

**The Borough of Madison**  
**Morris County**  
**Round 4: Housing Element and Fair Share Plan**

Prepared For:



The Borough of Madison  
Hartley Dodge Memorial Building  
50 Kings Road  
Madison, NJ 07940

Adoption Date: June 23, 2025

## Acknowledgements

Mayor  
Robert H. Conley

Borough Administrator  
Raymond M. Codey

Borough Council  
Rachel Ehrlich, Council President  
Robert E. Landrigan  
Eric Range  
Tom Haralampoudis  
Melissa Honohan  
John Forte

Planning Board  
Astri J. Baillie, Chair  
Ann Huber, Vice Chair  
Eric Range  
Robert H. Conley  
Peter R. Flemming  
John Morris  
Carmela Vitale  
George Limbach  
Patricia Coyle

Borough Attorney  
Matthew J. Giacobbe, Esq.

Planning Board Attorney  
Vincent Loughlin, Esq.

Affordable Housing Counsel  
Jonathan Drill, Esq.

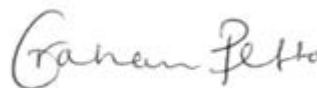
Borough Clerk  
Elizabeth Osborne

Planning Board Secretary  
Bonnie Mulcahy

Prepared by:



Susan Favate, AICP/PP  
Planner License No. 33LI00613100



Graham Petto, AICP/PP  
Planner License No. 33LI00639400

*The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.*

## Table of Contents

I. Introduction.....	4
A. History of New Jersey Affordable Housing Policy .....	4
B. Housing Element and Fair Share Plan Requirements .....	7
II. Housing Element: Municipal Summary .....	9
A. Housing Conditions.....	10
Table 1: Year Structure Built.....	11
Table 2: Housing Condition .....	11
Table 3: Value for Owner-Occupied Housing Units .....	12
Table 4: Housing Cost Burden Overview Exceeding 30% Gross Income.....	12
Table 5: Housing Tenure and Occupancy .....	13
Table 6: Occupants Per Room + Inadequate Units in Occupied Housing Units .....	13
Table 7: Housing Type and Size .....	13
Table 8: Number of Bedrooms Per Unit.....	14
Table 9: Substandard Housing Indicators .....	15
B. Housing Projections.....	15
Table 10: Housing Unit Projection .....	15
Figure 1: Existing Land Use Map .....	16
Figure 2: Existing Zoning Map.....	17
C. Demographic Characteristics .....	17
Table 11: Historic Population Growth.....	18
Table 12: Population by Age.....	18
Table 13: Population by Housing Type .....	19
Table 14: Residents Place of Birth .....	19
Table 15: Household Median Income.....	20
Table 16: Poverty Status .....	20
D. Multigenerational Housing Continuity .....	20

E. Employment Data .....	21
Table 17: Employment Projection .....	21
III. Fair Share Plan: Obligations and Compliance Plan.....	22
A. Introduction and Fourth Round Changes .....	22
B. Prior Round Need Compliance “Look Back” (2015-2025) .....	23
C. Present and Prospective Need Obligation (2025-2035) .....	26
Table 18: Projects Description and Suitability Analysis .....	29
Figure 3: Prospective Need Projects Map – 9-17 Bruns Street.....	32
Figure 4: Prospective Need Projects Map – 2-8 Shunpike.....	33
Figure 5: Prospective Need Projects Map – 31-33 Kings Road.....	34
Figure 6: Landscape Project Map – Drew University Undeveloped Lands .....	36
Table 19: Summary of Fourth Round Compliance Mechanisms, RDP & Likely to Redevelop.....	39
IV. Appendices.....	41

## I. Introduction

This Housing Element and Fair Share Plan will exhibit the Borough of Madison's (herein the "Borough" or "Madison") commitment to providing affordable housing within the municipality. This document seeks to frame Madison's efforts based on the current best knowledge of the affordable housing framework created by the State, applicable past rules established by the Council on Affordable Housing (COAH), and the requirements of P.L.2024, c.2<sup>1</sup> (the "Law" or "Amended Law") which governs municipal responsibilities concerning provisions of affordable housing in the Fourth Round.

This Plan has three sections. The first section ("Introduction") includes a brief history of New Jersey Housing Policy. The second section ("Housing Element") includes a Demographic Analysis, Housing Inventory, Employment Analysis, and review of land uses and policies, as required by statute. The third section (Fair Share Plan) summarizes the Borough's affordable housing obligations for 2025-2035 and its plan for complying with these obligations.

### A. History of New Jersey Affordable Housing Policy

#### 1975 – 1985 | Mount Laurel Doctrine and the Fair Housing Act

In 1975 the New Jersey Supreme Court decided *Southern Burlington County NAACP v. the Township of Mount Laurel*, more commonly referred to as "Mount Laurel I," wherein it interpreted the New Jersey Constitution to create an affirmative obligation for developing municipalities to provide a "realistic opportunity for the construction of low- and moderate-income housing in their communities." In 1983, the New Jersey Supreme Court expanded the obligation from only developing municipalities to all municipalities in a decision commonly referred to as "Mount Laurel II". In addition, the Supreme Court required the establishment of each municipality's fair share obligation and required each municipality, through its zoning, to provide a realistic opportunity for the construction of that established fair share obligation. Subject to several prerequisites, conditions and requirements, Mount Laurel II also created the "builder's remedy" as a mechanism to enforce the doctrine in instances where a developer successfully demonstrated a municipality's zoning failed to create the requisite realistic opportunity. Under such circumstances, a plaintiff may be entitled to have its site rezoned for an inclusionary development with an affordable set aside if the site is available, developable, approvable, and suitable for the proposed project and all other requirements for a successful builder's remedy are met and all defenses defeated.

In 1985, in response to Mount Laurel II and the flood of litigation stemming from it, the Legislature adopted the Fair Housing Act ("FHA") to discourage litigation and incentivize voluntary compliance (see N.J.S.A. 52-27D-303). The FHA established, among other things, the Council on Affordable Housing ("COAH") as an administrative alternative to litigation and

<sup>1</sup> [https://pub.njleg.state.nj.us/Bills/2024/PL24/2\\_.PDF](https://pub.njleg.state.nj.us/Bills/2024/PL24/2_.PDF)

judicial intervention. COAH was charged with establishing various housing regions in the state, estimating regional affordable housing obligations, and adopting criteria and guidelines for the municipal determination of housing need as well as guidelines for satisfying those obligations. The FHA also linked municipal planning and zoning powers to the satisfaction of affordable housing obligations. Under the FHA, a municipal zoning ordinance is presumptively invalid if a municipality fails to adopt a housing element as part of its master plan or enacts zoning regulations that are inconsistent with their housing plan.

#### 1987 – 2004 | Establishment and Administration of First Round and Second Round COAH Rules

After the adoption of the Fair Housing Act, COAH adopted procedural and substantive rules to effectuate the FHA's legislative intent in both the First Round (1987-1993) (N.J.A.C 5:91 and 5:92) and Second Round (1993-1999) (N.J.A.C. 5:93). The Second Round substantive regulations (Chapter 93) superseded the First Round substantive regulations (Chapter 92) and recalculated the First Round obligations. Under COAH's regulations, low-income households were defined as those with incomes no greater than 50 percent of the area median income (AMI), adjusted for household size, and moderate-income households were those with incomes no greater than 80 percent and no less than 50 percent of the median household income. AMI limits were calculated based upon housing regions as established by COAH.

#### 2004 – 2010 | Third Round Litigation and Revisions

In December 2004, COAH promulgated its Third Round "Growth Share" methodology, which adjusted prior round obligations and devised a new system for projecting future municipal housing obligations. Growth Share obligations were based upon municipal growth and the Third Round was defined as the period of 1999-2014. The initial Growth Share methodology required municipalities to provide one affordable housing unit for every eight market rate units and one affordable unit for every 25 jobs created. In January 2007, the Appellate Division invalidated the Growth Share Methodology and required COAH to revise its rules, which it did in May 2008 via the Third Round substantive regulations of Chapter 97.

The FHA was subsequently amended in July 2008. This round of amendments, among other things, eliminated Regional Contribution Agreements and reduced non-residential development fees. In September 2008, Executive Order #114 was signed which amended the COAH rules to ensure consistency with the Highlands Regional Master Plan.

#### 2010 – 2023 | COAH's Noncompliance and Resumption of Court Responsibility

During this period, there was inaction and increased uncertainty in the realm of affordable housing.

After taking office Governor Chris Christie signed Executive Order No. 12, establishing the Housing Opportunity Task Force and charging them with a full review of the Fair Housing Act, COAH, and COAH's regulatory structure. Ultimately, the task force recommended a model which included adjusted definitions of present and prospective need, a benchmark of 10 percent



growth predicted by the State Planning Commission to guide obligations, and transferring of procedural responsibility from COAH to the NJ Housing and Mortgage Finance Agency (HMFA).

Further complicating matters, in October 2010, the Appellate Division invalidated a substantial portion of COAH's rules. Most notably, the Court invalidated the Third Round Growth Share methodology and ordered COAH to revise its rules in accordance with the decision. In addition, the Court prohibited certification of housing plans that rely upon municipally sponsored affordable housing projects without specified funding and required COAH to create an incentive structure for inclusionary developments.

In January 2011, the legislature passed S-1 / A-3447, which was subsequently vetoed. Then, in June Governor Christie issued a reorganization plan which transferred the administration of the State's affordable housing program from COAH to the New Jersey Department of Community Affairs. Upon challenge by the Fair Share Housing Center, the Appellate Court invalidated Governor Christie's Reorganization Plan in March 2012. The Supreme Court upheld this decision in July 2013.

In September 2013, the Supreme Court confirmed the invalidation of the previously adopted Third Round regulations, upholding that the methodology used for projecting housing needs in these rules was unconstitutional. In that ruling, the court established a February 2014 deadline for development and adoption of new COAH rules, which was eventually extended to November 2014. Significantly, no rules were adopted.

In March 2015, in the case entitled *In re: Adoption of N.J.A.C. 5:96 & 5:97*, 221 N.J. 1 (2015), more commonly referred to as "Mount Laurel IV" the State Supreme Court determined that COAH was "moribund" and unable to carry out its duties as intended by the Fair Housing Act. The Court further held "that the courts may resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations."

Thus, the Court designed a transitional process whereby municipalities could seek judicial approval of their HEFSPs. Those transitional procedures gave municipalities the choice whether to seek compliance voluntarily via a Declaratory Judgment (DJ) Action or to not file a DJ Action and risk being sued. During this period, and in the absence of COAH, many municipalities entered into court-mediated Settlement Agreements involving the Fair Share Housing Center.

2024 – Present | Adoption of P.L.2024, c.2 and Fourth Round Methodology Changes and Department of Community Affairs

With the impending end of the Third Round in 2025, there was a push at the State level to implement new legislation that would reorganize the affordable housing process and end the transitional and court-oriented process initiated by Mount Laurel IV. The result of this effort was A-4 / S-50, which was signed into law by Governor Phil Murphy on March 20, 2024. This

legislation created a framework to be used for the Fourth Round and beyond. In summary, the Law:

1. Abolishes the Council on Affordable Housing ("COAH") and transfers its duties to the DCA and the Administrative Office of the Courts ("AOC");
2. Enables the DCA to implement the judicial methodology provided by Judge Mary C. Jacobson, A.J.S.C. in her March 8, 2018 decision, *In re Application of Municipality of Princeton* (the "Princeton Case"), to calculate every municipality's affordable housing obligation for the Fourth Round;
3. Creates the Affordable Housing Dispute Resolution Program (the "Program") to oversee disputes and provide for mediation;
4. Expands the availability of bonus credits, while eliminating the previously offered "rental bonus credit." Bonus credits are further described in this Housing Element and Fair Share Plan.
5. Modifies applicable data and calculations underlying the methodology for calculation of affordable housing obligations, eliminating the prior dependence of Courts and court-appointed Special Masters to deploy accepted methodologies to determine each municipality's affordable housing obligation.
6. Sets timeframes under which municipalities must act to preserve immunity from exclusionary zoning litigation.

Critically, the Amended Law requires that municipalities adopt a Housing Element and Fair Share Plan no later than June 30, 2025 to maintain immunity from exclusionary zoning litigation.

## **B. Housing Element and Fair Share Plan Requirements**

### *Municipal Land Use Law ("MLUL") + Fair Housing Act ("FHA")*

The MLUL, through incorporation of the New Jersey FHA, requires municipalities to include a housing element in their master plans as a prerequisite to their zoning power. The principal purpose is to enumerate and provide the data, policies, and methods by which municipalities will meet housing needs, with particular attention to low- and moderate-income households.

Pursuant to Section 10 of P.L.1985, c.222 (C.52:27D-310) and as amended per Bill P.L.2024, c.2<sup>2</sup>, the required contents of the housing element shall contain at least:

- 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, and in conducting this*

<sup>2</sup> [https://pub.njleg.state.nj.us/Bills/2024/PL24/2\\_.PDF](https://pub.njleg.state.nj.us/Bills/2024/PL24/2_.PDF)



*inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;*

- 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;*
- 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 for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);*
- f. A consideration of the lands that are 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; and*
- 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 section 1 of P.L.2021, c.273 (C.52:27D-329.20).*
- 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 the statutory components of the Housing Element and Fair Share Plan detailed in 52:27D-310, [Administrative Directive #14-24](#)<sup>3</sup>; which promulgated the procedures and guidelines for implementing the Affordable Housing Dispute Resolution Program; contains a section entitled “Required Elements of Housing Element and Fair Share Plan.” In summary, the Directive requires four additional elements of the HEFSP to be included:

1. A site suitability analysis for any inclusionary zone and/or 100% affordable site
2. A concept plan for site development of any proposed inclusionary zone.
3. A detailed review of the credit worthiness of all existing units in the municipality
4. All ordinances and resolutions required to implement the plan attached as an Appendix to the HEFSP.

However, it should be noted that the requirement to adopt all implementing ordinances to effectuate the HEFSP as set forth in the Fair Housing Act is March 15, 2026. Given this discrepancy of the dates, the statutory necessity of implementing ordinances to be reviewed by the Planning Board and deemed consistent with this adopted HEFSP, and the potential for challenges to the HEFSP as adopted, such ordinance amendments will be prepared following adoption of this plan element.

## II. Housing Element: Municipal Summary

The Borough of Madison is roughly 4.33 square miles in area and is in Morris County. For regional and planning purposes, Madison is located in Housing Region 2, a region that consists of Essex, Morris, Union and Warren counties.

In compiling the analysis for the Housing Element, this report utilizes the following data:

1. American Community Survey (“ACS”): The most up to date information is the ACS estimates, which are generated between the decennial censuses. ACS figures are based on data collected over a 5-year time period. The estimates represent the average characteristics of population and housing between 2018-2023 and DO NOT represent a single point in time. Comparisons will be made with the 2018-2023 ACS to show change over time. See URL link<sup>4</sup> utilized in this HEFSP.
2. Decennial Census: Every ten years, the Census conducts detailed data collection to create an image that is as accurate as possible of the conditions throughout the country in that year.

<sup>3</sup> [https://www.njcourts.gov/sites/default/files/administrative-directives/2024/12/dir\\_14\\_24.pdf](https://www.njcourts.gov/sites/default/files/administrative-directives/2024/12/dir_14_24.pdf)

<sup>4</sup> <https://data.census.gov/table>

Data from the decennial census is used for comparison when equivalent ACS information is unavailable, as well as for longitudinal analysis. See URL link<sup>5</sup> utilized in this HEFSP.

3. **Comprehensive Housing Affordability Strategy ("CHAS")**: The U.S. Department of Housing and Urban Development (HUD) utilizes both the ACS and Census to create the "CHAS" data, which demonstrates the extent of housing problems and housing needs, particularly for low income households. See URL link<sup>6</sup> utilized in this HEFSP.
4. **North Jersey Transportation Planning Authority ("NJTPA")**: Every four years, the NJTPA updates its regional forecasts for population, households and employment as part of updating its long range transportation plan (LRTP), the region's blueprint for transportation investment. See URL link<sup>7</sup> utilized in this HEFSP.
5. **State or Other Agency Sources**: for select data types, State sources are used instead of the Census Bureau when equivalent Census data does not exist or the State data provides a more complete picture.

## A. Housing Conditions

The analysis in this section shall satisfy Part A of P.L.1985, c.222 (C.52:27D-310), which requires:

- A) *"Inventory of 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, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards"*

<sup>5</sup><https://data.census.gov/table?d=DEC%20Demographic%20Profile>

<sup>6</sup><https://www.huduser.gov/portal/datasets/cp.html>

<sup>7</sup><https://www.njtpa.org/NJTPA/media/Documents/Planning/Plans-Guidance/Planning%20for%202050/draft%20final/E-2050-Demographic-Forecasts.pdf>

### Housing Stock by Age and Condition

According to the 2023 ACS, there are an estimated 5,721 housing units in the Borough of Madison which represented a 0.5% increase from 2020.

51.8% of Madison's housing structures were built prior to 1960, suggesting that 2 out of 4 units are older than 65 years.

**Table 1: Year Structure Built**

	UNITS	PERCENT
Total housing units	5,721	
Built 2020 or later	30	0.5
Built 2010 to 2019	543	9.5
Built 2000 to 2009	270	4.7
Built 1990 to 1999	328	5.7
Built 1980 to 1989	411	7.2
Built 1970 to 1979	326	5.7
Built 1960 to 1969	855	14.9
Built 1950 to 1959	1,131	19.8
Built 1940 to 1949	451	7.9
Built 1939 or earlier	1,376	24.1
Source: American Community Survey <a href="#">2023</a>		

The table below details the condition of housing within the Borough of Madison based on heating fuel, plumbing facilities, and kitchen facilities. These factors help determine the number of inadequate housing units within the Borough. According to the current ACS estimate, 39 housing units in Madison lacked either heating fuel, plumbing or kitchen facilities, which is greater than 2018.

**Table 2: Housing Condition**

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total	39	0.9	9	0.2	0.7
Lacking heating fuel	22	0.4	0	0.0	0.4
Lacking complete plumbing facilities	10	0.2	0	0.0	0.2
Lacking complete kitchen facilities	17	0.3	9	0.2	0.1
Source: American Community Survey <a href="#">2023</a> and <a href="#">2018</a>					

### Housing Values and Costs

Since 2018, home values in the Borough have increased by \$170,400 (23.9%). This change is accompanied by an increase in homes worth more than \$1,000,000 and a decrease in homes worth between \$500,000 and \$999,999.

**Table 3: Value for Owner-Occupied Housing Units**

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total Owner-occupied units	3,563	-	3,722	-	-4.27
Less than \$50,000	16	0.4	45	1.2	-0.8
\$50,000 to \$99,999	74	2.1	29	0.8	1.3
\$100,000 to \$149,999	25	0.7	0	0.0	0.7
\$150,000 to \$199,999	0	0.0	3	0.1	-0.1
\$200,000 to \$299,999	22	0.6	34	0.9	-0.3
\$300,000 to \$499,999	225	6.3	503	13.5	-7.2
\$500,000 to \$999,999	1,812	50.9	2,310	62.1	-11.2
\$1,000,000 or more	1,389	39.0	798	21.4	17.6
Median (dollars)	882,900	(X)	712,500	(X)	23.91
Source: American Community Survey <a href="#">2023</a> and <a href="#">2018</a>					

The table below shows the housing expenditures for those who own and rent in Madison. The general affordability standard is that no more than 30% of gross income should be allocated for housing costs.

A cost burden is the ratio of housing costs to household income. For renters, housing cost is the gross rent (lease rent plus utilities). For owners, housing cost is the monthly owner costs, which may include mortgage, utilities, association fees, insurance, and real estate taxes.

**Table 4: Housing Cost Burden Overview Exceeding 30% Gross Income**

RANGE	OWNER	RENTER	TOTAL	PERCENT
Cost Burden <=30%	2,860	1,195	4,055	71.1
Cost Burden >30% to <=50%	360	490	850	14.9
Cost Burden >50%	390	335	725	12.7
Cost Burden Not Available	45	25	70	1.2
Total	3,655	2,045	5,700	100.0
Source: <a href="#">CHAS 2017-2021 ACS</a>				



### Occupancy Characteristics and Type of Housing

As of 2023, the Borough is predominately comprised of owner-occupied households, which comprise 64.2% of the Borough's households. A total of 35.8% of households are renters, and 2.9% of the Borough's housing units are vacant. Since 2018, the Borough has seen a shift away from owner-occupied households, coming from a 4% increase in renters and a 0.4% decrease in the Borough's vacancy rate.

**Table 5: Housing Tenure and Occupancy**

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total	5,721		5,643		
Owner Occupied	3,563	64.2	3,722	68.2	-4
Renter Occupied	1,991	35.8	1,734	31.8	4
Vacant Units	167	2.9	187	3.3	-0.4
Source: American Community Survey <a href="#">2023</a> and <a href="#">2018</a>					

Housing units with more than one occupant per room are considered overcrowded. Overcrowded households in the Borough fell 0.4%.

**Table 6: Occupants Per Room + Inadequate Units in Occupied Housing Units**

OCCUPANTS PER ROOM	2023	PERCENT	2018	PERCENT
Total	5,554		5,456	
1.00 or less	5,518	99.4	5,395	98.9
1.01 to 1.50	26	0.5	31	0.6
1.51 or more	10	0.2	30	0.5
Source: American Community Survey <a href="#">2023</a> and <a href="#">2018</a>				

Since 2018, the share of Borough's housing stock has increased from 5,643 units to 5,721 units.

**Table 7: Housing Type and Size**

HOUSING UNITS	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total housing units	5,721		5,643		
1-unit, detached	3,595	62.8	3,649	64.7	-1.9
1-unit, attached	388	6.8	424	7.5	-0.7



2 units	614	10.7	500	8.9	1.8
3 or 4 units	264	4.6	269	4.8	-0.2
5 to 9 units	211	3.7	361	6.4	-2.7
10 to 19 units	237	4.1	189	3.3	0.8
20 or more units	412	7.2	251	4.4	2.8
Mobile home	0	0.0	0	0.0	0
Boat, RV, van, etc.	0	0.0	0	0.0	0
Source: American Community Survey <a href="#">2023</a> and <a href="#">2018</a>					

Since 2018, the bedroom typology of Borough has decreased in “family” sized 3+ bedroom type from 67.2% to 66% in 2023.

**Table 8: Number of Bedrooms Per Unit**

ROOMS	2023 TOTAL	PERCENT	2018 TOTAL	PERCENT	PERCENT CHANGE
Total	5,721		5,643		
No Bedroom	69	1.2	73	1.3	-0.1
1 Bedroom	708	12.4	729	12.9	-0.5
2 Bedrooms	1,168	20.4	1,048	18.6	1.8
3 Bedrooms	1,499	26.2	1,714	30.4	-4.2
4 Bedrooms	1,552	27.1	1,424	25.2	1.9
5 or more Bedrooms	725	12.7	655	11.6	1.1
Source: American Community Survey <a href="#">2023</a> and <a href="#">2018</a>					

#### Existing Low- and Moderate-Income Housing Units

Madison reviewed all property tax assessment records and information in the assessor's office, including but not limited to the property record cards, to determine the number of existing low- and moderate-income housing units. Based on this review, there are 221 LMI units in Madison. The municipality is following the applicable requirements regarding unit monitoring and reporting.

#### Substandard Housing

The table below utilizes data from the ACS and CHAS to analyze the “4 housing problems” in a consolidated format for consideration of overall substandard housing. The four housing problems as defined by HUD are:

1. Incomplete kitchen facilities;

2. Incomplete plumbing facilities;
3. Overcrowding (i.e. 1.01 or more persons per room); and
4. High housing costs (i.e. cost burden).

The following table shows data for indicators of substandard housing for the Borough of Madison.

**Table 9: Substandard Housing Indicators**

	OWNER	RENTER
Household has 1 of 4 Housing Problems	750	880
Household has none of 4 Housing Problems	2,905	1,170
Cost Burden not available	45	25
Source: <a href="#">CHAS 2017-2021 ACS</a>		

## B. Housing Projections

The analysis in this section shall satisfy Part B of P.L.1985, c.222 (C.52:27D-310), which requires:

- 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."

### Projection of Housing Stock

Below is a general prediction by NJTPA of the Borough of Madison's household population growth to 6,063 households in 2050. This 0.2% increase in households would require available units to accommodate and may be a prediction indicator of new projected housing stock.

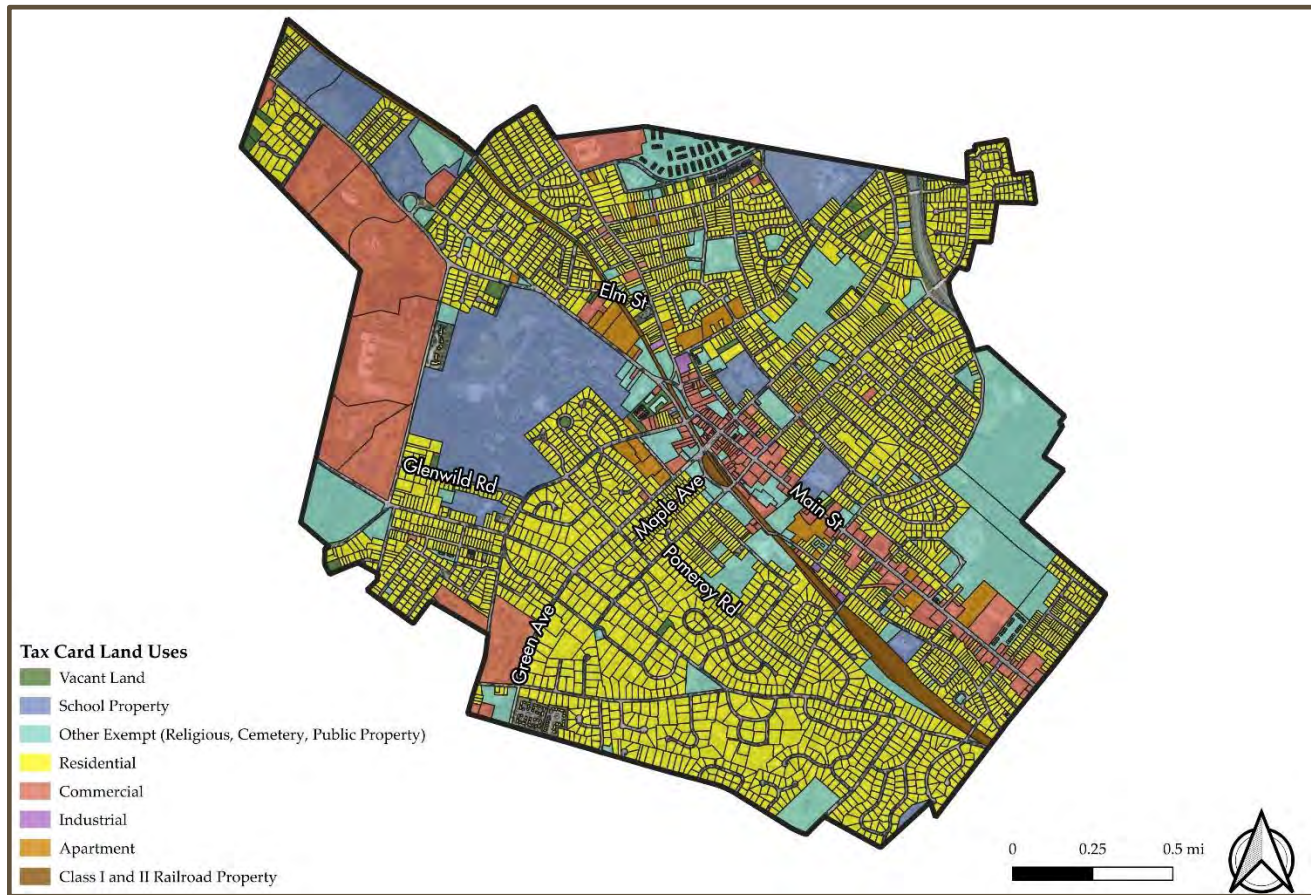
**Table 10: Housing Unit Projection**

YEAR	POPULATION	ANNUALIZED % CHANGE
2015	5,617	
2050 (Predicted)	6,063	0.2%
Source: <a href="#">U.S. Census, NJTPA</a>		

Zoning regulations and existing capital infrastructure may help determine where growth is expected and where new housing units are likely to be developed in the future.

The Borough of Madison expects new developments to bear the cost that such development puts upon the existing infrastructure, including its sewer and water systems, road infrastructure, school facilities, and emergency services. This includes the addition of capacity necessitated by the new development, as well as associated maintenance costs. New development should not be a burden on the Borough's infrastructure.

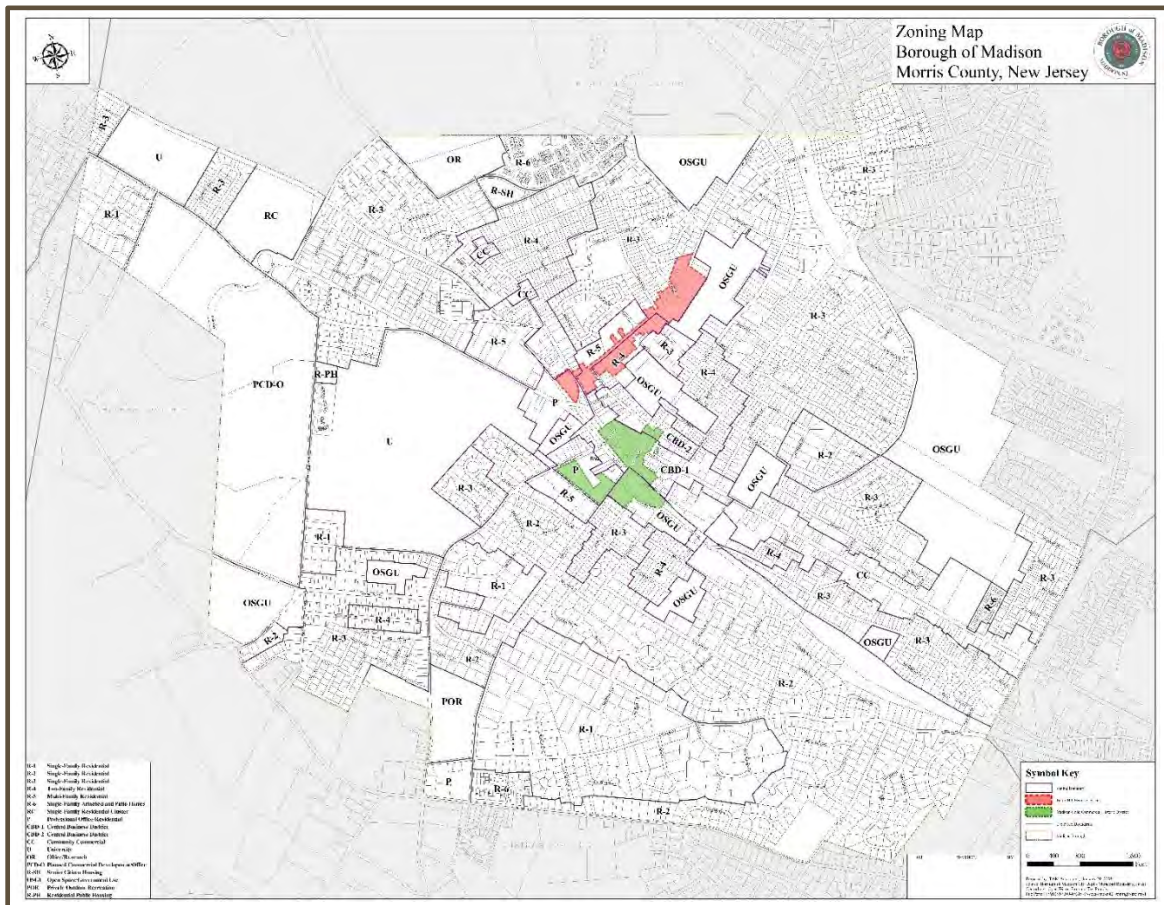
**Figure 1: Existing Land Use Map**



*Borough of Madison Land Use Map<sup>8</sup>*

<sup>8</sup> Map Note: Classifications are based on assessor records. "Vacant land" as depicted on this map should not be construed to limit or supersede any conclusions made in the Vacant Land Adjustments.



**Figure 2: Existing Zoning Map***Borough of Madison Zoning Map*

### C. Demographic Characteristics

The analysis in this section shall satisfy Part C of P.L.1985, c.222 (C.52:27D-310), which requires:

- C) "An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age."

#### *Population General*

The population estimate for Madison in 2023 was 16,432, which represents a decrease of 505 from the 2020 Census (-3.0%).

**Table 11: Historic Population Growth**

YEAR	POPULATION	CHANGE	% CHANGE
1940	7,944	N/A	6.2%
1950	10,417	2,473	31.1%
1960	15,122	4,705	45.2%
1970	16,710	1,588	10.5%
1980	15,357	-1,353	-8.1%
1990	15,850	493	3.2%
2000	16,530	680	4.3%
2010	15,845	-685	-4.1%
2020	16,937	1,092	6.9%
2023	16,432	-505	-3.0%
2050 (Predicted)	17,160	728	4.4%

Source: [NJ State Data Center, New Jersey Population Trends 1790 to 2000](#), [US Census Bureau: NJTPA, "Appendix E - 2050 Demographic Forecasts"](#)

*Population Composition by Age*

The estimated current median age in the Borough of Madison is 39, compared to 42.7 for Morris County and 40.1 for New Jersey.

**Table 12: Population by Age**

AGE RANGE	BOROUGH OF MADISON	PERCENT	MORRIS COUNTY	PERCENT
Under 5 years	875	5.3	25,471	5.0
5 to 9 years	1,178	7.2	28,352	5.6
10 to 14 years	1,079	6.6	31,448	6.2
15 to 19 years	1,461	8.9	33,164	6.5
20 to 24 years	1,423	8.6	29,593	5.8
25 to 34 years	1,588	9.6	57,194	11.2
35 to 44 years	1,989	12.1	65,510	12.8
45 to 54 years	2,334	14.2	72,196	14.1
55 to 59 years	1,394	8.5	39,717	7.8
60 to 64 years	936	5.7	36,971	7.2

AGE RANGE	BOROUGH OF MADISON	PERCENT	MORRIS COUNTY	PERCENT
65 to 74 years	1,138	6.9	50,990	10.0
75 to 84 years	746	4.5	27,021	5.3
85 years and over	323	2.0	12,748	2.5
Median Age	39.0	(X)	42.7	(X)

Source: American Community Survey [https://data.census.gov/table/ACSDP5Y2023.DP05?t=Age and Sex:Populations and People&g=050XX00US34027\\_060XX00US3402706610&y=2023&d=ACS 5-Year Estimates Data Profiles&moe=false 2023](https://data.census.gov/table/ACSDP5Y2023.DP05?t=Age and Sex:Populations and People&g=050XX00US34027_060XX00US3402706610&y=2023&d=ACS 5-Year Estimates Data Profiles&moe=false 2023)

### Households

According to the US Census Bureau's classification system, people either live in a household, housing unit, or in "group quarters." Two types of "households" exist: family and non-family. A "household" consists of one or more persons living and eating together separately from other persons who may be in the same building. A "family" is a household with two or more related persons living together in the same housing unit.

**Table 13: Population by Housing Type**

	THE BOROUGH OF MADISON			MORRIS COUNTY		
	2015-2019	2019-2023	% CHANGE	2015-2019	2019-2023	% CHANGE
Total Households	5,579	5,554	-0.5%	181,884	191,840	-5.2%
Total Families	4,003	3,820	-4.5%	116,225	118,788	-2.1%
Average Household Size	2.69	2.68	-0.3%	2.66	2.61	-1.8%
Average Family Size	3.28	3.24	-1.2%	3.19	3.17	-0.6%
Households with 1 person	1,415	1,321	-6.6%	43,233	47,475	-8.9%

Source: American Community Survey DP02 5-Year Estimates 2015-2023

### Immigration

Foreign born residents make up 15.4% percent of Madison's population, which is lower than County (19.6%) and State (23.5%) levels. Half of Madison's foreign-born residents are not U.S. citizens, comprising 42.1% of the overall Borough population, a larger share than that of Morris County (39.2%) and a smaller share than that of the State (43.1%).

**Table 14: Residents Place of Birth**

	BOROUGH OF MADISON	MORRIS COUNTY	NEW JERSEY
--	--------------------	---------------	------------



	COUNT	PERCENT	COUNT	PERCENT	COUNT	PERCENT
Total	16,464		510,375		9,267,014	
Born in United States	13,633	82.8	401,982	78.8	6,849,548	73.9
Foreign Born	2,530	15.4	100,222	19.6	2,181,755	23.5
Naturalized Citizen	1,466	57.9	60,952	60.8	1,241,100	56.9
Not a Citizen	1,064	42.1	39,270	39.2	940,655	43.1
Source: American Community Survey <a href="#">2023</a>						

### Income and Poverty Status

The median household income for the Borough of Madison grew from 2018 to 2023, growing 26.5% and outpacing the County (21.2%) and the State (22.1%).

**Table 15: Household Median Income**

	2023	2018	CHANGE	% CHANGE
Borough of Madison	168,469	133,125	35,344	26.5
Morris County	134,929	111,316	23,613	21.2
New Jersey	99,781	81,740	18,041	22.1
Source: American Community Survey <a href="#">2023</a> and <a href="#">2018</a>				

In the Borough of Madison, 420 residents (2.8%) live below the poverty line, a decrease from 6% in 2018. In this regard, the Borough had a different trajectory than Morris County, which experienced an increase from 4.5% to 4.6% over the same period.

**Table 16: Poverty Status**

BOROUGH OF MADISON	2023	PERCENT	2018	PERCENT	CHANGE
Total Persons	14,891		14,689		202
Total Below Poverty	420	2.8	884	6	-3.2
MORRIS COUNTY	2023	PERCENT	2018	PERCENT	CHANGE
Total Persons	507,823		485,909		21,914
Total Below Poverty	23,392	4.6	21,856	4.5	0.1
Source: American Community Survey <a href="#">2023</a> and <a href="#">2018</a> ; <a href="#">ACS Morris County Data</a>					

## **D. Multigenerational Housing Continuity**

The analysis in this section shall satisfy Part G of P.L.1985, c.222 (C.52:27D-310), which requires:

- 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 section 1 of P.L.2021, c.273 (C.52:27D-329.20).”*

On November 8, 2021, the Senate and General Assembly of the State of New Jersey adopted C.52:27D-329.20<sup>9</sup>, which establishes the “Multigenerational Family Housing Continuity Commission” for the purpose of conducting research, obtaining public input, and adopting recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity, which can be defined broadly as the degree to which senior citizens are able to reside at the homes of their extended families.

In short, the bill requires a municipal housing plan element 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 commission.

The municipality is committed to promoting intergenerational harmony through the provision of diverse housing options in a manner consistent with the regulation. As demonstrated in this plan, the municipality is employing a variety of approaches to accomplish this task. Strategies proposed or already implemented include the creation of age-restricted housing and family housing. The municipality, in setting forth its compliance plan, is abiding by the limitations included in the statute.

## E. Employment Data

The analysis in this section shall satisfy Part D of P.L.1985, c.222 (C.52:27D-310), which requires:

- C) *“An analysis of the existing and probable future employment characteristics of the municipality.”*

Below is a general prediction by NJTPA of Madison’s employment forecast, which is a growth to 9,151 in 2050.

**Table 17: Employment Projection**

YEAR	LABOR FORCE	CHANGE	ANNUALIZED % CHANGE
2015	8,071		
2050 (Predicted)	9,151	1,080	0.4

Source: [NJTPA](#)

<sup>9</sup> <https://pub.njleg.gov/Bills/2020/AL21/273 .HTM>

### III. Fair Share Plan: Obligations and Compliance Plan

#### A. Introduction and Fourth Round Changes

As stated in the History of New Jersey Affordable Housing section of this Plan, New Jersey's Fourth Round methodology of calculating and fulfilling municipal obligations is set forth in the Law under a new system. The housing need obligations discussed herein consist of the following components: Prior Round Compliance; Present Need or "Rehabilitation Obligation;" and the "Prospective Need" Collectively, the Present ("Gap") Need and the Prospective Need are referred to as the Round 4 obligation.

The figures that are presented in the fair share obligations below were adopted by the Borough via Resolution #54-2025 on January 27, 2025 (See Appendix A). Under the Resolution, the Borough Present Need or "Rehabilitation Obligation" is 0 credits, and the "Prospective Need" is 206 credits. The Borough did not receive any challenge to the adopted obligation number through the Affordable Housing Dispute Resolution Program.

The purpose of this section of the Plan is to set forth Madison's proposed approach to satisfying its Round 4 obligation.

Importantly, the Law sets forth opportunities for bonus credits. These credits include:

- a. One (1) bonus credit for special needs or permanent supportive housing;
- b. One (1) bonus credit for 100% affordable housing projects for which the host municipality has contributed towards the cost of the project, subject to certain minimum contribution requirements;
- c. One (1) bonus credit for market rate units that are converted to affordable units;
- d. One-half (0.5) bonus credit for ownership units created in a partnership sponsorship with a non-profit housing developer;
- e. One-half (0.5) bonus credit for units located within a one-half mile radius (or a one-mile radius for projects located in a Garden State Growth Zone) of NJ Transit or Port Authority rail, bus, or ferry stations, including all light rail stations;
- f. One-half (0.5) bonus credit for age-restricted units, subject to certain caps;
- g. One-half (0.5) bonus credit for each three-bedroom unit in excess of the three-bedroom requirements set forth in the Uniform Housing Affordability Controls;
- h. One-half (0.5) bonus credit for housing units constructed on previously developed land that was utilized for retail, office, or commercial space;
- i. One-half (0.5) bonus credit for units whose affordability controls are extended for a new term of affordability;

Municipalities will also be restricted to only claim one type of bonus credit per affordable unit. Such bonus credits may only satisfy 25% of their Fourth Round obligation.

### B. Prior Round Need Compliance “Look Back” (2015-2025)

Madison has a positive history of fulfilling its affordable housing obligation. Most recently, on August 16, 2021, the Borough received a Final Judgment of Compliance and Repose (“JCR”) relating to its Third Round obligation; a copy is attached in Appendix C. The JCR was issued after a period of negotiation and settlement, primarily between the Borough and Fair Share Housing Center (“FSHC”). During this period of negotiation, the Borough adopted an HEFSP on May 26, 2021. Correspondingly, the Borough and FSHC entered into a settlement agreement on August 10, 2020. The HEFSP and settlement agreements set forth the Borough’s Third Round obligation and identified the actions required by the Borough to fulfill these obligations. The Borough’s commitments, and the corresponding status of these commitments, is reflected in the tables below:

#### Projects cited to satisfy Third Round Realistic Development Potential:

PROJECT	CREDITS IDENTIFIED IN HEFSP / SETTLEMENT REQUIREMENT	STATUS
Community Place 1 &2	6	Existing
John Avenue	3	Existing
44 Cook Avenue/Robert T. Burroughs Apartments	12	Existing
80 Park Avenue	8	Existing
Rexford Tucker Apartments	18	Existing
30 Loantaka Way	2	Existing
27 Elm Street	5	Existing
24 Central Avenue/Firehouse Apartments	3	Existing
Strickland Place	1	Existing
34 Walnut Street	1	Built and Occupied
Millennium	2	Built and Occupied
Madison Mall Apartments	12	Under Construction, with Additional Affordable Units
30 Central Avenue	4	Existing, Planned for Expansion

PROJECT	CREDITS IDENTIFIED IN HEFSP / SETTLEMENT REQUIREMENT	STATUS
7 Elm Street	2	Built and Occupied
Municipally Sponsored – Community Place Site and Civic Center Site	68	Community Place Site Built (Certificate of Occupancy Issued)  Civic Center/Walnut Street Site – Substantial Completion

**Zoning actions to satisfy Third Round Unmet Need requirements:**

PROJECT	CREDITS IDENTIFIED IN HEFSP / SETTLEMENT AGREEMENT	STATUS
CC Overlay Zone - Park Avenue / Loveland Street	6.8	Adopted 9-14- 2020 by Ord. No. 26-2020
CBD-2 Overlay Zone - Park Avenue / Ridgedale Avenue	6.0	Adopted 9-14- 2020 by Ord. No. 26-2020
CBD-1 Overlay Zone - Alexander Avenue / Main Street	3.6	Adopted 9-14- 2020 by Ord. No. 26-2020
CC Overlay Zone – Rosedale Avenue / Main Street	13.5	Adopted 9-14- 2020 by Ord. No. 26-2020
CC Overlay Zone – Main Street / Samson Avenue	11.5	Adopted 9-14- 2020 by Ord. No. 26-2020
CC Overlay Zone – Main Street / Seaman Street	23	Adopted 9-14- 2020 by Ord. No. 26-2020
Gateway II District	12.9+	Adopted 9-14- 2020 by Ord. No. 26-2020
Gateway I District	12.6+	Adopted 9-14- 2020 by Ord. No. 26-2020
Townhouse Overlay – Madison Baptist Church	11.8	Adopted 9-14- 2020 by Ord. No. 26-2020
CBD-2 Overlay Zone – Cook Avenue and Elmer Street	6.0	Adopted 9-14- 2020 by Ord. No. 26-2020



PROJECT	CREDITS IDENTIFIED HEFSP SETTLEMENT AGREEMENT	IN / STATUS
CC Overlay Zone – Staples Plaza Shopping Center	27.2 – 30.1	Adopted 9-14-2020 by Ord. No. 26-2020
R4 Multi-family Overlay Zone – Park Avenue & Elm Street	12.6	Adopted 9-14-2020 by Ord. No. 26-2020

As demonstrated in the tables above and supported by the issuance of the August 16, 2021, JCR, the Borough fully satisfied its obligations under the Third Round as articulated in its settlement with the FSHC. As such, no obligation is carried forward to the Fourth Round.

On June 22, 2022, Drew University (“Drew”) filed a motion seeking to vacate the August 16, 2021, Conditional Judgment of Compliance and Repose, reinstate the matter, schedule additional proceedings, grant intervention and require mediation to be overseen by a Special Adjudicator. The action concerned the “Drew Forest” portion of its campus, a forested section that includes the Zuck Arboretum and Hepburn Woods. Drew sought for the Drew Forest to be considered by Madison, in its Vacant Land Analysis (VLA) and Realistic Development Potential (RDP). That could result in a reduced VLA, which could permit the University to develop the land as an inclusionary Mt. Laurel project with a 20% affordable housing set-aside.

On September 16, 2022, the Court entered an Order re: In the Matter of the Application of the Borough of Madison, which denied Drew’s Motion to Vacate the Borough’s Conditional Judgment of Compliance and Repose and required Drew to “promptly submit to the Borough of Madison and other parties to this litigation a survey of that portion of the ‘Drew Forest’ which it asserts is vacant land available for development which depicts wetlands, steep slopes, flood hazard and any other condition that could negatively affect its development potential.” That survey was never provided to the Borough.

After various Court actions, including intervention by the Friends of the Drew Forest through an amicus curiae, subsequent environmental studies, and denial of intervention to Avalon Bay Communities (the potential developer of Drew’s land), the Court commenced trial on May 20, 2024. On February 14, 2025, Judge Stephan C. Hansbury issued judgment concluding that the 63 acres in question held by Drew are potentially developable, and further, that 48.322 acres of that land are not environmentally constrained and must be included in the VLA.

The Court also concluded that all four parcels of the subject Drew property (Parcels A through D) are appropriate to be developed at 8 units per acre, noting that, “That is the most compatible development pattern with the community and the surrounding area.” At that density and assuming a 20% affordable set-aside, the Court concluded that a total of 77 units of low- and



moderate-income housing would become available, representing the RDP for the Drew property.

Accordingly, Judge Hansbury ordered Madison to present a revised VLA, update its fair share obligation, and amend its Housing Element & Fair Share Plan to provide for an additional 77 units of low- and moderate-income housing “any way the Borough deems appropriate which could include Drew’s land but may not.” The Order further notes that this obligation to be addressed is related to the Third Round and is distinct from the Fourth Round obligation.

It is noted that, separately from this Fourth Round Housing Element & Fair Share Plan, the Borough is currently amending its Third Round Housing Element & Fair Share Plan to address the Court’s order by presenting a revised VLA, updated affordable housing obligation, and methods for satisfying that updated obligation. That is a separate process that does not affect any obligations for the Fourth Round. As noted above, under the terms of the August 16, 2021, JCR, and as further articulated in its settlement with the FSHC, the Borough fully satisfied its obligations under the Third Round. As such, no obligation is carried forward to the Fourth Round.

### **C. Present and Prospective Need Obligation (2025-2035)**

The analysis in this section shall satisfy Part E of P.L.1985, c.222 (C.52:27D-310), which requires:

- E) “A determination of the municipality’s present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing, as established pursuant to section 3 P.L.2024, c.2 (C.52:27D-304.1)”

#### Present Need (Rehabilitation Share)

The Rehabilitation Share is described as “deficient housing units occupied by low- and moderate-income households within a municipality and is a component of “present need” under N.J.A.C. 5:93-1.3. In Madison, the rehabilitation obligation through the end of the Fourth Round (i.e. July 2035) has been determined to be zero (0) affordable housing units.

#### Prospective Need Obligation

The Borough has a Fourth Round prospective need of 206 credits.

However, as demonstrated in Appendix B, the Borough does not have enough suitable land to address the obligation. Therefore, the Borough seeks a vacant land adjustment (“VLA”) under the COAH Second Round Rules (N.J.A.C. 5:93-4.2) and an adjustment of its Fourth Round new construction obligation to reflect the available and developable land area within its municipal

boundaries. It is the conclusion of this analysis that the Realistic Development Potential (“RDP”) is 6 units.

In addition to vacant properties that have a realistic development potential, the Borough must also consider known projects in its RDP assessment likely to be redeveloped in the 2025-2035 Fourth Round obligation. The Legislation includes the following language (emphasis added):

*Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.*

With a Fourth Round prospective need of 206 credits and Realistic Development Potential of 6 units, this leaves a remaining need to be addressed of 200 credits. In accordance with the above, twenty-five percent of the remaining need is 50.

#### Realistic Development Potential

The Borough will satisfy the Realistic Development Potential (RDP) obligation through the following to satisfy the RDP of 6 units with 8.5 credits as detailed below:

#### 27 Elm Street (3 Units, 4.5 Total Credits)

The existing 100% affordable family for-sale development is located at 27 Elm Street on Block 1203, Lot 17, adjacent to the railway corridor and with access to Elm Street. The development consists of 1 building on 1.94 acres of land within the R-3 zoning district. The property was acquired by Madison Affordable Housing Corp. in 2003, with 30 year affordability controls extending to 2033. The affordable units are administered consistent with U.H.A.C. (N.J.A.C. 5:80-26.1 et seq.). The attached homes are privately owned under a condominium structure, and the common element owned is by 27 Elm Street Condominium (Madison Housing Authority). The development consists of five (5) 2-bedroom units that are affordable to moderate-income households. Three of the units were purchased by new owners in 2004 and 2005 and the Borough is working to extend these affordability controls in conjunction with a financial incentive for such extension from the Affordable Housing Trust Fund – see Appendix J. Such extension will comply with all requirements pursuant to N.J.S.A. 52:27D-321, and N.J.A.C. 5:80-26.26.

#### 1 Giralda Supportive Housing Project (2 Units, 4 Total Credits)

This 24.3-acre property, mapped as Lot 2 in Block 3303, contains an approximately 151,000-square-foot office building and related improvements. The building has been largely vacant since Pfizer vacated in late 2021. After completing an Area in Need of Redevelopment Study in March 2024, the Borough adopted a Redevelopment Plan on August 12, 2024, subsequently amended on January 27, 2025, for the site to permit the development of a multifamily housing

development on a portion of the parcel and a 52-bed supportive housing development on the remaining portion.

On March 5, 2025, the Borough received separate site plan applications for supportive housing and multifamily developments at 1 Giralda Farms. The proposed multifamily development will consist of a 281-unit, 126,315-square-foot residential building, to include seven (7) affordable units. The affordable units will consist of five (5) three-bedroom units and two (2) two-bedroom units. These units were included in the Borough's Amended Third Round Housing Element and Fair Share Plan.

The multifamily application also seeks minor subdivision approval to create three (3) lots: one of which would contain the supportive housing development, one of which would contain the inclusionary multifamily development, and one of which would be donated for public ownership as open space. The supportive housing applicant, Madison Housing LP, is affiliated with Bergen County United Way. That application seeks preliminary and final major site plan approval to construct one (1) residential building for supportive housing, consisting of 37 units (52 beds), 100% of which are affordable to low- and moderate-income households, together with surface parking, stormwater management structures, and related site improvements on a newly proposed lot.

Given the advanced nature of the project, two of the proposed supportive housing units will be allocated toward satisfaction of the Borough's RDP. With one full bonus credit per unit for supportive housing available as detailed in Section A above, these 2 units will generate 4 credits towards satisfaction of the Borough's RDP.

#### Prospective Need Projects Description and Suitability Analysis

Municipalities shall designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. As such, the criteria for crediting units must meet the following:

1. "Available site" – a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
2. "Suitable site" – a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.
3. "Developable site" – a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area wide water quality management plan (including the wastewater management plan) or is included in an amendment to the area wide water quality management plan submitted to and under review by DEP.
4. "Approvable site" – a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the

site. A site may be approvable although not currently zoned for low- and moderate-income housing.

The Borough will satisfy this obligation through the following projects:

**Table 18: Projects Description and Suitability Analysis**

PROJECT	DESCRIPTION
<b>1 Giralda (Block 3303, Lot 2)</b>	<p>Total Units: 52 Units  <u>Round Four LMI Units: 16 Units, plus 16 Bonus Credits</u>  <u>(Supportive Housing)</u></p> <p>This site planned for supportive housing redevelopment is located on a portion of lot 2 in Block 3303 at 1 Giralda. The site has a total area of 24.2 acres and is presently developed with an office building. There are no environmental constraints associated with the site.</p>
<i>Description of Availability</i>	The site has a clear title and is free of encumbrance which precludes the development of affordable housing.
<i>Description of Suitable</i>	The site is adjacent to compatible land uses and has access to appropriate streets. The site is adjacent to existing commercial, institutional and residential uses in the immediate vicinity.
<i>Description of Developable</i>	Adequate sewer and water capacity and infrastructure is available from the Molitor WPCF Madison Chatham Joint Meeting and the Madison Water Utility.
<i>Description of Approvable</i>	The site has already been designated as an area in need of redevelopment and a Redevelopment Plan has been adopted for the site – See Appendix D. An application has been filed with the Borough’s Planning Board to subdivide the lot on which the development will be located. The site can be developed in accordance with R.S.I.S. Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. There are no environmental constraints associated with the site.



PROJECT	DESCRIPTION
9-17 Bruns Street (Block 2401, Lots 6, 7, 8, 9 & 10)	<p>Total Units: 29 Units</p> <p><u>Round Four LMI Units: 6 Units, plus 3 Bonus Credits (TOD)</u></p> <p>This site proposed for inclusionary redevelopment is located on the western side of Bruns Street, between Main Street to the north and Kings Road to the south. The site is about 200 feet from NJ Transit Bus Stop #25673 and #25676 with service on Route 873. The site has a total area of 1.62 acres and is presently developed with a surface parking area and office building as well as three single family residential dwellings. The lots are in common ownership and the lots all maintain a land value that exceeds the improvement value, signaling opportunity for a higher use on the lots. There are no environmental constraints associated with the site.</p>
<i>Description of Availability</i>	The site has a clear title and is free of encumbrance which precludes the development of affordable housing.
<i>Description of Suitable</i>	The site is adjacent to compatible land uses and has access to appropriate streets. The site has about 350 feet of frontage along Bruns Street. The site is adjacent to existing commercial and residential uses in the immediate vicinity.
<i>Description of Developable</i>	Adequate sewer and water capacity and infrastructure is available from the Molitor WPCF Madison Chatham Joint Meeting and the Madison Water Utility.
<i>Description of Approvable</i>	Pursuant to this plan, the site will be rezoned to accommodate multifamily residential development at a maximum density of 18 units per acre, consistent with the density of other overlay densities in the Borough. The site can be developed in accordance with R.S.I.S. Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. There are no environmental constraints associated with the site.
2 & 8 Shunpike (Block 4501, Lots 8 & 9)	<p>Total Units: 29 Units</p> <p><u>Round Four LMI Units: 6 Units, plus 3 Bonus Credits (Nonresidential Conversion)</u></p> <p>This site proposed for inclusionary redevelopment is located on the north side of Shunpike Road, between Green Village Road to the west and Green Avenue to the east. The site has a total area of 1.65 acres, and each lot is presently developed with an office building. Each lot maintains a land value that exceeds the improvement value, signaling the opportunity for higher use on the lots. There are no environmental constraints associated with the site.</p>
<i>Description of Availability</i>	The site has a clear title and is free of encumbrance which precludes the development of affordable housing.

PROJECT	DESCRIPTION
<i>Description of Suitable</i>	The site is adjacent to compatible land uses and has access to appropriate streets. The site has about 150 feet of frontage along Green Village Road and 365 feet of frontage along Shunpike Road. The site is adjacent to existing commercial, institutional and residential uses in the immediate vicinity.
<i>Description of Developable</i>	Adequate sewer and water capacity and infrastructure is available from the Molitor WPCF Madison Chatham Joint Meeting and the Madison Water Utility.
<i>Description of Approvable</i>	Pursuant to this plan, the site will be rezoned to accommodate multifamily residential development at a maximum density of 18 units per acre, consistent with the density of other overlay densities in the Borough. The site can be developed in accordance with R.S.I.S. Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. There are no environmental constraints associated with the site.
<b>31-33 Kings Road (Block 2801, Lots 1 &amp; 2)</b>	<p>Total Units: 13 Units  <u>Round Four LMI Units: 3 Units, plus 1.5 Bonus Credits (TOD)</u>  This site proposed for inclusionary redevelopment is located on the western side of Kings Road, between Green Village Road to the north and Green Avenue to the south. The site is 750 feet from the Madison NJ Transit station on the Morris-Essex Rail Line. The site has a total area of 0.77 acres and is presently developed with a motor vehicle service station on Lot 1 and a vacant lot on Lot 2. The lots all maintain a land value that exceeds the improvement value, signaling opportunity for a higher value use on the site. There are no environmental constraints associated with the site.</p>
<i>Description of Availability</i>	The site has a clear title and is free of encumbrance which precludes the development of affordable housing.
<i>Description of Suitable</i>	The site is adjacent to compatible land uses and has access to appropriate streets. The site has about 150 feet of frontage along Green Village Road and about 220 feet of frontage along Kings Road. The site is adjacent to existing commercial and residential uses in the immediate vicinity.
<i>Description of Developable</i>	Adequate sewer and water capacity and infrastructure is available from the Molitor WPCF Madison Chatham Joint Meeting and the Madison Water Utility.



PROJECT	DESCRIPTION
<i>Description of Approvable</i>	Pursuant to this plan, the site will be rezoned to accommodate multifamily residential development at a maximum density of 18 units per acre, consistent with the density of other overlay densities in the Borough. The site can be developed in accordance with R.S.I.S. Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. There may be environmental constraints associated with the site due to the extant gas station.

**Figure 3: Prospective Need Projects Map – 9-17 Bruns Street**



**Figure 4: Prospective Need Projects Map – 2-8 Shunpike**





**Figure 5: Prospective Need Projects Map – 31-33 Kings Road**

### Land Most Appropriate for Affordable Housing

The analysis in this section shall satisfy Part F of P.L.1985, c.222 (C.52:27D-310), which requires:

- F) *“A consideration of the lands that are 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”*

As part of this Fair Share Plan, the Borough has considered land that is appropriate for the construction of low- and moderate-income housing. To this end, the Borough did receive letters of interest from Drew University and Avalon Bay Communities, Inc., seeking to develop portions of the University campus. These letters were received by the Borough on June 11, 2025, just two days prior to the statutory 10-day public inspection period of this Housing Element and Fair Share Plan, scheduled for adoption by the Planning Board on June 23, 2025. No

accompanying concept plans nor further details were received by the Borough in advance of filing this plan for public inspection. Copies of these letters are provided in Appendix L.

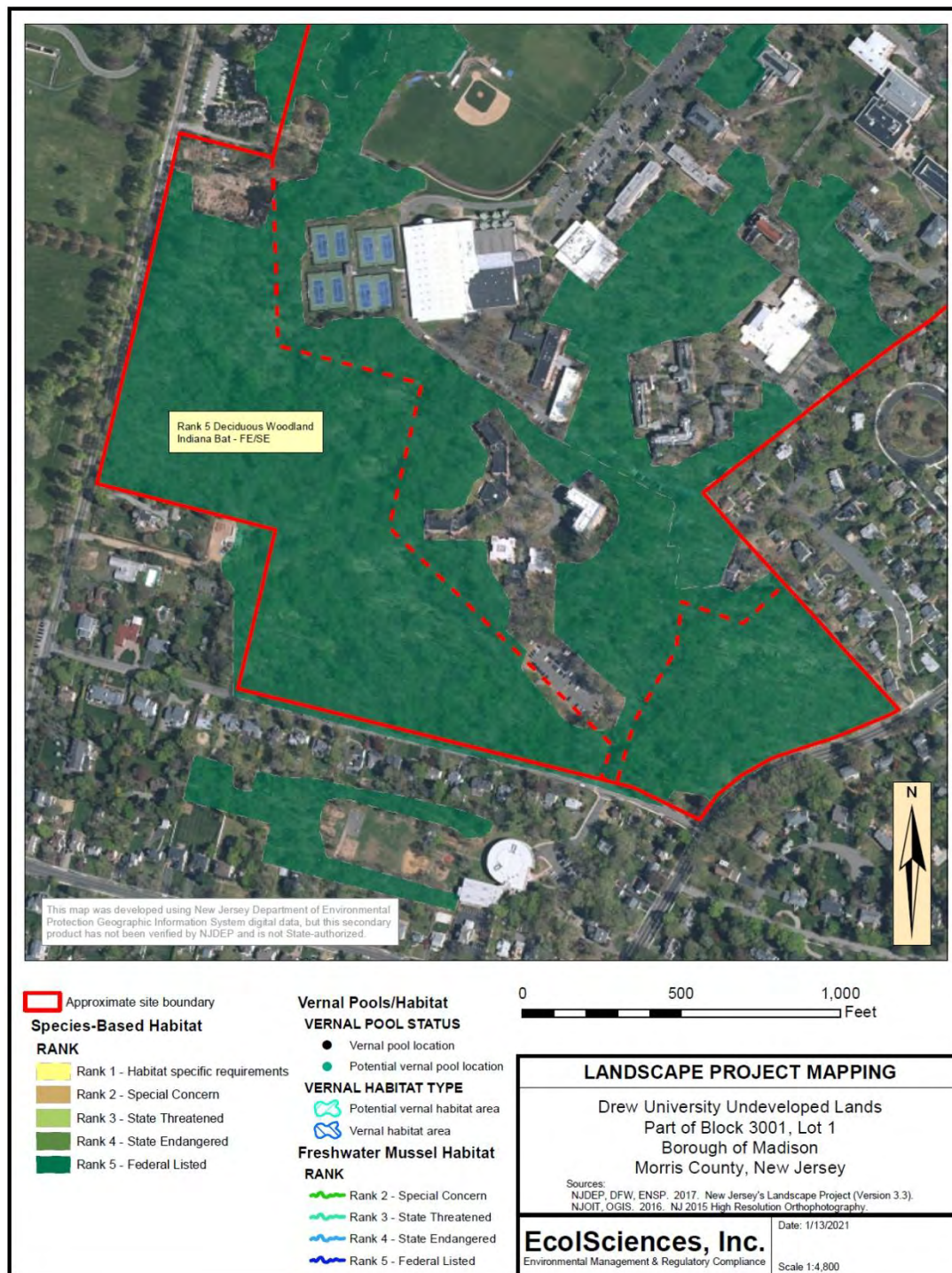
However, in evaluation of the proposals, the Borough has already satisfied the RDP obligation generated by Drew's property. These same sites were the subject of the Order issued by Judge Hansbury in Docket No. MRS-L-1694-15 dated February 14, 2025, attached here as Appendix K. Pursuant to this Order, Judge Hansbury ordered Madison to present a revised VLA, update its fair share obligation, and amend its Third Round Housing Element & Fair Share Plan to provide for an additional 77 units of low- and moderate-income housing "any way the Borough deems appropriate which could include Drew's land but may not" (emphasis added). As such, the RDP generated by the lands proposed by Drew University has already been addressed and satisfied as part of the Borough's Amended Third Round Plan. Compliance with the Order has been met.

In addition, the proposed sites presented by the University are not immediately available for development and maintain active improvements to support University operations, including campus buildings, parking lots and recreation fields. The University remains on one single tax lot and would require extensive subdivision to effectuate any development. Such site modifications will also impact operations of the University and necessitate further relief. Alternatively, the compliance strategies presented by the Borough have already received approvals and/or may be effectuated quickly without the need to concurrently maintain intensive site operations, such as a University campus.

Further, the Borough of Madison strongly believes that the "Drew Forest" and "Zuck Arboretum" portions of the Drew campus have significant environmental value for Madison as well as the region, which makes future development of these areas to be avoided if other sites are available to meet the Borough's affordable housing obligation.

These areas of the Drew campus are a recharge zone for the Buried Valley Aquifer, a sole-source aquifer for Madison and other municipalities, with a United States Forest Service score of 97-99 out of 100, in the "Importance to Surface Water Drinking Water" index. Additionally, the Drew Forest and Zuck Arboretum are mapped as part of the New Jersey Department of Environmental Protection's (NJDEP) Landscape Project, an interplay between the regulations of the Council on Affordable Housing ("COAH") and NJDEP, which indicates that these areas, characterized as "deciduous woodland," are federally listed as habitat for the Indiana bat. Pursuant to N.J.A.C. 7:7-9.36(b) provides generally "Development of endangered or threatened wildlife or plant species habitat is prohibited. . ." (emphasis added). While the trial court in the Drew litigation cited that bat studies on the properties revealed none were present, the absence of bats is not the determining factor; it is the presence of the "habitat" itself. The Court Order clearly noted that "endangered species habitat is present" on the undeveloped Drew properties.



**Figure 6: Landscape Project Map – Drew University Undeveloped Lands**



Moreover, N.J.A.C. 7:15-4.4(e)1 provides:

Environmentally sensitive areas shall be defined based on a composite geographic information systems (GIS) analysis, as any contiguous area of 25 acres or larger consisting of any of the following features alone or in combination:

1. Areas mapped as endangered or threatened wildlife species habitat as identified on the Department's Landscape Map of Habitat for Endangered, Threatened or Other Priority Wildlife as Rank 3, 4 and 5. The data is available as a download at the Department's webpage at <http://www.nj.gov/dep/gis/listall.html> titled "Landscape Project Data."
2. Areas mapped as Natural Heritage Priority Sites. The Natural Heritage Priority Site data is available as a digital data download at the Department's webpage at <http://www.nj.gov/dep/gis/listall.html> titled "Natural Heritage Priority Sites";
3. Category One waters designated in the Department's Surface Water Quality Standards, N.J.A.C. 7:9B, based on the Department's maps of such waters, and their corresponding 300 foot riparian zone based upon the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13. These waters can be determined using the download available on the Department's webpage at <http://www.nj.gov/dep/gis/listall.html> titled "Surface Water Quality Standards"; and
4. Wetlands as mapped pursuant to N.J.S.A. 13:9A-1 and 13:9B-25. This data is available as a download on the Department's webpage at <http://www.nj.gov/dep/gis/listall.html> titled "Wetlands."

The Drew Forest and Zuck Arboretum portions of the Drew campus would clearly meet the first criterion to be determined an environmentally sensitive area. N.J.A.C. 7:15-4.4(k) provides that areas designated as environmentally sensitive based on the Landscape Maps may be included in a sewer service areas only if the NJDEP determines, based upon a review of data provided by the applicant as part of a Habitat Impact Assessment prepared in accordance with N.J.A.C. 7:15-4-7 that the proposed project or activity: 1) Avoids the endangered or threatened wildlife species habitat; 2) Will result in insignificant or discountable effects on the maintenance of local breeding, resting, or feeding of the endangered or threatened species; or 3) To the extent that the impacts to endangered and threatened wildlife habitat cannot be avoided (except in cases of agriculturally dependent species), the proposed project or activity includes implementation of conservation measures that will minimize to the maximum extent practicable all adverse modification of suitable habitat and will mitigate for any such adverse modification in a manner that provides for no net loss of habitat value to endangered or threatened species, including the local population of that species. The Borough does not believe development of the undeveloped

portions of the Drew campus with housing would meet these standards for avoidance, minimum impacts, or mitigation.

Beyond these statutory environmental considerations for the Drew campus, development of the Drew Forest and Zuck Arboretum portions of the campus with housing as proposed by the University and AvalonBay would be inconsistent with the Borough's own environmental standards. Madison has a long-standing Tree Protection Ordinance regulating the clear-cutting of mature canopy trees to maximize development yield. Additionally, the campus is already significantly over the Borough's well-established impervious coverage ratio.

As detailed above, the Borough can satisfy its adjusted prospective need through the sites identified and will ensure the sites are planned and zoned to yield the proposed developments. The Borough believes that the compliance approach set forth in this document represents the best approach to satisfying the requirements of the Amended Law. While the Borough acknowledges that additional developers may express interest in proposing projects that include low- or moderate-income housing, the Borough's position is that no additional projects are required to satisfy Madison's prospective or present need.

Notwithstanding this position, the sites discussed above are not the only areas in the Borough where low- and moderate-income housing is permitted to be built. The Borough maintains and will maintain in full effect for the duration of the forthcoming round, an affordable housing ordinance which includes provisions establishing a mandatory affordable housing set-aside requirement (See Appendix E) and has established multiple inclusionary zone districts and affordable housing overlay zone districts which require the development of additional low- and moderate-income housing opportunities.

**Table 19: Summary of Fourth Round Compliance Mechanisms, RDP & Likely to Redevelop**

PROJECT/ZONE	AFFORDABLE UNITS	BONUS CREDITS	TOTAL CREDITS
RDP – 27 Elm Street	3	1.5 (Extended Affordability Controls)	4.5
RDP – 1 Giralda Supportive Housing	2	2 (Supportive Housing)	4
1 Giralda Supportive Housing	16	16 (Supportive Housing)	32
9-17 Bruns Street (Block 2401, Lots 6-10)	6	3 (TOD)	9
2 & 8 Shunpike (Block 4501, Lots 8 & 9)	6	3 (Non-residential conversion)	9
31-33 Kings Road (Block 2801, Lots 1 & 2)	3	1.5 (TOD)	4.5
<b>TOTAL</b>	<b>36</b>	<b>27</b>	<b>63</b>

Mandatory Obligation Subsets

Below is a table reviewing additional obligation requirement thresholds.

MANDATORY OBLIGATIONS	CITATION	# REQUIRED OF ACTUAL UNITS*
<b>Very Low-Income Units (13% Minimum)</b>  <i>Shall count towards the minimum 50 percent of the housing units required to be made available for occupancy by low-income households to address a municipality's prospective need obligation.</i>	<a href="#">52:27D-329.1</a>	5
<b>Family VLI Units (50% Minimum of VLI Units)</b>	<a href="#">52:27D-329.1</a>	3
<b>Low-Income Units (50% Minimum)</b>  <i>Conversely, the maximum of Moderate-Income Units shall not exceed 50%.</i>	<a href="#">52:27D-329.1</a>	18
<b>Family Units (50% Minimum)</b>	<a href="#">52:27D-311.l</a>	18
<b>Rental Units (25% Minimum)</b>	<a href="#">52:27D-311.l</a>	9
<b>Family Rental Units (50% Minimum of Rental Units)</b>	<a href="#">52:27D-311.k.5</a>	5
<b>Age-restricted units (30% Maximum)</b>	<a href="#">52:27D-302.q</a>	3
<b>Transitional Housing (10% Maximum of Total Credits)</b>	<a href="#">52:27D-311.e</a>	3
<b>Age-Restricted Housing Bonus Credit (10% Maximum of Age-Restricted Units)</b>	<a href="#">52:27D-311.k.4</a>	0
<p><i>*Except where otherwise noted, actual units do not count bonus credits. In other words, actual units are the Prospective Need Credits of 200.5 minus bonus credits of 68.5 = 132 units.</i></p> <p><i>Note: Maximum bonus credits shall not exceed 25% of Prospective Need per 52:27D-311.k.</i></p> <p><i>Note: Proposed values in italics are targets based on required units and will be enforced throughout the Fourth Round as part of site plan review and approval.</i></p>		

## IV. Appendices

- A. Regulatory Resolutions (Adopting Obligation Number)
- B. Vacant Land Adjustment
- C. Third Round Settlement Agreement/Judgement of Compliance

### *Mandatory Requirements:*

- D. Zoning Amendments and/or Redevelopment Plans
- E. Affordable Housing Ordinance
  - a. The Borough's existing ordinance is attached and will remain in full force and effect during the Fourth Round. The Borough will make all necessary modifications to this ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.
- F. Development Fee Ordinance
  - a. The Borough's existing ordinance is attached and will remain in full force and effect during the Fourth Round. The Borough will make all necessary modifications to this ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.
- G. Affirmative Marketing Plan
  - a. The Borough's existing Affirmative Marketing Plan is attached and will remain in full force and effect during the Fourth Round. The Borough will make all necessary modifications to this ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.
- H. Spending Plan
  - a. The Borough's existing Spending Plan is attached and will remain in full force and effect during the Fourth Round. The Borough will make all necessary modifications to this ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.
- I. Resolution appointing the Municipal Affordable Housing Liaison and Resolution appointing an Administrative Agent
- J. Resolution on Extension of Affordability Controls Funding
- K. Order and Decision, Docket No. MRS-L-1694-15, February 14, 2025
- L. Letters of Interest, Drew University and Avalon Bay, received June 11, 2025