

**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 _____

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



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3. Additional Appendices to be Included by March 15, 2026

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 COAH regulations to adjust the new construction obligation downward pursuant to N.J.S.A 52:27D- 311 (m). 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 undertook a current vacant land analysis which resulted in a RDP of 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 134 units for the period of 1987 to 2035.

The Borough currently has the following credits toward this obligation:

1. Audubon Towers: Existing 123 unit senior affordable housing facility. 40 unit credits taken for this facility due to Round 4 limit on 30% senior affordable housing units ($0.30 \times 134 = 40.2$). 6 bonus credits taken at 0.5 credit per unit for 10% of built senior units ($0.10 \times 134 = 13.4$ then $\times 0.5 = 6$). 40 units with 6 bonus credits for a total of 46 credits.
2. 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 ($1.0 \times 3 = 3$). 3 units with 3 bonus credits for a total of 6 credits.
3. 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 ($1.0 \times 5 = 5$). 5 units with 5 bonus credits for a total of 10 credits.

The above provides 48 units and 14 bonus credits for a total of 62 credits.

The combined Prior Round, Third Round and Fourth Round obligation of 134 units, the RDP of 0 units, and the 62 credits delineated above result in an unmet need of 72 units ($134 - 0 - 62 = 72$).

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

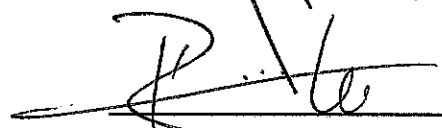
BE IT FURTHER RESOLVED, that the Borough's affordable housing professionals shall submit the Borough into the DCA affordable housing dispute program and take any other action necessary to comply with the FHA and implement its Fourth Round Affordable Housing Fair Share obligation including, but not limited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



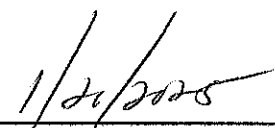
 Jeffrey Whitman, Commissioner

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 AFFORDABILITY 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 UHROP 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:

Audubon Borough, Camden County
2025

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:
 - 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.
- 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:

- 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;

- 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

Audubon Borough, Camden County
2025

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

(Additional Appendices to be Included by March 15, 2026)