the Turnpike and the Meadowlands sports complex. Thus, external effects from noise, vibration, and air pollution from vehicles, trains on land and boats on the Hackensack River have a direct bearing on the quality of life in Secaucus, which includes areas where housing would not be a suitable land use.

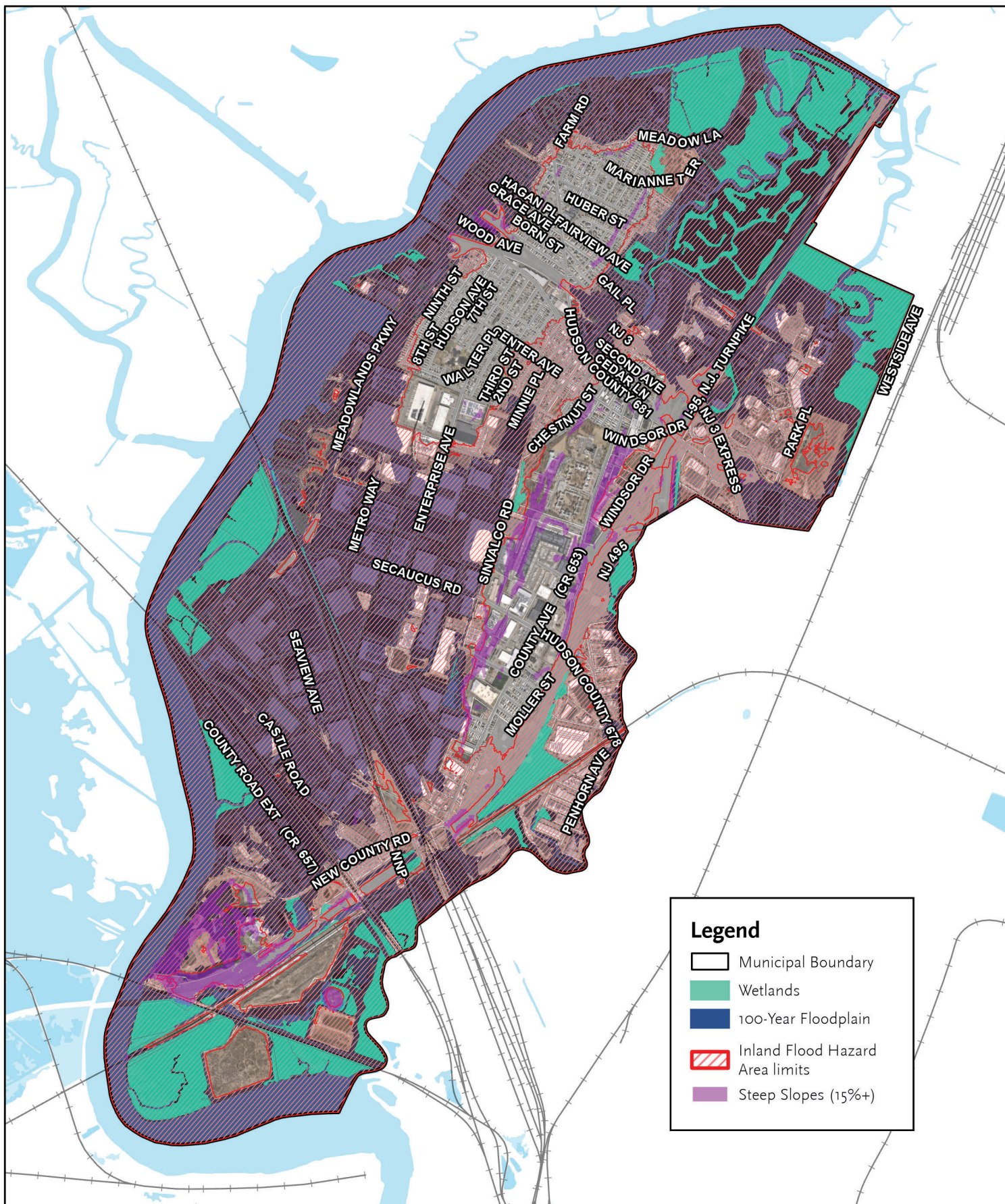
In addition, though Secaucus's industrial contamination is not as widespread as some other municipalities in the Meadowlands, virtually all sites that might be available for residential development require cleanup and remediation action plans. XChange at Secaucus Junction, for example, was built on a former landfill that required remediation to a residential standard. The former Hess truck servicing station site at 34 Meadowland Parkway, now known as Osprey Cove East, required site cleanup and remediation. Both NJDEP and NJSEA rules require a higher level of remediation for sites that will be used for residential purposes. The Hartz Mountain business park that occupies a significant land mass in the southern part of the Town, was constructed in a former gravel quarry.

Secaucus is also affected by significant natural processes. The Town is nearly an island created by the Hackensack River, Cromakill Creek, and Penhorn Creek, with much of the perimeter of the municipality encumbered by wetlands and flood hazard areas. The New Jersey Department of Environmental Protection Resilient Environments and Landscapes (REAL) rule have modified the State's environmental land use rules to respond to effects of climate change due to sea-level rise and increased precipitation that has exacerbated flooding. The REAL rule is part of Governor Murphy's Protecting Against Climate Threats (PACT) Initiative, as directed by Executive Order No. 100 (January 2020) and includes amendments to the Coastal Zone Management Rules, N.J.A.C. 7:7-1 et seq., Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-1.1 et seq., Flood Hazard Area Control Act Rules, N.J.A.C. 7:13-1.1 et seq., and Stormwater Management Rules, N.J.A.C. 7:8 -1 et seq.

In 2023, part of the regulations, known as the Inland Flood Protection Rules, became effective and focus on future precipitation increases and their effects on fluvial areas. The second part of the regulations, which address tidal flood risk due to sea level rise, are expected to go into effect in the fall of 2025.

Secaucus is affected by both fluvial and tidal flooding and these regulations extend currently mapped flood hazard areas, significantly increasing the amount of land area in the Town that is at risk for flooding.

The environmental constraints that affect the development of land in Secaucus are depicted on Map 1, Environmental Constraints, found on the following page.



Aerial Imagery
Nearmap (March 2024)

National Flood Hazard Layer, FEMA

Inland Flood Hazard Area, Rutgers University
MOD-IV Parcels, NJGIS

This map was developed using data from the NJDEP and Rutgers University; however, this product has not been verified by NJDEP and is not state-authorized

Environmental Constraints

Town of Secaucus, Hudson County, NJ

June 2025



Clarke Caton Hintz

Architecture
Planning
Landscape Architecture



FAIR SHARE PLAN

Introduction

This part of the Housing Element and Fair Share Plan describes how Secaucus intends to meet the affordable housing obligations that have been allocated to it in the Fourth Round. As noted previously, the obligations are two-fold: a Present Need obligation and a Prospective Need obligation. Present Need has also been called the “Rehabilitation Share” and Prospective Need has been called “Future Need” and in a portion of the Third Round even “Gap Present Need”. The Present Need obligation is reset with each round of affordable housing obligation based on census data. The number of deficient housing units is statistically determined based on certain parameters to estimate those that are occupied by low- and moderate-income households.

The Prospective Need obligation is cumulative in that it includes the obligations from all prior rounds (First, Second and Third) as well as the Fourth Round that this housing plan primarily addresses. The concept behind Prospective Need is that there is an anticipated growth in the population in each housing region in New Jersey in between 2025 and 2035 which will be composed of persons in households and each of those households will require housing. A certain percentage of those households have incomes that meet the definition of low or moderate incomes. Definitionally, it is 40% of households, though statistically it tends to be slightly higher and typically is found by demographers to be between 41% and 42% of all households. The amended Fair Housing Act set a formula as to the number of households which has been calculated by various of individuals and organizations. All agree that the formula establishes a Statewide obligation of 84,698, of which Region 1’s share is 27,743. The formula established by the Amended FHA requires an allocation of this regional share to all of the municipalities in the region, which consists of Bergen, Hudson, Passaic, and Sussex Counties.

The amended FHA directed the DCA to create a methodology for allocating the Prospective Need obligation for the Fourth Round. Unlike COAH’s allocation of such numbers, the law made DCA’s acceptance of the obligations by a municipality voluntary. The Town Council decided to accept the DCA obligations of 25 units of Present Need and 1,282, capped at 1,000 units of Prospective Need and adopted Resolution 2025-32, making a binding declaration as to these numbers and authorizing its filing of a declaratory judgment action in accordance with the amended FHA. The resolution is attached as Appendix C, adopted on January 28, 2025. The Town has been assigned docket number HUD-L-377-25 for Fourth Round Declaratory Judgment actions under which this document will also be filed once adopted.

Persons or entities aggrieved by this action of the Town had until February 28, 2025 to file specific objections as to why the Present and Prospective Need obligations did not meet the requirements of the amended FHA. In the event, no objections were filed, and these numbers are consequently official. On April 23, 2025, the Hon.

Joseph A. Turula, P.J.Cv., the designated Mount Laurel Judge for the Hudson County Vicinage, issued an Order confirming these numbers and authorizing the municipality to proceed with this document. The Order is found in Appendix D.

Secaucus's Affordable Housing Obligations

Secaucus' affordable housing obligations are spelled out in Table 21, Secaucus' Affordable Housing Obligations for the Fourth and Earlier Rounds.

Table 21. Secaucus Affordable Housing Obligations for the 4th & Earlier Rounds

Affordable Housing Component	Obligation
Present Need	25
Prospective Need	
Prior Round Obligation ⁽¹⁾	590
Third Round Obligation ⁽²⁾	1,266
Realistic Development Potential	194
Unmet Need	1,072
Fourth Round Obligation	1,000 ⁽³⁾
Realistic Development Potential	0
Unmet Need	1,000
Total Obligation	2,881

⁽¹⁾ – This means the combined First and Second Rounds because in the Second Round, the First Round numbers were recalculated.

⁽²⁾ – This includes both the Gap Present Need and Third Round Prospective Need.

⁽³⁾ – Fourth Round Obligation is 1,282, capped at 1,000

Present Need Obligation

Present Need is defined as “the number of substandard existing deficient housing units currently occupied by low- and moderate-income households” and “deficient housing unit” as “housing that (1) is over fifty years old and overcrowded, (2) lacks complete plumbing, or (3) lacks complete kitchen facilities.” The Town's Fourth Round rehabilitation obligation of 25 units was calculated by DCA according to the methodology described in the methodology report titled, “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” released in October 2024.

Prior Round Obligation

The Prior Round obligation is the cumulative 1987 through 1999 new construction affordable housing obligation. This time period corresponds to the First and Second Rounds of affordable housing. The Prior Round obligation as presently structured

was affirmed by a decision of the NJ Supreme Court in 2013 decision. Secaucus' Prior Round obligation is 590 units/credits as previously calculated by COAH.

Third Round Prospective Obligation

The Third Round obligation includes the “gap” portion of the Third Round (1999-2015) when no valid affordable housing regulations were in force and the Third Round Prospective Need (2015-2025) which included the 10-year period into the future starting in July 2015. In 2001, COAH adopted a new rule which extended the rounds from 6 to 10 years.

The Third Round Prospective Need and Gap Need numbers for the Town were determined through negotiation with an interested party, Fair Share Housing Center, and agreed to in a Settlement Agreement between the parties dated June 8, 2017. As established by the Town's Court-approved 2017 Settlement Agreement with FSHC, Secaucus' Third Round obligation (1999-2025) is 1,266 units. The Town then received 2017 Court approval of its request for a vacant land adjustment as a result of limited vacant and developable land in the Town. In 2017, pursuant to an analysis of all vacant land in the Town conducted in accordance with N.J.A.C. 5:93-4.2, two sites were identified as generating a Realistic Development Potential (“RDP”). Based on these two sites, the Town's Third Round RDP was determined to be 194 units resulting in a Third Round unmet need of 1,072 units.

Fourth Round Prospective Obligation

Prospective Need is “a projection of housing needs based on development and growth which is reasonably likely to occur in a region or municipality.” The Town's Fourth Round Prospective Need of 1,282 units, capped at 1,000 units, was also calculated by DCA according to the methodology described in its October 2024 methodology paper.

SECAUCUS' MEANS OF ADDRESSING ITS AFFORDABLE HOUSING OBLIGATIONS

Satisfaction of the Rehabilitation Obligation

N.J.A.C. 5:93-5.2(b) identifies the purpose of a rehabilitation program as the renovation of deficient housing units occupied by low- and moderate-income households. Deficient housing units are those “with health and safety code violations that require the repair or replacement of a major system,” including “weatherization, a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems) and/or a load-bearing structural system.”

With a 25-unit Fourth Round Rehabilitation obligation, Secaucus has satisfied its obligation through the completion of 100 eligible housing units at The Elms, an existing 100-unit housing development located at 777 5th Street (rehabilitation details

are discussed below). However, the Town has operated a program in the Third Round in the past and plans to continue it in the Fourth Round by offering rehabilitation funds to income-qualified households, including those in rental units. The program, open for eligible owner-occupied and renter-occupied units, will continue to be funded through the Town's Affordable Housing Trust Fund, and it will be operated by the Town's Affordable Housing Administrator who also functions as the Administrative Agent of the municipality pursuant to Chapter 19-42 of the Secaucus Code.

In the Fourth Round, the municipality is permitted to gain credit for any units rehabilitated to code that addresses any of the systems noted above and costs on average a minimum of \$10,000 in hard costs, provided the completion date of the work was April 1, 2020 or later. To date, the Town completed a rehabilitation of 100 eligible housing units at The Elms, occupied by low- and moderate-income households, and the total hard costs of the rehabilitations were \$1.86 million to address major systems such as roof replacement, window, electric, plumbing, and HVAC, at an average of \$18,600 per unit, which address COAH's regulations at N.J.A.C. 5:93-5.2 which require at least \$10,000 to be expended on average for major system repair/replacement. Documentation of the units rehabilitated is provided in Appendix G.

Additional documentation on the units rehabilitated will be forwarded to the Court and the Special Master as necessary. Secaucus's continued rehabilitation program will adhere to the regulations in N.J.A.C. 5:93-5.2. All new rehabilitated units will meet the applicable Uniform Construction Code requirements. Additionally, all rehabilitated units will be occupied by low- or moderate-income households and upon completion of the rehabilitation, affordability controls will be placed on the property in the form of a lien or deed restriction. All rehabilitations will have an average hard cost of at least \$10,000. It is anticipated that sufficient revenue will be generated from the development fee to fund the rehabilitation program as detailed in the Spending Plan, attached as Appendix J. Based on the existing revenues discussed in the Fourth Round Spending Plan, the Town has the needed funds for the cost of the program through 2035. Additional monies are also expected to be paid into the trust fund as development occurs. In addition, since most programs operate by placing a perpetual lien on the property, the fund will be replenished as loan proceeds are recycled into the affordable housing trust fund, so that at any one time the cash flow cost to the fund is minimized. A perpetual lien has been accepted by COAH as a means of addressing controls on affordability though it is not expressly stated in N.J.A.C. 5:93-1.

Rehabilitated units shall meet the applicable construction codes. Additionally, rehabilitated units shall be occupied by low- or moderate-income households and

upon completion of the rehabilitation, ten-year affordability controls shall be placed on the property in the form of a lien or deed restriction.¹⁹

The administrative services will be provided by the Town's Affordable Housing Administrator with the oversight of the Secaucus Affordable Housing Board. The Affordable Housing Board has the following powers and duties with regard to the implementation and review of affordable housing matters:

Powers and duties. The Affordable Housing Board is hereby granted and shall have and exercise the following powers:

- (1) Review with the assistance of the Administrator, regulations pertaining to the sale and rental of affordable housing units.
- (2) With the assistance of the Administrator, prepare amendments and additions to regulations as it deems necessary or appropriate to implement the purpose of this Article. Such amendments and additions shall not become effective until approved by the Town Council by resolution or ordinance, as the case may be.
- (3) Hold hearings upon notice to adjudicate the complaints of developers or applicants, owners and renters if the developer, applicant, owner or renter is not satisfied with the rulings of the Administrator. In matters involving a hearing, the Administrator shall give ten (10) days written notice to all parties involved and shall give all interested parties an opportunity to be heard.
- (4) With the assistance of the Administrator, review requests from and to federal, state, county or local agencies regarding funding or applications for funding.
- (5) With the assistance of the Administrator, make recommendations to the Town Council regarding how town funds or funds collected from developer contributions for affordable housing should be spent and propose priorities for such expenditures.
- (6) Review all Affirmative Marketing Plans submitted by the Administrator required per N.J.A.C. 5:80-26.15.
- (7) Administer all resale and re-rental transactions as per §§19-50 through -53 of this Article [Article IV of Chapter 19].²⁰

¹⁹ - While N.J.A.C. 5:93 permits six-year controls, the Town and/or County will be required to provide ten-year controls or such control period as determined by the Court.

²⁰ - Ordinance No. 2012-12, adopted July 24, 2012.

The rehabilitation program will be operated by the Town's Affordable Housing Administrator who also functions as the Administrative Agent of the municipality pursuant to Chapter 19-42 of the Secaucus Code.

The rehabilitation program criteria to be met under N.J.A.C. 5:93-5.2 are repeated in *italics* along with the Town's responses:

1. *Rehabbed to code.* The standard for evaluating rehabilitation activity shall be the Uniform Construction Code and BOCA Property Maintenance Code in effect at the time of evaluation. The rehabilitation activity will renovate one or more major building systems in accordance with the rule and shall not include luxury improvements, the purchase of appliances (with the exception of stoves) or improvements that are strictly cosmetic.
2. *Occupied by eligible households at time of rehabilitation.* Units shall be occupied by income eligible households and shall be so certified before any contract is executed.
3. *Appropriate affordability controls were enacted.* The length of affordability controls shall be ten (10) years for both owner-occupied and renter-occupied dwellings or in the alternative, a perpetual lien against the property that is repaid to the issuing agency at the time of the first sale of the property following the completion of the rehabilitation work.
4. *Administration.* The municipality anticipates that the Secaucus Affordable Housing Board and the Affordable Housing Administrator will operate the program as it has the prior programs. However, the Town of Secaucus reserves the right to designate a qualified employee to administer the program or it may enter into an agreement for another governmental agency or private consultant to administer all or some of the program, if necessary. The Town proposes to initiate the rehabilitation program within 120 days of the granting of a Judgment of Compliance and Repose.
5. *Rental units must be included in the program.* The previous programs were open to both owner-occupied and the landlords of rental units. The proposed program will also be open for eligible owner-occupied and renter-occupied units.
6. *Submission of a rehabilitation manual.* The rehabilitation manual shall include length of controls, income qualification criteria, financing terms, amount of money available, eligible repairs, program marketing, staff responsibilities, and application intake procedures. The rehabilitation manual is attached as Appendix G.

The program is intended to continue until the municipality's 25-unit obligation is satisfied.

PRIOR ROUND OBLIGATION

COAH permits new construction credits, reductions, and bonuses to address the Prior Round obligation. In accordance with N.J.A.C. 5:93-5.6(e), the provision of affordable housing is required to be based on the issuance of permanent certificates of occupancy for new residential units. The Town has addressed the entirety of its 590-unit Prior Round obligation with a combination of 100% affordable developments (Impeveduto Tower, Kroll Heights and 160 County Avenue), inclusionary housing developments (notably, XChange at Secaucus Junction), and rental bonus credits. In determining the obligation of the Prior Round, COAH required that the Town establish the maximum number of age-restricted affordable units²¹ and the minimum number of affordable rental units²² using the formulas in Table 22.

Table 22. Formulas Applicable to the Prior Round Obligation

Minimum Rental Obligation N.J.A.C. 5:93-5.15(a) = 148 units

.25 (Prior Round obligation – 20% cap – 1,000 unit cap) =

.25 (590 – 0 – 0) = .25 (590) = 147.5 rounded up to 148 units.

Maximum Rental Bonus = 148 units

No more than the minimum rental obligation = 147.5 rounded up to 148 units.

Maximum Senior Units N.J.A.C. 5:93-5.14(a)¹ = 161 units

.25 (Prior Round obligation + Rehabilitation Share – 20% cap – 1,000 unit cap) =

.25 (590 + 57 – 0 – 0) = .25 (647) = 161.75 rounded down to 161 units.

Additionally, with respect to rental bonuses, the housing plan adheres to the following limitations from the Second Round rules:

- A rental unit available to the general public receives one rental bonus and no rental bonus is granted in excess of the Prior Round rental obligation;
- An age-restricted rental unit receives a 0.33 rental bonus, but no more than 50% of the rental obligation shall receive a bonus for age-restricted rental units; and

The formulas in Table 22 attributable to the Prior Round obligation reflect FSHC's interpretation that Prior Cycle credits may not be applied as unrestricted credits. Prior Cycle credits are those from affordable housing activities that otherwise meet COAH eligibility criteria, but were occupied between April 1, 1980 and December 15, 1986, before the start of the First Round or during the Prior Cycle. Specifically, FSHC views age-restricted affordable housing development between 1980 and 1986 as counting towards the limit on age-restricted housing; this has not been COAH's position. Effectively, FSHC's viewpoint merges the Prior Cycle and Prior Round into

²¹ - N.J.A.C. 5:93-6.1(b)1 - revised per COAH Second Round policy

²² - N.J.A.C. 5:93-5.15(a)

a single obligation before 1999. Because of this interpretation, the Prior Cycle elements of the formulas attributable to Prior Round obligations as established by COAH are removed. Table 23 provides a summary of the developments included to address the entirety of the Town's Prior Round obligation.

Table 23. Satisfaction of the Prior Round Obligation

Secaucus Prior Round Compliance Mechanisms (Prior Round Obligation = 590)	Units	Bonuses	Total Credits
100% Affordable Housing (Completed)			
Rocco Impreveduto Tower (Senior Rental)	100		100
Kroll Heights (Senior Rental – 61 of 75)	61		61
160 County Avenue (Family Rental)	8		8
Inclusionary Zoning (Completed and Under Construction)			
Riverside Court (Family Sale)	12		12
XChange at Secaucus Junction (Family Rental)	192	148, cap	340
City View Townhouses (Family Rental)	2		2
Osprey Cove (Family Rental)	24		24
34 Meadowland Pkwy – Hess Oil (Family Rental)	12		12
100 Park Plaza Drive (Family Rental – 31 of 94)	31		31
Total	442	148	590

Map 2, Affordable Housing Sites, following, identifies all of the affordable housing sites in the housing plan.



Aerial Imagery
Nearmap (March 2024)

MOD-IV Parcels, NJOCIS

2025 Affordable Housing Sites

Town of Secaucus, Hudson County, NJ

June 2025

0 750 1,500 3,000
Feet

Clarke Caton Hintz

Architecture
Planning
Landscape Architecture

Secaucus meets its required minimum rental unit obligation of 148 units with 430 of such units. The Town does not surpass its limitation of 161 senior units as 161 senior units are proposed to address the Prior Round obligation. Secaucus seeks 148 rental bonus credits from the XChange at Secaucus Junction development, the maximum permitted. All units for which bonus credit is sought have been constructed. All crediting documentation for Prior Round units has previously been provided and has been approved by the Court. It is available for review upon request. Descriptions of the various projects are as follows:

Rocco Impeveduto Tower – 100% Age-Restricted Rental Housing

Rocco Impeveduto Tower is a 100-unit, multi-story age-restricted building at 600 County Avenue that is owned and operated by the Secaucus Housing Authority. This property is also known as Block 98, Lot 10 on the tax assessment maps. This building was previously called Lincoln Tower. All units are one-bedroom and the project provides for a low and moderate income unit split that produces 13 moderate income units, 52 low income units, and 35 very low income units. This site was included as part of Secaucus' certified First Round Housing Element and Fair Share Plan and subsequent housing plans.

Kroll Heights – 100% Age-Restricted Rental Housing

Kroll Heights is a 75-unit, multi-story age-restricted building at 700 County Avenue (next to the tower) that is operated by the Secaucus Housing Authority. It is located on Block 98, Lot 11.02. This development was previously called Lincoln Heights, which was built and occupied in the First Round. The building contains 56 one-bedroom apartments and 19 studios and provides for a low and moderate income unit split that produces ten moderate income units, 39 low income units, and 26 very low income units. Documentation for this building was submitted to COAH with the municipality's First Round plan. This site was included as part of Secaucus' certified First Round Housing Element and Fair Share Plan and subsequent housing plans. A total of 61 of the 75 affordable units at Kroll Heights will be used to satisfy the Prior Round obligation. The remaining 14 units will be put towards satisfying the Town's Third Round obligation.

160 County Avenue – 100% Family Rental Housing

160 County Avenue (a.k.a. 158 County Avenue) consists of eight affordable townhouses owned by the Leased Housing Corporation of Secaucus, a funding vehicle for affordable housing projects for which public housing authorities are not eligible. The property is located on Block 34, Lot 3. Each townhouse is a three-bedroom unit. Half of the units are affordable to low income households and half are affordable to moderate income households. The Secaucus Housing Authority, the Town's public housing agency, manages the units on behalf of the Leased Housing Corporation. The units are deed restricted in perpetuity like the Housing Authority's other developments. The development received its last Certificate of Occupancy on September 4, 2014.

As part of the Third Round JOR, Secaucus was granted a waiver from N.J.A.C. 5:80-26.3(b)2, which requires that at least 30% of all affordable units at each development are two-bedroom units.

Riverside Court – Inclusionary For-Sale Family Housing

Riverside Court is a residential development by Baker Residential Limited Partnership totaling 212 residential units. The 15.2-acre Riverside Court site is just north of Route 3, immediately off the Meadowlands Parkway exit, and within view of the northerly highway bridge over the Hackensack River. The complex was constructed from 2004 to 2007 and has 12 affordable units on-site. The last certificate of occupancy was issued midway through the construction on May 31, 2005 for the affordable units. At the time of approval, the Town's affordable housing ordinance had a required 10% affordable housing set-aside, or 22 units on-site. Ten of the units were addressed by a payment-in-lieu of construction, which was used for the rehabilitation of Patriot Commons, a 20-unit apartment complex on Paterson Park Road fully occupied by low and moderate income households. The Riverside Court units are administered through the Secaucus Affordable Housing Board. The Affordable Housing Board certified that these units have been sold to low and moderate income homeowners. Eight units were sold to moderate income residents and four to low income residents with the length of the affordability controls being 30 years, or until 2034 to 2037.

As part of the Third Round JOR, Secaucus was granted a waiver from N.J.A.C. 5:80-26.3 which requires that at least 50% of all affordable units at each development be available to low income residents.

XChange – Inclusionary Family Rental Housing

XChange at Secaucus Junction is being developed by Fraternity Meadows, LLC, a subsidiary of Atlantic Realty of Woodbridge. The approved development originally consisted of 2,035 housing units, of which 230 will be affordable units. However, a petition to the NJSEA was submitted on September 28, 2017 for an increase in the allowed density of the Secaucus Transit Village Redevelopment Plan to add 500 units more than the 2,035 units already approved. This number includes an additional 400 market-rate units and 100 affordable units.²³ The total number of units permitted are 2,535, consisting of 2,205 market rate units and 330 affordable units. This approved increase in the number of units contributes to realistic development potential and one means to address it in the Third Round (see below).

The apartment complex is located on River Station Boulevard southwest of the Secaucus Transfer Station and Frank Lautenberg Railroad Station. It consists of Block 5.01, Lot 3.01 (Buildings A and C – 178 and 304 units, respectively) and Lot 3.02

²³ - The calculations mark a shift from adding affordable units on top of the market units to taking a percentage (20%) of the total number of units which is the more common practice in Mt. Laurel proceedings.

(Building D – 317 units). Additional development will occur on Block 5.02, Lot 3.03 (Building E) and Lot 3.04 (Buildings F, G and H – 403 units already constructed in Tower G); Block 5.03, Lot 3.051 (Buildings I and J – 588 units) and Lot 3.052 (Building K – 160 units)²⁴. The municipal developer's agreement and the approved affordable housing plan require that at least 50% of the affordable units will be affordable to low income households.

As of this date, 1,753 market-rate units and 188 affordable housing units have been completed and occupied. All 188 affordable rental units will be used to satisfy the Prior Round obligation. Because the 161 units from Imprevduto Tower and Kroll Heights fulfill the maximum number of senior units allowed in the Prior Round, the remaining 14 units from Kroll Heights and the 38 units from Building J at XChange will be sent to the Third Round. The remaining four family units to be constructed as part of future phases of XChange will be used in the Prior Round as shown in Table 23. The development then remaining is 452 market rate units and 142 affordable units. All of the 192 affordable non-age-restricted units from the original XChange development are being used to satisfy the Prior Round Obligation.

A summary of the number of units and breakdown of bedrooms at XChange to date is listed in in Appendix I.

City View Townhouses – Inclusionary Family Rental Housing

City View is a 14-unit, three-story townhouse project located at 734 County Avenue (Block 99, Lot 4) across from the municipal building. The building was built on the 0.5-acre site of a single-family detached house. The project received a certificate of occupancy in May 2015 and contains two affordable family rental units. The project includes one moderate income unit and one low income unit. This development occurred through the processes of the NJMC Interim Policies for affordable housing and includes one two-bedroom and one three-bedroom apartment. Each affordable townhouse has a 30-year deed restriction in accordance with N.J.A.C. 5:80-26.5.

Osprey Cove – Inclusionary Family Rental Housing

Osprey Cove is a 116-unit, four-story apartment building located at 45 Meadowland Parkway (Block 21, Lot 1). The building was built on the 2.05-acre site of an old outlet center owned by Hartz Mountain Industries after the company could not find multiple store owners interested in the center. The project received a certificate of occupancy on September 14, 2012 and contains 24 affordable family rental units. The project provides for a low and moderate income unit split that produces 12 moderate income units, eight low income units and four very low income units. This project was produced under the NJMC's interim affordable housing policies and includes two studio apartments, two one-bedroom, and 20

²⁴ - There is no Building B in the development.

two-bedroom apartments. Each unit has been deed-restricted for a period of 30 years in accordance with N.J.A.C. 5:80-26.5.

As part of the Third Round JOR, Secaucus was granted a waiver from N.J.A.C. 5:80-26.3 which requires that at least 20 percent of affordable units be three-bedroom units, or 5 units.

Osprey Cove East – Inclusionary Family Rental Housing

Formerly known as the Hess Redevelopment project, Osprey Cove East is a three-story, 63-unit apartment building located at 34 Meadowland Pkwy (Block 101, Lot 8). Of the 63 total units, 12 are family affordable rental units. The 2.2-acre site was last used by Aramada Hess as a truck service facility and is situated just south of Route 3 on its east side and was remediated to a residential cleanup standard. The project provides for a low- and moderate-income unit split that has produced six moderate income units, four low-income units, and two very low-income units. The development has a bedroom distribution which includes two one-bedroom apartments, eight two-bedroom apartments, and two three-bedroom apartments. This development occurred through the processes of the NJMC interim Policies for affordable housing. Like Osprey Cove, the site was redeveloped by Hartz Mountain Industries through its subsidiary, 34 Meadowlands Parkway, LLC. Hartz Mountain has deed restricted the affordable units for 30 years in accordance with N.J.A.C. 5:80-26.5.

100 Park Plaza Drive – Inclusionary Family Rental Housing

The Harper at Harmon Meadow Apartments, located at 100 Park Plaza Drive, is an existing 469-unit inclusionary family rental development located at Block 227, Lots 4.03 and 4.04 (now Lot 4.07) to the north of the Meadowlands Exposition Center. Of the 469 total units, 94 are family affordable rental units. The 13.46-acre site was the location of the Meadowlands Carpet Center that was demolished in 2013. The NJSEA designated the property an Area in Need of Redevelopment in January 2016 and adopted a redevelopment plan in May 2016. This is another development by Hartz Mountain Industries, who established 100 Park Plaza Urban, LLC as the development arm to construct the project. As an incentive to redevelop the site, the redevelopment established a density limitation of 35 units per acre, three units per acre greater than the NJSEA's interim policies for affordable housing allows. The development was completed in 2018, and the project provides for a low- and moderate-income unit split that has produced 10 very low-income units, 38 low income households and 46 are for moderate-income residents. Hartz Mountain Industries has deed restricted the affordable units for 30 years in accordance with N.J.A.C. 5:80-26.5. Of the 94 total affordable housing units, 31 will address the Town's Prior Round obligation. The remaining 63 units will address the Town's Third Round obligation.

THIRD ROUND OBLIGATION

As previously indicated, the Town's Third Round obligation established through the Court-approved Settlement Agreement is 1,266 units. As a result of limited vacant and developable land in the municipality, the Court has approved an adjustment of this Third Round obligation. Pursuant to a vacant land analysis conducted in accordance with N.J.A.C. 5:93-4.2, the Town has a Third Round realistic development potential, or RDP, of 194 units and a Third Round "unmet need" of 1,072 units. Unmet Need is the difference between the RDP and the Third Round obligation.

Third Round Vacant Land Analysis and Realistic Development Potential

Secaucus lacked sufficient vacant developable land to address the entirety of its Third Round obligation and this lack extends into the Fourth Round. A vacant land analysis was conducted by using the Second Round rules at N.J.A.C. 5:93-4.2, Lack of Land, to include or exclude sites from the RDP. Of the 151 sites considered in the vacant land analysis then, two sites contributed toward the RDP: 100 Park Plaza on Block 227, Lot 4.07, and land located near the Secaucus Junction Train Station in the multi-family XChange at Secaucus Junction development. The analysis was approved by the Court in the 2017 Settlement Agreement. A map of the original vacant land analysis may be found in Appendix F.

In order to facilitate the viability of its Third Round unmet need mechanisms, the Town requested of the New Jersey Sports and Exposition Authority that the Riverfront Landing zone amended to permit the development of a 25-story building, including four parking levels at Xchange. This was by way of a letter dated December 16, 2019 from the Affordable Housing Counsel of the Town to the Chief Engineer of the Sports and Exposition Authority.

Adjustments to the Third Round Realistic Development Potential

As Unmet Need sites are developed or units are captured with a mandatory set-aside ordinance, the RDP increases and the Unmet Need decreases. Additionally, with any surplus units generated, the RDP increases and the Unmet Need decreases. After the completion of the Third Round HEFSP, Secaucus analyzed all vacant, developable land in the Town, including all land held by the municipality, using the Second Round rules at N.J.A.C. 5:93-4.2, Lack of Land, to determine whether there were any changed circumstances in the Town. The analysis included reviewing whether any parcels in the Town have become vacant since the Third Round VLA was completed, and if so, whether any newly vacant parcels could be developed with inclusionary residential development sufficient to generate any affordable units. As summarized in Table 24, two sites were identified that are large enough to support inclusionary development and thus contribute to the Town's Third Round RDP.

Table 24. Third Round Adjusted RDP

Block/Lot	Site/Address	Total Acres	Unconstrained Acres	Density (du/ac)	Total Units	RDP@ 20%
52/4.041	Imagine Gardens 46 Meadowland Pkwy	2.47	2.47	30.0	74.1	14.82
33/4.02	58 County Ave	0.41	0.41	20.0	8.2	1.64
Total					82.3	16.46 → 17

State mapping would indicate that the Imagine Gardens site is located in the 100-year floodplain, and both sites are in the Inland Flood Hazard Area. However, these will have to be verified with any development application. For the purposes of this plan, we will assume that the sites are developable.

The first site is currently developed with a park known as Imagine Gardens. The land is privately owned by 44 Meadowland Parkway, LLC. At the time the 2017 Vacant Land Analysis was prepared, the site was part of Block 52, Lot 4.03 (identified as Site #77 in the 2017 VLA) where the former Panasonic headquarters were located and demolished, and a new site plan had been approved for a non-residential development (the site was under construction in 2017). After the development was approved, excess land from the development of the redeveloped Panasonic Corporate site was subdivided into a separate lot, which became the Imagine Gardens Park. The Town now holds a lease with the owner (an affiliate of Hartz Mountain Corporation) for the next ten years to use it as a park.

The second site contained the former Lorenzo's Italian restaurant at the time of the 2017 VLA. In the Fall of 2022, the restaurant was demolished, and the site is now vacant.

The two new sites generating a RDP are shown on Map 2, Affordable Housing Sites. The Imagine Gardens tract totals 2.47 acres. If it were to develop at a density of 30 units per acre, it could reasonably be expected to produce 74.1 total housing units. At a 20% affordable housing set-aside, this lot generates a RDP for the Town of 14.82, rounded up to 15. The vacant tract totals 0.41 acres. If it were to develop at a density of 20 units per acre, it could reasonably be expected to produce 8.2 total housing units. At a 20% affordable housing set-aside, this lot generates a RDP for the Town of 1.64, rounded up to 2.

With the addition of Imagine Gardens tract and the vacant tract, and with the inclusion of 66 surplus units from the Third Round, the Town's Third Round RDP increases to 277. But by increasing the RDP to that level, nine additional senior credits can be counted towards the Third Round from the XChange at Secaucus senior rental units, and 21 additional rental bonuses can be claimed for the XChange at Secaucus Junction family rental units, creating a surplus of 13 units and bringing the RDP to 290, thus allowing an additional three bonuses to be claimed. Once

again, by increasing the RDP to 293, one additional rental bonus can be claimed. Thus, the grand adjusted RDP in the Third Round is 294 units, leaving a Third Round Unmet Need of 972 ($1,266 - 294 = 972$).

Formulas Applicable to the Third Round

As is similar to the Prior Round obligation, the Town must also adhere to a minimum rental obligation, a maximum number of age-restricted units, and a maximum number of bonuses in the Third Round (based on Second Round rules). Further, the Town must adhere to a minimum number of very low-income units, family units, family rental units, and family very low-income units pursuant to the terms of the Settlement Agreement.

These calculations are based on the adjusted Third Round RDP obligation of 275 units and the actual number of housing units that have or will be constructed. The formulas applicable to Third Round obligation are calculated in the following table:

Table 25. Formulas Applicable to the Third Round Obligation

Minimum Rental Obligation N.J.A.C. 5:93-5.15(a) = **74 units**

.25 (RDP) = units

.25 (294) = 73.5 rounded up to 74 units

Maximum Rental Bonus = **74 units**

No more than the minimum rental obligation = 73.5 rounded up to 74 units

Maximum Senior Units N.J.A.C. 5:93-5.14(a)1 = **73 units**

.25 (RDP) = units

.25 (294) = 73.5 rounded down to 73 units

Minimum Very Low-Income Units (P.L. 2008, Ch. 46) = **49 units**

.13 (total affordable units constructed after mid-2008) = units

.13 ($8+230+2+24+13+94$) = $.13 \times 371 = 48.23$ rounded up to 49 units

Minimum Family Rental Units = **37 units**

.50 (Third Round minimum rental obligation) = units

.50 (74) = 37 units

Additionally, with respect to rental bonuses, the housing plan abides by the following limitations from the Second Round rules:

- A rental unit available to the general public receives one rental bonus;
- An age-restricted rental unit receives a 0.33 rental bonus, but no more than 50% of the rental obligation shall receive a bonus for age-restricted rental units; and
- No rental bonus is granted in excess of the Third Round rental obligation.

Satisfaction of the Third Round RDP

The Town will fully address its adjusted Third Round 294-unit RDP with 19 units at 100% affordable housing developments, 101 units completed and under construction as part of inclusionary housing development, the 100 units of planned housing as part of the expansion of the XChange development, and 74 rental bonus credits for a total of 294 credits.

Table 26 provides a summary of the developments included to address the entirety of the Town's Third Round obligation. The sites are shown on Map 2, Affordable Housing Sites.

Table 26. Satisfaction of the Third Round Adjusted RDP

Secaucus Third Round RDP Compliance Mechanisms (Third Round RDP = 275)	Units	Bonuses	Total Credits
100% Affordable (Completed)			
Hudson Milestone (Senior Rental)	5		5
Kroll Heights (Senior Rental – 14 of 75)	14		14
Inclusionary Development (Completed and Under Construction)			
100 Park Plaza Drive (Family Rental – 63 of 94)	63	63	126
XChange at Secaucus Junction (Senior Rental)	38		38
XChange at Secaucus Junction RDP Site (Family Rental)	100	11, cap	111
Total	220	74	294

Secaucus meets its required minimum rental unit obligation of 74 units as all units constructed and under construction to address the Third Round RDP are rental units. Additionally, more than half of these units (163 of 220) are family rental units satisfying both the total family unit and family rental unit requirements. The Town proposes no more than 73 senior units. Secaucus is eligible for 74 rental bonus credits, the maximum permitted and utilized. All units for which bonus credit is sought are completed at the 100 Park Plaza Drive inclusionary housing development.

Each of the components of the Third Round affordable housing obligation are described below. Except where noted, crediting documentation was provided as part of the Third Round's Judgment of Compliance and Repose. Any crediting documentation is available for review upon request.

100 Park Plaza Drive – Inclusionary Family Rental Housing

A detailed description of this development is provided above as part of the section addressing the satisfaction of the Town's Prior Round obligation. Of the 94 total affordable housing units at this site, 63 will address the Town's Third Round obligation. The remainder will address the Town's Prior Round obligation.

XChange – Inclusionary Family and Age-Restricted Rental Housing

A detailed description of this development is provided above as part of the section addressing the satisfaction of the Town's Prior Round obligation. As previously indicated, XChange at Secaucus Junction is currently under development will consist of 2,535 housing units, of which 330 would be affordable units. As of this date, 1,753 market-rate units and 188 affordable housing units have been completed and occupied and are located in Buildings A, C, D, K and Tower G. The development then remaining is 452 market rate units and 142 affordable units to be constructed as part of the riverward portion of the project.

A total of 38 senior units and 100 family rental units will be used to satisfy the Town's Third Round obligation.

Hudson Milestones – 100% Age-Restricted Rental Housing

Hudson Milestones manages and owns a group home for the developmentally disabled at Block 215, Lot 6, licensed by the State of New Jersey Department of Human Services (NJ DHS) since December 10, 1991. This group home has five bedrooms, all of which are age-restricted, and the unit is barrier-free. The group home is licensed for six residents, all of whom qualify as low-income residents. Hudson Milestones reports that NJ DHS establishes income levels and eligibility requirements for persons in the program prior to housing them in the group home. The company receives a yearly license to operate the facility and it has been renewed annually for a period of 26 years. Hudson Milestone functions as the contract provider to such services and anticipates that it will continue to receive its license renewal every year.

Kroll Heights – 100% Age-Restricted Rental Housing

A detailed description of this development is provided above as part of the section addressing the satisfaction of the Town's Prior Round obligation. Kroll Heights is a 75-unit age-restricted development operated by the Secaucus Housing Authority. The development was built and occupied in the First Round. Documentation for this building was submitted to COAH with the municipality's First Round plan. A total of 14 of the 75 affordable units at Kroll Heights will be used to satisfy the Town's Third Round obligation and 61 units will satisfy the Prior Round obligation.

THIRD ROUND UNMET NEED MECHANISMS

As upheld by the 2024 Amended FHA, COAH's VLA rules at N.J.A.C. 5:93-4.2(h) do not require Unmet Need mechanisms to generate a specified number of units equal to the Unmet Need number. Rather, the mechanisms must provide a realistic opportunity that affordable housing can be created through private redevelopment (i.e., via inclusionary overlay zones) or publicly facilitated projects (i.e., via a development fee ordinance). N.J.A.C. 5:93-4.2(h) states that in addressing Unmet Need, COAH "may require at least any combination of the following in an effort to address the housing obligation:

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

In 2017, Secaucus received Court approval for the Town's 2017 Third Round HEFSP based on consideration of a number of factors, including the Town's proposed mechanisms for addressing its then 1,072-unit Unmet Need. With an adjusted Third Round RDP of 294 and an unmet need of 972, Secaucus will continue to address its Unmet Need with the following mechanisms: an updated development fee ordinance; the NJSEA Interim Policies that function as an affordable housing overlay zoning district; a mandatory affordable housing set-aside; and two sites identified for future inclusionary developments. These mechanisms are described below.

NJSEA Interim Policies

The Interim Policies Governing Affordable Housing Development in the Meadowlands District (effective July 24, 2008, revised to July 27, 2011) essentially function as an affordable housing overlay zoning district. The Interim Policies also form the basis for affordable housing set-aside's in any redevelopment areas (witness the 100 Plaza Drive development). Under these policies, residential development greater than five total units is required to provide a 20% affordable housing set-aside. The NJSEA rules grant a three-unit per acre density increase in the Low Density Residential zone from 10 to 13 units per acre and a seven-unit per acre increase from 25 units to 32 units per acre in the Planned Residential zone as an incentive to address the affordable housing setaside of 20%. Additionally, the NJSEA has created what is effectively an inclusionary overlay district in additional zoning districts which include the Waterfront Residential, Neighborhood Commercial, Regional

Commercial, Light Industrial A Districts as well as Redevelopment Area 7 (the Secaucus Transit Village) in which residential development, if found suitable, may be constructed at up to 32 units per acre.

NJSEA has instituted procedures for the review of petitions by developers for residential development that examine their suitability where residential development is not permitted by right. In accordance with N.J.S.A. 52:27D-329.9, Section IV(b) of the Interim Policies requires affordable housing that can produce one affordable unit. Secondly, Section IV(c)1 establishes the criteria for site suitability, as follows:

- i. The site is adjacent to compatible land uses and has access to appropriate streets;
- ii. The site has access to water and sewer infrastructure with sufficient capacity;
- iii. The site can be developed consistent with the rules of the NJMC;
- iv. Former and existing land uses, either on the site or in the vicinity, may not expose residents to environmental hazard. Alternatively, the site shall be remediated to NJDEP residential standards as a condition of the Board's approval;
- v. The size, shape, or layout of any existing structures that shall remain, or other physical limitation(s) not listed previously, do not preclude residential use; and
- vi. The site is suitable for residential use pursuant to sound planning principles.

Following in Section IV(c)2, the NJSEA ordains that:

The development of any site determined to be suitable for housing shall not be permitted to proceed with a solely non-residential development...[and]

If the property in question is determined to be suitable for housing by the requirements of Section IV, a petition for rezoning shall be denied without further deliberation and any non-residential uses requested shall be denied, unless the petition includes, or is amended to include, residential development.

Though Secaucus has accepted responsibility for the site plan review process as noted above, the Meadowlands Consolidation Act ensures that the zoning districts and policies instituted by the NJSEA remain in place. Thus, a built-in bias exists toward developing housing and, by rule, affordable housing on suitable sites in Secaucus. The Interim Policies will thus capture all of the potential affordable housing that may occur as the result of unforeseen redevelopment in excess of five dwelling units.

Most notably, the Secaucus Junction Transit Village Concept Plan includes four sites where the future development of housing is a possibility, but unlikely to occur within the ten-year Third Round period due to anticipated market conditions, and environmental and legal issues (the Concept Plan is attached as Appendix M).

However, if market conditions change to speed up redevelopment, the Town will be able to rely on the NJSEA's Interim Policies to capture potential affordable units as part of its unmet need strategy.

Secaucus Junction Train Station

The Secaucus Junction Train Station, Site 15 on the Affordable Housing Sites map, was constructed with reinforced foundations that permit the construction of towers above the station. Using the original Allied Junction concept plans from 1991, a 40-story tower has been identified as the most likely of the four towers at the station to be developed during the ten-year period of the Third Round. It is estimated that the tower would support the development of 625 units, of which 125 units would be affordable units as required by NJSEA's Interim Rules. The Town agrees to support this development.

Transit Village – Transition Area

To spur the likelihood of the redevelopment of other portions of the Secaucus Transit Village Redevelopment Area, the Town submitted a petition to NJSEA on September 28, 2017 to amend the redevelopment plan and increase the number of dwelling units to 350 units in the Transition Area of the Redevelopment Plan (see the Concept Plan attached as Appendix M. The total number of units now permitted consists of 280 market-rate units and 70 affordable units.

Boulevard Tire – *removed*

The NJSEA had received an application for multi-family redevelopment under its Interim Rules at 845 First Street (Block 132, Lot 2), formerly the site of the Boulevard Tire Company. The site has been recently redeveloped with a supermarket, which opened in January of 2025. As such, the site is no longer included as an unmet need mechanism.

Development Fee

Secaucus established a development fee ordinance for the collection of development impact fees and these funds will be used as indicated in the DEVELOPMENT FEE ORDINANCE and SPENDING PLAN sections, below.

Mandatory Affordable Housing Set-Aside

To create additional opportunities to satisfy the remaining unmet need, as part of its Zoning Ordinance (Chapter 135), the Town will require affordable housing set-asides that apply to parcels in the zoning jurisdiction of the municipality. These set-asides shall be applicable to developments with more than five units. The zoning ordinance will require a 15% set-aside on family rental residential projects and a 20% set-aside on for-sale residential. In the alternative and/or in combination with this set-aside requirement in the non-NJSEA controlled portion of the Town, the ordinance will contain a provision for contributions in lieu of construction to further affordable

housing opportunities in the Town as approved by the Affordable Housing Board (see Appendix N).

The unmet need mechanisms proposed generate a realistic opportunity for the production of 125 affordable units at the Secaucus Junction Train Station and 70 affordable units at the Transition Area of the Transit Village Redevelopment Area, for a total of at least 195 units or credits. By these means, the Town will address its unmet need to the extent feasible during the Third and Fourth Rounds.

SATISFACTION OF THE FOURTH ROUND OBLIGATION

Vacant Land Analysis and Realistic Development Potential

As previously discussed, the Town has conducted an updated Vacant Land Analysis (VLA) after the Third Round HEFSP that has adjusted the Town's Third Round Prospective Need of 1,266 units to a Third Round RDP 294 and an Unmet Need of 972 units. Additionally, based on an analysis of property tax records, approvals, and aerial imagery, the Town has determined that there are no newly developable vacant land in the Town, giving the Town a Fourth Round RDP of zero and a Fourth Round Unmet Need of 1,000.

Because of the structure of NJSEA's Interim Rules, where, effectively, developers submit petitions for residential development and go through a site suitability analysis, the Town cannot predict potential affordable housing that may occur through this process. Notwithstanding that, any changed circumstances in the future that generate an RDP during the Fourth Round will be captured by the Interim Rules due to its mandatory 20% affordable housing set-aside. Additionally, as previously described under Unmet Need Mechanisms, the Town's mandatory affordable housing set-asides required as part of its Zoning Ordinance will create additional opportunities to satisfy the remaining unmet need in the non-NJSEA controlled portion of the Town.

FOURTH ROUND UNMET NEED MECHANISMS

The Town will continue to rely on the Third Round Unmet Need compliance mechanisms previously discussed to address its Fourth Round Unmet Need.

VERY LOW INCOME UNITS

Pursuant to the 2008 amendments to the FHA, P.L. 2008, c.46 (codified as N.J.S.A. 52:27D-329.1), municipalities must provide units affordable to very low-income households equal to 13% of all affordable units approved and constructed (or to be constructed) after July 1, 2008. Additionally, pursuant to the Settlement Agreement, half of these very low-income units must be available to families. As shown in Table 27, Secaucus complies with this requirement, as nearly 20% of the units approved and constructed or to be constructed since that date are affordable or will be affordable to very low-income households.

Table 27. Very Low-Income Units Approved and Constructed or To Be Constructed since July 17, 2008

Compliance Mechanism	Total Units	VLI Units	
		Approved	Under Construction / Constructed
Hudson Milestones (Age-restricted)	5	-	5
XChange at Secaucus Junction (approved)	230	-	58
XChange at Secaucus Junction (proposed)	100	13	-
Osprey Cove (Family)	24	-	3
Osprey Cove East (Family)	12	-	1
100 Park Plaza Drive (Family)	94	-	10
Total	465	90 (19.35%)	
Very Low Family Units = 90 total planned units, 61 required.			

Additionally, the Town will revise Chapter 19 of the Secaucus Municipal Code, which deals with affordable housing matters, to ensure the minimum 13% very low-income unit count is met, including a 50% requirement for family units (see Appendix O). Notwithstanding the need to revise the ordinance, the Town, through its Affordable Housing Board, has been enforcing the very low requirement since the law was enacted in mid-2008.

Per the more recently amended FHA (P.L. 2024, c.2) at N.J.S.A. 52:27D-329.1, at least half of very low-income units addressing the Fourth Round Prospective Need must be “available for families with children.” Given that the Town’s Fourth Round RDP is zero and no units are currently addressing the Fourth Round Prospective Need, this requirement does not apply.

INCOME AND BEDROOM DISTRIBUTION

Under COAH’s rules at N.J.A.C. 5:93-7.3 and UHAC at N.J.A.C. 5:80-26.1 et seq., non-age-restricted affordable units must adhere to the following bedroom distribution: no more than 20% may be one-bedroom or efficiency units, at least 30% must be two-bedroom units, and at least 20% must be three-bedroom units. Table 28 summarizes the bedroom-income distribution of affordable family housing units in Secaucus Town, demonstrating compliance with these standards.

Table 28. Income and Bedroom Distribution, Family Units, All Rounds

Income Distribution	Bedroom Distribution			
	One-Bedroom/ Efficiency	Two-Bedroom	Three-Bedroom	Total
Very Low-Income	27	46	23	96 (19.32%)
Low-Income	23	91	65	179 (36.02%)
Moderate-Income	29	117	76	222 (44.67%)
Total	79 (15.9%)	254 (51.11%)	164 (33%)	497 (100%)

The above bedroom and income distribution includes 497 affordable family units within the following projects:

- Riverside Court (12 units)
- City View Townhouses (2 units)
- XChange at Secaucus Junction (330 units)
- Osprey Cove East (12 units)
- Osprey Cove (24 units)
- The Harper (100 Park Plaza Dr) (94 units)
- The Waterton (23 units)

COST GENERATION

The Town's Land Procedures and Zoning Ordinances have been reviewed to eliminate unnecessary cost generating standards, and provides for expediting the review of development applications containing affordable housing. Such expediting may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings. All development applications containing affordable housing must be reviewed for consistency with the Land Development Ordinance, Residential Site Improvement Standards ("RSIS") (N.J.A.C. 5:21-1 et seq.) and the mandate of the FHA regarding unnecessary cost generating features. Secaucus will comply with COAH's requirements for unnecessary cost generating requirements, N.J.A.C. 5:93-10.1, procedures for development applications containing affordable housing, N.J.A.C. 5:93-10.4, and requirements for special studies and escrow accounts where an application contains affordable housing, N.J.A.C. 5:93-10.3. Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Town will revise its Land Procedures and Zoning Ordinances, if needed, in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, and UHAC's new 2025 regulations, anticipated to be released shortly, in order to address new requirements to address cost generative issues.

MONITORING

In accordance with the requirements of N.J.S.A. 52:27D-329.2 and -329.4 as amended by P.L. 2024 c.2, by February 15 of each year of the Fourth Round, the Town will

provide a detailed accounting through DCA's new Affordable Housing Monitoring System ("AHMS") of all affordable units constructed and construction starts during the prior calendar year, and of all residential and non-residential fees collected, interest earned, and other income collected and deposited into the Town's affordable housing trust fund during the prior calendar year. Secaucus will also provide a detailed accounting in AHMS of all expenditures of affordable housing trust funds during the prior calendar year, including purposes and amounts, and documentation of the balance remaining in the affordable housing trust fund as of December 31 of that year.

Secaucus or any other interested party may file an action through the Program seeking a realistic opportunity review at the midpoint of the certification period and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site in this Housing Element and Fair Share Plan that has not received preliminary site plan approval prior to the midpoint of the 10-year round. If such an action is initiated by the Town, Secaucus may propose one or more alternative sites with an accompanying development plan or plans that provide a realistic opportunity for the same number of affordable units and are otherwise in compliance with the FHA and the Mount Laurel doctrine.

AFFORDABLE HOUSING ORDINANCE AND AFFIRMATIVE MARKETING

The Town of Secaucus has in place ordinance requirements for Affordable Housing and Affirmative Marketing in accordance with N.J.A.C. 5:80-26-1 et seq. The Town's affordable housing regulations are found in Article VI in Chapter 19 (Land Use Procedures) of the Code of the Town of Secaucus. While it governs the creation, administration, and occupancy of affordable units, the required low and moderate income set-asides; development fees; the programs that might be implemented to provide an opportunity for affordable housing; and outlines eligibility requirements and occupancy standards; a significant amendment is nonetheless proposed to Chapter 19 to update its regulations to comport with present day language and court decisions (see Appendix O). Once DCA and HMFA finalize their rule proposals (anticipated after June 30, 2025), the Town will further update its Fair Share Ordinance in accordance with court-upheld COAH's rules, DCA's proposed new regulations at N.J.A.C. 5:99, and UHAC's new 2025 regulations that are anticipated to be released shortly, as well as to address any terms of the court-approved Third Round FSHC agreement, if relevant. The Fair Share Ordinance will govern the establishment of affordable units in the Town as well as regulating the occupancy of such units. The Town's Fair Share Ordinance covers the phasing of affordable units, the low/moderate income split, including that 13% of all units approved and constructed since 2008 be affordable to very low-income households earning no more than 30% of median income, bedroom distribution, occupancy standards, affordability controls, establishing rents and sales prices, affirmative marketing, income qualification, etc.

Each developer/owner intending to sell or rent affordable dwellings must submit an Affordable Housing Plan to the Affordable Housing Board for approval. The

Affordable Housing Plan must include regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance to N.J.A.C. 5:80-26.I. All newly created affordable units are required to comply with the 30-year affordability controls required by UHAC, N.J.A.C. 5:80-26.5 and -26.II. The approved plan must be used by all private, non-profit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit.

Affirmative marketing of affordable units in the Town is conducted by individual Administrative Agents under contract to the developer/owner and overseen by the Town's Municipal Housing Liaison. William F. Snyder, the Affordable Housing Board Administrator, will continue to hold the position of Municipal Housing Liaison. The affirmative marketing plan is part of the required Affordable Housing Plan that is reviewed by the Affordable Housing Board and approved prior to implementation. The costs of implementing the Affordable Housing Plan (i.e., the costs of advertising the affordable units, etc.) are the responsibilities of the developers/owners of the affordable units. This requirement is included in the Town's Affordable Housing Article in Chapter 19.

The Town of Secaucus has prepared a Preliminary Affirmative Marketing Plan (Appendix K). Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Town will prepare an updated Affirmative Marketing Plan in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules, as well as to address any terms of the court-approved Third Round FSHC agreement. The Town will adopt an Affirmative Marketing Plan for all affordable housing sites. The Town's current Affirmative Marketing Plan is designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Town. Additionally, the Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the Town's housing region, Region 1, consisting of Bergen, Hudson, Sussex and Passaic Counties.

The Affirmative Marketing Plan lays out the random-selection and income qualification procedure of the administrative agent, which is consistent with COAH's rules and N.J.A.C. 5:80-26.I. All newly created affordable units will comply with the minimum 30-year or 40-year (for rentals) affordability control required by UHAC, N.J.A.C. 5:80-26.I et seq. This plan must be adhered to by all private, nonprofit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit.

As required by the Court-approved Third Round FSHC agreement, the Affirmative Marketing Plan will lists housing advocacy groups including Fair Share Housing

Center, the State and local chapters of the NAACP, the Latino Action Network, and the Supportive Housing Association. The Town shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Town also agrees to require any other entities, including developers or individual or companies retained to do affirmative marketing, to comply with this paragraph. Finally, in accordance with the July 2020 amendment to the FHA, the Town will include in its Affirmative Marketing Plan the requirement that all units subject to affirmative marketing requirements be listed on the state Housing Resource Center website.

DEVELOPMENT FEE ORDINANCE

Secaucus established a development fee ordinance for the collection of development impact fees (adopted April 12, 1995, amended 7-24-12, Ordinance 2012-27). *See* Appendix P. The updated ordinance permits collection of residential development fees equal to 1.5% of the equalized assessed value of new residential construction and additions, and mandatory nonresidential development fees equal to 2.5% of the equalized assessed value of new nonresidential construction and additions. Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Town will prepare an updated development fee ordinance in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules, not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules.

SPENDING PLAN

Secaucus Town's affordable housing trust fund was established on April 12, 1995. As of December 31, 2023, the trust fund maintained a balance of \$779,409.44 funds. A new Fourth Round Spending Plan, which discusses anticipated revenues, collection of revenues, and the use of revenues, has been prepared in accordance with N.J.A.C. 5:93-5.1(c) and is included as Appendix J. All collected revenues are placed in the Town's Affordable Housing Trust Fund and will be dispensed for the use of affordable housing activities as indicated in the Fourth Round Spending Plan. Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Town will prepare an updated spending plan in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules, not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules.

In general, the Town intends to use its trust fund revenues for the rehabilitation program and to provide affordability assistance for the provision of very low income units. Notwithstanding these objectives, the Town also seeks the flexibility to use the accumulated funds for any of the following affordable housing activities:

- New construction;

- Purchase of land for low- and moderate-income housing;
- Improvement of land to be used for low- and moderate-income housing;
- Extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites;
- Assistance designed to render units to be more affordable.

At least 30% of development fees and interest collected must be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan and for the creation of very low-income units. Additionally, no more than 20% of trust fund revenues collected each year may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a rehabilitation program, a new construction program, an HEFSP, and/or an affirmative marketing program.

The adoption of the Town's Fourth Round Spending Plan will constitute a "commitment" for expenditure per the FHA at N.J.S.A. 52:27D-329.2, with a four-year time period for expenditure that will start with the entry of the Superior Court's Fourth Round Judgment of Compliance and Repose and/or Compliance Certification.

MULTIGENERATIONAL FAMILY HOUSING CONTINUITY

The FHA requires an HEFSP to provide an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of 23 section 1 of P.L. 2021, c.273 (N.J.S. 52:27D-329.20). As of June 2025, no recommendations have been issued by the Commission.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN

While the majority of Secaucus is located in the Hackensack Meadowlands Regional Planning Area (Sports & Exposition Authority Planning Area), approximately 0.7 square miles of land in Secaucus are in the Metropolitan Planning Area (PA-1) as established by the State Development and Redevelopment Plan. The State Plan's intent for the Metropolitan Planning Area is to:

- Provide for much of the state's future growth in compact development and redevelopment;
- Revitalize cities, towns and neighborhoods, and in particular overburdened neighborhoods;
- Address existing legacy issues such as air pollution, urban heat islands, lead contamination, Brownfields, urban highways, and combined sewer systems;
- Prevent displacement and gentrification;

- Promote growth that occurs in Centers, other appropriate areas that are pedestrian friendly, and in compact transit-oriented forms;
- Rebalance urbanization with natural systems;
- Promote increased biodiversity and habitat restoration;
- Stabilize and enhance older inner ring suburbs;
- Redesign and revitalize auto oriented areas;
- Protect and enhance the character of existing stable communities

As a developed urban community with ample multi-modal transportation connections and existing sewer and water systems, the Town will implement this housing plan in a manner consistent with the intent of the SDRP, the Hackensack Meadowlands District Master Plan, and the Secaucus Master Plan through continued redevelopment and revitalization of land and rehabilitation of deficient housing units.

SUMMARY

The Town of Secaucus has demonstrated a long history of compliance with the constitutional obligations of the Mount Laurel Doctrine and the Fair Housing Act. Even before the advent of the Fair Housing Act, the Town sought and obtained federal funds for the development of housing that led to the construction of The Elms and the Rocco Impreveduto Tower (both low income senior developments). The municipality has never failed to apply for substantive certification of its Housing Element and Fair Share Plans and has been granted such certification when the NJ Council on Affordable Housing was a viable agency.

The Town had a Third Round obligation of 1,266 units subject to a VLA and RDP. As a result of limited vacant and developable land in the municipality, the Court approved an adjustment of this Third Round obligation through a vacant land analysis conducted in accordance with N.J.A.C. 5:93-4.2. Pursuant to the Court Order approving the Settlement Agreement with FSHC, the Town agreed to a Third Round RDP of 194 units and an Unmet Need of 1,072 units. After completion of the Third Round HEFSP, the Town updated its vacant land analysis and found two sites generating a RDP. As a result, the Town amended its Third Round RDP to 294 units and its Unmet Need to 972 units.

The Town of Secaucus has addressed its 25-unit Present Need obligation through the rehabilitation of 100 units at The Elm, an existing 100-unit housing development in the Town. However, the Town will continue its Rehabilitation Program during the Fourth Round and will allocate a portion of its affordable housing trust funds for that purpose as outlined in this housing plan. The Town has addressed the entirety of its 590-unit Prior Round obligation, and it will fully address its Third Round adjusted 294-unit RDP with 19 age-restricted rental units at 100% affordable housing developments, 101 units completed and under construction as part of inclusionary housing developments including 63 family rental units and 38 age-restricted rental

units, 100 units of planned housing as part of the expansion of the XChange at Secaucus Junction development, and 74 rental bonus credits for a total of 294 credits.

The Town has stipulated a Fourth Round RDP of zero units and an Unmet Need of 1,000 units. Unmet Need for the Third and Fourth Round will be addressed through the NJSEA's Interim Policies on affordable housing development, the Town's support for the construction of housing development above the Secaucus Junction Train Station, the Town's support for increasing density in the Transition Area of the Secaucus Transit Village Redevelopment Area, funds from the collection of development fees to be utilized to help support developers in the provision of very low income units and other opportunities for additional housing as they arise, and the establishment of mandatory affordable housing set-aside provisions for multi-family housing developments outside of the NJSEA jurisdiction.

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PUBLIC HEARING DRAFT

Town of Secaucus ▪ Housing Element of the Master Plan

June 6, 2025

Appendix A

**June 15, 2017 Court Order Approving the Settlement Agreement and Executed
Settlement Agreement between the Town of Secaucus and Fair Share Housing Center
(excluding exhibits)**



FILED

JUN 15 2017

**JOSEPH A. TURULA
J.S.C.**

**Cindy Nan Vogelman, Esq. – Attorney # 011691985
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201-348-6000
Attorneys for Plaintiff Town of Secaucus**

**IN THE MATTER OF THE
DETERMINATION OF THE
AFFORDABLE HOUSING
OBLIGATION OF THE TOWN OF
SECAUCUS, NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY
DOCKET NO.: HUD-L-2911-15**

CIVIL ACTION – MOUNT LAUREL

**ORDER APPROVING SETTLEMENT
AGREEMENT BETWEEN THE TOWN
OF SECAUCUS AND FAIR SHARE
HOUSING CENTER**

This matter having been opened to the Court by Chasan Lamparello Mallon & Cappuzzo, PC, attorneys for plaintiff Town of Secaucus ("Town"), on notice to Fair Share Housing Center ("FSHC"), an interested party, by way of Verified Complaint seeking a declaratory judgment of repose and compliance with the Mount Laurel doctrine and Fair Housing Act of 1985 ("FHA"), N.J.S.A. 53:27D-301 et seq., pursuant to the process established in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"), including determination of the Town of Secaucus's fair share obligations; and

Whereas the Court having granted the Town immunity from all Mount Laurel lawsuits from the time of the filing of the Town's declaratory judgment action on July 6, 2015 through the June 15, 2017 Fairness Hearing; and

Whereas the Court having appointed Christine Nazzaro-Cofone, AICP/PP as the Special Mount Laurel Master ("Special Master"); and

Whereas FSHC having participated as an interested party; and

Whereas over the course of the litigation, FSHC and the Town met directly, exchanged various documents, and also appeared before the Hon. Joseph A. Turula in a series of Case Management Conferences, resulting in the entry of Case Management Orders on August 21, 2015 (under docket no. HUD-L-2871-15), November 19, 2015, February 5, March 11, June 14, July 27, November 2, and November 28, 2016, February 8 and April 13, 2017; and

Whereas through that process, the Town and FSHC, with the consent and approval of the Special Master, agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter for review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households; and

Whereas the Town and FSHC have entered into a formal Settlement Agreement annexed hereto as Exhibit A; and

Whereas the Town has adopted a Resolution on June 6, 2017 endorsing the Settlement Agreement and authorizing its execution attached hereto as Exhibit B; and

Whereas the Court has scheduled a Mount Laurel Fairness Hearing on June 15, 2017 to consider whether the terms of the Settlement Agreement are fair and reasonable to low and moderate income households in the region; and

Whereas the Town has provided adequate notice of the Fairness Hearing in

accordance with the Region 1 service list annexed hereto as Exhibit C; and

Whereas no written objections to the Settlement Agreement have been served in response to the notice of the Fairness Hearing; and

Whereas the Town has submitted a Certification of Public Notice to the Court at the June 15, 2017 Fairness Hearing; and

Whereas the Special Master has issued a report evaluating the fairness of the Settlement Agreement and concluded that the Settlement Agreement is fair and reasonable with respect to the region's low and moderate income households and recommended that the Court approve the Settlement Agreement; and

Whereas the Court has conducted a Fairness Hearing on June 15, 2017, with FSHC's participation and its express support of the Settlement Agreement as advancing the interests of the region's low and moderate income households; and

Whereas the opportunity to be heard with respect to the Settlement Agreement has been provided to the entities set forth on the service list annexed hereto as Exhibit C, and no objections having been presented to the Settlement Agreement; and

Whereas the Town's planner, Brian Slaugh, AICP/PP testified regarding the Town's plan to meet its affordable housing obligation; and

Whereas the Special Master has testified in support of the conclusions set forth in her report; and

Whereas the Court has admitted the Settlement Agreement, Resolution, Certification of Public Notice and the Special Master's Report in evidence, and the Court having considered these documents and the testimony provided by planner Slaugh and the Special Master; and for the reasons set forth on the record on June 15, 2017 and for

good cause shown;

IT IS on this 15th day of June, 2017 **ORDERED AND ADJUDGED** as follows:

1. The Town published sufficient notice of the Fairness Hearing which provided all interested persons and entities with a sufficient opportunity to submit comments, objections, or support of the proposed Settlement Agreement in advance of the Hearing and an opportunity to participate in the Fairness Hearing at the discretion of the Court.

2. In accordance with the standards set forth in East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996), the Court hereby accepts and approves the Settlement Agreement and concludes that it is fair, reasonable and adequately protects the interests of the region's lower-income residents.

3. On or before September 30, 2017, the Town shall file and serve a duly-adopted and endorsed Housing Element and Fair Share Plan, including a Spending Plan, reflecting all of the terms and conditions of the Settlement Agreement, along with all necessary implementing ordinances, resolutions and exhibits, with the Court and on FSHC and the Special Master.

4. On or before September 30, 2017, the Town shall serve a duly-adopted and endorsed Housing Element and Fair Share Plan, including a Spending Plan, reflecting all of the terms and conditions of the Settlement Agreement, along with all necessary implementing ordinances, resolutions and exhibits, on the New Jersey Sports and Exposition Authority ("NJSEA") which has 45 days to review the Housing Element and Fair Share Plan and to submit a written report to the Court, to the Town and to