

RESOLUTION No. 2026:63

RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON

WHEREAS, pursuant to P.L. 2024, c.2 the Borough of Audubon is required to appoint a Municipal Housing Liaison for the oversight of administration of the Borough's affordable housing program to enforce the requirements of the law and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, the Borough of Audubon has amended Article XII entitled Affordable Housing Procedural and Eligibility Requirements to provide for the appointment of a Municipal Housing Liaison to administer the Borough's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Borough of Audubon in the County of Camden, and the State of New Jersey that Danielle Ingves is hereby appointed by the Governing Body of the Borough of Audubon as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Section 113-571 of the Borough of Audubon's Affordable Housing Procedural And Eligibility Requirements.

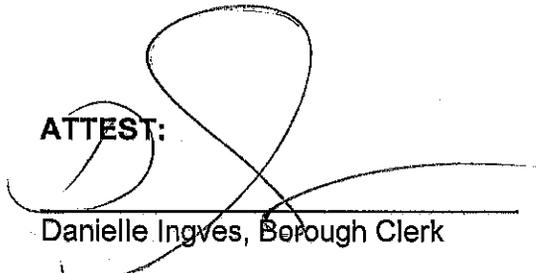
Dated:

2/17/2026

Borough of Audubon

Mayor Robert Jakubowski

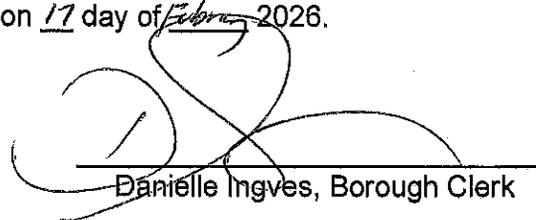
ATTEST:



Danielle Ingves, Borough Clerk

CERTIFICATION:

I hereby certify the above to be a true copy of a resolution adopted by the Board of Commissioners of the Borough of Audubon at a regular meeting held on 17 day of February 2026.



Danielle Ingves, Borough Clerk

RESOLUTION No. 2026:64**RESOLUTION APPOINTING A MUNICIPAL ADMINISTRATIVE AGENT**

WHEREAS, the Governing Body of the Borough of Audubon petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on January 23, 2025]; and

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., hereinafter the "Act") the Municipality is implementing a program to provide affordable housing units to low- and moderate-income households desiring to live within the Municipality; and

WHEREAS, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code, the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low- and moderate-income units that are created under the Act are occupied by low- and moderate-income households for an appropriate period of time (the "Rules"); and

WHEREAS, Section 5:80-26.14 of the Rules provides that affordability controls shall be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, the Municipality has selected Triad Associates to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the municipality as included in this resolution; and

WHEREAS, The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in the Rules, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

1. Affirmative Marketing

- (a) Conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of [insert name of municipality] and the provisions of N.J.A.C. 5:80-26.15;
- (b) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH; and
- (c) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

2. Household Certification

- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;

- (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (f) Employing a random selection process as provided in the Affirmative Marketing Plan of [insert name of municipality] when referring households for certification to affordable units.
3. Affordability Controls
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
4. Resale and rental
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
5. Processing requests from unit owners
- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
 - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
6. Enforcement
- (a) Securing lists of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

- (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - (g) Providing annual reports to COAH as required.
7. Records received, retained, retrieved, or transmitted in performance of these administrative duties may constitute public records of [insert name of municipality] as defined by N.J.S.A. 47:3-16, and are legal property of [insert name of municipality]. The Administrative Agent named in this resolution must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.

The Borough of Audubon has identified the following as public records, subject to the above-cited provisions:

- 0120-0000 Affordable Housing Project File
- 0120-0001 Affordable Housing Project File-Approved
- 0120-0002 Affordable Housing Project File-Denied/Withdrawn
- 0120-0003 Affordable Housing Project File-Referral List
- 0112-0000 Affordable Housing Application File-Individual
- 0121-0002 Affordable Housing Application File-Certification Denied or Expired
- 0122-0000 Affordable Housing Unit File
- 0122-0001 Affordable Housing Unit File-Mailing Notification of Responsibilities
- 0123-0000 Affordable Housing Unit Inventory
- 0124-0000 Affordable Housing Trust Fund and/or Regional Contribution Agreement (RCA) Bank Account
- 0125-0000 Enforcement File-Projects and Units
- 0126-0000 Monitoring Reports-Annual Submission
- 0127-0000 Operations Manual

Although the State has used its best efforts to identify all records which qualify as public records, the State reserves the right to amend the above list from time to time as warranted.

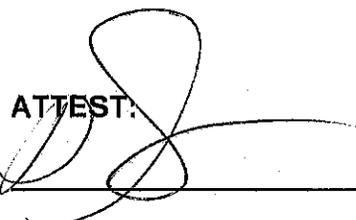
(8) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Audubon in the County of Camden, and the State of New Jersey that Triad Associates is hereby appointed by the Governing Body of the Borough of Audubon as the Administrative Agent for the administration of the affordable housing program.

Dated: 2/17/2024

Borough of Audubon

Mayor Robert Jakubowski

ATTEST: _____


Danielle Ingves, Borough Clerk

CERTIFICATION:

I hereby certify the above to be a true copy of a resolution adopted by the Board of Commissioners of the Borough of Audubon at a regular meeting held on 17 days of ~~February~~ February 2026.



Danielle Ingves, Borough Clerk

2-26-24

RESOLUTION No. 2026:65**RESOLUTION REFERRING TO THE AUDUBON BOROUGH JOINT LAND USE BOARD TO REVIEW PROPOSED ORDINANCE ESTABLISHING AFFORDABLE HOUSING INCLUSIONARY MIDRISE FAMILY APARTMENT OVERLAY TO ADDRESS THE BOROUGH OF AUDUBON'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted legislation known as P.L.2024, c.2, which set forth a procedure for calculating the 4th Round affordable housing obligation for municipalities, and which required this calculation to be adopted by the governing body of a municipality by way of Resolution; and

WHEREAS, N.J.S.A. 52:27D-304.2(b)(1) provides that the Fourth Round municipal affordable housing obligations shall run from the period of July 1, 2025 through June 30, 2035, and Region 5 consists of Burlington County, Camden County and Gloucester County ("Region 5"); and

WHEREAS, the Borough of Audubon having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the "Fair Housing Act") on January 23, 2025; and

WHEREAS, the Court entered an order on March 28, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 42 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan("HEFSP") by June 30, 2025; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a), requires a municipality participating in the Program must adopt and submit to the Program a Housing Element and Fair Share Plan on or before June 30, 2025; and

WHEREAS, the Borough having filed its HEFSP on June 30, 2025 ("Adopted HEFSP"); and

WHEREAS, Fair Share Housing Center having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 28, 2025; and

WHEREAS, thereafter the Borough entered into a Mediation Agreement in the lawsuit captioned, In the Matter of the Application of the Borough of Audubon, County of Camden, Docket No.: CAM-L-226-25 ("Mediation Agreement"); and

WHEREAS, in order to implement the Mediation Agreement, the Borough has prepared several ordinances and resolutions relating to the Borough's affordable housing obligations; and

WHEREAS, N.J.S.A. 40:55D-64 of the Municipal Land Use Law requires the Borough to refer ordinances adopting zoning ordinances or amendments thereto to the planning board for review, prior to adoption, and the Mayor and Commissioners of the Borough of Audubon seek to refer the following ordinances to the Joint Land Use Board pursuant to N.J.S.A. 40:55D-64 in order to implement and comply with the Borough's Fourth Round affordable housing obligations an Ordinance adopting Article VII, "IFMAO Inclusionary Family Mid-rise Apartment Overlay Zone";

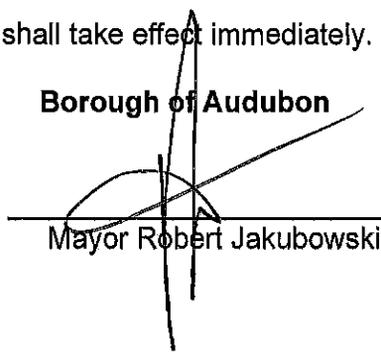
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commissioners of the Borough of Audubon, as follows:

1. The foregoing recitals are incorporated herein by reference as if fully set forth at length.
2. Mayor and Borough Commissioners hereby requests that the Joint Land Use Board review the ordinance listed above pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26(a) in order to implement and comply with the Borough's Fourth Round affordable housing obligations.
3. Mayor and Borough Commissioners further request that the Joint Land Use Board submit to the Borough Clerk and Borough's Solicitor a copy of any recommendations and/or reports within twenty-four (24) hours of adoption.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

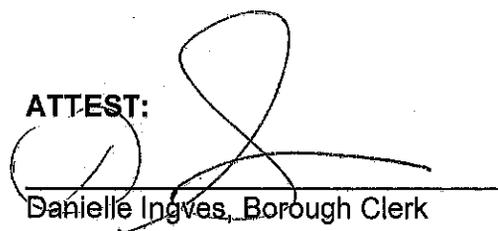
Dated: 2/17/2026

Borough of Audubon



Mayor Robert Jakubowski

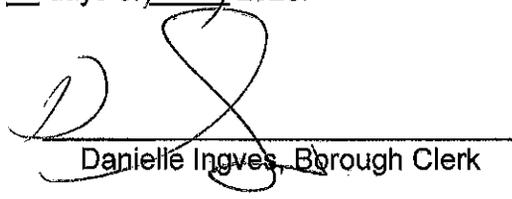
ATTEST:



Danielle Ingves, Borough Clerk

CERTIFICATION:

I hereby certify the above to be a true copy of a resolution adopted by the Board of Commissioners of the Borough of Audubon at a regular meeting held on 17 days of February 2026.



Danielle Ingves, Borough Clerk

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RESOLUTION 2026:66**RESOLUTION REFERRING TO THE AUDUBON BOROUGH JOINT LAND USE BOARD TO REVIEW PROPOSED ORDINANCE ESTABLISHING AFFORDABLE HOUSING INCLUSIONARY FAMILY GARDEN APARTMENT OVERLAY TO ADDRESS THE BOROUGH OF AUDUBON'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted legislation known as P.L.2024, c.2, which set forth a procedure for calculating the 4th Round affordable housing obligation for municipalities, and which required this calculation to be adopted by the governing body of a municipality by way of Resolution; and

WHEREAS, N.J.S.A. 52:27D-304.2(b)(1) provides that the Fourth Round municipal affordable housing obligations shall run from the period of July 1, 2025 through June 30, 2035, and Region 5 consists of Burlington County, Camden County and Gloucester County ("Region 5"); and

WHEREAS, the Borough of Audubon having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the "Fair Housing Act") on January 23, 2025; and

WHEREAS, the Court entered an order on March 28, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 42 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan("HEFSP") by June 30, 2025; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a), requires a municipality participating in the Program must adopt and submit to the Program a Housing Element and Fair Share Plan on or before June 30, 2025; and

WHEREAS, the Borough having filed its HEFSP on June 30, 2025 ("Adopted HEFSP"); and

WHEREAS, Fair Share Housing Center having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 28, 2025; and

WHEREAS, thereafter the Borough entered into a Mediation Agreement in the lawsuit captioned, In the Matter of the Application of the Borough of Audubon, County of Camden, Docket No.: CAM-L-226-25 ("Mediation Agreement"); and

WHEREAS, in order to implement the Mediation Agreement, the Borough has prepared several ordinances and resolutions relating to the Borough's affordable housing obligations; and

WHEREAS, N.J.S.A. 40:55D-64 of the Municipal Land Use Law requires the Borough to refer ordinances adopting zoning ordinances or amendments thereto to the planning board for review, prior to adoption, and the Mayor and Commissioners of the Borough of Audubon seek to refer the following ordinances to the Joint Land Use Board pursuant to N.J.S.A. 40:55D-64 in order to implement and comply with the Borough's Fourth Round affordable housing obligations an Ordinance adopting Article VII, "IFGA Inclusionary Family Garden Apartment Overlay Zone";

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commissioners of the Borough of Audubon, as follows:

1. The foregoing recitals are incorporated herein by reference as if fully set forth at length.
2. Mayor and Borough Commissioners hereby requests that the Joint Land Use Board review the ordinance listed above pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26(a) in order to implement and comply with the Borough's Fourth Round affordable housing obligations.
3. Mayor and Borough Commissioners further request that the Joint Land Use Board submit to the Borough Clerk and Borough's Solicitor a copy of any recommendations and/or reports within twenty-four (24) hours of adoption.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Dated: 2/17/2024

Borough of Audubon

Mayor Robert Jakubowski

ATTEST:

Danielle Ingves, Borough Clerk

CERTIFICATION:

I hereby certify the above to be a true copy of a resolution adopted by the Board of Commissioners of the Borough of Audubon at a regular meeting held on 17 days of February 2026.

Danielle Ingves, Borough Clerk

RESOLUTION 2026:67**RESOLUTION REFERRING TO THE AUDUBON BOROUGH JOINT LAND USE BOARD TO REVIEW PROPOSED AFFORDABLE HOUSING ORDINANCE TO ADDRESS THE BOROUGH OF AUDUBON'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted legislation known as P.L.2024, c.2, which set forth a procedure for calculating the 4th Round affordable housing obligation for municipalities, and which required this calculation to be adopted by the governing body of a municipality by way of Resolution; and

WHEREAS, N.J.S.A. 52:27D-304.2(b)(1) provides that the Fourth Round municipal affordable housing obligations shall run from the period of July 1, 2025 through June 30, 2035, and Region 5 consists of Burlington County, Camden County and Gloucester County ("Region 5"); and

WHEREAS, the Borough of Audubon having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the "Fair Housing Act") on January 23, 2025; and

WHEREAS, the Court entered an order on March 28, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 42 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan("HEFSP") by June 30, 2025; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a), requires a municipality participating in the Program must adopt and submit to the Program a Housing Element and Fair Share Plan on or before June 30, 2025; and

WHEREAS, the Borough having filed its HEFSP on June 30, 2025 ("Adopted HEFSP"); and

WHEREAS, Fair Share Housing Center having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 28, 2025; and

WHEREAS, thereafter the Borough entered into a Mediation Agreement in the lawsuit captioned, In the Matter of the Application of the Borough of Audubon, County of Camden, Docket No.: CAM-L-226-25 ("Mediation Agreement"); and

WHEREAS, in order to implement the Mediation Agreement, the Borough has prepared several ordinances and resolutions relating to the Borough's affordable housing obligations; and

WHEREAS, N.J.S.A. 40:55D-64 of the Municipal Land Use Law requires the Borough to refer ordinances adopting zoning ordinances or amendments thereto to the planning board for review, prior to adoption, and the Mayor and Commissioners of the Borough of Audubon seek to refer the following ordinances to the Joint Land Use Board pursuant to N.J.S.A. 40:55D-64 in order to implement and comply with the Borough's Fourth Round affordable housing obligations an Ordinance adopting Article XII, "Affordable Housing Procedural And Eligibility Requirements";

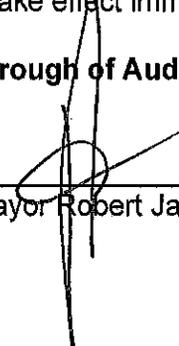
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commissioners of the Borough of Audubon, as follows:

1. The foregoing recitals are incorporated herein by reference as if fully set forth at length.
2. Mayor and Borough Commissioners hereby requests that the Joint Land Use Board review the ordinance listed above pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26(a) in order to implement and comply with the Borough's Fourth Round affordable housing obligations.
3. Mayor and Borough Commissioners further request that the Joint Land Use Board submit to the Borough Clerk and Borough's Solicitor a copy of any recommendations and/or reports within twenty-four (24) hours of adoption.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

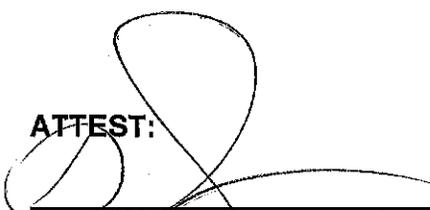
Dated: 2/17/2026

Borough of Audubon



Mayor Robert Jakubowski

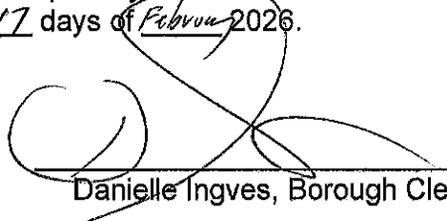
ATTEST:



Danielle Ingves, Borough Clerk

CERTIFICATION:

I hereby certify the above to be a true copy of a resolution adopted by the Board of Commissioners of the Borough of Audubon at a regular meeting held on 17 days of February 2026.



Danielle Ingves, Borough Clerk

RESOLUTION 2026:68**RESOLUTION REFERRING TO THE AUDUBON BOROUGH JOINT LAND USE BOARD TO REVIEW PROPOSED DEVELOPMENT FEE ORDINANCE TO ADDRESS THE BOROUGH OF AUDUBON'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted legislation known as P.L.2024, c.2, which set forth a procedure for calculating the 4th Round affordable housing obligation for municipalities, and which required this calculation to be adopted by the governing body of a municipality by way of Resolution; and

WHEREAS, N.J.S.A. 52:27D-304.2(b)(1) provides that the Fourth Round municipal affordable housing obligations shall run from the period of July 1, 2025 through June 30, 2035, and Region 5 consists of Burlington County, Camden County and Gloucester County ("Region 5"); and

WHEREAS, the Borough of Audubon having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the "Fair Housing Act") on January 23, 2025; and

WHEREAS, the Court entered an order on March 28, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 42 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan("HEFSP") by June 30, 2025; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a), requires a municipality participating in the Program must adopt and submit to the Program a Housing Element and Fair Share Plan on or before June 30, 2025; and

WHEREAS, the Borough having filed its HEFSP on June 30, 2025 ("Adopted HEFSP"); and

WHEREAS, Fair Share Housing Center having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 28, 2025; and

WHEREAS, thereafter the Borough entered into a Mediation Agreement in the lawsuit captioned, In the Matter of the Application of the Borough of Audubon, County of Camden, Docket No.: CAM-L-226-25 ("Mediation Agreement"); and

WHEREAS, in order to implement the Mediation Agreement, the Borough has prepared several ordinances and resolutions relating to the Borough's affordable housing obligations; and

WHEREAS, N.J.S.A. 40:55D-64 of the Municipal Land Use Law requires the Borough to refer ordinances adopting zoning ordinances or amendments thereto to the planning board for review, prior to adoption, and the Mayor and Commissioners of the Borough of Audubon seek to refer the following ordinances to the Joint Land Use Board pursuant to N.J.S.A. 40:55D-64 in order to implement and comply with the Borough's Fourth Round affordable housing obligations an Ordinance adopting Article XIII, "Affordable Housing Development Fees";

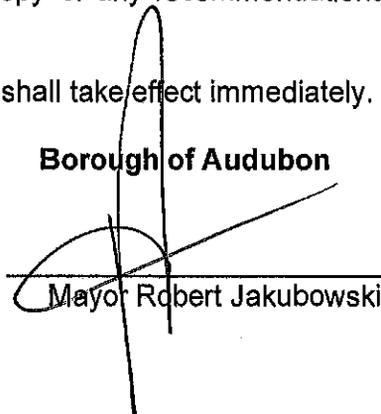
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commissioners of the Borough of Audubon, as follows:

1. The foregoing recitals are incorporated herein by reference as if fully set forth at length.
2. Mayor and Borough Commissioners hereby requests that the Joint Land Use Board review the ordinance listed above pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26(a) in order to implement and comply with the Borough's Fourth Round affordable housing obligations.
3. Mayor and Borough Commissioners further request that the Joint Land Use Board submit to the Borough Clerk and Borough's Solicitor a copy of any recommendations and/or reports within twenty-four (24) hours of adoption.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

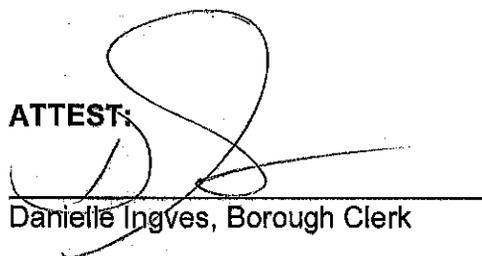
Dated: 2/17/2026

Borough of Audubon



Mayor Robert Jakubowski

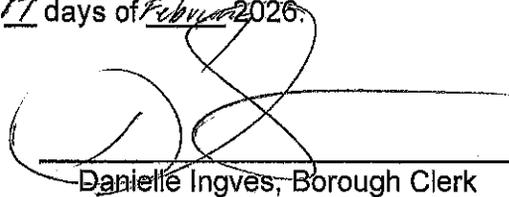
ATTEST:



Danielle Ingves, Borough Clerk

CERTIFICATION:

I hereby certify the above to be a true copy of a resolution adopted by the Board of Commissioners of the Borough of Audubon at a regular meeting held on 17 days of February 2026.



Danielle Ingves, Borough Clerk

RESOLUTION No. 2026:69

RESOLUTION OF THE BOROUGH OF AUDUBON ADOPTING AFFORDABILITY ASSISTANCE PROGRAM MANUAL

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted legislation known as P.L.2024, c.2, which set forth a procedure for calculating the 4th Round affordable housing obligation for municipalities, and which required this calculation to be adopted by the governing body of a municipality by way of Resolution; and

WHEREAS, N.J.S.A. 52:27D-304.2(b)(1) provides that the Fourth Round municipal affordable housing obligations shall run from the period of July 1, 2025 through June 30, 2035, and Region 5 consists of Burlington County, Camden County and Gloucester County ("Region 5"); and

WHEREAS, the Borough of Audubon having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the "Fair Housing Act") on January 23, 2025; and

WHEREAS, the Court entered an order on March 28, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 42 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan("HEFSP") by June 30, 2025; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a), requires a municipality participating in the Program must adopt and submit to the Program a Housing Element and Fair Share Plan on or before June 30, 2025; and

WHEREAS, the Borough having filed its HEFSP on June 30, 2025 ("Adopted HEFSP"); and

WHEREAS, Fair Share Housing Center having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 28, 2025; and

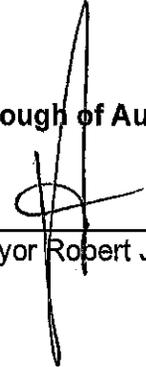
WHEREAS, thereafter the Borough entered into a Mediation Agreement in the lawsuit captioned, In the Matter of the Application of the Borough of Audubon, County of Camden, Docket No.: CAM-L-226-25 ("Mediation Agreement"); and

WHEREAS, in order to implement the Mediation Agreement, the Borough has prepared a Affordability Assistance Program Manual; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Audubon, County of Camden, State of New Jersey, do hereby adopt the Affordability Assistance Program Manual attached hereto as Exhibit A. This Resolution shall take effect immediately

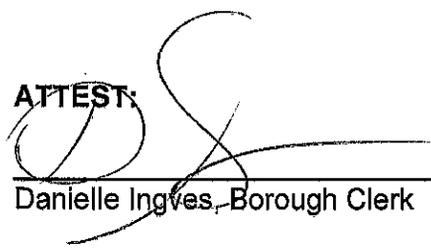
Dated: 2/17/2024

Borough of Audubon



Mayor Robert Jakubowski

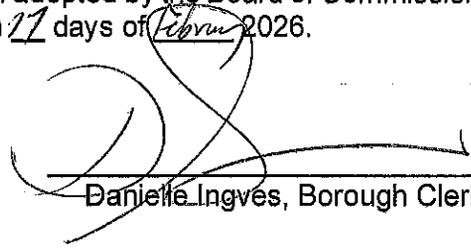
ATTEST:



Danielle Ingves, Borough Clerk

CERTIFICATION:

I hereby certify the above to be a true copy of a resolution adopted by the Board of Commissioners of the Borough of Audubon at a regular meeting held on 17 days of February 2026.



Danielle Ingves, Borough Clerk

**Borough of Audubon
Camden County, New Jersey**



Affordability Assistance Program Manual

February 2026

Steven M. Bach, PE, RA, PP, CME

Candace A. Kanaplue, AICP, PP

The original of this document was signed and sealed in accordance with NJAC 13:41-1.3.b

BA **BACH Associates, PC**
ENGINEERS • ARCHITECTS • PLANNERS

304 White Horse Pike, Haddon Heights, NJ 08035
(856) 546-8611 • Fax (856) 546-8612

Borough of Audubon 2026 Joint Land Use Board

Mayor Robert Jakubowski
Commissioner Dave Alemi
Chairman Dave Thompson
Jim Rossell
Jim Kindya
Steve Connelly
Mark Owens
Dan Gaspari
Paul Hartstein
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Kevin Moran
Jodi Clark

Stephanie Jennetta, Board Secretary
Matthew Madden, Esq. Board Solicitor
Steven M. Bach, PE, RA, PP, CME, Board Engineer
Candace A. Kanaplue, PP, AICP, Planner

Borough of Audubon 2026 Commissioners

Mayor Robert Jakubowski
Commissioner Dave Alemi
Commissioner Andrea Wendell

Danielle Ingves, RMC, CMR, Municipal Clerk
Salvatore J. Siciliano, Esq, Borough Solicitor
Steven M. Bach, PE, RA, PP, CME, Borough Engineer

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I. INTRODUCTION

The purpose of this Manual is to describe the policies and procedures of the Affordability Assistance Program. This Manual describes the basic content and operation of the various affordable assistance program components.

Per § 5:99-2.5, a municipality shall set aside a portion of all development fees collected and interest earned for the purpose of providing affordability assistance to very-low-, low-, and moderate-income households in affordable units included in the municipality's fair share plan pursuant to N.J.S.A. 52:27D-329.1. Affordability assistance for very-low-income households may include offering a subsidy to developers of inclusionary or 100 percent affordable housing developments or buying down the cost of low- or moderate-income units in a municipal fair share plan to make them affordable to very low-income households, including special needs and supportive housing opportunities.

II. TYPES OF AFFORDABILITY ASSISTANCE

A. EMERGENCY AND HEALTH/SAFETY REPAIRS

Affordability Assistance funding is available to assist owners of low-and moderate-units to make emergency and/or health and safety related repairs that they do not have the financial resources to make otherwise. Funding will not be provided for standard maintenance items, work covered by the homeowner association, damage covered by homeowner insurance and/ or minor repairs such as small areas of peeling paint or other items that can be addressed easily by the homeowner. This funding will help preserve the affordable deed restricted housing stock and the residents who reside in the homes. Only units in the Borough's Fair Share Plan (portfolio of affordable units) may be eligible to apply.

B. CREATE ADDITIONAL VERY LOW INCOME UNITS

Affordability assistance may be utilized to create additional very low income units by converting a moderate or low income unit into a very low income unit in new developments. The affordability assistance will result in additional very low income units beyond what is required by state affordable housing rules. Audubon Borough may negotiate with developers of inclusionary developments to determine the appropriate amount of subsidy required to make the unit affordable to a very low-income household. This subsidy amount may be determined by the following method outlined in N.J.A.C. 5:93-8.16 (c) but it is not required. This program can also be used to make existing low income units more affordable (very low income) via subsidies and changes to existing deed restrictions.

C. SECURITY DEPOSIT ASSISTANCE

An interest-free loan is available to an income eligible renter with good credit standing who qualifies for a low- or moderate-income rental unit in a deed restricted affordable unit in the Borough or its Market to Affordable Rental Program or Rental Housing Rehabilitation Program.

D. DOWN PAYMENT ASSISTANCE

The Audubon Borough Down Payment Assistance Program is designed to help low- and moderate-income households achieve the goal of homeownership. This program will provide a no interest, deferred payment loan to homebuyers of deed restricted affordable properties within Audubon Borough to use as a principal down payment. The goal of the program is to provide financial assistance to income-qualified homebuyers moving to Audubon Borough.

III. APPLICANT ELIGIBILITY

Applications submitted for affordability assistance will be provided on a first come-first-served basis according to the following criteria:

1. There are affordability assistance funds remaining in the budget for the year.
2. The applicant has not received an affordability assistance grant in the past.
3. The applicant must qualify as a very low, low, or moderate income household in accordance with the most current Region 5 income limits established by the Affordable Housing Professionals of New Jersey (AHPNJ), or the applicable State of New Jersey regulatory agency.

IV. ADMINISTRATION

Per NJSA 5:99-7.2, the Administrative Agent will be responsible for administering the Borough of Audubon's Affordable Assistance Programs. Questions about the program shall be directed to the Administrative Agent.

Triad Associates
 1301 West Forest Grove Road, Building #3
 Vineland, NJ 08360
 Phone: (856) 690-9590
 Fax: (856) 690-5622
 info@triadincorporated.com
 Website: <https://triadincorporated.com/>

V. PROCEDURES

A. EMERGENCY AND HEALTH/SAFETY REPAIRS PROCEDURES

- Homeowner submits application for assistance along with proof of work items needed. Refer to section on Requirements of Work Items.
- Triad Associates income certifies applicant and confirms property taxes, municipal utilities and, if applicable existing mortgage and homeowner association fee are paid current.
- Program inspector visits home to document emergency repair and to prepare the work specifications and cost estimate.

- Upon eligibility determination and site visit– Triad Associates will send homeowner:
 - Eligibility letter (including paragraph on municipal contractor payment process to show to the contractor)
 - Work specifications
 - Instructions to obtain and provide proposal from 3 contractors (willing to be paid by municipality at job completion). Homeowner to identify contractor selected to do the job and provide that contractor's business registration, Consumer Affairs home improvement license and certificate of insurance listing program as certificate holder. The homeowner will have to fund any amount over the program funding limit, payable directly to the contractor.
- Once homeowner provides the above items, send the homeowner's certificate of eligibility and contractor selection to the Borough to pass a resolution authorizing funding assistance. Upon receipt of the approved municipal resolution, provide the homeowner the construction agreement for the homeowner and contractor to sign, as well as program mortgage & note (if applicable) for the homeowner to sign in front of notary and return to program.
- Upon construction completion, the homeowner will provide to the Program:
 - Written homeowner's approval of satisfactory job completion.
 - Invoice from contractor with notarized statement identifying the work items he completed.
 - Copies of municipal permits and closed out permits via municipal Certificate of Approval for the applicable items installed.
- If work does not require permit, Program inspector will inspect work to ensure completeness before payment.
- Triad Associates submits the contractor invoice to the municipality for payment and forwards the mortgage, when applicable, to the municipality to file (record) with the county clerk.

B. CREATE ADDITIONAL VERY LOW INCOME UNITS PROCEDURES

- Terms to be negotiated between landlord/developer and Audubon Borough.
- Upon approval of terms by both parties, Municipal attorney prepares Resolution authorizing award and terms, including changes in unit designation(s) from conversion of moderate- and low-income units to very low-income units; revisions to restrictive covenant language, etc. Administrative Agent shall assist attorney upon request. See Exhibit 1.
- Borough adopts Resolution.
- Borough sends assistance directly to landlord.
- Triad Associates records assistance on master reporting spreadsheet.

C. SECURITY DEPOSIT ASSISTANCE PROCEDURES

The Borough of Audubon will designate a portion of all development fees collected and interest earned towards a revolving Security Deposit Assistance Fund. An interest -free loan from the fund will be received by an income eligible renter with good credit standing who qualifies for a low- or moderate-income rental unit in one of the Borough's deed restricted units or its Rental Housing Rehabilitation Program as per the following guidelines:

- The security deposit assistance will be in the form of a cash loan equal to the security deposit amount determined by the landlord and will be paid to the landlord on behalf of the tenant.
- At the termination of the lease, the landlord will return the portion of the security deposit it determines to the Borough of Audubon along with the interest earned. The tenant will repay any difference between the original security deposit amount and the portion returned by the landlord. Funds returned to the municipality will be placed in the affordable housing trust fund to be used for future security deposit assistance.
- The Borough of Audubon's Security Deposit Affordability Assistance Program will be administered by the Administrative Agent, Triad Associates. After an applicant is income qualified by Triad Associates pursuant to New Jersey Fair Housing rules and the Uniform Housing Affordability Controls, or cannot be qualified due to a need for assistance, an affordability assistance application will be completed and forwarded with all necessary documentation to Triad Associates. The affordability assistance recipient will sign a contract with municipality which states the amount of funds granted, interest information, procedures, duration and conditions of affordability assistance, and repayment information. All tenants of affordable units within the Borough of Audubon will be advised of the availability of the Borough's Affordability Assistance Program. An income eligible occupant or applicant for an affordable unit within the municipality may not be denied participation in the Affordability Assistance Program(s) unless funding is no longer available.
- The Audubon Borough Security Deposit Assistance Program will provide a maximum loan of \$2,500.00 for security deposit assistance.

D. DOWN PAYMENT ASSISTANCE PROCEDURES

Applicants for this loan program must be income-qualified by the Administrative Agent for the Borough of Audubon and must be under contract to purchase a deed restricted home in the Borough of Audubon. This means that the applicant must have made application to buy a home, been income-qualified and selected to purchase an affordable home within Audubon Borough, and signed a contract with the seller.

**Borough of Audubon
Camden County, New Jersey**



Affordability Assistance Program Manual

February 2026

**Adopted by the Audubon Borough Commissioners
On February 17, 2026 (R 2026-69)**



304 White Horse Pike, Haddon Heights, NJ 08035
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RESOLUTION No. 2026:70

RESOLUTION AUTHORIZING ADOPTION OF A FOURTH ROUND AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

WHEREAS, the Borough has adopted a development fee ordinance creating a dedicated revenue source for affordable housing and establishing an Affordable Housing Trust Fund; and,

WHEREAS, N.J.A.C. 5:93-85.1(c) requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on historic development activity;
2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
3. A description of the anticipated use of all development fees;
4. A schedule for the creation or rehabilitation of housing units;
5. If the municipality envisions being responsible for public sector or non-profit construction of housing, a pro-forma statement of the anticipated costs and revenues associated with the development; and
6. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.

WHEREAS, the Borough's planning consultant, Bach Associates, has prepared an Affordable Housing Trust Fund Spending Plan for the Borough consistent with the requirements set forth above;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Audubon, County of Camden, State of New Jersey that the updated Affordable Housing Trust Fund Spending Plan is hereby adopted.

Borough of Audubon

Mayor Robert Jakubowski

ATTEST:

Danielle Ingves, Borough Clerk

CERTIFICATION:

I hereby certify the above to be a true copy of a resolution adopted by the Board of Commissioners of the Borough of Audubon at a regular meeting held on 11 days of February 2026.

Danielle Ingves, Borough Clerk

**Borough of Audubon, Camden County
Affordable Housing Trust Fund Spending Plan**

February 2026

Adopted _____

INTRODUCTION

The Borough of Audubon, Camden County has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the affordable housing regulations of the New Jersey Department of Community Affairs (the Department) (N.J.A.C. 5:93 et seq., N.J.A.C. 5:96-1 et seq., and N.J.A.C. 5:99, et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by the Fair Share Housing Center and Court and adopted by the municipality on March 12, 2026 (Ordinance 2026-_____). The ordinance establishes the Borough of Audubon affordable housing trust fund for which this spending plan is prepared.

This Spending Plan is intended to demonstrate commitment of the funds in the affordable housing trust fund within four years of the date of collection as required by P.L. 2008 c.46, to ensure that the Borough will retain the funds and have the authority to utilize the funds in support of affordable housing within the Borough. This Spending Plan provides a specific plan for the expenditure of the monies collected as of March 3, 2026 and a guide for the expenditure of monies that may be deposited in the fund over the next several years.

1. REVENUES FOR CERTIFICATION PERIOD

As of the date of this report, the Borough of Audubon has not yet collected any funds. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Colonial Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16, as described in the sections that follow.

To calculate a projection of revenue anticipated during the period of fourth round substantive certification, The Borough of Audubon considered the following:

(a) Development fees:

- 1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
- 2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
- 3. Future development that is likely to occur based on historical rates of development.

(b) Other funding sources:

- 1. Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units. None at this time.
- 2. Projected interest:
Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate. The interest is estimated to be \$500 dollars per year. Interest collected will vary depending upon the actual revenues and expenditures.

SOURCE OF FUNDS	PROJECTED REVENUES – AFFORDABLE HOUSING TRUST FUND											Total	
	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035		
(a) Development fees:													
Approved Residential Development													
Approved Non-Residential Development													
Residential Development Pending Approval													
Non-Residential Development Pending Approval													
Projected Development		\$2,500	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$47,500
(b) Payments in Lieu of Construction													
(c) Other Funds (Specify source(s))													
(d) Interest		\$100	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$ 2,350
Total		\$2,300	\$5,250	\$5,250	\$5,250	\$5,250	\$5,250	\$5,250	\$5,250	\$5,250	\$5,250	\$5,250	\$ 49,850

The Borough of Audubon does not have a trust fund balance as of February 17, 2026. The Borough of Audubon projects a total of \$47,500 in trust fund contributions to be collected between 2026 and 2035. All interest earned on the account shall be used only for the purposes of affordable housing. Anticipated total revenue of \$49,850 available to fund and administer its affordable housing plan.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by The Borough of Audubon:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with The Borough of Audubon's development fee ordinance for both residential and non-residential developments in accordance with the Department's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

1. The Municipal Housing Liaison forwards a recommendation for expenditure of funds to the Borough Clerk.
2. The Borough Clerk forwards the recommendation to the Mayor and Council with an explanation of how the expenditure will advance implementation of the Borough's affordable housing objectives and whether the expenditure will be consistent with the Spending Plan.
3. Mayor and Council reviews the request and authorizes the expenditure by resolution.
4. The Municipal Housing Liaison and the CFO maintain accounting of expenditures.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects**

The Borough does not have a rehabilitation requirement.

Rehabilitation program: \$0 none proposed.

New construction project(s): \$0 none proposed

(b) Affordability Assistance

AFFORDABILITY ASSISTANCE CALCULATION

Actual development fees and interest through 2/13/26		\$ 0
Development fees and interest projected 2025 - 2035	+	\$ 49,850
Total	=	\$ 49,850
Calculate 30 percent	x .30 =	\$ 14,955
PROJECTED MINIMUM Affordability Assistance Requirement 2025 through 2035	=	\$ 14,955
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 2025 through 2035	÷ 3 =	\$ 4,985

The Borough of Audubon will dedicate \$14,955 from the affordable housing trust fund to render units more affordable, including \$4,985 to render units more affordable to households earning 30 percent or less of median income by region, as follows: down-payment assistance, rental and/or down payment assistance, assistance with emergency repairs, and converting low-income units to very-low-income units.

(c) Administrative Expenses

ADMINISTRATIVE EXPENSE CALCULATION

Actual dev fees and interest thru 2/13/2026		\$ 0
Projected dev fees and interest 2025 thru 2035	+	\$ 49,850
Total	=	\$ 49,850
Calculate 20 percent	x .20 =	\$ 9,970
Less admin expenditures thru June 23, 2025	-	\$ 0
PROJECTED MAXIMUM available for administrative expenses June 2025-2035	=	\$ 9,970

The Borough of Audubon projects that \$9,970.00 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows: legal* and planning fees (legal fees will not be utilized to oppose affordable housing).

4. EXPENDITURE SCHEDULE

The Borough of Audubon intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units.

PROJECTED EXPENDITURE SCHEDULE 2025 -2035													
PROJECTS/PROGRAMS	Number of Units Projected	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
		Rehabilitation	0	0	0	0	0	0	0	0	0	0	0
Affordability Assistance	0	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$ 14,955
Administration	0	\$997	\$997	\$997	\$997	\$997	\$997	\$997	\$997	\$997	\$997	\$997	\$ 9,970
Total	0	\$2,492.5	\$24,925										

5. EXCESS OR SHORTFALL OF FUNDS

The Borough plans to implement the Spending Plan incrementally with the funds that are collected; and will ensure that the collected funds are spent consistent with the applicable rules and regulations and in a manner that advances the Borough's affordable housing goals. The purpose of the Spending Plan is to plan for expenditure of monies in the affordable housing trust fund. N.J.A.C. 5:97-8.10(a)(9) and N.J.A.C. 5:99, et seq requires that the spending plan address the "manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan".

In the event more funds than anticipated are collected, projected funds exceed the amount necessary to implement the Fair Share Plan, or the Borough is reserving funds for affordable housing projects to meet a future affordable housing obligation, these excess funds will be used to expand the programs described above and to implement the supportive and special needs housing, assist in necessary infrastructure as it relates to affordable housing units, assist in the maintenance and repair of existing affordable units.

SUMMARY

The Borough of Audubon intends to spend affordable housing trust fund revenues pursuant to 93-8.16 and consistent with the housing programs outlined in the Housing Plan Element dated February 2026 and adopted March 12, 2026.

The Borough of Audubon has a balance of \$0 as of February 17, 2026, and anticipates an additional \$49,850.00 in revenues through 2035. The municipality will dedicate \$14,955.00 for affordability assistance to render units more affordable, a maximum of \$9,970.00 to administrative costs, and \$0 for rehabilitation. The municipality will dedicate any excess funds to expand the programs described above and to implement the supportive and special needs housing, assist in necessary infrastructure as it relates to affordable housing units, assist in the maintenance and repair of existing affordable units.

SPENDING PLAN SUMMARY	
Balance as of February 17, 2026	\$ 0
PROJECTED REVENUE 2025-2035	
Development fees	+ \$ 47,500
Other funds	+ \$ 0.00
Interest	+ \$ 2,350
TOTAL REVENUE	= \$ 49,850
PROJECTED EXPENDITURES 2025-2035	
Funds used for Rehabilitation	- \$ 0
Affordability Assistance	- \$ 14,955
Administration	- \$ 9,970
Remaining Balance Reserved for Additional Affordable Housing Activity	= \$ 24,925
TOTAL PROJECTED EXPENDITURES	= \$ 24,925
REMAINING BALANCE	= \$ 24,925

**Borough of Audubon, Camden County
Affordable Housing Trust Fund Spending Plan**

February 2026

Adopted February 17, 2026 (R 2026-70)

INTRODUCTION

The Borough of Audubon, Camden County has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the affordable housing regulations of the New Jersey Department of Community Affairs (the Department) (N.J.A.C. 5:93 et seq., N.J.A.C. 5:96-1 et seq., and N.J.A.C. 5:99, et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by the Fair Share Housing Center and Court and adopted by the municipality on March 12, 2026 (Ordinance 2026-01). The ordinance establishes the Borough of Audubon affordable housing trust fund for which this spending plan is prepared.

This Spending Plan is intended to demonstrate commitment of the funds in the affordable housing trust fund within four years of the date of collection as required by P.L. 2008 c.46, to ensure that the Borough will retain the funds and have the authority to utilize the funds in support of affordable housing within the Borough. This Spending Plan provides a specific plan for the expenditure of the monies collected as of March 3, 2026 and a guide for the expenditure of monies that may be deposited in the fund over the next several years.

1. REVENUES FOR CERTIFICATION PERIOD

As of the date of this report, the Borough of Audubon has not yet collected any funds. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Colonial Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16, as described in the sections that follow.

To calculate a projection of revenue anticipated during the period of fourth round substantive certification, The Borough of Audubon considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Other funding sources:

1. Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units. None at this time.
2. Projected interest:
Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate. The interest is estimated to be \$500 dollars per year. Interest collected will vary depending upon the actual revenues and expenditures.

SOURCE OF FUNDS		PROJECTED REVENUES – AFFORDABLE HOUSING TRUST FUND												
		2025 THROUGH 2035												
		2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total	
(a) Development fees:														
Approved Residential Development														
Approved Non-Residential Development														
Residential Development Pending Approval														
Non-Residential Development Pending Approval														
Projected Development			\$2,500	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$47,500	
(b) Payments in Lieu of Construction														
(c) Other Funds (Specify source(s))														
(d) Interest			\$100	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$ 2,350	
Total			\$2,300	\$5,250	\$5,250	\$5,250	\$5,250	\$5,250	\$5,250	\$5,250	\$5,250	\$5,250	\$ 49,850	

The Borough of Audubon does not have a trust fund balance as of February 17, 2026. The Borough of Audubon projects a total of \$47,500 in trust fund contributions to be collected between 2026 and 2035. All interest earned on the account shall be used only for the purposes of affordable housing. Anticipated total revenue of \$49,850 available to fund and administer its affordable housing plan.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by The Borough of Audubon:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with The Borough of Audubon's development fee ordinance for both residential and non-residential developments in accordance with the Department's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

1. The Municipal Housing Liaison forwards a recommendation for expenditure of funds to the Borough Clerk.
2. The Borough Clerk forwards the recommendation to the Mayor and Council with an explanation of how the expenditure will advance implementation of the Borough's affordable housing objectives and whether the expenditure will be consistent with the Spending Plan.
3. Mayor and Council reviews the request and authorizes the expenditure by resolution.
4. The Municipal Housing Liaison and the CFO maintain accounting of expenditures.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects**

The Borough does not have a rehabilitation requirement.

Rehabilitation program: \$0 none proposed.

New construction project(s): \$0 none proposed

(b) Affordability Assistance

AFFORDABILITY ASSISTANCE CALCULATION

Actual development fees and interest through 2/13/26		\$ 0
Development fees and interest projected 2025 - 2035	+	\$ 49,850
Total	=	\$ 49,850
Calculate 30 percent	x .30 =	\$ 14,955
PROJECTED MINIMUM Affordability Assistance Requirement 2025 through 2035	=	\$ 14,955
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 2025 through 2035	+ 3 =	\$ 4,985

The Borough of Audubon will dedicate \$14,955 from the affordable housing trust fund to render units more affordable, including \$4,985 to render units more affordable to households earning 30 percent or less of median income by region, as follows: down-payment assistance, rental and/or down payment assistance, assistance with emergency repairs, and converting low-income units to very-low-income units.

(c) Administrative Expenses

ADMINISTRATIVE EXPENSE CALCULATION

Actual dev fees and interest thru 2/13/2026		\$ 0
Projected dev fees and interest 2025 thru 2035	+	\$ 49,850
Total	=	\$ 49,850
Calculate 20 percent	x .20 =	\$ 9,970
Less admin expenditures thru June 23, 2025	-	\$ 0
PROJECTED MAXIMUM available for administrative expenses June 2025-2035	=	\$ 9,970

The Borough of Audubon projects that \$9,970.00 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows: legal* and planning fees (legal fees will not be utilized to oppose affordable housing).

4. EXPENDITURE SCHEDULE

The Borough of Audubon intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units.

PROJECTED EXPENDITURE SCHEDULE 2025 -2035													
PROJECTS/PROGRAMS	Number of Units Projected	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Rehabilitation	0	0	0	0	0	0	0	0	0	0	0	0	0
Affordability Assistance	0	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$1,495.5	\$ 14,955
Administration	0	\$997	\$997	\$997	\$997	\$997	\$997	\$997	\$997	\$997	\$997	\$997	\$ 9,970
Total	0	\$2,492.5	\$24,925										

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REMAINING BALANCE	= \$ 24,925

RESOLUTION No. 2026:71

RESOLUTION OF THE BOROUGH OF AUDUBON ADOPTING AN AFFIRMATIVE MARKETING PLAN

WHEREAS, in 1975, the New Jersey Courts announced in Southern Burlington County N.A.A.C.P., et al, v. Township of Mount Laurel, 67 N.J. 151 (1975), that New Jersey municipalities have a constitutional obligation to affirmatively plan and provide for its fair share of affordable housing for low- and moderate-income households; and

WHEREAS, the New Jersey Legislature codified this constitutional obligation in 1985 through the adoption of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA"); and

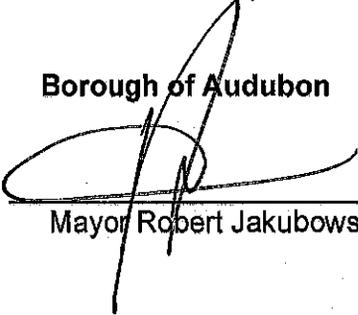
WHEREAS, on March 20, 2024, the New Jersey Legislature adopted an amendment to the FHA, which abolished the Committee on Affordable Housing ("COAH"), created an Affordable Housing Dispute Resolution Program within the Courts (the "Program"), and codified standards for complying with a municipality's affordable housing obligation ("FHA Amendments"); and

WHEREAS, the Department of Community Affairs adopted regulations set forth at N.J.A.C. 5:99-1 et seq. ("Affordable Housing Regulations"), implementing the FHA Amendments and the New Jersey Housing and Mortgage Finance Agency also adopted amendment to the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC") to implement the FHA Amendments; and

WHEREAS, N.J.A.C. 5:80-26.16 requires that municipalities adopt an affirmative marketing plan for the affirmative marketing of affordable housing units in accordance with UHAC requirements;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Audubon, County of Camden, State of New Jersey, do hereby adopt the Affirmative Marketing Plan attached hereto as Exhibit A. This Resolution shall take effect immediately

Dated: 2/17/2026

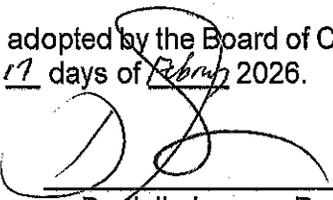
Borough of Audubon

Mayor Robert Jakubowski

ATTEST:


Danielle Ingves, Borough Clerk

CERTIFICATION:

I hereby certify the above to be a true copy of a resolution adopted by the Board of Commissioners of the Borough of Audubon at a regular meeting held on 17 days of February, 2026.



Danielle Ingves, Borough Clerk

AFFIRMATIVE FAIR HOUSING MARKETING PLAN For Affordable Housing in (REGION 5)

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address Audubon Borough 606 W. Nicholson Road Audubon, NJ 08106 https://www.audubonnj.com/	
1c. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	1d. Price or Rental Range From To	1e. State and Federal Funding Sources (if any)	
1f. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: Occupancy:		
1h. County <p style="text-align: center;">Camden</p>		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received.
--

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

- White (non-Hispanic)
 Black (non-Hispanic)
 Hispanic
 American Indian or Alaskan Native
 Asian or Pacific Islander
 Other group:

3b. HOUSING RESOURCE CENTER (www.njhousing.gov) A free, online listing of affordable housing

3c. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
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TARGETS ENTIRE HOUSING REGION 5

Daily Newspaper

<input type="checkbox"/>		Philadelphia Inquirer	
<input type="checkbox"/>		Courier-Post	

TARGETS PARTIAL HOUSING REGION 5

Daily Newspaper

<input type="checkbox"/>		Burlington County Times	Burlington
<input type="checkbox"/>		Gloucester County Times	Gloucester

Weekly Newspaper

<input type="checkbox"/>		Central Record, The	Burlington
<input type="checkbox"/>		Fort Dix Post	Burlington
<input type="checkbox"/>		Maple Shade Progress	Burlington
<input type="checkbox"/>		News Weekly	Burlington
<input type="checkbox"/>		Register-News	Burlington
<input type="checkbox"/>		Gloucester City News	Camden
<input type="checkbox"/>		Haddon Herald	Camden
<input type="checkbox"/>		Record Breeze	Camden
<input type="checkbox"/>		Retrospect	Camden
<input type="checkbox"/>		Plain Dealer	Camden, Gloucester
<input type="checkbox"/>		News Report	Gloucester

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
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TARGETS ENTIRE HOUSING REGION 5

<input type="checkbox"/>		3 KYW-TV Cbs Broadcasting Inc.	
<input type="checkbox"/>		6 WPVI-TV	

		American Broadcasting Companies, Inc (Walt Disney)	
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		12 WHYI-TV Whyi, Inc.	
<input type="checkbox"/>		17 WPHL-TV Tribune Company	
<input type="checkbox"/>		23 WNJS New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		57 WPSG Cbs Broadcasting Inc.	
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, Lic	
<input type="checkbox"/>		65 WJVP-TV Univision Communications, Inc.	
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	

TARGETS PARTIAL HOUSING REGION 5

<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	Burlington
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	Burlington
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	Burlington
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	Burlington
<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	Burlington
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	Burlington
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	Burlington
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Burlington
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	Burlington
<input type="checkbox"/>		38 WPHA-CA	Burlington, Camden

<input type="checkbox"/>		Commercial Broadcasting Corp.	
<input type="checkbox"/>		41 WNAI-LP Marcia Cohen	Burlington, Camden
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Burlington, Camden
<input type="checkbox"/>		62 WWSI Hispanic Broadcasters of Philadelphia, Llc	Camden, Gloucester
DURATION & FREQUENCY OF OUTREACH			
DURATION & FREQUENCY OF OUTREACH		NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL HOUSING REGION 5			
<input type="checkbox"/>		Comcast of Burlington County, Garden State, Gloucester County, South Jersey, Wildwood (Maple Shade System)	All Burlington, Camden, Gloucester
DURATION & FREQUENCY OF OUTREACH			
DURATION & FREQUENCY OF OUTREACH		NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 5			
AM			
<input type="checkbox"/>		WFIL 560	Christian
<input type="checkbox"/>		WIP 610	
<input type="checkbox"/>		WWJZ 640	
<input type="checkbox"/>		WTMR 800	
<input type="checkbox"/>		WWDB 860	
<input type="checkbox"/>		WPEN 950	
<input type="checkbox"/>		WNTP 990	
<input type="checkbox"/>		KYW 1060	
<input type="checkbox"/>		WPHT 1210	
<input type="checkbox"/>		WNWR 1540	
FM			
<input type="checkbox"/>		WXPN 88.5	
<input type="checkbox"/>		WRTI 90.1	
<input type="checkbox"/>		WHYY-FM 90.9	
<input type="checkbox"/>		WXTU 92.5	
<input type="checkbox"/>		WMMR 93.3	
<input type="checkbox"/>		WSTW 93.7	
<input type="checkbox"/>		WYSP 94.1	

<input type="checkbox"/>		WPST 94.5	
<input type="checkbox"/>		WBEN-FM 95.7	
<input type="checkbox"/>		WRDW-FM 96.5	
<input type="checkbox"/>		WUSL 98.9	
<input type="checkbox"/>		WJBR-FM 99.5	
<input type="checkbox"/>		WPHI-FM 100.3	
<input type="checkbox"/>		WBEB 101.1	
<input type="checkbox"/>		WIOQ 102.1	
<input type="checkbox"/>		WMGK 102.9	
<input type="checkbox"/>		WJJZ 106.1	
<input type="checkbox"/>		WKDN 106.9	Christian
<input type="checkbox"/>		WRNB 107.9	
TARGETS PARTIAL HOUSING REGION 5			
AM			
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WBUD 1260	
<input type="checkbox"/>		WIMG 1300	Black Gospel
<input type="checkbox"/>		WIFI 1460	Christian
<input type="checkbox"/>		WBCB 1490	
<input type="checkbox"/>		WPHY 920	
<input type="checkbox"/>		WURD 900	
<input type="checkbox"/>		WPHE 690	Latin
<input type="checkbox"/>		WNAP 1110	
<input type="checkbox"/>		WEMG 1310	Spanish
<input type="checkbox"/>		WHAT 1340	
<input type="checkbox"/>		WVCH 740	Christian
<input type="checkbox"/>		WDEL 1150	
<input type="checkbox"/>		WNJC 1360	
<input type="checkbox"/>		WDAS 1480	Black Gospel
FM			
<input type="checkbox"/>		WBZC 88.9	Burlington
<input type="checkbox"/>		WSJI 89.5	Burlington

<input type="checkbox"/>		WAWZ 99.1	Burlington (Christian)
<input type="checkbox"/>		WPPZ-FM 103.9	Burlington (Christian)
<input type="checkbox"/>		WKXW-FM 101.5	Burlington, Camden
<input type="checkbox"/>		WPRB 103.3	Burlington, Camden
<input type="checkbox"/>		WOGL 98.1	Burlington, Camden, Gloucester
<input type="checkbox"/>		WDAS-FM 105.3	Burlington, Camden, Gloucester
<input type="checkbox"/>		WKDU 91.7	Camden
<input type="checkbox"/>		WGLS-FM 89.7	Gloucester
<input type="checkbox"/>		WVLT 92.1	Gloucester
<input type="checkbox"/>		WIXM 97.3	Gloucester
<input type="checkbox"/>		WSJO 104.9	Gloucester

3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 5			
Weekly			
<input type="checkbox"/>	Al Dia	Philadelphia Area	Spanish-Language
<input type="checkbox"/>	Nuestra Comunidad	Central/South Jersey	Spanish-Language

TARGETS PARTIAL HOUSING REGION 5			
Weekly			
<input type="checkbox"/>	El Hispano	Camden and Trenton areas	Spanish-Language
<input type="checkbox"/>	Ukrainian Weekly	New Jersey	Ukrainian community

3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
Burlington County		
<input type="checkbox"/>	Burlington County College	601 Pemberton Browns Mills Rd Remberton
<input type="checkbox"/>	Our Lady of Lourdes Medical Center	218 Sunset Rd Willingboro, NJ
<input type="checkbox"/>	Masonic Home of NJ	902 Jacksonville Rd Burlington, NJ
<input type="checkbox"/>	Medford Leas Continuing Care	1 Medford Leas Medford, NJ
<input type="checkbox"/>	Virtua Geriatric Care Management	523 Fellowship Rd Mt Laurel, NJ
<input type="checkbox"/>	Virtua West Jersey Hospital	90 Brick rd Marlton, NJ

Camden County			
<input type="checkbox"/>		Campbell Soup Company	Campbell Place Camden, NJ 08103-1701
<input type="checkbox"/>		Lockheed Martin	Federal, Camden, NJ 08102
<input type="checkbox"/>		Bancroft Neurohealth	1000 Atlantic Ave Camden, NJ 08102
<input type="checkbox"/>		Cooper Health System	One Cooper Plaza Camden, NJ 08102
<input type="checkbox"/>		L-3 Communications Systems	1 Federal Street, Camden, New Jersey, 08103
<input type="checkbox"/>		Towers Perrin	101 Woodcrest Rd, Cherry Hill, NJ
<input type="checkbox"/>		Arch Manufacturing & Sales Co.	1213 S 6th St, Camden, NJ

Gloucester County			
<input type="checkbox"/>		Underwood Memorial Hospital	509 North Broad Street, Woodbury, NJ 08096
<input type="checkbox"/>		Rowan University	201 Mullica Hill road Glassboro, NJ 08028
<input type="checkbox"/>		Kennedy Memorial Hospital	435 Hurffville-Cross Keys Road, Turnersville NJ 08012
<input type="checkbox"/>		U.S. Food Services	2255 High Hill Rd, Swedesboro, NJ & Swedesboro
<input type="checkbox"/>		Direct Group	100 Berkeley Dr, Swedesboro, NJ and 800 Arlington Blvd, Swedesboro, NJ
<input type="checkbox"/>		CompuCom Systems Inc.	1225 Forest Pkwy # 500, Paulsboro, NJ
<input type="checkbox"/>		Missa Bay LLC	101 Arlington Blvd, Swedesboro, NJ and 2339 Center Square Rd, Swedesboro, NJ and 730 Veterans Dr, Swedesboro, NJ
<input type="checkbox"/>		Sony Music	400 N Woodbury Rd, Pitman, NJ
<input type="checkbox"/>		Delaware Valley Wholesale Florists	520 N. Mantua Boulevard Sewell, NJ 08080
<input type="checkbox"/>		Valero Refining Co	800 Billingsport Rd, Paulsboro, NJ
<input type="checkbox"/>		Electric Mobility	591 Mantua Blvd, Sewell, NJ
<input type="checkbox"/>		Sunoco-Eagle Point Oil Refinery	US Highway 130 S & Highway 295, Westville, NJ
<input type="checkbox"/>		Heritage's Dairy Stores	376 Jessup Road Thorofare, NJ 08086
<input type="checkbox"/>		Cornell & Company	224 Cornell Ln, Westville, NJ
<input type="checkbox"/>		Exxon Mobil Research & Engineering Co	800 Billingsport Rd, Paulsboro, NJ

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)

Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:	
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)	
<input type="checkbox"/>	Burlington County Library Headquarters
<input type="checkbox"/>	Burlington County Office Building
<input type="checkbox"/>	Camden Court House Square
<input type="checkbox"/>	Gloucester County Court House
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)	
4c. Sales/Rental Office for units (if applicable)	

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).	
Name (Type or Print)	
Title/Municipality	
Signature	Date

AFFIRMATIVE FAIR HOUSING MARKETING PLAN For Affordable Housing in (REGION 5)

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address Audubon Borough 606 W. Nicholson Road Audubon, NJ 08106 https://www.audubonnj.com/	
1c. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	1d. Price or Rental Range From To	1e. State and Federal Funding Sources (if any)	
1f. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: _____ Occupancy: _____		
1h. County <p style="text-align: center; margin-left: 100px;">Camden</p>		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received.	
--	--

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

White (non-Hispanic)
 Black (non-Hispanic)
 Hispanic
 American Indian or Alaskan Native
 Asian or Pacific Islander
 Other group:

3b. HOUSING RESOURCE CENTER (www.njhousing.gov) A free, online listing of affordable housing

3c. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
--	----------------------------------	--------------------------------	------------------

TARGETS ENTIRE HOUSING REGION 5			
Daily Newspaper			
<input type="checkbox"/>		Philadelphia Inquirer	
<input type="checkbox"/>		Courier-Post	

TARGETS PARTIAL HOUSING REGION 5			
Daily Newspaper			
<input type="checkbox"/>		Burlington County Times	Burlington
<input type="checkbox"/>		Gloucester County Times	Gloucester
Weekly Newspaper			
<input type="checkbox"/>		Central Record, The	Burlington
<input type="checkbox"/>		Fort Dix Post	Burlington
<input type="checkbox"/>		Maple Shade Progress	Burlington
<input type="checkbox"/>		News Weekly	Burlington
<input type="checkbox"/>		Register-News	Burlington
<input type="checkbox"/>		Gloucester City News	Camden
<input type="checkbox"/>		Haddon Herald	Camden
<input type="checkbox"/>		Record Breeze	Camden
<input type="checkbox"/>		Retrospect	Camden
<input type="checkbox"/>		Plain Dealer	Camden, Gloucester
<input type="checkbox"/>		News Report	Gloucester

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
--	----------------------------------	---------------------------------	--

TARGETS ENTIRE HOUSING REGION 5			
<input type="checkbox"/>		3 KYW-TV Cbs Broadcasting Inc.	
<input type="checkbox"/>		6 WPVI-TV	

		American Broadcasting Companies, Inc (Walt Disney)	
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		12 WHYY-TV Whyy, Inc.	
<input type="checkbox"/>		17 WPHL-TV Tribune Company	
<input type="checkbox"/>		23 WNJS New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		57 WPSG Cbs Broadcasting Inc.	
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, Llc	
<input type="checkbox"/>		65 WUVP-TV Univision Communications, Inc.	
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	
TARGETS PARTIAL HOUSING REGION 5			
<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	Burlington
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	Burlington
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	Burlington
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	Burlington
<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	Burlington
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	Burlington
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	Burlington
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Burlington
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	Burlington
<input type="checkbox"/>		38 WPHA-CA	Burlington, Camden

		Commercial Broadcasting Corp.	
<input type="checkbox"/>		41 WNAI-LP Marcia Cohen	Burlington, Camden
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Burlington, Camden
<input type="checkbox"/>		62 WWSI Hispanic Broadcasters of Philadelphia, Llc	Camden, Gloucester

	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
--	----------------------------------	----------------------------	----------------

TARGETS PARTIAL HOUSING REGION 5

<input type="checkbox"/>		Comcast of Burlington County, Garden State, Gloucester County, South Jersey, Wildwood (Maple Shade System)	All Burlington, Camden, Gloucester
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	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
--	----------------------------------	------------------------------------	--

TARGETS ENTIRE HOUSING REGION 5

AM

<input type="checkbox"/>		WFIL 560	Christian
<input type="checkbox"/>		WIP 610	
<input type="checkbox"/>		WWJZ 640	
<input type="checkbox"/>		WTMR 800	
<input type="checkbox"/>		WWDB 860	
<input type="checkbox"/>		WPEN 950	
<input type="checkbox"/>		WNTP 990	
<input type="checkbox"/>		KYW 1060	
<input type="checkbox"/>		WPHT 1210	
<input type="checkbox"/>		WNWR 1540	

FM

<input type="checkbox"/>		WXPB 88.5	
<input type="checkbox"/>		WRTI 90.1	
<input type="checkbox"/>		WHYY-FM 90.9	
<input type="checkbox"/>		WXTU 92.5	
<input type="checkbox"/>		WMMR 93.3	
<input type="checkbox"/>		WSTW 93.7	
<input type="checkbox"/>		WYSP 94.1	

<input type="checkbox"/>		WPST 94.5	
<input type="checkbox"/>		WBEN-FM 95.7	
<input type="checkbox"/>		WRDW-FM 96.5	
<input type="checkbox"/>		WUSL 98.9	
<input type="checkbox"/>		WJBR-FM 99.5	
<input type="checkbox"/>		WPHI-FM 100.3	
<input type="checkbox"/>		WBEB 101.1	
<input type="checkbox"/>		WIOQ 102.1	
<input type="checkbox"/>		WMGK 102.9	
<input type="checkbox"/>		WJJZ 106.1	
<input type="checkbox"/>		WKDN 106.9	Christian
<input type="checkbox"/>		WRNB 107.9	
TARGETS PARTIAL HOUSING REGION 5			
AM			
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WBUD 1260	
<input type="checkbox"/>		WIMG 1300	Black Gospel
<input type="checkbox"/>		WIFI 1460	Christian
<input type="checkbox"/>		WBCB 1490	
<input type="checkbox"/>		WPHY 920	
<input type="checkbox"/>		WURD 900	
<input type="checkbox"/>		WPHE 690	Latin
<input type="checkbox"/>		WNAP 1110	
<input type="checkbox"/>		WEMG 1310	Spanish
<input type="checkbox"/>		WHAT 1340	
<input type="checkbox"/>		WVCH 740	Christian
<input type="checkbox"/>		WDEL 1150	
<input type="checkbox"/>		WNJC 1360	
<input type="checkbox"/>		WDAS 1480	Black Gospel
FM			
<input type="checkbox"/>		WBZC 88.9	Burlington
<input type="checkbox"/>		WSJI 89.5	Burlington

<input type="checkbox"/>		WAWZ 99.1	Burlington (Christian)
<input type="checkbox"/>		WPPZ-FM 103.9	Burlington (Christian)
<input type="checkbox"/>		WKXW-FM 101.5	Burlington, Camden
<input type="checkbox"/>		WPRB 103.3	Burlington, Camden
<input type="checkbox"/>		WOGL 98.1	Burlington, Camden, Gloucester
<input type="checkbox"/>		WDAS-FM 105.3	Burlington, Camden, Gloucester
<input type="checkbox"/>		WKDU 91.7	Camden
<input type="checkbox"/>		WGLS-FM 89.7	Gloucester
<input type="checkbox"/>		WVLT 92.1	Gloucester
<input type="checkbox"/>		WIXM 97.3	Gloucester
<input type="checkbox"/>		WSJO 104.9	Gloucester

3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 5			
Weekly			
<input type="checkbox"/>	Al Dia	Philadelphia Area	Spanish-Language
<input type="checkbox"/>	Nuestra Comunidad	Central/South Jersey	Spanish-Language

TARGETS PARTIAL HOUSING REGION 5

Weekly			
<input type="checkbox"/>	El Hispano	Camden and Trenton areas	Spanish-Language
<input type="checkbox"/>	Ukrainian Weekly	New Jersey	Ukrainian community

3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
Burlington County		
<input type="checkbox"/>	Burlington County College	601 Pemberton Browns Mills Rd Remberton
<input type="checkbox"/>	Our Lady of Lourdes Medical Center	218 Sunset Rd Willingboro, NJ
<input type="checkbox"/>	Masonic Home of NJ	902 Jacksonville Rd Burlington, NJ
<input type="checkbox"/>	Medford Leas Continuing Care	1 Medford Leas Medford, NJ
<input type="checkbox"/>	Virtua Geriatric Care Management	523 Fellowship Rd Mt Laurel, NJ
<input type="checkbox"/>	Virtua West Jersey Hospital	90 Brick rd Marlton, NJ

Camden County			
<input type="checkbox"/>		Campbell Soup Company	Campbell Place Camden, NJ 08103-1701
<input type="checkbox"/>		Lockheed Martin	Federal, Camden, NJ 08102
<input type="checkbox"/>		Bancroft Neurohealth	1000 Atlantic Ave Camden, NJ 08102
<input type="checkbox"/>		Cooper Health System	One Cooper Plaza Camden, NJ 08102
<input type="checkbox"/>		L-3 Communications Systems	1 Federal Street, Camden, New Jersey, 08103
<input type="checkbox"/>		Towers Perrin	101 Woodcrest Rd, Cherry Hill, NJ
<input type="checkbox"/>		Arch Manufacturing & Sales Co.	1213 S 6th St, Camden, NJ

Gloucester County			
<input type="checkbox"/>		Underwood Memorial Hospital	509 North Broad Street, Woodbury, NJ 08096
<input type="checkbox"/>		Rowan University	201 Mullica Hill road Glassboro, NJ 08028
<input type="checkbox"/>		Kennedy Memorial Hospital	435 Hurffville-Cross Keys Road, Turnersville NJ 08012
<input type="checkbox"/>		U.S. Food Services	2255 High Hill Rd, Swedesboro, NJ & Swedesboro
<input type="checkbox"/>		Direct Group	100 Berkeley Dr, Swedesboro, NJ and 800 Arlington Blvd, Swedesboro, NJ
<input type="checkbox"/>		CompuCom Systems Inc.	1225 Forest Pkwy # 500, Paulsboro, NJ
<input type="checkbox"/>		Missa Bay LLC	101 Arlington Blvd, Swedesboro, NJ and 2339 Center Square Rd, Swedesboro, NJ and 730 Veterans Dr, Swedesboro, NJ
<input type="checkbox"/>		Sony Music	400 N Woodbury Rd, Pitman, NJ
<input type="checkbox"/>		Delaware Valley Wholesale Florists	520 N. Mantua Boulevard Sewell, NJ 08080
<input type="checkbox"/>		Valero Refining Co	800 Billingsport Rd, Paulsboro, NJ
<input type="checkbox"/>		Electric Mobility	591 Mantua Blvd, Sewell, NJ
<input type="checkbox"/>		Sunoco-Eagle Point Oil Refinery	US Highway 130 S & Highway 295, Westville, NJ
<input type="checkbox"/>		Heritage's Dairy Stores	376 Jessup Road Thorofare, NJ 08086
<input type="checkbox"/>		Cornell & Company	224 Cornell Ln, Westville, NJ
<input type="checkbox"/>		Exxon Mobil Research & Engineering Co	800 Billingsport Rd, Paulsboro, NJ

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)

Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:											
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)											
	<table border="1"> <thead> <tr> <th>BUILDING</th> <th>LOCATION</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Burlington County Library Headquarters</td> <td>5 Pioneer Boulevard, Westampton, NJ 08060</td> </tr> <tr> <td><input type="checkbox"/> Burlington County Office Building</td> <td>49 Rancocas Rd, Mount Holly NJ 08060 (609)265-5000</td> </tr> <tr> <td><input type="checkbox"/> Camden Court House Square</td> <td>520 Market St, Camden NJ 08102-1375 (856)225-5000</td> </tr> <tr> <td><input type="checkbox"/> Gloucester County Court House</td> <td>1 N. Broad Street, Woodbury, NJ 08096 (856)853-3390</td> </tr> </tbody> </table>	BUILDING	LOCATION	<input type="checkbox"/> Burlington County Library Headquarters	5 Pioneer Boulevard, Westampton, NJ 08060	<input type="checkbox"/> Burlington County Office Building	49 Rancocas Rd, Mount Holly NJ 08060 (609)265-5000	<input type="checkbox"/> Camden Court House Square	520 Market St, Camden NJ 08102-1375 (856)225-5000	<input type="checkbox"/> Gloucester County Court House	1 N. Broad Street, Woodbury, NJ 08096 (856)853-3390
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4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)											
4c. Sales/Rental Office for units (if applicable)											

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).	
Name (Type or Print)	
Title/Municipality	
Signature	Date

**IN THE MATTER OF THE ADOPTION OF
THE AMENDED FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE
PLAN OF THE BOROUGH OF AUDUBON
MASTER PLAN**

**BOROUGH OF AUDUBON
JOINT LAND USE BOARD
RESOLUTION OF
MEMORIALIZATION
RESOLUTION NUMBER 2026-B**

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted legislation known as P.L.2024, c.2, which set forth a procedure for calculating the 4th Round affordable housing obligation for municipalities, and which required this calculation to be adopted by the governing body of a municipality by way of Resolution; and

WHEREAS, N.J.S.A. 52:27D-304.2(b)(1) provides that the Fourth Round municipal affordable housing obligations shall run from the period of July 1, 2025 through June 30, 2035, and Region 5 consists of Burlington County, Camden County and Gloucester County (“Region 5”); and

WHEREAS, the Borough of Audubon having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the “Fair Housing Act”) on January 23, 2025; and

WHEREAS, the Court entered an order on March 28, 2025 setting the Borough’s Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 42 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan(“HEFSP”) by June 30, 2025; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a), requires a municipality participating in the Program must adopt and submit to the Program a Housing Element and Fair Share Plan on or before June 30, 2025; and

WHEREAS, the Borough having filed its HEFSP on June 30, 2025 (“Adopted HEFSP”); and

WHEREAS, Fair Share Housing Center having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP on August 28, 2025; and

WHEREAS, thereafter the Borough entered into a Mediation Agreement in the lawsuit captioned, In the Matter of the Application of the Borough of Audubon, County of Camden, appearing under Docket No.: CAM-L-226-25 (“Mediation Agreement”); and

WHEREAS, as per the FHA and the Mediation Agreement with FSHC, the Borough is required to amend its Fourth Round Plan to include the terms and conditions agreed upon in the Mediation Agreement; and

WHEREAS, the Borough has prepared an Amended Fourth Round Housing Element and Fair Share Plan (“Amended Fourth Round Plan”), which is attached hereto as Exhibit A; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Audubon Borough Joint Land Use Board held a public hearing on the Amended Fourth Round Plan on March 11, 2026; and

WHEREAS, the Joint Land Use Board determined that the attached Amended Fourth Round Plan is consistent with the goals and objectives of the Borough’s current Master Plan, and

that the adoption and implementation of the Amended Fourth Round Plan is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Borough of Audubon, County of Camden, State of New Jersey, that the Joint Land Use Board hereby adopts the Borough's Amended Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

The voting on the application was as follows:

Mayor Jakubowski:	<u>Yes</u>
Commissioner Dave Alemi:	<u>Yes</u>
David Thompson:	<u>Yes</u>
Mark Owens:	<u>Yes</u>
Steve Connelly:	<u>Yes</u>
Dan Gaspari:	<u>Yes</u>
Paul Hartstein:	<u>Yes</u>
James Rossell, Jr.:	<u>Yes</u>
Michael Sullivan:	<u>Yes</u>

NOW, THEREFORE, BE IT RESOLVED, on this 11TH day of March 2026, that the Joint Land Use Board of the Borough of Audubon, by a vote of nine (9) in favor and zero (0) opposed, hereby approves and adopts the Borough's Amended Fourth Round HEFSP which is attached hereto and incorporated herein; and,

BE IT FURTHER RESOLVED, that the Borough's Amended Fourth Round HEFSP supersedes and replaces any prior HEFSP; and,

BE IT FURTHER RESOLVED, that a copy of this resolution with the adopted Borough's Fourth Round HEFSP is to be forwarded to the Camden County Planning Board and the New Jersey Office of Planning Advocacy, per the MLUL at N.J.S.A. 40:55D-13.

The undersigned, Chairperson of the Borough of Audubon Planning Board, does hereby certify that the above is a true copy of a Resolution adopted by the Board on March 11, 2026, to memorialize its action taken on said date.

AUDUBON JOINT LAND USE BOARD



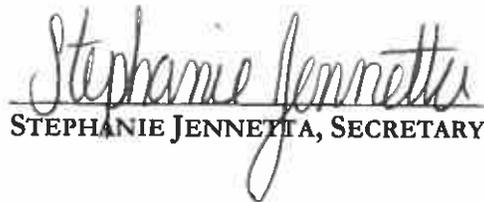
Dated: March 11, 2026

DAVID THOMPSON, CHAIRMAN

CERTIFICATION

I hereby certify that the foregoing resolution is a true memorialization of the Joint Land Use Board hearing on this matter held on March 11, 2026, as memorialized by the Joint Land Use Board of the Borough of Audubon at the regular meeting of the Joint Land Use Board held on March 11, 2026.

Dated: March 11, 2026



STEPHANIE JENNETTA, SECRETARY

EXHIBIT A

**Borough of Audubon
Camden County, New Jersey**



Housing Element and Fair Share Plan

June 2025

Adopted by the Audubon Borough Joint Land Use Board on June 11, 2025

**Amended and Adopted by the Audubon Borough Joint Land Use Board
On March 11, 2026 (Resolution 2026-B)**

**Endorsed by the Audubon Borough Council
On March 12, 2026 (Resolution 2026:77)**

Steven M. Bach, PE, RA, PP, PLS, CME

Candace A. Kanaplue, AICP, PP

The original of this document was signed and sealed in accordance with NJAC 13:41-1.3.b

BA **BACH Associates, P C**
ENGINEERS • ARCHITECTS • PLANNERS

304 White Horse Pike, Haddon Heights, NJ 08035
(856) 546-8611 • Fax (856) 546-8612

Borough of Audubon 2026 Joint Land Use Board

Mayor Robert Jakubowski
Commissioner Dave Alemi
Chairman Dave Thompson
Jim Rossell
Jim Kindya
Steve Connelly
Mark Owens
Dan Gaspari
Paul Hartstein
Michael Sullivan
Kevin Moran
Jodi Clark

Stephanie Jennetta, Board Secretary
Matthew Madden, Esq. Board Solicitor
Steven M. Bach, PE, RA, PP, CME, Board Engineer
Candace A. Kanaplue, PP, AICP, Planner

Borough of Audubon 2026 Commissioners

Mayor Robert Jakubowski
Commissioner Dave Alemi
Commissioner Andrea Wendell

Danielle Ingves, RMC, CMR, Municipal Clerk
Salvatore J. Siciliano, Esq, Borough Solicitor
Steven M. Bach, PE, RA, PP, CME, Borough Engineer

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APPENDICES

1. Municipal Resolution Adopting Fourth Round Affordable Housing Obligations.
2. Draft - Ordinance Establishing Affordable Housing Procedural and Eligibility Requirements of the Land Development Ordinance of The Borough to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Borough’s Affordable Housing Obligations
3. Vacant Land Analysis
4. Aerial – Block 153 Lot 3 Affordable Housing Inclusionary Garden Family Apartment Overlay
5. Draft “ORDINANCE ESTABLISHING AFFORDABLE HOUSING INCLUSIONARY GARDEN FAMILY APARTMENT OVERLAY OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE BOROUGH’S AFFORDABLE HOUSING OBLIGATIONS” for Block 153, Lot 3

APPENDICES (CONTINUED)

6. Aerial - P/O Block 151, Lot 1.01 Affordable Housing Inclusionary Mid-Rise Family Apartment Overlay
7. Draft "ORDINANCE ESTABLISHING AFFORDABLE HOUSING INCLUSIONARY MID-RISE FAMILY APARTMENT OVERLAY OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS" for P/O Block 151, Lot 1.01

I. INTRODUCTION

A. AFFORDABLE HOUSING IN NEW JERSEY

The New Jersey Supreme Court ruled in 1975, in a decision now commonly referred to as “*Mount Laurel I*,” that developing municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate income housing. Then in 1983 in the “*Mount Laurel II*” decision, the Supreme Court went further, creating an incentive for private developers to enforce the Mount Laurel doctrine by suing municipalities that have not chosen to comply with the *Mount Laurel* principles. Needing a mechanism to implement the *Mount Laurel* doctrine, the legislature adopted the Fair Housing Act (N.J.S.A. 52:27D-310) in 1985, and created the Council on Affordable Housing as the administrative alternative to dealing with affordable housing cases through the courts. COAH was given the responsibility to establish housing regions, estimate low and moderate income housing needs, set criteria for municipalities to determine and address their fair share affordable housing numbers, and review and approve housing elements and fair share plans.

On December 20, 2004, COAH’s first version of the Third Round rules became effective. At that time the Third Round was to cover the time period from 1999 to 2014, since the first and Second Rounds covered the 1987 to 1999 period. The Round III affordable housing delivery period was to run from January 1, 2004 through January 1, 2014. After much legal debate on the Third Round Rules, on March 10, 2015, the Supreme Court ruled that the New Jersey Council on Affordable Housing (COAH) failed to act, and as a result, the Courts assumed jurisdiction over municipal compliance with the Mount Laurel doctrine and the Fair Housing Act.

On March 20, 2024, Governor Murphy signed A4/S50 into law ushering in substantial amendments to the New Jersey Fair Housing Act (FHA) and significantly altering the manner in which municipalities will determine their Fourth Round “fair share” obligations, maintain immunity from Mount Laurel lawsuits, respond to objections, and secure approval of their Fourth Round Housing Element and Fair Share Plans. The new affordable housing legislation, A-4 and S-50, establishes processes for calculating municipal housing obligations, compliance filing deadlines, procedures for challenges and dispute resolution mechanisms. The legislation includes considerable amendments to the New Jersey Fair Housing Act and significantly changes the manner in which municipalities will determine their Fourth Round “fair share” obligations, maintain immunity from Mount Laurel lawsuits, respond to objections, and secure approval of their Fourth Round Housing Element and Fair Share Plans.

The amended FHA does the following:

1. Abolishes the Council on Affordable Housing (COAH);
2. Requires the DCA to calculate municipal “fair share” numbers;
3. Establishes a process for municipalities either to accept the DCA’s numbers or to determine and substantiate their own present and prospective fair share obligations based on the formulas established in the bill;
4. Creates parameters for fair share plans, such as age-restricted unit maximums, “family-rental” minimums, bonus credit maximums, etc.;
5. Identifies various compliance techniques;

6. Provides criteria for municipalities to secure and maintain Fourth Round “temporary immunity” from exclusionary zoning/builder’s remedy lawsuits during the process;
7. Permits interested parties to file formal challenges to the numbers and fair share plans, which will be addressed by the new “Affordable Housing Dispute Resolution Program;”
8. Provides a process for fair share plan approval either through the DCA or the courts via declaratory judgment actions; and
9. Delineates ongoing post-approval municipal monitoring and reporting requirements.

The amended FHA also establishes a series of deadlines for actions to be taken prior to, and after, the beginning of Fourth Round in July of 2025. These are:

January 31, 2025: Deadline for Towns to adopt their numbers via “Binding Resolution” (with or without using the DCA’s numbers) thereby establishing temporary immunity.

This was completed via Resolution No. 2025-39, adopted by the Borough Commission on January 21, 2025 and filed with the Program in a Declaratory Judgment action under the caption, In the Matter of the Declaratory Judgement Action of the Borough of Audubon, Camden County, Pursuant to P.L. 2024, Chapter 2”.

February 28, 2025: Deadline to challenge the town’s Binding Resolution and adopted numbers.

No challenge was made by the Borough of Audubon.

March 1, 2025: If no challenges are filed by interested parties, the Town’s numbers are established by default and immunity remains in effect.

No challenges were filed by interested parties.

April 1, 2025: Deadline for the Affordable Housing Dispute Resolution Program (“AHDRP”) to settle the number challenge(s).

Not applicable to the Borough of Audubon.

June 30, 2025: Deadline to adopt and endorse a Housing Element and Fair Share Plan and file with the AHDRP to maintain temporary immunity.

July 1, 2025: First day of Fourth Round

August 31, 2025: Deadline to challenge the validity of a Town’s Housing Element and Fair Share Plan.

December 31, 2025: Deadline for the Borough to settle the challenge or provide an explanation as to why it will not make all, or some of the requested changes, or both.

March 15, 2026: Deadline for the Fourth Round of affordable housing obligations, the implementing ordinances and resolutions, proposed, and incorporating any changes from the program, shall be adopted. Failure to meet the March 15 deadline shall result in the municipality losing immunity from exclusionary zoning litigation.

B. HOUSING ELEMENT AND FAIR SHARE PLAN REQUIREMENTS

The Borough must prepare and submit both a Housing Element (an element of Master Plan) and Fair Share Plan (describing how the Borough will address the obligation). The requirements of the Housing Element are outlined below (N.J.A.C. 5:97-2.1, 2.3 and N.J.S.A. 52:27D-310).

The Housing Element must review and analyze the Borough's housing stock, demographic and employment characteristics, leading into the Fair Share Plan, which will demonstrate how the Borough will make an effort to provide for its Fair Share obligation. The Housing Element must provide an analysis demonstrating that the plan will provide a realistic opportunity to meet the housing Borough's obligations and identify which ordinances must be revised to incorporate the provisions for low and moderate income housing. A municipality's housing element must be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing.

1. Housing Element Requirements under the Fair Housing Act:

A municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing, and 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 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;
- 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); 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.

C. MUNICIPAL SUMMARY

The land area of Audubon Borough is approximately 1.5 square mile and is located in the northwestern portion of Camden County. The Borough of Audubon is bordered by Audubon Park, Oaklyn, Haddon Township, Haddonfield, Haddon Heights, and Mount Ephraim

The 2023 American Community Survey population estimate for the Borough of Audubon was 8,699 persons (a decrease from the 2020 U.S. Census Bureau population of 8,707).

D. FAIR SHARE OBLIGATIONS

1. Prior Round (1987-1999) and Third Round (1999-2025) Obligations

On March 8, 2018, Mercer County Assignment Judge Mary C. Jacobson issued her opinion on the affordable housing obligations under New Jersey’s “Mount Laurel Doctrine” for two Mercer County municipalities, and by extension, municipalities across the state. Under the Jacobson decision, Audubon Borough’s prior round and Third Round obligations were established as:

Audubon Borough Affordable Housing Obligations 1987-2025 (Jacobson)	
Rehabilitation (Present Need 2015)	53
Prior Round (1987 – 1999)	0
Third Round (Prospective Need 1999-2025)	92

2. Fourth Round Obligations (2025-2035)

Under the Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background as issued by the New Jersey Department of Community Affairs (NJDCA), the Township’s Fourth Round (2025-2035) obligations are:

Audubon Borough Affordable Housing Obligations (NJDCA)	
Rehabilitation (Present Need 2025)	0
Fourth Round (Prospective Need 2025-2035)	42

E. AFFORDABLE HOUSING HISTORY

The Borough did not participate in the Third Round Court administered process.

II. HOUSING ELEMENT ANALYSIS

A. EXISTING HOUSING STOCK

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 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.

According to the Census estimate, in 2023 there were 3,312 year-round housing units in the Borough of Audubon of which 3,312 were occupied and 139 were vacant, the estimated vacancy rate was 0% for homeowners and 0% for rentals. In comparison, the 2010 census data indicates 3,502 units, of which 238 units were vacant. The census bureau estimates that housing units and occupancy decrease over time.

1. Age of Housing Stock

The Borough of Audubon housing stock is older than the majority of the County stock and the number of persons per household is slightly larger than that of the county.

	Persons Per Household	% Housing Stock Built 1939 or Earlier
Audubon Borough	2.62	59.1
Camden County	2.58	17.6

Source: U.S. Census Bureau, B25034 2023 ACS

Audubon Borough Age of Housing Stock		
Year Constructed	Number of units	Percent of Total in Year 2023
2020 or later	0	0.0
2010 to 2019	25	0.7
2000 to 2009	19	0.6
1990 to 1999	36	1.0
1980 to 1989	95	2.8
1970 to 1979	141	4.1
1960 to 1969	183	5.3
1950 to 1959	598	17.3
1940 to 1949	313	9.1
1939 or earlier	2041	59.1

According to the residential building permit data from the New Jersey Department of Community Affairs, 0 residential certificates of occupancy were issued in 2023 in the Borough of Audubon.

2. Condition and Substandard Units

Of the 3,312 estimated occupied housing units in existence at the time of the 2023 ACS Census, 0 units were reported to be without complete plumbing facilities and 0 units were lacking complete kitchen facilities. There were 17 units within the Borough that have more than one (1) occupants per room. An assessment of the number of substandard units capable of being rehabilitated may be made by considering the number of homes without complete plumbing and kitchen facilities since this information is provided in the Census sample data, but there are other factors to consider as well. Occupied housing units with a low a market value relative to the average in the area may be an indicator of potential for rehabilitation. The New Jersey affordable housing program has also used “crowding” and the age of the housing units to estimate the number of units in need of rehabilitation. There are surely at least a few units that are in need of rehabilitation, within the Borough.

The table below presents a breakdown of the Borough’s housing stock by number of rooms as they relate to County averages. The County has a slightly lower percentage of homes with six rooms than the Borough, with the median number of rooms in the Borough at 6.4 per housing unit.

Audubon Borough Number of Rooms in Housing Units			
Audubon # of Rooms	Audubon # of Units	Audubon %	Camden County %
1	31	0.9	2.4
2	131	3.8	2.9
3	268	7.8	9.2
4	305	8.8	12.7
5	375	10.9	14.4
6+	2341	67.8	58.5
Median for Audubon	6.4 rooms		6.0 rooms

3. Ownership and Rental Characteristics

A majority, 75.9 percent, of Audubon Borough’s population live in owner occupied housing units, while 24.1 percent of the population lived in rented housing units according to the ACS in 2023. Almost 75.8 percent of the total housing units in Audubon Borough are single family dwellings (rented and owned), 0 percent are mobile homes.

Year Round Housing Units			Owner-occupied	Rental
Occupied	Vacant	Total	%	%
3,312	139	3,451	75.9	24.1

4. Occupancy Characteristics and Housing Type

The vacancy rate for year round units in the Borough is 0% vacancy for owner-occupied units and 0% occupancy for rental units. The average household size is 2.90 persons for owner occupied units and 1.72 persons for renter-occupied units.

The number of bedrooms in a home is often reflective of the size of a home. The municipalities with a newer housing stock have a larger percentage of units with more bedrooms. This is reflective of the trend toward larger, more sprawling homes in America over the last several decades. Audubon Borough has an older stock of homes and therefore lends itself to a larger percentage of homes with two to three bedrooms.

	Bedroom Distribution Percent of Housing Stock With:		
	One or less Bedrooms	2 - 3 Bedrooms	4+ Bedrooms
Audubon Borough	15.2%	59.3%	25.5%
Camden County	17.3%	58.2%	24.6%

Source: U.S. Census Bureau, ACS 2023 DP04

Percent Distribution of Housing Units by Structure Type Audubon Borough		
	Number of units	Percentage
1 (detached)	2451	71
1 (attached)	165	4.8
2	468	13.6
3-4	59	1.7
5-9	6	0.2
10-19	51	1.5
20+	251	7.3
Mobile	0	0
Other	0	0
Total	3,451	100%

Source: U.S. Census Bureau, ACS 2023 DP04

Selected Housing or Housing-Related Value Characteristics				
	Median Value Housing	Median Contract Rent	Median Household Income	Rental Vacancy Rate (%)
Audubon Borough	\$288,500	\$1,211	\$116,900	0%

Source: U.S. Census Bureau, ACS 2023 DP04, S1901

B. DEMOGRAPHIC CHARACTERISTICS

1. Historic Population Trends

The Borough of Audubon's population increased 21% between 1940 and 1970, reaching its peak in 10,802 residents. The population has since been steadily decreasing, with its current 2023 ACS estimate of 8,699. The table below shows the population changes from 1940 through 2023.

Audubon Borough, Camden County Population									
1940	1950	1960	1970	1980	1990	2000	2010	2020	2023*
8,906	9,531	10,440	10,802	9,533	9,205	9,182	8,819	8,707	8,699

Table 6. New Jersey Resident Population by Municipality 1930-1990; US Census, *2023 ACS Estimate

2. Recent Population Change

Between 2010 and 2023, the population in Audubon Borough decreased from 9,205 to 8,699, a decrease of 483 people or 5.2%.

3. Population Density

In 2023, the population density in the Borough of Audubon was 5,799 people per square mile, which is more than Camden County's and State's population density overall.

Audubon and Surrounding Municipalities Density Indicators			
	Square Miles	Population per sq mile	Housing units per sq mile
Audubon	1.5	5,799	2,623
Camden County	227.42	2,304	941
New Jersey	8,722.58	1,062	432

Source: Calculated from U.S. Census Bureau, 2023 ACS

4. Age of Population

The table below provides a breakdown of Audubon Borough's population by age cohorts and gender in 2023. The largest age cohort is the 25-34 years of age bracket, with 29.8% of the total population. The second largest age cohort is the 35-44 age bracket, with 17.2% of the population. The Borough's median age is 38.7 years. The Borough has diverse range of ages and should continue to accommodate and plan for this diverse population.

Borough of Audubon Summary Population Characteristics 2023		
	Number of People	% of Total
Male	4,282	49.2%
Female	4,417	50.8%
Total	8,699	100.0
Under 5	634	7.3%
5 – 14	1,077	12.4%
15 – 24	871	10%
25 – 34	2,594	29.8%
35 - 44	1,497	17.2%
45 - 54	833	9.6%
55 - 64	1,306	15%
65+	1,384	15.9%
Median Age	38.7	N/A

Source: 2023 American Community Survey Estimates

5. Household Characteristics

The next table includes family and household characteristics of the Borough. In 2023, there were 3,312 households and 2,140 families in Audubon with an average of 2.62 persons per household. The table below indicates that Audubon is comprised of a majority of married/cohabitating-couple households (59.3%) with the second largest household type being non-family householders at 40.6%.

	Number of Households	Percent
Married / Cohabiting Couple Family	1,962	59.3
with children	655	19.8
Male Householder, no spouse	451	13.6
with children	53	1.6
Female householder, no spouse	899	27.1
with children	96	2.9
Total Households	3,312	100

Source: 2023 ACS

6. Income Level & Poverty Status

Five-year American Community Survey (ACS) estimates were relied upon for the most recent (2023) statistics. Audubon Borough has lower percentages of households in poverty status than both the County and State overall. The Borough had a 2023 household median income of \$116,900, compared with the Camdem County household median income of \$86,384. 2.2% percent of Audubon's population had household incomes below the federal poverty level, compared with 12.8 in the County.

State affordable housing regulations define low income (those earning up to 50% of the median household income for the region) and moderate income households (those earning from more than 50% to 80% of the median household income for the region). The figures are adjusted for household size and the municipality's geographic location since cost of living differs among regions.

Audubon is located within Region Five, which includes Camden, Gloucester and Burlington Counties. The 2025 income guidelines for Region Five (based on household size) range from \$66,880 (one person household) to \$95,520 (four person household) for the upper limits of what is considered moderate income; and \$41,800 (one person household) to \$59,700 (four person household) for the upper limit of what is considered low income. Median 2023 income for the region ranges from \$83,600 to \$119,400.

Audubon Borough 2023 Household Income						
	Audubon Borough		Camden County		New Jersey	
	Households	Audubon %	Households	Camden County %	Households	State %
Less than \$10,000	43	1.3	10,890	5.4	139,134	4
10,000 - 14,999	36	1.1	6,655	3.3	100,872	2.9
15,000 - 24,999	189	5.7	11,697	5.8	173,918	5
25,000 - 34,999	142	4.3	14,117	7	184,353	5.3
35,000 - 49,999	238	7.2	19,360	9.6	278,268	8
50,000 - 74,999	311	9.4	27,427	13.6	448,708	12.9
75,000 - 99,999	381	11.5	26,620	13.2	396,532	11.4
100,000 - 149,999	835	25.2	37,511	18.6	626,104	18
50,000 - 199,999	424	12.8	21,175	10.5	406,968	11.7
200,000 +	709	21.4	26,217	13	720,019	20.7

Source: U.S. Census Bureau, 2023 American Community Survey 5-year Estimates

Audubon Borough 2023 Income Levels			
	Audubon	Camden County	New Jersey
Median Household Income	110,860	\$83,763	\$101,050
Median Family Income	133,799	\$105,859	\$123,892
Poverty Status (Percent of people)	2.2	12.5%	9.8%
Poverty Status (Percent of families)	1.0	9.4%	7.0%

Source: U.S. Census Bureau, 2023 American Community Survey 5-year Estimates

7. Employment Status of Residents

Of the 6,893 estimated residents aged sixteen and over in 2023, 5,066 were in the labor force (73.5%). 3.1 percent of the labor force was listed as unemployed in the 2023 ACS. The mean travel time to work for Township residents is 26.1 minutes.

The employment data included in the US Census for the Audubon residents provides a picture of what types of work Township residents are involved in, but does not indicate where those jobs are located. As indicated in the table below, the most significant employment activities of the employed residents are Educational, Health and Social Services with 26.8%, followed by professional, science, management, and administrative services with 11.2% and third highest employment category manufacturing at 9.5 %.

Industry Code	Audubon	
	Jobs	%
1 Agriculture, Forestry, Fisheries & Mining	17	0.4
2 Construction	237	4.9
3 Manufacturing	458	9.5
4 Wholesale Trade	152	3.2
5 Retail Trade	416	8.6
6 Transportation, Warehousing, Utilities	301	6.3
7 Information	244	5.1
8 Finance, Insurance, Real Estate, Rental	442	9.2
9 Prof., Sci., Mgmt., Admin Services	538	11.2
10 Educ. Health, Social Services	1288	26.8
11 Arts, Entertainment, Recreation, Food	325	6.8
12 Other Services	234	4.9
13 Public Administration	159	3.3

Source: U.S. Census Bureau, 2023 American Community Survey 5-year

Occupation of Audubon Residents			
	# Persons	%	%Camden County
Management, Professional. & Related	2,568	53.4	42.4
Service	687	14.3	16.2
Sales and Office	874	18.2	21.1
Natural resources, Construction & Maintenance	240	5.0	6.9
Production, Transp. & Material Moving	442	9.2	42.4
Total	4811	100	100

Source: U.S. Census Bureau, 2023 American Community Survey 5-year

C. EMPLOYMENT

1. Employment Trends and Outlook

The Delaware Valley Regional Planning Commission publishes employment projections. Employment in the Borough of Audubon is expected to lower slowly through 2050, with a 0.7% decrease.

Audubon Borough, DVRPC Projected Employment								
Year	2025	2030	2035	2040	2045	2050	Change 2025-50	% change
Projected Employment	8,707	8,707	8,729	8,735	8,696	8,642	-65	0.7

Source: DVRPC 2050 Employment Forecasts, 2020-2050

D. PROJECTED HOUSING STOCK

Residential growth in Audubon has decreased since 2025. Since 2017 through 2023, growth has dropped off steeply.

	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23
COs Issued	2	3	3	1	0	0	0	0	0	1	0
Demolitions	1	0	2	2	0	1	0	0	0	4	1
Net	1	3	1	-1	0	-1	0	0	0	-3	-1

Source: New Jersey Construction Reporter and Municipal construction office records

E. FAIR SHARE CAPACITY

1. Availability of Land

The Borough of Audubon is located in the PA Metropolitan State Planning Area and is considered a “built out” municipality.

When there is a lack of sufficient land to meet the new construction obligation, a municipality is entitled to rely on NJAC 5:93 to adjust the new construction obligation downward. The adjusted number is known as the realistic development potential (RDP). The RDP represents the portion of the new construction affordable housing obligation that can theoretically be addressed with inclusionary development (defined as a mix of market and affordable units) on lots identified as being suitable in the Vacant Land Analysis (“VLA”). The portion of the new construction obligation for which there is insufficient land is known as the “unmet need”. The unmet need is calculated as the difference between the total new construction obligation and the RDP.

The Borough performed a Vacant Land Analysis (VLA) which is attached as Appendix. After excluding the properties by the specified criteria, there were no properties remaining that are vacant and developable for inclusionary housing. Therefore, the realistic development potential (RDP) is 0 units.

2. Availability of Existing and Planned Infrastructure

Water and sewer infrastructure as well as other utilities such as natural gas services are readily available in the Borough.

III. Audubon Borough’s Fair Share Plan

A. CONTENTS OF A FAIR SHARE PLAN

The Fair Share Plan contains the following information:

- Description of existing credits intended to satisfy the obligation;
- Description of mechanisms that will be used to meet any outstanding obligation; and
- An implementation schedule that sets forth a detailed timetable for units to be provided.

In adopting its housing element, a municipality may provide for its fair share of low and moderate income housing by means of any technique or combination of techniques that provide a realistic opportunity for the provision of the fair share. As per N.J.A.C. 5:93, these potential techniques include but are not limited to:

- Rehabilitation of existing substandard housing units;
- ECHO units (as a Rehabilitation credit);
- Municipally-sponsored and 100% affordable developments;
- Zoning for inclusionary development;
- Alternative living arrangements;
- Accessory apartment program;
- Purchase of existing homes;
- Write-down/buy-down programs; and
- Assisted living residences.

B. REGIONAL INCOME LIMITS

Dwelling units are affordable to low and moderate income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. The State provides income limits based upon the median gross household income of the affordable housing region in which the household is located. A moderate income household is one with a gross household income equal to or more than 50%, but less than 80%, of the median gross regional household income. A low income household is one with a gross household income equal to 50% or less of the median gross regional household income. Very-low income households are those with a gross household income equal to 30% or less of the median gross household income. Audubon Borough is located in Region 5, which contains Burlington, Gloucester, and Camden Counties.

Using the 2025 regional income limits, a four-person household moderate income is capped at \$95,520.00. Two-person households could make up to \$76,480.00 and be considered a moderate income household or earn up to \$47,800.00 and be considered a low income household. See the table on the following page for greater detail.

2025 REGIONAL INCOME LIMITS FOR REGION 5				
	1 Person	2 Person	3 Person	4 Person
Median	\$83,600.00	\$95,600.00	\$107,500.00	\$119,400.00
Moderate	\$66,880.00	\$76,480.00	\$86,000.00	\$95,520.00
Low	\$41,800.00	\$47,800.00	\$53,750.00	\$59,700.00
Very Low	\$25,080.00	\$28,680.00	\$32,250.00	\$35,820.00

Source: https://www.nj.gov/dca/hmfa/about/regulations/docs/UHAC_Income%20Limits.pdf

C. REHABILITATION OBLIGATION COMPLIANCE

The Opinion issued by the Supreme Court of New Jersey on March 10, 2015 states that “the Appellate Division also approved a methodology for identifying substandard housing that used fewer surrogates [or indicators] to approximate the number of deficient or dilapidated housing units”. The Order states that three indicators was not an abuse of discretion. The three indicators utilized are old and over-crowded units, homes with incomplete plumbing and housing units with incomplete kitchens.

Pursuant to the “NJDCA Affordable Housing Obligations for 2025-2035 (Fourth Round Methodology and Background)”, the Borough does not have a rehabilitation requirement. However, the Borough will continue to participate with Camden County’s rehabilitation program, which administers with the use of CDBG and HOME funds.

N.J.A.C. 5:93-5.2(g) and (h) requires \$10,000 to be spent per unit and a six-year control on affordability for owner-occupied units. Rental units are required to have ten-year controls on affordability. Additionally, a major system must be repaired in order for a home to qualify as a credit. Section II of this report indicates the condition of houses from the most recently available census data.

- 1 The rules specifically require a minimum of \$2,000 per unit to be spent on administration and \$8,000 per unit to be spent on the rehabilitation activity, which totals at least \$10,000.
- 2 A major system is defined by N.J.A.C. 5:93-5.2(b) as weatherization, a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems) and/or a load bearing structural system.

D. PRIOR, THIRD, AND FOURTH ROUND OBLIGATION COMPLIANCE (1987 - 2035)

The Borough has an aggregate affordable housing obligation of 134 units for the period of 1987 to 2035.

As indicated in section E. FAIR SHARE CAPACITY, 1. Availability of Land of this report, the Borough has a Realistic Development Potential of 0 units.

The Borough currently has the following available credits:

1. ARC of Camden County (416 Amherst Road – Block 46, Lot 8.01). 3 bedroom group home supportive housing for persons with disabilities. 3 special needs supportive housing units and 3 bonus credits (1.0 x 3 = 3). 3 units with 3 bonus credits for a total of 6 credits.
2. Bancroft NeuroHealth (4 Payson Avenue – Block 46, Lot 8.01). 5 bedroom group home supportive housing for persons with acquired brain injuries. 5 special needs supportive housing units and 5 bonus credits (1.0 x 5 = 5). 5 units with 5 bonus credits for a total of 10 credits.

The above provides 8 units and 8 bonus credits for a total of 16 credits.

It is noted that Audubon Towers is an existing 123 unit senior affordable housing facility located on Nicholson Road. This facility has been managed by PRD Management since its construction. It has been confirmed with James M. McGrath, Chairman of PRD Management that the record opening date of this facility is February 1, 1980. In accordance with 5:93-3.2 credit can not be taken for this existing 123 unit senior affordable housing facility as it was occupied originally prior to April 1, 1980.

The combined Prior Round, Third Round and Fourth Round obligation of 134 units, the RDP of 0 units, and the 16 credits delineated above result in an unmet need of 118 units (134 – 0 – 16 = 118).

25% Adjusted Prospective Need Requirement

The amended Fair Housing Act requires a municipality that receives an adjustment of their prospective need to identify sufficient parcels that are likely to develop during the Fourth Round to address 25% of their adjusted prospective need with realistic or meaningful zoning.

As delineated above, the adjusted prospective need is the unmet need of 118 units. Therefore, the Borough is required to identify sufficient parcels that are likely to develop during the Fourth Round to address 30 affordable units (118 units x 25% = 29.5 units).

The Borough has identified two (2) parcels that are likely to develop during the Fourth Round for a potential of 38 affordable family rental units. These parcels are Block 153, Lot 3 (14 affordable family rental units) and P/O Block 151, Lot 1.01 (24 affordable family rental units).

Block 153, Lot 3:

This parcel is a 4.64 acre parcel located along Nicholson Road immediately adjacent to the Audubon Park residential community. The property is currently developed with a senior transportation facility owned and operated by Senior Citizens Unit Community Services (SCUCS). This property was formally developed as a supermarket and catering hall.

This parcel will have affordable housing overlay zoning which will allow for three (3) story family rental garden apartments at a density of 20 units per acre and an inclusionary affordable housing set aside of 15%. This results in a potential development of 92 family rental apartments (4.64 acres x 20 units per acre = 92 units) with 14 affordable family rental units (92 units x 15% = 13.8 units)

An aerial map of this parcel has been provided under Appendix 4 entitled "Block 153 Lot 3 Affordable Housing Inclusionary Garden Family Apartment Overlay". In addition, draft "ORDINANCE ESTABLISHING AFFORDABLE HOUSING INCLUSIONARY GARDEN FAMILY APARTMENT OVERLAY OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS" for Block 153, Lot 3 has been provided as Appendix 5.

P/O Block 151, Lot 1.01:

This parcel is a 3.85 acre parcel located at the corner of the Black Horse Pike and North Merchant Street and is adjacent the Borough's Green Wave Park recreation center and R Residential Zoning District. The property is currently developed as two pad sites on the perimeter of the Wolfson Group, LLC owned Audubon Crossings commercial center. This property is currently developed as a Pep Boys Auto Service Center and Tank Asian Cuisine buffet restaurant which was a former Golden Coral Buffet restaurant.

This parcel will have affordable housing overlay zoning which will allow mid-rise family rental apartments. The overlay zoning will allow for a maximum building height of six (6) stories with ground floor parking and five (5) residential stories above the parking, a density of 40 units per acre, and an inclusionary affordable housing set aside of 15%. This results in a potential development of 154 family rental apartments (3.85 acres x 40 units per acre = 154 units) with 24 affordable family rental units (154 units x 15% = 23.1 units)

An aerial map of this parcel has been provided under Appendix 6 entitled "P/O Block 151 Lot 1.01 Affordable Housing Inclusionary Mid-Rise Family Apartment Overlay". In addition, draft "ORDINANCE ESTABLISHING AFFORDABLE HOUSING INCLUSIONARY MID-RISE FAMILY APARTMENT OVERLAY OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS" for P/O Block 151, Lot 1.01" has been provided as Appendix 7.

In addition to the above, the Borough will amend their Ordinance to include the Draft - Ordinance Establishing Affordable Housing Procedural and Eligibility Requirements of the Land Development Ordinance of The Borough to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Borough's Affordable Housing Obligations provided in Appendix 2. This Ordinance will provide the following:

“Any property in the Borough of Audubon that is currently zoned for residential use or subsequently receives a zoning change, use variance approval, or a redevelopment plan to permit residential development shall provide an affordable housing set-aside of 15% if the affordable units will be for rent and 20% if the affordable units will be for sale. This shall apply to all residential developments of 5 units or more. Any residential development of 4 units or less units shall provide a development fee in accordance with Chapter ___. No property shall be subdivided so as to avoid compliance with this requirement. All affordable units created pursuant to this paragraph shall be governed by the provisions of this Ordinance.”

1. Very Low Income Housing

In 2008, P.L. 2008, c. 46 was signed by the Governor, which made a number of changes to the affordable housing rules. In fact, it amended the Fair Housing Act (hereinafter “FHA”) to include a requirement that at least 13% of affordable housing units must be made available to very-low income households. Specifically, the FHA reads:

The council shall coordinate and review the housing elements as filed pursuant to section 11 of P.L.1985, c.222 (C.52:27D-311), and the housing activities under section 20 of P.L.1985, c.222 (C.52:27D-320), at least once every three years, to ensure that at least 13 percent of the housing units made available for occupancy by low-income and moderate income households will be reserved for occupancy by very low income households, as that term is defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304).

"Very low income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30% or less of the median gross household income for households of the same size within the housing region in which the housing is located.

Audubon Borough's very-low income obligation remains at 13% of the affordable housing obligation not constructed.

2. Preservation of Multigenerational Family Continuity

Pursuant to the 2024 Fair Housing Act, an analysis was conducted to evaluate the extent to which municipal ordinances and local factors promote or impede the preservation of multigenerational family continuity, as recommended by the Multigenerational Family Housing Continuity Commission (established under P.L.2021, c. 273). The Commission's primary objective is to facilitate senior citizens' ability to reside with their extended families, in so doing strengthening multigenerational family ties. A review of the Borough's ordinances reveals no provisions that would diminish this objective.

3. State Development and Redevelopment Plan Consistency

This Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (SDRP) and the draft proposed SDRP as the proposed projects and zoning mechanisms will provide a meaningful opportunity for the construction of affordable housing.

4. Conclusion

The Borough of Audubon is a diverse community that will continue to grow in a planned and careful manner. The Borough has already provided affordable homes to its residents, and will continue to plan for responsible development in the future. It has always been Audubon Borough's intent to be inclusionary in its housing policies.

APPENDIX 1

RESOLUTION 2025-39

RESOLUTION OF THE BOROUGH OF AUDUBON ADOPTING FOURTH ROUND FAIR SHARE AFFORDABLE HOUSING OBLIGATION AND OTHER ACTIONS

WHEREAS, pursuant to the Fair Housing Act P.L. 2024, c.2, ("FHA") the State of New Jersey adopted legislation addressing the Fourth Round of affordable housing for the period 2025 to 2035; and

WHEREAS, pursuant to the FHA, the Department of Community Affairs ("DCA"), published Fourth Round preliminary obligations for each municipality in October of 2024; and

WHEREAS, the DCA calculated the Borough of Audubon as having a present need or rehabilitation share of 0 units and a prospective need share of 42 units for the Fourth Round; and

WHEREAS, pursuant to the FHA, every municipality in the State of New Jersey has an obligation to adopt a binding resolution establishing its fair share affordable housing obligation for the Fourth Round by January 31, 2025; and

WHEREAS, the Borough's affordable housing professionals have reviewed the present need and prospective share published by the DCA and have recommended that the Borough adopt these amounts as its Fourth Round Fair Share obligation; and

WHEREAS, the Borough Commissioners have reviewed this matter and agree to accept the recommendations of the Borough's affordable housing professionals and take other necessary actions in connection with the FHA.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Commissioners of the Borough of Audubon, County of Camden and State of New Jersey hereby establishes its Fourth Round Affordable Housing Fair Share obligation as a present need or rehabilitation share of 0 units and a prospective need share of 42 units; and

BE IT FURTHER RESOLVED, that the Borough of Audubon's Fourth Round Affordable Housing Fair Share obligation is subject to vacant land adjustments and other amendments as may be provided for by law and the Borough hereby reserves its right to adjust its Fourth Round Affordable Housing Fair Share obligation accordingly; and

BE IT FURTHER RESOLVED, that Borough of Audubon reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

BE IT FURTHER RESOLVED, that Borough of Audubon also reserves the right to adjust its position in the event of any rulings in the Montvale case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

BE IT FURTHER RESOLVED, that in the event that a third party challenges the calculations provided for in this Resolution, the Borough of Audubon reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

BE IT FURTHER RESOLVED, that the Borough's solicitor is hereby authorized to file an action in the form of a declaratory judgment complaint and civil case information statement within 48 hours after the adoption of this resolution; and

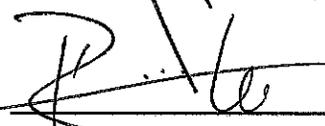
BE IT FURTHER RESOLVED, that the Borough's affordable housing professionals shall submit the Borough into the DCA affordable housing dispute program and take any other action necessary to comply with the FHA and implement its Fourth Round Affordable Housing Fair Share obligation including, but not limited to defending any challenges to the Borough's actions herein; and

BE IT FURTHER RESOLVED, the Borough also authorizes its affordable housing professionals to prepare the appropriate Housing Element and Fair Share Plan as a component of the Borough's Master Plan so that is filed with DCA on or before June 30, 2025; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be submitted to the DCA and posted on the Borough website upon its adoption.



Robert Jakubowski, Mayor



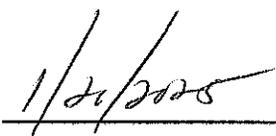
Robert O. Lee, Commissioner



Jeffrey Whitman, Commissioner

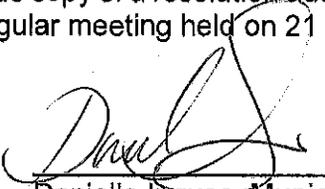
ATTEST: 

Danielle Ingves, Municipal Clerk

DATE: 

CERTIFICATION:

I hereby certify the above to be a true copy of a resolution adopted by the Board of Commissioners of the Borough of Audubon at a regular meeting held on 21 day of January 2025.



Danielle Ingves, Municipal Clerk

APPENDIX 2

ORDINANCE _____

AN ORDINANCE ESTABLISHING AFFORDABLE HOUSING PROCEDURAL AND ELIGIBILITY REQUIREMENTS OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the Mayor and Commissioners of the Borough of Audubon, Camden County, New Jersey, that Article XII of the Code of the Borough of Audubon is hereby amended to include provisions addressing Audubon's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

The Audubon Borough Joint Land Use Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan has been endorsed by Mayor and Commissioners. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

ARTICLE XII. - AFFORDABLE HOUSING PROCEDURAL AND ELIGIBILITY REQUIREMENTS

Section 113-557. Monitoring and Reporting Requirements

The Borough of Audubon shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Housing Element and Fair Share Plan:

1. As required, the Borough shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, New Jersey Affordable Housing Program or Local Government Services, or other entity designated by the State of New Jersey using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDCA), New Jersey Affordable Housing Program ("The Program") or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable

Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

Section 113-558. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity designated by the Borough to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the abolished Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Program” means the New Jersey Affordable Housing Program, a successor to COAH

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

113-559. Applicability

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are

proposed to be created within the Borough of Audubon pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.

2. Moreover, this Ordinance shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units, and also including projects funded with Low Income Housing Tax Credits.
3. Any property in the Borough of Audubon that is currently zoned for residential use or subsequently receives a zoning change, use variance approval, or a redevelopment plan to permit residential development shall provide an affordable housing set-aside of 15% if the affordable units will be for rent and 20% if the affordable units will be for sale. This shall apply to all residential developments of 5 units or more. Any residential development of 4 units or less units shall provide a development fee in accordance with Chapter __. No property shall be subdivided so as to avoid compliance with this requirement. All affordable units created pursuant to this paragraph shall be governed by the provisions of this Ordinance.

Section 113-560. Alternative Living Arrangements

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 - a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 - b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

113-561. Phasing Schedule for Inclusionary Zoning

In inclusionary developments, the following schedule for the issuance of certificates of occupancy for the required affordable housing units relative to the issuance of certificates of occupancy for the permitted market units shall be followed:

Maximum Percentage of Market-Rate Units Completed (COs Issued)	Minimum Percentage of Low- and Moderate-Income Units Completed (COs Issued)
25	0
25+1	10
50	50
75	75
90	100

Section 113-562. New Construction

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
 - a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low income units shall be counted as part of the required number of low income units within the development.
 - b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.
 - c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - 1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - 2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - 3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - 4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
 - d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This

standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

- a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:
- b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - 1) An adaptable toilet and bathing facility on the first floor; and
 - 2) An adaptable kitchen on the first floor; and
 - 3) An interior accessible route of travel on the first floor; and
 - 4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - 5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - 6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Audubon Borough has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - b) To this end, the builder of restricted units shall deposit funds within the Borough of Audubon Borough's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

- c) The funds deposited under paragraph 6)b) above shall be used by the Borough of Audubon for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Audubon for the conversion of adaptable to accessible entrances.
- e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- 6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

3. Design:

- a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

4. Maximum Rents and Sales Prices:

- a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and using calculation procedures approved by the Court. Income limits for all units that are part of the Borough's Housing Element and Fair Share Plan and for which

income limits are not already established through a federal program exempted from the UHAC pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Borough annually within 30 days of the publication of determinations of median income by the Department of Housing and Urban Development ("HUD") as follows:

1) Regional income limits shall be established for the region that the Borough is located within based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Borough 's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

2) The income limits are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the fiscal year 2017, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

3) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)(3) shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

In establishing sale prices and rents of affordable housing units, the Borough 's administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above:

- (a) The resale prices of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region

determined pursuant to the above methodology. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

- (b) The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.
- b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
- c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.
- d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - 1) A studio shall be affordable to a one-person household;
 - 2) A one-bedroom unit shall be affordable to a one and one-half person household;

- 3) A two-bedroom unit shall be affordable to a three-person household;
 - 4) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - 5) A four-bedroom unit shall be affordable to a six-person household.
- f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
- 1) A studio shall be affordable to a one-person household;
 - 2) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

- j. The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

Section 113-563. Utilities

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

Section 113-564. Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sexes with separate bedrooms;
3. Provide separate bedrooms for parents and children; and
4. Prevent more than two persons from occupying a single bedroom.

Section 113-565. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

1. Control periods for newly constructed restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, except as modified by the terms of the settlement agreement between the Borough of Audubon and Fair Share Housing Center (FSHC), as said settlement agreement may be further amended and supplemented, and each newly constructed restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least fifty (50) years, until Audubon takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, except as modified by the terms of the settlement agreement between the Borough of Audubon and Fair Share Housing Center (FSHC), as said settlement agreement may be further amended and supplemented.

2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 113-566. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of approved capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

Section 113-567. Buyer Income Eligibility

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Borough Commissioners, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

Section 113-568. Limitations on Indebtedness Secured by Ownership Unit; Subordination

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and

the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

Section 113-569. Capital Improvements To Ownership Units

1. New Jersey Affordable Housing Program The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

Section 113-570. Control Periods for Restricted Rental Units

1. Control periods for newly constructed restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, except as modified by the terms of the settlement agreement between the Borough of Audubon and Fair Share Housing Center (FSHC), as such settlement agreement may be further amended and supplemented, and each newly constructed restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least fifty (50) years, until Audubon takes action to release the unit from such requirements.

Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, except as modified by the terms of the settlement agreement between the Borough of Audubon and Fair Share Housing Center (FSHC), as such settlement agreement may be further amended and supplemented.

2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Camden. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit; or
 - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

Section 113-571. Rent Restrictions for Rental Units; Leases

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

Section 113-572. 100% Affordable Projects

1. All 100% affordable projects, including projects funded through Low Income Housing Tax Credits, shall comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et. seq., except as modified by the terms of the settlement agreement executed between the Borough of Audubon Point and Fair Share Housing Center (FSHC), as such settlement agreement may be further amended and supplemented. All such projects shall be required to have an initial thirty (30) year affordability control period plus a fifteen (15) year extended use period.

Section 113-573. Tenant Income Eligibility

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

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- c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Section 113-574. Municipal Housing Liaison

1. Section 18 of this ordinance creates the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Audubon, including the following responsibilities which may not be contracted out to the Administrative Agent:
- a. Serving as Audubon Borough's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - b. Monitoring the status of all restricted units in Audubon Borough's Fair Share Plan;
 - c. Compiling, verifying, submitting and posting all monitoring reports as required by the Court and by this Ordinance;
 - d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
2. The Borough of Audubon shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the Borough 's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the Borough 's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). Audubon shall adopt a Resolution appointing the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the

governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

3. Subject to the approval of the Court, the Borough of Audubon shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Borough in accordance with this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

Section 113-575. Administrative Agent

An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. ***The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.*** The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

1. Affirmative Marketing:
 - a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Audubon and the provisions of N.J.A.C. 5:80-26.15; and
 - b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
2. Household Certification:
 - a. Soliciting, scheduling, conducting and following up on interviews with interested households;
 - b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

- c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
 - e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
 - f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Audubon when referring households for certification to affordable units; and
 - g. Notifying the following entities of the availability of affordable housing units in the Borough of Audubon: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Camden County and Southern Burlington County Branches of the NAACP, the Supportive Housing Association of New Jersey, and the New Jersey Housing Resource Center.
3. Affordability Controls:
- a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Camden County Register of Deeds or Camden County Clerk's office after the termination of the affordability controls for each restricted unit;
 - d. Communicating with lenders regarding foreclosures; and
 - e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
4. Resales and Rerentals:

- a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - b. Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.
5. Processing Requests from Unit Owners:
- a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
 - b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
 - c. Notifying the municipality of an owner's intent to sell a restricted unit; and
 - d. Making determinations on requests by owners of restricted units for hardship waivers.
6. Enforcement:
- a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - c. Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
 - d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

- e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
 - f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Commissioners and the Court, setting forth procedures for administering the affordability controls.
7. Additional Responsibilities:
- a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 - b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.
 - c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Section 113-576. Affirmative Marketing Requirements

1. The Borough of Audubon shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy 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 housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 6 and is required to be followed throughout the period of restriction.
3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 5, comprised of Burlington, Gloucester, and Camden Counties.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Borough of Audubon shall implement the

Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
9. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Audubon and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Gloucester County Branch of the NAACP, the Supportive Housing Association of New Jersey, STEPS, Senior Citizens United Community Services, and the New Jersey Housing Resource Center.
10. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

Section 113-577. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of

the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

- a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - 1) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - 2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Audubon Point Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - 3) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
 - 1) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - 2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the

low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- 3) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- 4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

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- 5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- 6) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 113-578. Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

BOROUGH OF AUDUBON

Danielle Ingves, R.M.C., C.M.R.
Municipal Clerk

Robert Jakubowski, Mayor

Introduced: _____

Audubon Borough, Camden County
2025

Motion by: _____

Second by: _____

Introduction Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

Adopted: _____

Motion by: _____

Second by: _____

Adoption Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Mayor and Commissioners at a meeting held on _____, _20__.

Danielle Ingves, R.M.C., C.M.R.

Municipal Clerk

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Borough of Audubon held in the Municipal Building on the _ day of ____, 2025, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the ___ day of _____, 2025, at ____ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

Danielle Ingves, R.M.C., C.M.R.

Municipal Clerk

APPENDIX 3

**Borough of Audubon
Camden County, New Jersey**



Vacant Land Analysis

November 2025

Steven M. Bach, PE, RA, PP, CME

Candace A. Kanaplua, AICP, PP

The original of this document was signed and sealed in accordance with NJAC 13:41-1.3.b

Borough of Audubon 2025 Joint Land Use Board

Mayor Robert Jakubowski
Commissioner Jeffrey Whitman
Chairman Dave Thompson
Dave Taraschi
Jim Kindya
Steve Connelly
Mark Owens
Dan Gaspari
Dave Alemi
Kevin Moran
Paul Hartstein, Jr.
Jim Rossell

Jim Rossell, Board Secretary
Matthew Madden, Esq. Board Solicitor
Steven M. Bach, PE, RA, PP, CME, Board Engineer
Candace A. Kanaplue, PP, AICP, Planner

Borough of Audubon 2025 Commissioners

Mayor Robert Jakubowski, Director of Public Works, Parks & Buildings
Commissioner Robert O. Lee, Director of Public Safety and Affairs
Commissioner Jeffrey Whitman, Director of Revenue & Finance

Danielle Ingves, RMC, CMR, Municipal Clerk
Salvatore J. Siciliano, Esq, Borough Solicitor
Steven M. Bach, PE, RA, PP, CME, Borough Engineer

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I. INTRODUCTION

The Borough of Audubon is located In Camden County. It is bordered by 6 municipalities: Audubon Park, Oaklyn Borough, Haddon Township, Haddonfield Borough, Haddon Heights Borough, and Mount Ephraim Borough. The Borough of Audubon is approximately 1.5 square miles (960 acres).

About 3.7% (35.86 acres) of the Borough are environmentally constrained. All of the Borough is designated as a PA1 Metropolitan Planning Area of the State Development and Redevelopment Plan.

This Vacant Land Inventory is prepared to document the lack of available land capacity, pursuant to NJAC 5:93.

The following are included as appendices:

1. Environmental Constraints Map
2. Existing Land Use Map
3. Vacant Land Map
4. Vacant Land Inventory Table

II. VACANT LAND ANALYSIS

A. IDENTIFICATION OF LAND

This inventory reviewed the 2024 MOD IV Tax Data records for Vacant (Property Class 1) and Public (Property Class 15C) lands in the Borough. These parcels were joined into Geographic Information System (GIS) in order to review development capacity and the potential for use as affordable housing sites.

B. PROPERTIES EXCLUDED FROM THE VACANT LAND INVENTORY

The Vacant Land Inventory is prepared to document the lack of available land capacity within the Borough of Runnemede. As provided by NJAC 5:93, lands meeting specific criteria may be excluded from the calculation of a municipality's Realistic Development Potential. These exclusions are:

- Small isolated properties having insufficient acreage to generate an affordable housing set aside as part of an inclusionary development. Per NJAC 5:93-4.1(f), an affordable housing site must be able to accommodate a minimum density of 6 unit per acre with a maximum affordable housing set aside of 20%. Therefore, isolated properties of less than 0.83 acres are excluded.
- Land locked parcels or sites with limited or no access.

- Agricultural lands when the development rights to these lands have been purchased or restricted by covenant.
- Environmentally sensitive lands which include wetlands, flood hazard areas, areas of properties characterized by steep slopes in excess of 15%; and areas outside of the Sanitary Sewer Service Areas (SSA).
- Historic and architecturally important sites.
- Active recreational lands and properties identified on the municipality's Recreation and Open Space Inventory (ROSI and or / as part of the NJDEP Green Acres Program.

C. VACANT AND DEVELOPABLE PROPERTIES

Attached as Appendix D is the Vacant Land Inventory Table which contains data for block, lot, property classification, zoning, total acreage, planning area, sewer service area, buildable acreage, and reason for elimination.

After excluding vacant properties per the criteria outlined above, there were no properties that remain for realistic development potential for inclusionary housing.

D. CONCLUSION

After excluding the properties by the specified criteria, there were no properties remaining that are vacant and developable for inclusionary housing. Therefore, the realistic development potential (RDP) is 0 units.

Appendix 1

Map of Environmental Constraints



Source: EarthMapper, Earthstar Geographics, ENVI and the GIS User Community



ENVIRONMENTAL CONSTRAINTS MAP

Map Data & Source:

Data Source: NJGFS, NJDEP	Proj: AB2025-1
Scale: 1" = 900'	Date: November 2025
Drafted by: Chloe Bach, PP, AICP	
Prepared by: Steven M. Bach, PE, RA, PP, CME	

Borough of Audubon Camden County, NJ

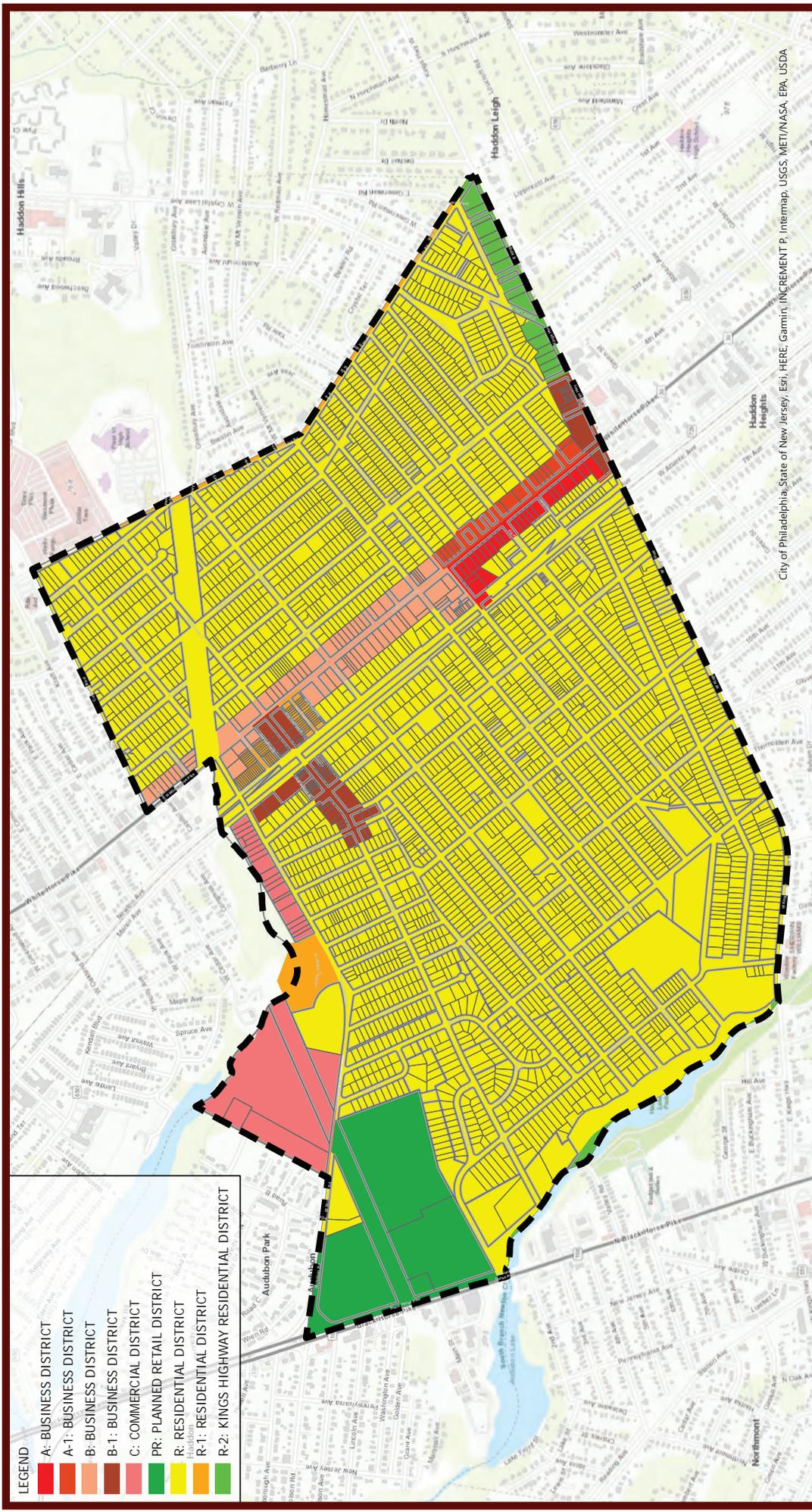
*This map was developed using NJGFS/NJDEP Geographic Information System (GIS) data. The information shown on this map has not been verified by NJGFS/NJDEP and is not state authorized.



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Appendix 2

Map of Existing Land Use



LEGEND

■	A: BUSINESS DISTRICT
■	A-1: BUSINESS DISTRICT
■	B: BUSINESS DISTRICT
■	B-1: BUSINESS DISTRICT
■	C: COMMERCIAL DISTRICT
■	PR: PLANNED RETAIL DISTRICT
■	R: RESIDENTIAL DISTRICT
■	R-1: RESIDENTIAL DISTRICT
■	R-2: KINGS HIGHWAY RESIDENTIAL DISTRICT



EXISTING LAND USE MAP

City of Philadelphia, State of New Jersey, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

Map Data & Source:

Data Source: NJGFS, NJDEP
Scale: 1" = 3,400'
Date: November 2025
Drafted by: Chloe Bach, PP, AICP
Prepared by: Steven M. Bach, PE, RA, PP, CME

Borough of Audubon Camden County, NJ

*This map was developed using NJGFS/NJDEP Geographic Information System (GIS) data. The information shown on this map has not been verified by NJGFS/NJDEP and is not state authorized.



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Appendix 3

Map of Vacant Lands



LEGEND

- NOT VACANT; NOT VACANT
- ENVIRONMENTALLY CONSTRAINED
- LANDLOCKED
- INSUFFICIENT ACREAGE
- MUNICIPAL BOUNDARIES



VACANT LANDS MAP

Map Data & Source:

Data Source: NJGIS, NJDEP	Proj: AB2025-1
Scale: 1" = 3,400'	Date: November 2025
Drafted by: Chloe Bach, PP, AICP	
Prepared by: Steven M. Bach, PE, RA, PP, CME	

Borough of Audubon Camden County, NJ

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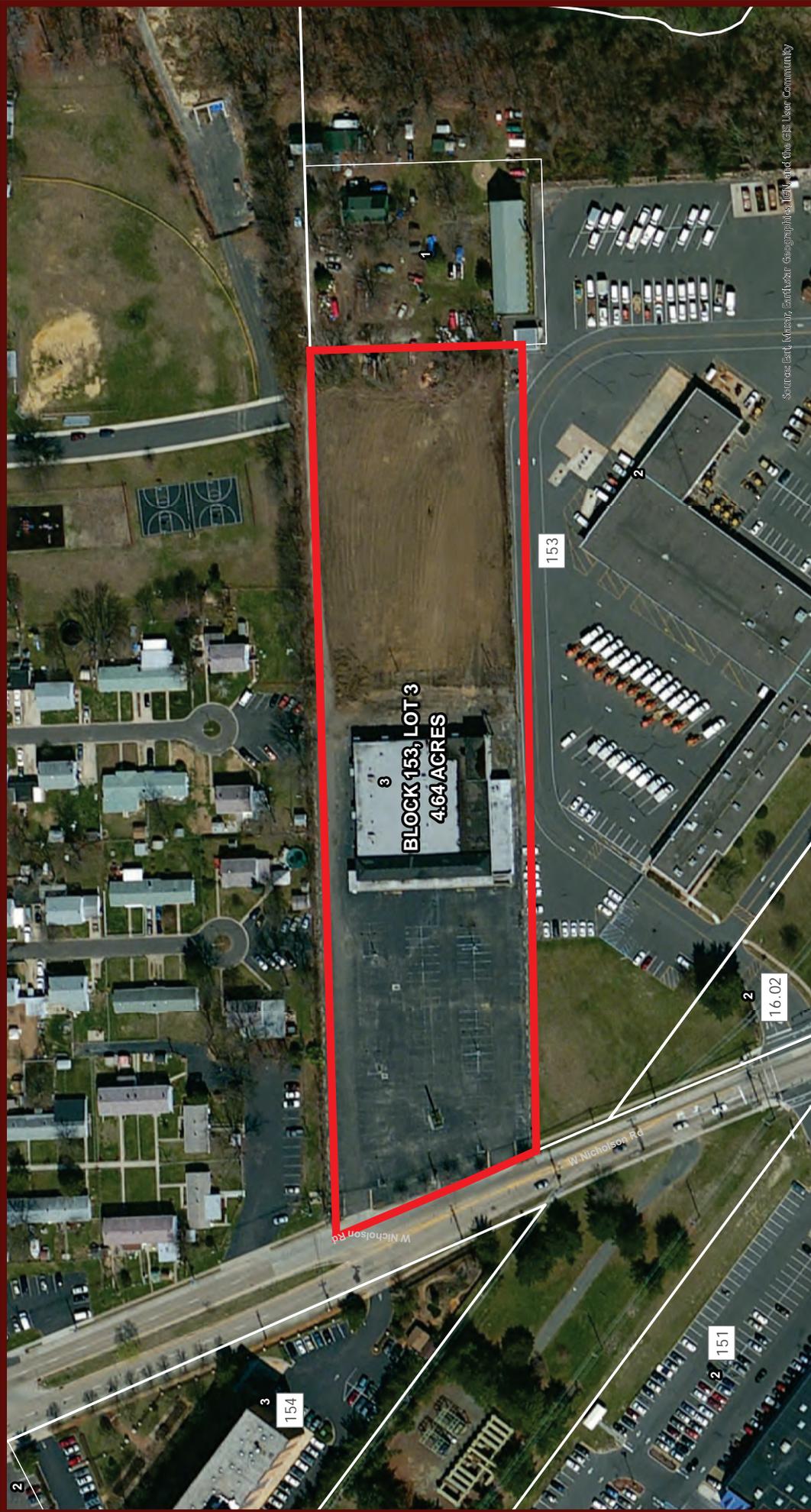
Appendix 4

Vacant Land Inventory Table

BOROUGH OF AUDUBON VACANT LAND INVENTORY

BLOCK	LOT	CLASS	LOCATION	ZONE	TOTAL ACRES	PLANNING AREA	SEWER SERVICE AREA	BUILDABLE AREA	REASON FOR ELIMINATION
101	1.04	1	349 W GRAISBURY AVE	R	0.06	PA-1 METRO	YES	0.06	LANDLOCKED / INSUFFICIENT ACREAGE
116	13	1	125 EDGEWOOD AVE	R	0.02	PA-1 METRO	YES	0.02	INSUFFICIENT ACREAGE
130	1.01	1	W KINGS HIGHWAY	R	0.16	PA-1 METRO	YES	0.16	INSUFFICIENT ACREAGE / NOT VACANT
130	34	1	588 WASHINGTON TER	R	0.17	PA-1 METRO	YES	0.17	INSUFFICIENT ACREAGE
145	4	15C	602 HAMPSHIRE AVE	R	5.93	PA-1 METRO	YES	5.38	ROSI
148.07	12.01	1	E LAKE DR	R	0.15	PA-1 METRO	YES	0.15	LANDLOCKED / INSUFFICIENT ACREAGE
149.06	1	15C	N MERCHANT ST	R	1.08	PA-1 METRO	YES	0.14	ENVIRONMENTALLY CONSTRAINED
149.06	1.01	1	REAR OF BL149.11 L23	R	0.31	PA-1 METRO	YES	0.31	LANDLOCKED
149.06	10.01	1	REAR OF BL149.11 L10	R	0.37	PA-1 METRO	YES	0.28	ENVIRONMENTALLY CONSTRAINED
149.06	15.01	1	REAR OF BL149.11 L15	R	0.39	PA-1 METRO	YES	0.27	ENVIRONMENTALLY CONSTRAINED / LANDLOCKED
149.06	16.01	1	REAR OF BL149.11 L16	R	0.25	PA-1 METRO	YES	0.20	ENVIRONMENTALLY CONSTRAINED / LANDLOCKED
149.06	17.01	1	REAR OF BL149.11 L17	R	0.19	PA-1 METRO	YES	0.19	LANDLOCKED
149.06	2.01	1	REAR OF BL149.11 L2	R	0.20	PA-1 METRO	YES	0.03	ENVIRONMENTALLY CONSTRAINED
149.06	3	1	REAR OF BL149.11 L3	R	0.24	PA-1 METRO	YES	0.10	ENVIRONMENTALLY CONSTRAINED
149.06	4.01	1	REAR OF BL149.11 L4	R	0.23	PA-1 METRO	YES	0.10	ENVIRONMENTALLY CONSTRAINED
149.06	5.01	1	REAR OF BL149.11 L5	R	0.25	PA-1 METRO	YES	0.04	ENVIRONMENTALLY CONSTRAINED
149.06	6.01	1	REAR OF BL149.11 L6	R	0.25	PA-1 METRO	YES	0.04	ENVIRONMENTALLY CONSTRAINED
149.06	7.01	1	REAR OF BL149.11 L7	R	0.23	PA-1 METRO	YES	0.05	ENVIRONMENTALLY CONSTRAINED
149.06	8.01	1	REAR OF BL149.11 L8	R	0.22	PA-1 METRO	YES	0.16	ENVIRONMENTALLY CONSTRAINED
149.06	9.01	1	REAR OF BL149.11 L9	R	0.27	PA-1 METRO	YES	0.20	ENVIRONMENTALLY CONSTRAINED
149	1	15C	N MERCHANT ST	R	1.09	PA-1 METRO	YES	1.09	NOT VACANT - RECREATION PARKING
150	1	15C	W MERCHANT ST	R	2.34	PA-1 METRO	YES	2.34	NOT VACANT - RECREATION
150	2	15C	711 N MERCHANT ST	R	3.14	PA-1 METRO	YES	3.14	NOT VACANT - RECREATION
152	1	1	449 W NICHOLSON RD	C	2.16	PA-1 METRO	YES	2.16	NOT VACANT - PSEG
154	2	15C	606 W NICHOLSON RD	R	0.81	PA-1 METRO	YES	0.81	INSUFFICIENT ACREAGE / NOT VACANT
16.01	1	15C	E NICHOLSON RD	R	5.42	PA-1 METRO	YES	2.08	ENVIRONMENTALLY CONSTRAINED / SLOPES GREATER THAN 15%
16.02	1	1	E NICHOLSON RD	R	1.16	PA-1 METRO	YES	0.60	ENVIRONMENTALLY CONSTRAINED
16.02	2	1	NICHOLSON RD HIGH TENSION	C	5.10	PA-1 METRO	YES	4.78	NOT VACANT - PSEG
30	3	1	24 S LECATO AVE	R	0.17	PA-1 METRO	YES	0.17	INSUFFICIENT ACREAGE
32	12	1	283 S WHITE HORSE PIKE	B	0.35	PA-1 METRO	YES	0.35	INSUFFICIENT ACREAGE / NOT VACANT
41	6	1	126 CORNELL RD	R	0.08	PA-1 METRO	YES	0.08	INSUFFICIENT ACREAGE / NOT VACANT
43.02	17	1	261 CRYSTAL LAKE AVE	R	0.17	PA-1 METRO	YES	0.17	INSUFFICIENT ACREAGE
50	15.03	1	AMHERST RD	B-1	0.30	PA-1 METRO	YES	0.30	NOT VACANT - FREE PUBLIC LIBRARY
53	7.02	1	8 TAYLOR AVE	B	0.28	PA-1 METRO	YES	0.28	INSUFFICIENT ACREAGE
56.02	4	1	135 E ATLANTIC AVE	R	0.34	PA-1 METRO	YES	0.34	INSUFFICIENT ACREAGE / NOT VACANT
59	1	15C	26 CHESTNUT ST	A	0.48	PA-1 METRO	YES	0.48	NOT VACANT - MURRAY TROUTT POST 262
59	1.02	15C	E ATLANTIC AVE	A	0.50	PA-1 METRO	YES	0.50	INSUFFICIENT ACREAGE / RECREATION
6	4.06	1	107 S BARRETT AVENUE	R	0.54	PA-1 METRO	YES	0.54	NOT VACANT
63	12	15C	REAR 119 W NICHOLSON RD	C	0.11	PA-1 METRO	YES	0.08	ENVIRONMENTALLY CONSTRAINED / ROSI / INSUFFICIENT ACREAGE
63	15	15C	W NICHOLSON RD	C	0.22	PA-1 METRO	YES	0.20	ENVIRONMENTALLY CONSTRAINED / INSUFFICIENT ACREAGE
63	3.03	1	265 W NICHOLSON RD	C	0.23	PA-1 METRO	YES	0.23	INSUFFICIENT ACREAGE / NOT VACANT
63	3.04	15C	W NICHOLSON RD	C	0.43	PA-1 METRO	YES	0.43	INSUFFICIENT ACREAGE
64	18	15C	OAKLAND AVE	R	0.06	PA-1 METRO	YES	0.06	INSUFFICIENT ACREAGE
68	11	1	152 W ATLANTIC AVE	R	0.41	PA-1 METRO	YES	0.41	INSUFFICIENT ACREAGE
70	6.01	15C	239 OAKLAND AVE	R	0.15	PA-1 METRO	YES	0.15	NOT VACANT - LIBRARY
70	7	15C	247 OAKLAND AVE	R	0.55	PA-1 METRO	YES	0.55	NOT VACANT - AUDUBON SENIOR CENTER
70	8	15C	250 W ATLANTIC AVE	R	0.20	PA-1 METRO	YES	0.20	NOT VACANT - FIRE COMPANY
73	7	15C	103 CHESTNUT ST	R	0.13	PA-1 METRO	YES	0.13	NOT VACANT - MISSION TEENS
75	3	1	128 WALNUT ST	R	0.20	PA-1 METRO	YES	0.20	INSUFFICIENT ACREAGE
85	3	1	236 OAK ST	R	0.11	PA-1 METRO	YES	0.11	INSUFFICIENT ACREAGE
89	10	1	215 WALNUT ST	R	0.21	PA-1 METRO	YES	0.21	INSUFFICIENT ACREAGE
89	11.01	1	219 WALNUT ST	R	0.20	PA-1 METRO	YES	0.20	INSUFFICIENT ACREAGE / NOT VACANT

APPENDIX 4



**BLOCK 153, LOT 3
AFFORDABLE HOUSING
INCLUSIONARY GARDEN
FAMILY APARTMENT OVERLAY**

Map Data & Source:

Data Source: NJGIS, NJDEP	Proj: AB2025-1
Scale: 1" = 100'	Date: November 2025
Drafted by: Chloe Bach, PP, AICP	
Prepared by: Steven M. Bach, PE, RA, PP, CME	

**Borough of Audubon
Camden County, NJ**

*This map was developed using NJGIS/NJDEP Geographic Information System (GIS) data. The information shown on this map has not been verified by NJGIS/NJDEP and is not state authorized.

BACH ASSOCIATES, PC
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APPENDIX 5

ORDINANCE _____

AN ORDINANCE ESTABLISHING AFFORDABLE HOUSING
INCLUSIONARY GARDEN FAMILY APARTMENT OVERLAY OF THE LAND
DEVELOPMENT ORDINANCE OF THE BOROUGH TO ADDRESS THE
REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH
THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the Mayor and Commissioners of the Borough of Audubon, Camden County, New Jersey, that Article VII. Zoning Regulations of the Code of the Borough of Audubon is hereby amended to include provisions addressing Audubon's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

WHEREAS, on June 11, 2025, the Borough Planning Board adopted the Housing Element and Fair Share Plan pursuant to Resolution No. 2025-13; and

WHEREAS, pursuant to the June 2025 Housing Element and Fair Share Plan the Borough has identified one (1) parcel (Block 153, Lot 3) containing 4.65 acres of property which is projected to be suitable for redevelopment; and

WHEREAS, Block 153, Lot 3 is located adjacent to and in close proximity to higher density residential development, access to commercial opportunities, as well as recreation and school facilities; and

WHEREAS, the Borough has agreed to create a zoning overlay to provide a realistic development potential for this parcel to provide inclusionary housing opportunities; and

WHEREAS, the Affordable Housing Inclusionary Garden Family Apartment Overlay Zone shall permit 20 du/acre inclusionary multifamily garden apartments with a required 15% set-aside on Block 153, Lot 3; and

WHEREAS, the Affordable Housing Inclusionary Family Apartment Overlay Zone shall permit a maximum building height of three (3) stories; and

WHEREAS, the Affordable Housing Inclusionary Family Apartment Overlay Zone is located in underlying C Business District; and

Audubon Borough, Camden County
2025

WHEREAS, unless specifically superseded by this Affordable Housing Inclusionary Family Garden Apartment Overlay Zone, all standards that are in the C Business District Section 113-388 shall be complied with; and

WHEREAS, pursuant to Resolution No. ___-___, the Borough Council authorized to transmit the same to the Planning Board for its recommendation concerning any inconsistency with the Master Plan and concerning any other matters the Planning Board deems appropriate in accordance with N.J.S.A. 40A:12-7; and

WHEREAS, the Borough Council has reviewed and considered the recommendations of the Planning Board regarding the proposed Affordable Housing Inclusionary Family Garden Apartment Overlay Zone.

NOW, THEREFORE, BE IT ORDAINED, BY THE AUDUBON BOROUGH COUNCIL, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AS FOLLOWS:

The Affordable Housing Inclusionary Family Garden Apartment Overlay Zone is hereby adopted.

The Affordable Housing Inclusionary Family Garden Apartment Overlay Zone is consistent with the Borough of Audubon's Master Plan or is designed to effectuate the Master Plan.

The Affordable Housing Inclusionary Family Garden Apartment Overlay Zone shall constitute an overlay of existing zoning and the Official Zoning Map is hereby amended to reflect the overlay zone set forth herein.

If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance except so far as the provision so declared invalid shall be severable from the remainder of the portion thereof.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

This Ordinance shall take effect immediately upon adoption and publication according to law.

Danielle Ingves, R.M.C., C.M.R.

Municipal Clerk

NOTICE

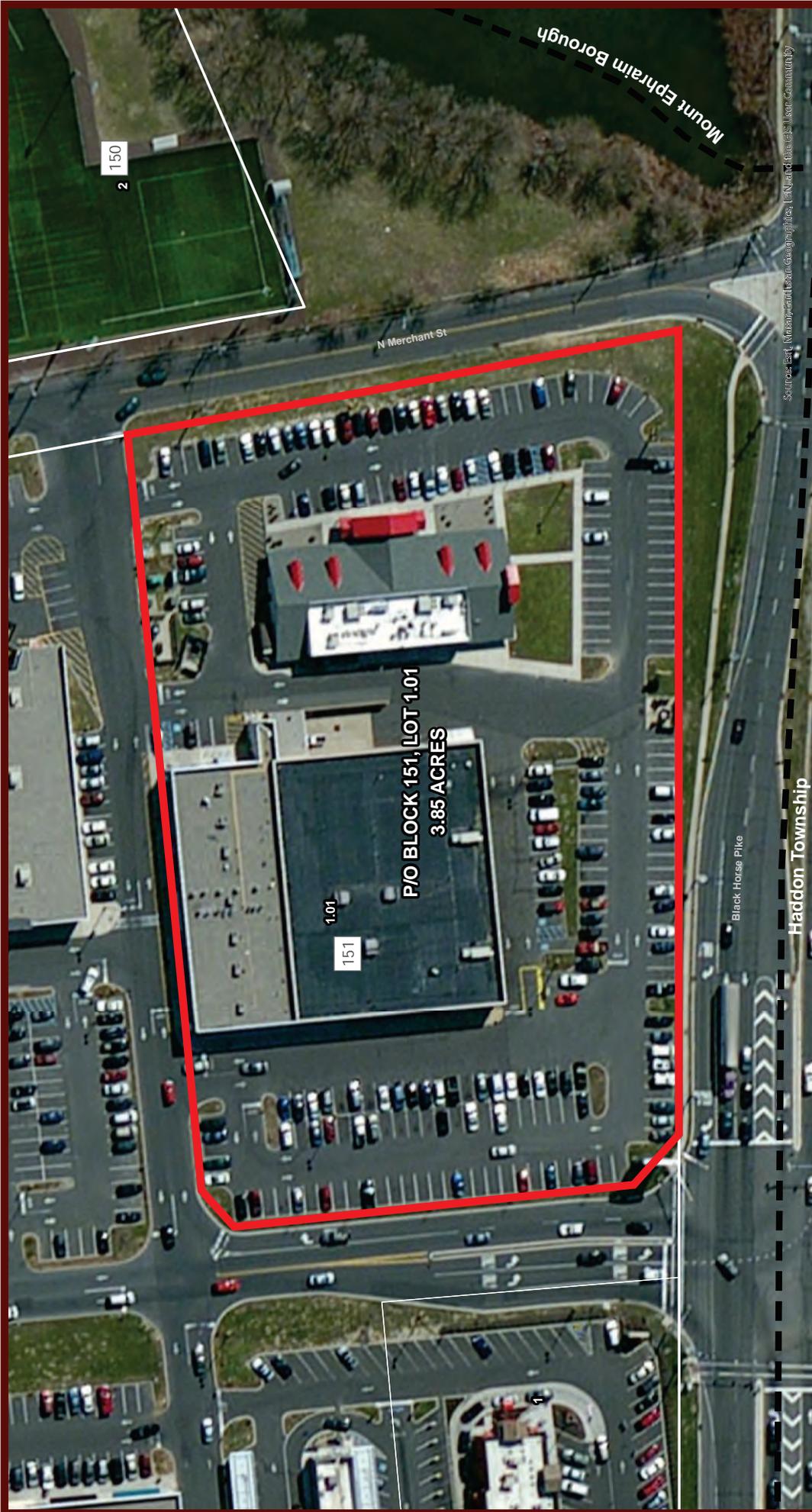
NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Borough of Audubon held in the Municipal Building on the _ day of ____, 2025, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the ___ day of _____, 2025, at ___ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

Danielle Ingves, R.M.C., C.M.R.

Municipal Clerk

DRAFT

APPENDIX 6



Source: Esri, Mapbox, and Esri Geographics, VNU, and the GIS User Community



**P/O BLOCK 151, LOT 1.01
AFFORDABLE HOUSING
INCLUSIONARY MID-RISE
FAMILY APARTMENT OVERLAY**

Map Data & Source:	
Data Source: NJGFS, NJDEP	Proj: AB2025-1
Scale: 1" = 60'	Date: November 2025
Drafted by: Chloe Bach, PP, AICP	
Prepared by: Steven M. Bach, PE, RA, PP, CME	

**Borough of Audubon
Camden County, NJ**

*This map was developed using NJGFS/NJDEP Geographics Information System (GIS) data. The information shown on this map has not been verified by NJGFS/NJDEP and is not state authorized.

BACH ASSOCIATES, PC
ENGINEERS • ARCHITECTS • PLANNERS

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Tel: 856-546-8611
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APPENDIX 7

ORDINANCE _____

AN ORDINANCE ESTABLISHING AFFORDABLE HOUSING INCLUSIONARY MID-RISE FAMILY APARTMENT OVERLAY OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the Mayor and Commissioners of the Borough of Audubon, Camden County, New Jersey, that Article VII. Zoning Regulations of the Code of the Borough of Audubon is hereby amended to include provisions addressing Audubon's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

WHEREAS, on June 11, 2025, the Borough Planning Board adopted the Housing Element and Fair Share Plan pursuant to Resolution No. 2025-13; and

WHEREAS, pursuant to the June 2025 Housing Element and Fair Share Plan the Borough has identified part of one (1) parcel (Block 151, Lot 1.01) containing 3.85 acres of property which is projected to be suitable for redevelopment; and

WHEREAS, the Borough has agreed to create a zoning overlay to provide a realistic development potential for this parcel to provide inclusionary housing opportunities; and

WHEREAS, the Affordable Housing Inclusionary Mid-rise Family Apartment Overlay Zone shall permit 40 du/acre inclusionary multifamily apartments with a required 15% set-aside on Block 151, Lot 1.01; and

WHEREAS, Block 151, Lot 1.01 is located adjacent to the recreation complex; and

WHEREAS, the Affordable Housing Inclusionary Family Apartment Overlay Zone shall permit a maximum building height of six (6) stories with ground floor parking permitted and five (5) residential stories above the parking shall be permitted; and

WHEREAS, the Affordable Housing Inclusionary Family Apartment Overlay Zone is located in underlying PR Planned Retail District; and

Audubon Borough, Camden County
2025

WHEREAS, unless specifically superseded by this Affordable Housing Inclusionary Family Mid-rise Apartment Overlay Zone, all standards that are in the PR Planned Retail District Section 113-389 shall be complied with; and

WHEREAS, pursuant to Resolution No. ___-___, the Borough Council authorized to transmit the same to the Planning Board for its recommendation concerning any inconsistency with the Master Plan and concerning any other matters the Planning Board deems appropriate in accordance with N.J.S.A. 40A:12-7; and

WHEREAS, the Borough Council has reviewed and considered the recommendations of the Planning Board regarding the proposed Affordable Housing Inclusionary Apartment Overlay Zone.

NOW, THEREFORE, BE IT ORDAINED, BY THE AUDUBON BOROUGH COUNCIL, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AS FOLLOWS:

The Affordable Housing Inclusionary Family Mid-rise Apartment Overlay Zone is hereby adopted.

The Affordable Housing Inclusionary Family Mid-rise Apartment Overlay Zone is consistent with the Borough of Audubon's Master Plan or is designed to effectuate the Master Plan.

The Affordable Housing Inclusionary Family Apartment Overlay Zone shall constitute an overlay of existing zoning and the Official Zoning Map is hereby amended to reflect the overlay zone set forth herein.

If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance except so far as the provision so declared invalid shall be severable from the remainder of the portion thereof.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

This Ordinance shall take effect immediately upon adoption and publication according to law.

Danielle Ingves, R.M.C., C.M.R.

Municipal Clerk

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Borough of Audubon held in the Municipal Building on the _ day of ____, 2025, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the ___ day of _____, 2025, at ___ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

Danielle Ingves, R.M.C., C.M.R.

Municipal Clerk

DRAFT

**IN THE MATTER OF REVIEWING
ORDINANCE 2026-01 “ADDING ARTICLE XIII
OF THE BOROUGH OF AUDUBON TO
PROVIDE FOR THE COLLECTION OF
DEVELOPMENT FEES IN SUPPORT OF
AFFORDABLE HOUSING AS PERMITTED BY
THE NEW JERSEY FAIR HOUSING ACT”
FOR MASTER PLAN CONSISTENCY**

**BOROUGH OF AUDUBON
JOINT LAND USE BOARD
RESOLUTION OF
MEMORIALIZATION

RESOLUTION NUMBER 2026-C**

WHEREAS, on February 17, 2026, pursuant to Resolution 2026:68, the Borough Commissioners referred certain amendments to the Borough ordinances, specifically “An Ordinance Adding Article XIII of the Borough of Audubon to Provide for the Collection of Development Fees in Support of Affordable Housing as Permitted by the New Jersey Fair Housing Act” as contained in Ordinance 2026-01 (the “Ordinance”), to the Joint Land Use Board for its recommendation concerning any inconsistency with the Master Plan and concerning any other matters the Joint Land Use Board deems appropriate in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64; and

WHEREAS, on March 11, 2026, the Joint Land Use Board heard the testimony of Steven M. Bach, PE, RA, PP, PLS, CME, who reviewed the details of Ordinance 2026-01, a copy of which is attached hereto and made a part of this Resolution as Exhibit A, with the Joint Land Use Board; and

WHEREAS, the Joint Land Use Board, after careful review and discussion, has determined at its meeting on March 11, 2026, that the adoption of the proposed Ordinance regarding Affordable Housing Development Fees, as contained in Ordinance 2026-01 (Exhibit A), which was referred to

the Joint Land Use Board, conforms and is not inconsistent with the Master Plan and meets the goals of same. Ordinance 2026-01 conforms with sound planning principles, the passage of Ordinance 2026-01 would further assist in the orderly development of land and, overall, the adoption of Ordinance 2026-01, attached hereto as Exhibit A, is in the best interests of the Borough of Audubon.

The voting on the application was as follows:

Mayor Jakubowski:	<u>Yes</u>
Commissioner Dave Alemi:	<u>Yes</u>
David Thompson:	<u>Yes</u>
Mark Owens:	<u>Yes</u>
Steve Connelly:	<u>Yes</u>
Dan Gaspari:	<u>Yes</u>
Paul Hartstein:	<u>Yes</u>
James Rossell, Jr.:	<u>Yes</u>
Michael Sullivan:	<u>Yes</u>

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Borough of Audubon, as follows:

1. The Audubon Borough Joint Land Use Board endorses and recommends the adoption of Ordinance 2026-01, attached hereto as Exhibit A, “An Ordinance Adding Article XIII of the Borough of Audubon to Provide for the Collection of Development Fees in Support of Affordable Housing as Permitted by the New Jersey Fair Housing Act” and same is referred to the Audubon Borough Mayor and Commissioners for review and adoption; and
2. The Audubon Borough Joint Land Use Board determines that the Ordinance 2026-01, attached hereto as Exhibit A, conforms with and is not inconsistent with the Audubon Borough Joint Land Use Board Master Plan.

The undersigned, Chairperson of the Borough of Audubon Joint Land Use Board, does hereby certify that the above is a true copy of a Resolution adopted by the Board on March 11, 2026, to memorialize its action taken on said date.

AUDUBON JOINT LAND USE BOARD

Dated: March 11, 2026

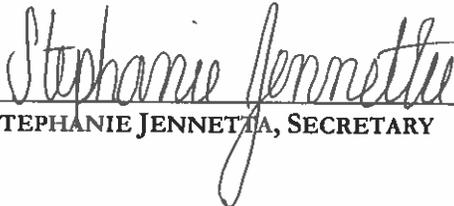


DAVID THOMPSON, CHAIRMAN

CERTIFICATION

I hereby certify that the foregoing resolution is a true memorialization of the Joint Land Use Board hearing on this matter held on March 11, 2026, as memorialized by the Joint Land Use Board of the Borough of Audubon at the regular meeting of the Joint Land Use Board held on March 11, 2026.

Dated: March 11, 2026



STEPHANIE JENNETTA, SECRETARY

EXHIBIT A

ORDINANCE 2026-01**AN ORDINANCE ADDING ARTICLE XIII OF THE BOROUGH OF AUDUBON TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT**

WHEREAS, In *Holmdel Builder's Association v. Holmdel Borough*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH); and

WHEREAS, pursuant to P.L. 2008, c. 46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of COAH and that are now before a court of competent jurisdiction and have a Court-approved Spending Plan may retain and spend non-residential development fees collected in accordance with the approved Spending Plan;

BE IT ORDAINED by the Mayor and Committee of the Borough of Audubon, Camden County, New Jersey, that Article XIII of the Code of the Borough of Audubon is hereby added to include the following provisions regulating the collection and disposition of mandatory development fees to be used in connection with the Borough's affordable housing programs, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

Section 1: Add Article XIII Affordable Housing Development Fees

Sec. 113-577. - Purpose and Basic Requirements.

This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

This Ordinance establishes the Municipal Affordable Housing Trust Fund. The municipality shall not spend development fees until the court has approved a plan for spending such fees.

Sec. 113-578. – Definitions.

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory dwelling unit" means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed or existing primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling.

"Act" means P.L. 2024, c. 2.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with N.J.A.C. 5:99-7, and as designated by the UHAC at N.J.A.C. 5:80-26.15.

"Affordability assistance" means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance,

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security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

"Affordable" means a sales price or rent within the economic means of a low- or moderate-income household, as defined in the UHAC as, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

"Affordable housing delivery mechanisms" means any of the methods of creating or preserving actual housing units available to low- and moderate-income households or creating a realistic opportunity for the construction of such units, as permitted by the Act.

"Affordable housing development" means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development.

"Affordable Housing Dispute Resolution Program" or "the Program" refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

"Affordable Housing Monitoring System" or "AHMS" means the Department's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

"Affordable unit" means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

"Barrier-free escrow" means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

"Builder's remedy" means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques that provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households in accordance with N.J.S.A. 52:27D-304.

"Commissioner" means the Commissioner of the Department of Community Affairs.

"Compliance certification" means the certification issued to a municipality by the Program pursuant to section 3 at P.L. 2024, c. 2, that provides a municipality immunity from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round of affordable housing obligations begins, which is also known as a "judgment of compliance" resulting in an "order for repose." "Compliance certification" shall include a judgment of repose granted in an action filed pursuant to section 13 at P.L. 1985, c. 222 (N.J.S.A. 52:27D-313).

"Compliant municipality" means a municipality that is in the process of seeking compliance certification pursuant to the directives issued by the Administrative Office of the Courts, has obtained compliance certification, or who has filed for, or has obtained, a Judgment of Compliance, Order for Repose, or other court approval pursuant to the Act.

"Construction" means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the

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State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.).

"County-level housing judge" means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal fair share plans and housing elements with the Act.

"Department" means the New Jersey Department of Community Affairs.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

"Development application" means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, a site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or 40:55D-36.

"Development fee" means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

"Division" means the Division of Local Planning Services within the Department of Community Affairs.

"Emergent opportunity" means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

"Equalized assessed value" or "EAV" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

"Exclusionary zoning litigation" means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder's remedy.

"Extension of expiring controls" means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

"Fair share obligation" means the total of the present need and prospective need as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

"Fair share plan" means the plan or proposal, which may readily be adopted with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and

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which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

"Firm and binding obligation" means a demonstration by a municipality, evidenced by documentation substantiating a legally enforceable agreement entered into by the municipality with a third party, sufficient proof of building or other permits, efforts concerning land acquisition or project development, or other documentation that demonstrates a commitment to spend trust fund monies in a manner consistent with the Act, the municipality's fair share plan, the Act, an approved spending plan, and all applicable regulations.

"HMFA" or "the Agency" means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

"Housing element" means the portion of a municipality's master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements, proposals, maps, diagrams, and text designed to meet the municipality's fair share of its region's present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

"Housing project" means a project, or distinct portion of a project, which is designed and intended to provide decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low- and moderate-income; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes. The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

"Housing region" means a geographic area established pursuant to N.J.S.A. 52:27D-304.2 for each round of low- and moderate-income housing obligations pursuant to the Act.

"Inclusionary development" means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

"Judgment of compliance" or "judgment for repose" means a determination issued by the Superior Court approving a municipality's fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

"Low-income household" means a household with a household income equal to 50 percent or less of the regional median income.

"Low-income housing" means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

"Mixed use development" means any development that includes both a non-residential development component and a residential development component, and shall include

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developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities may be considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

"Moderate-income household" means a household with a household income in excess of 50 percent but less than or equal to 80 percent of the regional median income.

"Moderate-income housing" means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

"Municipal affordable housing trust fund" means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter. As used in this chapter, "municipal affordable housing trust fund" shall also mean a "municipal development trust fund" and a "municipal development fee Trust fund."

"Municipal development fee ordinance" means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

"Municipal housing liaison" or "MHL" means an appointed municipal employee who is responsible for oversight and/or administration of the affordable housing units created within the municipality and oversight of the authorization of individuals being provided access to the AHMS.

"New construction" means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

"New Jersey Affordable Housing Trust Fund" means an account established pursuant to N.J.S.A. 52:27D-320.

"Non-residential development" means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

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The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A. 52:27D-330 et seq.

"Non-residential development fee" means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

"Order for repose" means the protection a municipality has from a builder's remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

"Payment in lieu of constructing affordable units" means the payment of funds to the municipality by a developer when affordable units are not produced on a site zoned for an inclusionary development.

"Receiving municipality" means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality's fair share obligation.

"Reconstruction" means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the Uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

"Recreational facilities and community centers" means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ball fields, meeting halls, and classrooms, accommodating either organized or informal activity.

"Regional contribution agreement" or "RCA" means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into prior to July 18, 2008, to transfer a portion of a municipality's affordable housing obligation to another municipality within its housing region.

"Rehabilitation" means the repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

"Residential development fee" means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

"Sending municipality" means, for purposes of an RCA, a municipality that has contractually agreed to transfer a portion of its fair share obligation to another willing municipality.

"Senior center" means any recreational facility or community center with activities and services oriented towards serving senior citizens.

"Spending plan" means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

"Treasurer" means the Treasurer of the State of New Jersey.

"UHAC" means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

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"Very-low-income household" means a household with a household income less than or equal to 30 percent of the regional median income.

"Very-low-income housing" means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

Sec. 113-579. - General non-residential and residential development fee requirements.

- A. A compliant municipality shall impose, collect, retain, and expend fees collected from non-residential development in accordance with the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7 and this chapter.
- B. All amounts collected shall be deposited and shall be accounted for separately, by payer, source property or development, and date of deposit as set forth at N.J.A.C. 5:99-5.
- C. A municipality that has failed to maintain its status as a "compliant municipality" shall not impose a residential development fee on a development that receives preliminary or final approval after the expiration of the municipality's compliance certification or a judgment of compliance, nor shall a municipality retroactively impose a development fee on such a development should the municipality subsequently come into compliance. A Qualified Urban Aid Municipality may continue to impose residential development fees regardless of its compliance status.
- D. A municipality shall collect 100 percent of the development fee for residential and non-residential development at or prior to the issuance of the certificate of occupancy.
 1. A municipality may collect up to 50 percent of the development fee at the time of issuance of the building permit. The remaining portion shall be collected at, or prior to, the issuance of the certificate of occupancy. Developers shall be notified of the fee by the municipality, including when payment is required to be made, at the time of land use board approval or application for a construction permit.
 2. For residential developments, regardless of the time of collection or the date of approvals, the fee shall be based on the residential development fee percentage pursuant to the municipal ordinance in effect on the date that residential building permits are issued.
 3. For non-residential developments as of July 17, 2008, the fee shall be 2.5 percent of the EAV, or such other amount pursuant to the Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7.
- E. Imposed and collected residential development fees that are contested shall be deposited under protest in an interest-bearing escrow account by the municipality. The local code enforcement official shall thereafter issue the certificate of occupancy provided that the construction is otherwise eligible for a certificate of occupancy. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.
- F. A developer may challenge non-residential development fees imposed pursuant to N.J.S.A. 52:27D-329.1 et seq., by filing a challenge with the Director of the Division of Taxation. Collected fees shall be placed in an interest-bearing escrow account by the municipality if the municipality is authorized to retain the fees, or by the State if the municipality is not authorized to retain the fees. The local code enforcement official shall thereafter issue the certificate of occupancy provided that the construction is otherwise eligible for a certificate of occupancy. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of

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such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

- G. In the event any of the conditions described at N.J.A.C. 5:99-5.6 occur, the Division shall be authorized, on behalf of the municipality, to direct the manner in which all funds in the affordable housing trust fund shall be expended. A three-party escrow agreement between the municipality, the institution in which funds are deposited, and the Division shall be maintained at all times.
- H. A municipality that collects or anticipates collecting development fees shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5 and include a plan for the use of the funds in its spending plan pursuant to N.J.A.C. 5:99-2.2.
- I. The Division shall maintain, on its Internet website, a list of each municipality that is authorized to retain the development fees collected pursuant to this section and that has a confirmed status of compliance with the Act, or is in the process of seeking compliance certification, which compliance shall include a spending plan pursuant to N.J.S.A. 52:27D-329.2 for all development fees collected.

Sec. 113-580. - Residential Development Fees

- A. A residential development fee ordinance shall impose a maximum fee of one-and-one-half percent of the EAV of the development provided no increased density is permitted.
 - 1. The ordinance may impose an increased development fee of up to six percent of the EAV, for each additional unit that may be realized for a development that has received an increase in residential density pursuant to N.J.S.A. 40:55D-70.d(5) (known as a "d" variance). If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the density for the purposes of calculating the increased development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
 - 2. Ordinances imposing residential development fees may apply to new construction, additions, and alterations to existing residential development. Residential development fee ordinances shall clearly indicate which types of development are subject to the imposition of the fee. Development fees assessed on new construction shall be based on the EAV of land and improvements. Development fees assessed on additions and alterations shall be based only on the increase in EAV that results from the addition or alteration.
- B. Eligible exactions, ineligible exactions, and exemptions from residential development fees shall be treated as follows:
 - 1. Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance and approved by the Court as part of its approval of the settlement of litigation, shall be exempt from the payment of development fees.
 - 2. Residential development fees may be imposed and collected when an existing structure is expanded, undergoes a change to a more intense use, or is demolished and replaced. The development fee that may be imposed and collected shall be calculated on the increase in the EAV resulting from the expansion, change to a more intense use, or replacement;
 - 3. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval necessitating an amended preliminary or a new preliminary approval pursuant to N.J.S.A. 40:55D-46.b and 40:55-48.b. Where a site plan approval does not apply, a zoning and/or construction permit shall be synonymous with preliminary or final site plan approval for this purpose;

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4. Municipal development fee ordinances may exempt or impose lower development fee rates for specific types of residential development, provided each classification of development is addressed consistently. Examples include, but are not limited to, exempting or reducing the fee for improvements where the EAV does not exceed a threshold minimum determined by the municipality, developments with one or two owner-occupied dwelling units, or green buildings;
 5. A municipality may exempt or reduce fees in specific residential areas or zones in order to promote development in that area. Examples include, but are not limited to, exempting all residential development in a mixed-use zone, residential development within a one-half-mile radius of a train station, or residential development within areas in need of redevelopment pursuant to N.J.S.A. 40:12A-1 et seq.;
 6. Residential structures demolished and replaced as a result of a fire, flood, or any natural disaster or catastrophe shall be exempt from paying any residential development fee, even if the new structure has an increased EAV as compared to the previous structure;
 7. Non-profit organizations that have received tax exempt status pursuant to the Internal Revenue Code, providing current evidence of that status is submitted to the municipal clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee; and
 8. Federal, State, county, and local governments shall be exempt from paying a development fee.
- A. Any municipality that is not in compliance with the requirements of this Section may be subject to forfeiture of any or all funds remaining within its municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-5.6. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to N.J.S.A. 52:27D-320.

Sec. 113-581. - Non-Residential Development Fees.

- A. Non-residential development fees shall be imposed pursuant to the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7.
- B. A developer of property that received preliminary site plan approval, pursuant to N.J.S.A. 40:55D-46, or final approval pursuant to N.J.S.A. 40:55D-50 prior to July 17, 2008, and that was subject to the payment of a validly imposed municipal non-residential development fee ordinance shall continue to be subject to the conditions of the municipally imposed fee.
- C. Any non-residential development fee ordinance shall be consistent with the provisions of the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7, and shall not impose a payment in lieu of constructing affordable housing upon a developer of non-residential property as a condition of non-residential development.
- D. Any municipality that is not in compliance with the requirements of the Statewide Non-Residential Development Fee Act and this Section may be subject to forfeiture of any or all funds remaining within its municipal affordable housing trust fund pursuant to N.J.S.A. 40:55D-8.4 and N.J.A.C. 5:99-5.6. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to N.J.S.A. 52:27D-320.
- E. Non-residential development fees shall be imposed as follows:
 1. A fee equal to two-and-one-half percent of the EAV of the land and improvements, for all new non-residential construction on an unimproved lot or lots, or such other amount pursuant to the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7; or

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2. A fee equal to two-and-one-half percent of the increase in EAV, of the additions or alterations to existing structures to be used for non-residential purposes, or such other amount pursuant to the Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7.
- F. All non-residential construction of buildings or structures on property used by churches, synagogues, mosques, and other houses of worship, and property used for educational purposes, that are tax-exempt pursuant to N.J.S.A. 54:4-3.6, shall be exempt from the imposition of a non-residential development fee pursuant to this section, provided that the property continues to maintain its tax exempt status pursuant to that statute for a period of at least three years from the date of issuance of the certificate of occupancy. In addition, the following shall be exempt from the imposition of a non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7:
1. Parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a non-residential development, or whether the parking lot is developed as an independent non-residential development;
 2. Any non-residential development that is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers, and senior centers that are developed in conjunction with, or funded by, a non-residential developer;
 3. Non-residential construction resulting from a relocation of, or an on-site improvement to, a nonprofit hospital or a nursing home facility;
 4. Projects that are located within a specifically delineated urban transit hub, as defined pursuant to N.J.S.A. 34:1B-208;
 5. Projects that are located within an eligible municipality, as defined pursuant to N.J.S.A. 34:1B-208, the Urban Transit Hub Tax Credit Act, when a majority of the project is located within a one-half mile radius of the midpoint of a platform area for a light rail system; and
 6. Projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the New Jersey Department of Transportation.
- G. A developer of a mixed use development shall be required to pay the non-residential development fee relating to the non-residential development component of a mixed use development subject to the provisions at N.J.S.A. 52:27D-329.1 et seq.
- H. Non-residential construction connected with the relocation of the facilities of a for-profit hospital shall be subject to the fee authorized to be imposed pursuant to this section to the extent of the increase in equalized assessed valuation.
- I. A developer of a non-residential development exempted from the non-residential development fee pursuant to this section shall be subject to that fee at such time as the basis for the exemption set forth in this subsection no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- J. If a property that was exempt from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees in these circumstances may be enforceable by the municipality as a lien against the real property of the owner.
- K. The payment of non-residential development fees shall be made prior to the issuance of a certificate of occupancy for such development. A final certificate of occupancy shall not be

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issued for any non-residential development until such time as the fee imposed pursuant to this section has been paid by the developer. A non-residential developer may deposit with the appropriate entity, the development fees as calculated by the municipality under protest, and the local code enforcement official shall thereafter issue the certificate of occupancy provided that the construction is otherwise eligible for a certificate of occupancy.

1. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development that may be subject to a non-residential development fee.
 2. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the EAV of the non-residential development. The construction official responsible for the issuance of a final certificate of occupancy shall notify the local assessor of any and all requests for the scheduling of a final inspection on property that may be subject to a non-residential development fee.
- L. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated EAV of the improvements of the non-residential development in accordance with the rules adopted by the Treasurer pursuant to N.J.S.A. 54:1-35.35; calculate the non-residential development fee pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7; and thereafter notify the developer of the amount of the non-residential development fee.
- M. Should the municipality fail to determine or notify the developer of the amount of the non-residential development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth at N.J.S.A. 40:55D-8.6.b.
- N. Upon tender of the estimated non-residential development fee, provided the developer is in full compliance with all other applicable laws or rules, the municipality shall issue a final certificate of occupancy for the subject property.
- O. Any municipality that is not in compliance with the requirements established pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7, or the rules of the Division promulgated pursuant thereto, may be subject to forfeiture, pursuant to N.J.A.C. 5:99-5.6, of any or all funds remaining within its municipal affordable housing trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to N.J.S.A. 52:27D-320.
- P. Failure of the municipality to comply with the timeframes or procedures set forth in this section may subject the municipality to penalties imposed by the Commissioner; any penalties so imposed shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to N.J.S.A. 52:27D-320.

Sec. 113-582. - Ongoing Collection of Fees.

- A. The ability for a municipality to impose and collect and retain residential development fees and the ability to retain non-residential development fees and maintain an affordable housing trust fund is subject to maintaining its status as a compliant municipality, except that a Qualified Urban Aid Municipality may continue to retain residential development fees regardless of its compliance status pursuant to the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7.
- B. If a court of competent jurisdiction finds that a municipality has failed to maintain its status as a compliant municipality, the municipality may be subject to forfeiture of any or all funds remaining within their affordable housing trust fund.

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- C. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to N.J.S.A. 52:27D-320.
- D. A municipality that is not a compliant municipality that imposes and collects fees and maintains an affordable housing trust fund shall submit an updated spending plan in accordance with the time frames set forth at N.J.S.A. 52:27D-304.1 for municipal submission of a housing element and fair share plans.

Sec. 113-583. - Appeal of development fees

- A. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- B. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

BOROUGH OF AUDUBON

Danielle Ingves, R.M.C., C.M.R.
Municipal Clerk

Robert Jakubowski, Mayor

Introduced:

Motion by:

Second by:

Introduction Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

Adopted:

Motion by:

Second by:

Adoption Roll Call:

Ayes:

Nayes:

Audubon Borough, Camden County
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Absent:

Abstain:

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Mayor and Commissioners at a meeting held on _____, 2026.

Danielle Ingves, R.M.C., C.M.R.
Municipal Clerk

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Borough of Audubon held in the Municipal Building on the _ day of _____, 2026, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the ___ day of _____, 2026, at _____ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

Danielle Ingves, R.M.C., C.M.R.
Municipal Clerk

**IN THE MATTER OF REVIEWING
ORDINANCE 2026-02 “ESTABLISHING
AFFORDABLE HOUSING INCLUSIONARY
MIDRISE FAMILY APARTMENT OVERLAY
TO ADDRESS THE BOROUGH OF
AUDUBON’S FOURTH ROUND
AFFORDABLE HOUSING OBLIGATIONS”
FOR MASTER PLAN CONSISTENCY**

**BOROUGH OF AUDUBON
JOINT LAND USE BOARD
RESOLUTION OF
MEMORIALIZATION

RESOLUTION NUMBER 2026-D**

WHEREAS, on February 17, 2026, pursuant to Resolution 2026:65, the Borough Commissioners referred certain amendments to the Borough ordinances, specifically “An Ordinance Establishing Affordable Housing Inclusionary Mid-Rise Family Apartment Overlay of the Land Development Ordinance of the Borough to Address the Requirements of the Fair Housing Act Regarding Compliance with the Borough’s Affordable Housing Obligations” as contained in Ordinance 2026-02 (the “Ordinance”), to the Joint Land Use Board for its recommendation concerning any inconsistency with the Master Plan and concerning any other matters the Joint Land Use Board deems appropriate in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64; and

WHEREAS, on March 11, 2026, the Joint Land Use Board heard the testimony of Steven M. Bach, PE, RA, PP, PLS, CME, who reviewed the details of Ordinance 2026-02, (a copy of which is attached hereto and made a part of this Resolution as Exhibit A), with the Joint Land Use Board; and

WHEREAS, the Joint Land Use Board after careful review and discussion has determined at its meeting on March 11, 2026, that the adoption of the proposed Ordinance regarding Affordable Housing Inclusionary Midrise Family Apartment Overlay, as contained in Ordinance 2026-02

(Exhibit A), which was referred to the Joint Land Use Board, conforms and is not inconsistent with the Master Plan and meets the goals of same. Ordinance 2026-02 conforms with sound planning principles, the passage of Ordinance 2026-02 would further assist in the orderly development of land and overall the adoption of Ordinance 2026-02, attached hereto as Exhibit A, is in the best interests of the Borough of Audubon.

The voting on the application was as follows:

Mayor Jakubowski:	<u>Yes</u>
Commissioner Dave Alemi:	<u>Yes</u>
David Thompson:	<u>Yes</u>
Mark Owens:	<u>Yes</u>
Steve Connelly:	<u>Yes</u>
Dan Gaspari:	<u>Yes</u>
Paul Hartstein:	<u>Yes</u>
James Rossell, Jr.:	<u>Yes</u>
Michael Sullivan:	<u>Yes</u>

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Borough of Audubon,

1. The Audubon Borough Joint Land Use Board endorses and recommends the adoption of Ordinance 2026-02, attached hereto as Exhibit A, “An Ordinance Establishing Affordable Housing Inclusionary Mid-Rise Family Apartment Overlay of the Land Development Ordinance of the Borough to Address the Requirements of the Fair Housing Act Regarding Compliance with the Borough’s Affordable Housing Obligations” and same is referred to the Audubon Borough Mayor and Commissioners for review and adoption; and
2. The Audubon Borough Joint Land Use Board determines that the Ordinance 2026-02, attached hereto as Exhibit A, conforms with and is not inconsistent with the Audubon Borough Joint Land Use Board Master Plan.

The undersigned, Chairperson of the Borough of Audubon Joint Land Use Board, does hereby certify that the above is a true copy of a Resolution adopted by the Board on March 11, 2026, to memorialize its action taken on said date.

AUDUBON JOINT LAND USE BOARD


DAVID THOMPSON, CHAIRMAN

Dated: March 11, 2026

CERTIFICATION

I hereby certify that the foregoing resolution is a true memorialization of the Joint Land Use Board hearing on this matter held on March 11, 2026, as memorialized by the Joint Land Use Board of the Borough of Audubon at the regular meeting of the Joint Land Use Board held on March 11, 2026.



STEPHANIE JENNETTA, SECRETARY

Dated: March 11, 2026

EXHIBIT A

Audubon Borough, Camden County
February 2026

ORDINANCE 2026-02

AN ORDINANCE ESTABLISHING AFFORDABLE HOUSING INCLUSIONARY MID-RISE FAMILY APARTMENT OVERLAY OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, on June 11, 2025, the Borough Planning Board adopted the Housing Element and Fair Share Plan pursuant to Resolution No. 2025-13; and

WHEREAS, pursuant to the June 2025 Housing Element and Fair Share Plan the Borough has identified part of one (1) parcel (Block 151, Lot 1.01) containing 3.85 acres of property which is projected to be suitable for redevelopment; and

WHEREAS, the Borough has agreed to create a zoning overlay to provide a realistic development potential for this parcel to provide inclusionary housing opportunities; and

WHEREAS, the Affordable Housing Inclusionary Mid-rise Family Apartment Overlay Zone shall permit 40 du/acre inclusionary multifamily apartments with a required 15% set-aside on Block 151, Lot 1.01; and

WHEREAS, Block 151, Lot 1.01 is located adjacent to the recreation complex; and

WHEREAS, the Affordable Housing Inclusionary Family Apartment Overlay Zone shall permit a maximum building height of six (6) stories with ground floor parking permitted and five (5) residential stories above the parking shall be permitted; and

WHEREAS, the Affordable Housing Inclusionary Family Apartment Overlay Zone is located in underlying PR Planned Retail District; and

WHEREAS, unless specifically superseded by this Affordable Housing Inclusionary Family Mid-rise Apartment Overlay Zone, all standards that are in the PR Planned Retail District Section 113-389 shall be complied with; and

WHEREAS, pursuant to Resolution No. ____-__, the Borough Council authorized to transmit the same to the Planning Board for its recommendation concerning any inconsistency with the Master Plan and concerning any other matters the Planning Board deems appropriate in accordance with N.J.S.A. 40A:12-7; and

WHEREAS, the Borough Council has reviewed and considered the recommendations of the Planning Board regarding the proposed Affordable Housing Inclusionary Apartment Overlay Zone.

BE IT ORDAINED by the Mayor and Commissioners of the Borough of Audubon, Camden County, New Jersey, that Article VII. Zoning Regulations of the Code

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of the Borough of Audubon is hereby amended to include provisions addressing Audubon's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

Section 1: Add Sec. 113.391 IFMAO Inclusionary Family Mid-rise Apartment Overlay Zone to Article VII

(1) Use regulations. Inclusionary Family Mid-rise Apartment consisting of 40 du/acre with a required 15% set-aside on Block 151, Lot 1.01.

1. A maximum of six (6) stories with ground floor parking permitted and five (5) residential stories above the parking shall be permitted.
2. Unless specifically superseded by this Affordable Housing Inclusionary Family Mid-rise Apartment Overlay Zone, all standards that are in the PR Planned Retail District Section 113-389 shall be complied with.

NOW, THEREFORE, BE IT ORDAINED, BY THE AUDUBON BOROUGH COUNCIL, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AS FOLLOWS:

The Affordable Housing Inclusionary Family Mid-rise Apartment Overlay Zone is hereby adopted.

The Affordable Housing Inclusionary Family Mid-rise Apartment Overlay Zone is consistent with the Borough of Audubon's Master Plan or is designed to effectuate the Master Plan.

The Affordable Housing Inclusionary Family Apartment Overlay Zone shall constitute an overlay of existing zoning and the Official Zoning Map is hereby amended to reflect the overlay zone set forth herein.

If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance except so far as the provision so declared invalid shall be severable from the remainder of the portion thereof.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

This Ordinance shall take effect immediately upon adoption and publication according to law.

Audubon Borough, Camden County
February 2026

Danielle Ingves, R.M.C., C.M.R.

Municipal Clerk

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Borough of Audubon held in the Municipal Building on the _ day of ____, 2025, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the ___ day of _____, 2025, at ____ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

Danielle Ingves, R.M.C., C.M.R.

Municipal Clerk

**IN THE MATTER OF REVIEWING
ORDINANCE 2026-03 “ESTABLISHING
AFFORDABLE HOUSING INCLUSIONARY
GARDEN FAMILY APARTMENT OVERLAY
OF THE LAND DEVELOPMENT
ORDINANCE OF THE BOROUGH TO
ADDRESS THE REQUIREMENTS OF THE
FAIR HOUSING ACT REGARDING
COMPLIANCE WITH THE BOROUGH’S
AFFORDABLE HOUSING OBLIGATIONS”
FOR MASTER PLAN CONSISTENCY**

**BOROUGH OF AUDUBON
JOINT LAND USE BOARD
RESOLUTION OF
MEMORIALIZATION

RESOLUTION NUMBER 2026-E**

WHEREAS, on February 17, 2026, pursuant to Resolution 2026:66, the Borough Commissioners referred certain amendments to the Borough ordinances, specifically “Establishing Affordable Housing Inclusionary Garden Family Apartment Overlay of the Land Development Ordinance of the Borough to Address the Requirements of the Fair Housing Act Regarding Compliance with the Borough’s Affordable Housing Obligations” as contained in Ordinance 2026-03 (the “Ordinance”), to the Joint Land Use Board for its recommendation concerning any inconsistency with the Master Plan and concerning any other matters the Joint Land Use Board deems appropriate in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64; and

WHEREAS, on March 11, 2026, the Joint Land Use Board heard the testimony of Steven M. Bach, PE, RA, PP, PLS, CME, who reviewed the details of Ordinance 2026-03, (a copy of which is attached hereto and made a part of this Resolution as Exhibit A), with the Joint Land Use Board; and

WHEREAS, the Audubon Borough Joint Land Use Board after careful review and discussion has determined at its meeting on March 11, 2026, that the adoption of the proposed Ordinance regarding Affordable Housing Inclusionary Garden Family Apartment Overlay as contained in Ordinance 2026-03 (Exhibit A), which was referred to the Joint Land Use Board, conforms and is not inconsistent with the Master Plan and meets the goals of same. Ordinance 2026-03 conforms with sound planning principles, the passage of Ordinance 2026-03 would further assist in the orderly development of land and overall the adoption of Ordinance 2026-03, attached hereto as Exhibit A, is in the best interests of the Borough of Audubon.

The voting on the application was as follows:

Mayor Jakubowski:	<u>Yes</u>
Commissioner Dave Alemi:	<u>Yes</u>
David Thompson:	<u>Yes</u>
Mark Owens:	<u>Yes</u>
Steve Connelly:	<u>Yes</u>
Dan Gaspari:	<u>Yes</u>
Paul Hartstein:	<u>Yes</u>
James Rossell, Jr.:	<u>Yes</u>
Michael Sullivan:	<u>Yes</u>

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Borough of Audubon,

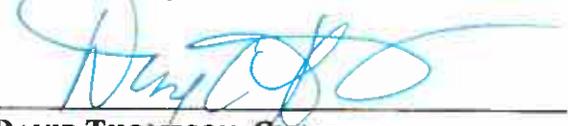
1. The Audubon Borough Joint Land Use Board endorses and recommends the adoption of Ordinance 2026-03, attached hereto as Exhibit A, “Establishing Affordable Housing Inclusionary Garden Family Apartment Overlay of the Land Development Ordinance of the Borough to Address the Requirements of the Fair

Housing Act Regarding Compliance with the Borough's Affordable Housing Obligations" and same is referred to the Audubon Borough Mayor and Commissioners for review and adoption; and

2. The Audubon Borough Joint Land Use Board determines that the Ordinance 2026-03, attached hereto as Exhibit A, conforms with and is not inconsistent with the Audubon Borough Joint Land Use Board Master Plan; and
3. Any recommendations, if any, of the Audubon Borough Joint Land Use Board are attached hereto as Exhibit B.

The undersigned, Chairperson of the Borough of Audubon Joint Land Use Board, does hereby certify that the above is a true copy of a Resolution adopted by the Board on March 11, 2026, to memorialize its action taken on said date.

AUDUBON JOINT LAND USE BOARD



DAVID THOMPSON, CHAIRMAN

Dated: March 11, 2026

CERTIFICATION

I hereby certify that the foregoing resolution is a true memorialization of the Joint Land Use Board hearing on this matter held on March 11, 2026, as memorialized by the Joint Land Use Board of the Borough of Audubon at the regular meeting of the Joint Land Use Board held on March 11, 2026.



STEPHANIE JENNETTA, SECRETARY

Dated: March 11, 2026

EXHIBIT A

Audubon Borough, Camden County
February 2026

ORDINANCE 2026-03

**AN ORDINANCE ESTABLISHING AFFORDABLE HOUSING
INCLUSIONARY GARDEN FAMILY APARTMENT OVERLAY OF THE LAND
DEVELOPMENT ORDINANCE OF THE BOROUGH TO ADDRESS THE
REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH
THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, on June 11, 2025, the Borough Planning Board adopted the Housing Element and Fair Share Plan pursuant to Resolution No. 2025-13; and

WHEREAS, pursuant to the June 2025 Housing Element and Fair Share Plan the Borough has identified one (1) parcel (Block 153, Lot 3) containing 4.65 acres of property which is projected to be suitable for redevelopment; and

WHEREAS, Block 153, Lot 3 is located adjacent to and in close proximity to higher density residential development, access to commercial opportunities, as well as recreation and school facilities; and

WHEREAS, the Borough has agreed to create a zoning overlay to provide a realistic development potential for this parcel to provide inclusionary housing opportunities; and

WHEREAS, the Affordable Housing Inclusionary Garden Family Apartment Overlay Zone shall permit 20 du/acre inclusionary multifamily garden apartments with a required 15% set-aside on Block 153, Lot 3; and

WHEREAS, the Affordable Housing Inclusionary Family Apartment Overlay Zone shall permit a maximum building height of three (3) stories; and

WHEREAS, the Affordable Housing Inclusionary Family Apartment Overlay Zone is located in underlying C Business District; and

WHEREAS, unless specifically superseded by this Affordable Housing Inclusionary Family Garden Apartment Overlay Zone, all standards that are in the C Business District Section 113-388 shall be complied with; and

WHEREAS, pursuant to Resolution No. ___-___, the Borough Council authorized to transmit the same to the Planning Board for its recommendation concerning any inconsistency with the Master Plan and concerning any other matters the Planning Board deems appropriate in accordance with N.J.S.A. 40A:12-7; and

WHEREAS, the Borough Council has reviewed and considered the recommendations of the Planning Board regarding the proposed Affordable Housing Inclusionary Family Garden Apartment Overlay Zone.

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February 2026

BE IT ORDAINED by the Mayor and Commissioners of the Borough of Audubon, Camden County, New Jersey, that Article VII. Zoning Regulations of the Code of the Borough of Audubon is hereby amended to include provisions addressing Audubon's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

Section 1: Add Sec. 113.390 IFGAO Inclusionary Family Garden Apartment Overlay Zone to Article VII

(1) Use regulations. Inclusionary Family Garden Apartment consisting of 20 du/acre with a required 15% set-aside on Block 153, Lot 3.

1. A maximum building height of three (3) stories shall be permitted.
2. Unless specifically superseded by this Affordable Housing Inclusionary Family Garden Apartment Overlay Zone all other standards that are in the C Business District Section 113-388 shall be complied with.

NOW, THEREFORE, BE IT ORDAINED, BY THE AUDUBON BOROUGH COUNCIL, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AS FOLLOWS:

The Affordable Housing Inclusionary Family Garden Apartment Overlay Zone is hereby adopted.

The Affordable Housing Inclusionary Family Garden Apartment Overlay Zone is consistent with the Borough of Audubon's Master Plan or is designed to effectuate the Master Plan.

The Affordable Housing Inclusionary Family Garden Apartment Overlay Zone shall constitute an overlay of existing zoning and the Official Zoning Map is hereby amended to reflect the overlay zone set forth herein.

If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance except so far as the provision so declared invalid shall be severable from the remainder of the portion thereof.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

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February 2026

This Ordinance shall take effect immediately upon adoption and publication according to law.

Danielle Ingves, R.M.C., C.M.R.

Municipal Clerk

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Borough of Audubon held in the Municipal Building on the __ day of ____, 2025, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the __ day of ____, 2025, at ____ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

Danielle Ingves, R.M.C., C.M.R.

Municipal Clerk

**IN THE MATTER OF REVIEWING
ORDINANCE 2026-04 “ESTABLISHING
AFFORDABLE HOUSING PROCEDURAL
AND ELIGIBILITY REQUIREMENTS OF
THE LAND DEVELOPMENT ORDINANCE
OF THE BOROUGH TO ADDRESS THE
REQUIREMENTS OF THE FAIR HOUSING
ACT AND THE UNIFORM HOUSING
AFFORABILITY CONTROLS (UHAC)
REGARDING COMPLIANCE WITH THE
BOROUGH’S AFFORDABLE HOUSING
OBLIGATIONS” FOR MASTER PLAN
CONSISTENCY**

**BOROUGH OF AUDUBON
JOINT LAND USE BOARD
RESOLUTION OF
MEMORIALIZATION

RESOLUTION NUMBER 2026-F**

WHEREAS, on February 17, 2026, pursuant to Resolution 2026:67, the Borough Commissioners referred certain amendments to the Borough ordinances, specifically “Establishing Affordable Housing Procedural and Eligibility Requirements of the Land Development Ordinance of the Borough to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Borough’s Affordable Housing Obligations” as contained in Ordinance 2026-04 (the “Ordinance”), to the Joint Land Use Board for its recommendation concerning any inconsistency with the Master Plan and concerning any other matters the Joint Land Use Board deems appropriate in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64; and

WHEREAS, on March 11, 2026, the Joint Land Use Board heard the testimony of Steven M. Bach, PE, RA, PP, PLS, CME, who reviewed the details of Ordinance 2026-04, (a copy of

which is attached hereto and made a part of this Resolution as Exhibit A), with the Joint Land Use Board; and

WHEREAS, the Joint Land Use Board, after careful review and discussion, has determined at its meeting on March 11, 2026, that the adoption of the proposed Ordinance regarding Affordable Housing Procedural and Eligibility Requirements as contained in Ordinance 2026-04 (Exhibit A), which was referred to the Joint Land Use Board, conforms and is not inconsistent with the Master Plan and meets the goals of same. Ordinance 2026-04 conforms with sound planning principles, the passage of Ordinance 2026-04 would further assist in the orderly development of land and overall the adoption of Ordinance 2026-04, attached hereto as Exhibit A, is in the best interests of the Borough of Audubon.

The voting on the application was as follows:

Mayor Jakubowski:	<u>Yes</u>
Commissioner Dave Alemi:	<u>Yes</u>
David Thompson:	<u>Yes</u>
Mark Owens:	<u>Yes</u>
Steve Connelly:	<u>Yes</u>
Dan Gaspari:	<u>Yes</u>
Paul Hartstein:	<u>Yes</u>
James Rossell, Jr.:	<u>Yes</u>
Michael Sullivan:	<u>Yes</u>

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Borough of Audubon,

1. The Audubon Borough Joint Land Use Board endorses and recommends the adoption of Ordinance 2026-04, attached hereto as Exhibit A, “Establishing

Affordable Housing Procedural and Eligibility Requirements of the Land Development Ordinance of the Borough to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Borough's Affordable Housing Obligations" and same is referred to the Audubon Borough Mayor and Commissioners for review and adoption; and

2. The Audubon Borough Joint Land Use Board determines that the Ordinance 2026-04, attached hereto as Exhibit A, conforms with and is not inconsistent with the Audubon Borough Joint Land Use Board Master Plan; and
3. Any recommendations, if any, of the Audubon Borough Joint Land Use Board are attached hereto as Exhibit B.

The undersigned, Chairperson of the Borough of Audubon Joint Land Use Board, does hereby certify that the above is a true copy of a Resolution adopted by the Board on March 11, 2026, to memorialize its action taken on said date.

AUDUBON JOINT LAND USE BOARD



DAVID THOMPSON, CHAIRMAN

Dated: March 11, 2026

CERTIFICATION

I hereby certify that the foregoing resolution is a true memorialization of the Joint Land Use Board hearing on this matter held on March 11, 2026, as memorialized by the Joint Land Use Board of the Borough of Audubon at the regular meeting of the Joint Land Use Board held on March 11, 2026.

Dated: March 11, 2026


STEPHANIE JENNETTA, SECRETARY

EXHIBIT A

ORDINANCE 2026-04**AN ORDINANCE ESTABLISHING AFFORDABLE HOUSING PROCEDURAL AND ELIGIBILITY REQUIREMENTS OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS**

BE IT ORDAINED by the Mayor and Commissioners of the Borough of Audubon, Camden County, New Jersey, that Article XII of the Code of the Borough of Audubon is hereby amended to include provisions addressing Audubon's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

The Audubon Borough Joint Land Use Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan has been endorsed by Mayor and Commissioners. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

ARTICLE XII. - AFFORDABLE HOUSING PROCEDURAL AND ELIGIBILITY REQUIREMENTS**Sec. 113-557. - Definitions.**

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory apartments" means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as "accessory dwelling units".

"Act" means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

"Adaptable" means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the "State Uniform Construction Code Act," P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

"Administrative agent" means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

"Affirmative Marketing Plan" means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low-, low-, and moderate-income units.

“Affordability assistance” means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner’s association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

“Affordability average” means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

“Assisted living residence” means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor.

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Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Builder’s remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

“Certified household” means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

“CHOICE” means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

“COAH” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Compliance certification” means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

“County-level housing judge” means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

“DCA” and “Department” mean the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Department” means the New Jersey Department of Community Affairs.

“Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

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“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

“Exclusionary zoning litigation” means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder’s remedy.

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Green Building Strategies” means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

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“HMFA” or “the Agency” means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Housing element” means the portion of a municipality’s master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality’s fair share of its region’s present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality’s fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

“Low-income household” means a household with a household income equal to 50 percent or less of the regional median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

“New construction” means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one’s self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary; and the transfer of ownership by court order.

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

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The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Order for repose” means the protection a municipality has from a builder’s remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and

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creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans’ preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

“RCA administrator” means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

“RCA project plan” means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

“Receiving municipality” means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality’s fair share obligation.

“Reconstruction” means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

“Recreational facilities and community centers” means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

“Regional contribution agreement” or “RCA” means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality’s affordable housing obligation to another municipality within its housing region.

“Regional median income” means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

“Rehabilitation” means the repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. With respect to units in assisted living residences, rent does not include charges for food and services.

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

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“Spending plan” means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

“State Development and Redevelopment Plan” or “State Plan” means the plan prepared pursuant to sections 1 through 12 of the “State Planning Act,” P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

“Supportive housing sponsoring program” means grant or loan program which provided financial assistance to the development of the unit.

“Supportive housing unit” means a restricted rental unit that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. A supportive housing unit is intended to provide long-term, community-based housing for individuals with intellectual or developmental disabilities, as defined at N.J.S.A. 30:6D-25(b). Such units must be leased subject to the affordability controls established herein; remain subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the project’s Affirmative Marketing Program. A supportive housing unit may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified

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supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services. Supportive housing units are also referred to as permanent supportive housing units.

“Transitional housing” means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

“Treasurer” means the Treasurer of the State of New Jersey.

“UHAC” means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

“UHORP” means the Agency’s Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

“Unit type” means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

“Very-low-income household” means a household with a household income less than or equal to 30 percent of the regional median income.

“Very-low-income housing” means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

“Very-low-income unit” means a restricted unit that is affordable to a very-low-income household. Very-low-income units are a subset of low-income units.

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

“Veterans’ preference” means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

Sec. 113-558. - Applicability.

- A. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the Borough of Audubon consistent with the provisions outlined in P.L. 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).

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- B. This Ordinance is intended to ensure that very-low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very-low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100 percent affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to affirmative marketing and random selection procedures set forth in UHAC.
- C. The Borough of Audubon Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very-low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
- D. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- E. Applicability
1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.
 2. This Ordinance shall apply to all developments that contain very-low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very-low-, low- and moderate-income housing units.
 3. Projects receiving federal Low Income Housing Tax Credit financing and proposed for credit in the municipality’s most recently adopted HEFSP shall comply with the affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

Sec. 113-559. - Monitoring and Reporting Requirements.

- A. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
1. The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department’s website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
 2. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
 3. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

Sec. 113-560. - Municipality-wide Mandatory Set-Aside.

- A. A development, other than single-family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of 20 percent.
- B. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
- C. All such affordable units shall be governed by this ordinance the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
- D. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
- E. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.
- F. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
- G. In the event that the inclusionary set-aside of 20 percent of the total number of residential units does not result in a full integer, the developer shall round the set-aside upward to construct a whole additional affordable unit.

Sec. 113-561. - Affordable Housing Programs.

- A. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).
 - 1. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
 - 2. Both ownership and rental units shall be eligible for rehabilitation funds.
 - 3. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
 - 4. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
 - 5. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.

6. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
 7. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
 8. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
 9. Rents in rehabilitated units may increase annually based on the standards in UHAC.
 10. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.
- B. New Construction Programs (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.).
1. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.
 2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy
25+1	10
50	50
75	75
90	100

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
 - a. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
 - (1) Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.

- (2) Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - (3) Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - (4) Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - (5) Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
 - (6) Each bedroom in each restricted unit must have at least one window.
 - (7) Restricted units must be of the same unit type as market-rate units within the same building.
 - (8) Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
4. Utilities.
 - a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
 - b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.A.C. 5:80-26.13(e).
 5. Low/moderate split and bedroom distribution.
 - a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 - b. In each affordable housing development, at least 50 percent of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units. The municipality has chosen to allow rounding.
 - c. Within rental developments, of the total number of affordable rental units, at least 13 percent, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
 - d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:

- (1) At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - (2) Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - (3) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent, rounded down, of the total number of low- and moderate-income units. The municipality has chosen to allow rounding.
 - (4) At least 30 percent of all low- and moderate-income units, rounded up shall be two-bedroom units. The municipality has chosen to allow rounding.
 - (5) At least 20 percent of all low- and moderate-income units, rounded down shall be three-bedroom units. The municipality has chosen to allow rounding.
 - (6) The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
- e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least five percent of those restricted units.
6. Accessibility requirements.
- a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
 - b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - (1) An adaptable toilet and bathing facility on the first floor;
 - (2) An adaptable kitchen on the first floor;
 - (3) An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
 - (4) An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
 - (5) If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and

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- (6) An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
- i. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - ii. To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - iii. The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - iv. The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
 - v. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
 - vi. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.
- C. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
1. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
 2. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 3. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
 4. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
 5. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.

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6. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100 percent affordable developments.
 7. The deed restriction for the extended control period shall be filed with the County Clerk.
- D. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
1. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
 2. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
 3. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
 4. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
 5. Low- and moderate-income residents cannot be charged any upfront fees.
 6. The units shall comply with UHAC with the following exceptions:
 - a. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - b. The deed restriction may be on the facility, rather than individual apartments or rooms;
 - c. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
 - d. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.
- E. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
1. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - a. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
 - b. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
 - c. Occupancy shall not be restricted to youth under 18 years of age.
 - d. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
 - e. The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - a. Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with

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special needs in accordance with a plan, if applicable, approved by the sponsoring program;

- b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
- f. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
- g. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
- h. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
 - a. An Affirmative Marketing Plan in accordance with D1 above; and
 - b. If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
- i. The sponsor/owner shall complete annual monitoring as directed by the MHL.

Sec. 113-562. - Regional Income Limits.

- A. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
 - 1. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
 - 2. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.
- B. Maximum Initial Rents And Sales Prices.
 - 1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
 - 2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
 - 3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60 percent of regional median income.
 - 4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units. Very low-income units, if required, should be distributed between each bedroom count as

proportionally as possible to the total number of restricted units within each bedroom count, and shall be part of the low-income requirement.

5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70 percent of median income, and each affordable housing development must achieve an affordability average that does not exceed 55 percent for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the

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gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.

11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following a minimum 90-day notice provided to the occupant household, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." The maximum allowable rent increase for the year will be effective as of the same date as the regional median income limits determined pursuant to N.J.A.C. 5:80-26.3 and published by the Agency. This rent increase may not exceed five percent in any one year and notice thereof must be filed with the administrative agent. If the landlord has charged a tenant less than the initial maximum allowable rent for a restricted unit, the landlord may, with the approval of the administrative agent, use the maximum allowable rent instead of the current rent in performing this multiplication to establish the rent for the next tenant under a new lease. LIHTC units are not governed by the provisions of this section, but rather by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.

Sec. 113-563. - Affirmative Marketing Requirements.

- A. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for "housing for older persons" as defined at N.J.S.A. 10:5-1 et seq., and age-restricted units as permitted pursuant to 42 U.S.C. §§ 3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 50, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 5 and is required to be followed throughout the period of deed restriction.
- C. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
- D. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent should consider the use of language translations where appropriate.
- E. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or

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sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.

- F. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
- G. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of HUD-certified housing counselors or otherwise experienced entities approved by the Division providing counseling services on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- H. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy and may begin before construction commences. For owner-occupied units, affirmative marketing advertising and outreach activities must continue until all of the marketed units have been sold, except that paid advertising may cease when the number of applications received is at least three times the number of units to be sold. For rental units, affirmative marketing advertising and outreach activities must continue, as long as applications are being accepted, except that paid advertising may cease when the number of applications received is at least three times the number of units to be filled.
- I. Applications must be accepted for no less than 45 days following the initial advertisement on the New Jersey Housing Resource Center, except for the resale of owner-occupied units, in which case, applications must be accepted for no less than 30 days.
- J. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

Sec. 113-564. - Selection of Occupants of Affordable Housing Units.

- A. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
- B. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.
- C. Occupancy Standards
 - 1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - 2. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - 3. Provide a bedroom for every two adult occupants;
 - 4. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
 - 5. Avoid placing a one-person household into a unit with more than one bedroom.

Sec. 113-565. - Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to

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the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.

- B. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
- D. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
- E. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
 - 1. the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
 - 2. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
- F. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
- G. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- H. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- I. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

Sec. 113-566. - Price Restrictions for Restricted Ownership Units and Resale Prices.

- A. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
 - 1. the initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
- C. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.

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- D. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
- E. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
1. those that render the unit suitable for a larger household or the addition of a bathroom.
 2. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
 3. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
- F. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

Sec. 113-567. - Buyer Income Eligibility.

- A. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30 percent of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80 percent of median income.
- B. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing

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markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.

- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
 - 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
 - 3. The household is currently in substandard or overcrowded living conditions;
 - 4. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments
- E. Limitations on Indebtedness Secured by Ownership Unit; Subordination.
 - 1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
 - 2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

Sec. 113-568. - Control Periods for Restricted Rental Units.

- A. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.

- B. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9 percent Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
- C. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
- D. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
- E. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
- F. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
- G. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit;
 - 3. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - 4. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

Sec. 113-569. - Rent Restrictions for Rental Units; Leases and Fees.

- A. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
- B. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
- C. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- D. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
- E. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent

of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

- F. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
- G. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
- H. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
- I. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

Section 113-570. Tenant Income Eligibility.

- A. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
 - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median income by household size.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median income by household size.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median income by household size.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - 3. The household is currently in substandard or overcrowded living conditions;
 - 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - 5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Sec. 113-571. - Municipal Housing Liaison.

- A. The Municipal Housing Liaison shall be approved by municipal resolution.
- B. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
 - D. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
 - E. The oversight of the Affirmative Marketing Plan and affordability controls.
 - F. When applicable, overseeing and monitoring any contracting Administrative Agent.
 - G. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 - H. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
 - I. Coordinating meetings with affordable housing providers and administrative agents, as needed.
 - J. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
 - K. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
 - L. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
- M. Listing on the municipal website contact information for the MHL and Administrative Agents.

Sec. 113-572. - Administrative Agent.

- A. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
- B. The fees for administrative agents shall be paid as follows:
 - 1. Administrative agent fees related to rental units shall be paid by the developer/owner.
 - 2. Administrative agent fees related to initial sale of units shall be paid by the developer.
 - 3. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - 4. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
- C. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.

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- D. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 2. Affirmative marketing:
 - a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - b. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 3. Household certification.
 - a. Soliciting, scheduling, conducting and following up on interviews with interested households.
 - b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within five (5) business days of the determination thereof.
 - d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
 - e. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
 - f. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
 4. Affordability controls.
 - a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - b. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - c. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - d. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
 5. Records retention.
 - a. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.

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- b. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
6. Resales and re-rentals.
- a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - b. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
7. Processing requests from unit owners.
- a. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
 - c. Notifying the municipality of an owner's intent to sell a restricted unit.
 - d. Making determinations on requests by owners of restricted units for hardship waivers.
8. Enforcement.
- a. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - c. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - d. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - e. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
9. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

Sec. 113-573. - Responsibilities of The Owner of a development containing affordable units.

- A. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
 - 1. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the

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location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.

2. The total number of units in the project and the number of affordable units.
 3. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 4. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 5. A projected construction schedule.
 6. The location of any common areas and elevators.
 7. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
- B. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
1. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
 2. Provide to the administrative agent a description of any applicable fees.
 3. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
 4. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
 5. Provide to the administrative agent a proposed form of lease for any rental units.
 6. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
 7. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
- C. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
1. Proposed pricing for all units, including any purchaser options and add-on items.
 2. Realistic condominium or homeowner association fees and any other applicable fees.
 3. Estimated real property taxes.
 4. Sewer, water, trash disposal, and any other utility assessments.
 5. Flood insurance requirement, if applicable.

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6. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

Sec. 113-574. - Enforcement of Affordable Housing Regulations.

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - a. A fine, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - b. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - c. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- C. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
- D. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
1. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 2. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any,

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shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

3. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
 4. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
 5. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
 6. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
- E. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the

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remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.

- F. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.
- G. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
- H. Appeals
 - 1. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

Sec. 113-575. - Affordable Housing Trust Fund.

- A. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - 1. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - 2. Funds contributed by developers to make 10 percent of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - 3. Rental income from municipally operated units;
 - 4. Repayments from affordable housing program loans;
 - 5. Recapture funds;
 - 6. Proceeds from the sale of affordable units; and
 - 7. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- C. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- D. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:

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1. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 2. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
 3. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 4. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 5. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 6. Revocation of compliance certification or a judgment of compliance and repose;
 7. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
 8. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
- E. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.
- F. Use of Funds
1. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
 2. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
 3. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
 - a. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

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- b. Affordability assistance for very low-income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
4. No more than 20 percent of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

G. Monitoring

1. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

H. Ongoing Collection of Fees

1. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
 2. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).
- I. Emergent Affordable Housing Opportunities. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

Sec. 113-576. - Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

BOROUGH OF AUDUBON

Danielle Ingves, R.M.C., C.M.R.
Municipal Clerk

Robert Jakubowski, Mayor

Introduced: _____

Motion by: _____

Second by: _____

Introduction Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

Adopted: _____

Motion by: _____

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Second by: _____

Adoption Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Mayor and Commissioners at a meeting held on _____, _2026.

Danielle Ingves, R.M.C., C.M.R.
Municipal Clerk

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Borough of Audubon held in the Municipal Building on the _ day of _____, 2025, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the ___ day of _____, 2025, at _____ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

Danielle Ingves, R.M.C., C.M.R.
Municipal Clerk