



2025

Fourth Round Housing Plan Element and Fair Share Plan



Adopted May 20, 2025

Borough of Cape May Point, Cape May County, New Jersey

Prepared by:

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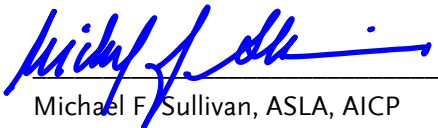
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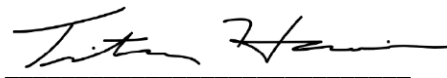
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TABLE OF CONTENTS

Executive Summary	1
NJ Affordable Housing Judicial and Legislative Background.....	2
Cape May Point's Affordable Housing History	7
Affordability Requirements	8
Housing Plan Element and Fair Share Plan Requirements	10
Housing Conditions	14
Population Characteristics	20
Household Characteristics.....	22
Income Characteristics.....	24
Employment Characteristics	26
Population and Employment Projections.....	29
Housing Unit Projections	30
Consideration of Land for Affordable Housing.....	30
Fair Share Plan.....	31
Very Low-Income Units	34
Income and Bedroom Distribution.....	34
Affordable Housing Administration and Affirmative Marketing	35
Spending Plan.....	36
Cost Generation	37
Multigenerational Family Housing Continuity	37
State Development and Redevelopment Plan.....	38

APPENDICES

Appendix A – Third Round Fairness and Compliance Order, 2017 Settlement Agreement
Appendix B – Fourth Round Order, Declaratory Judgment Filing, Binding Resolution
Appendix C – Adopted Accessory Apartment Program Ordinances, Draft Amendment
Appendix D – Adopted Mandatory Set-Aside Ordinance
Appendix E – Adopted Affordable Housing Ordinance
Appendix F – Preliminary Fourth Round Affirmative Marketing Plan
Appendix G – Fourth Round Spending Plan
Appendix H – Affordable Housing Administration Documents
Appendix I – Planning Board Resolution Adopting Fourth Round HPE/FSP



EXECUTIVE SUMMARY

This Fourth Round Housing Plan Element and Fair Share Plan (“HPE/FSP”) has been prepared for the Borough of Cape May Point (“Borough”), of Cape May County, in accordance with the New Jersey Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-310 as amended by P.L. 2024 c.2, Administrative Directive #14-24, and the rules of the now-abolished New Jersey Council on Affordable Housing (“COAH”) contained at N.J.A.C. 5:93 *et seq.* . This plan is an update to the Borough’s Amended Third Round HPE/FSP adopted by the Planning Board on June 27, 2018, and endorsed by the Board of Commissioners on July 12, 2018. This cumulative Fourth Round HPE/FSP will serve as the foundation for the Borough’s submission to the Superior Court of New Jersey and the Affordable Housing Dispute Resolution Program (“Program”).

A municipality’s affordable housing obligation has four components: Fourth Round Present Need (Rehabilitation Share), Prior Round Prospective Need, Third Round “Gap”/Prospective Need, and Fourth Round Prospective Need.

Prior Round/Third Round

On March 20, 2018, the Superior Court approved the Borough’s 2017 settlement agreement with the Fair Share Housing Center (“FSHC”), which set the Borough’s Prior Round Prospective Need as previously established by COAH and established the Borough’s Third Round “Gap”/Prospective Need as follows:

- Prior Round Obligation: 34 units
- Third Round Gap/Prospective: 36 units

The 2017 Third Round Settlement Agreement reflected a vacant land adjustment (“VLA”), which reduced the cumulative Prior Round/Third Round obligations to a combined Prior Round/Third Round realistic development potential (“RDP”) of 0 and Unmet Need of 70. The Borough has Court-approved Prior Round/Third Round mechanisms to address Unmet Need including an adopted Accessory Apartment Program, an adopted Development Fee Ordinance for affordable housing purposes, and a Borough-Wide Mandatory Set-Aside Ordinance. Pursuant to Term #8 of the 2017 Third Round Settlement Agreement, the Borough will provide one (1) very low-income family affordable rental unit through the Borough’s Accessory Apartment Program, which will carry forward to the Fourth Round.

Fourth Round

On January 28, 2025, the Cape May Point Board of Commissioners adopted Resolution 29-25 accepting the determination of the Borough’s Fourth Round Present Need/Rehabilitation Obligation and Prospective Need by the New Jersey Department of Community Affairs (“DCA”) as follows:

Borough of Cape May Point**Fourth Round Housing Plan Element and Fair Share Plan**

- Fourth Round Present Need: 0 units
- Fourth Round Prospective Need: 5 units

The Borough has prepared an updated VLA as part of this HPE/FSP that has reduced the Borough's Fourth Round Prospective Need of 5 to a Fourth Round RDP of 0 and a Fourth Round Unmet Need of 5. The cumulative Unmet Need, including the Prior Round, Third Round, and Fourth Round Unmet Need, is 75 (70 + 5).

The Borough's cumulative Unmet Need will be addressed by its Court-approved Third Round mechanisms including the adopted Accessory Apartment Program, adopted Borough-wide Mandatory Set-aside Ordinance, and adopted Development Fee Ordinance. These existing mechanisms will be modified as described in this HPE/FSP.

NJ AFFORDABLE HOUSING JUDICIAL AND LEGISLATIVE BACKGROUND

In the 1975 Mount Laurel¹ decision, the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide diversity and choice in the housing types permitted in the municipality, including housing for low- and moderate-income households. In its 1983 Mount Laurel II decision,² the New Jersey Supreme Court extended to all municipalities with any "growth area" as designated in the State Development Guide Plan (now superseded by the State Development and Redevelopment Plan, or SDRP) the obligation to provide their "fair share" of a calculated regional need for affordable units. Mount Laurel II also introduced a "builder's remedy" if a municipality was not providing of its fair share of affordable housing. A builder's remedy may permit a developer that is successful in litigation the right to develop what is typically a higher density multi-family project on land not zoned to permit such use, so long as a "substantial" percentage of the proposed units would be reserved for low- and moderate-income households.

In 1985, in response to Mount Laurel II, the New Jersey Legislature enacted the Fair Housing Act ("FHA").³ The FHA created the Council on Affordable Housing ("COAH") as an administrative body responsible for oversight of municipalities' affordable housing efforts, rather than having oversight go through the courts. The Legislature charged COAH with promulgating regulations (i) to establish housing regions; (ii) to estimate low- and moderate-income housing needs; (iii) to set criteria and guidelines for municipalities to use in determining and addressing their fair share obligations, and (iv) to create a process for the review and approval of municipal housing plan elements and fair share plans.

¹ Southern Burlington County NAACP v. Township of Mount Laurel, 67 N.J. 151 (1975)

² Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983)

³ N.J.S.A. 52:27D-301 et seq.



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

COAH created the criteria and regulations for municipalities to address their affordable housing obligations. COAH originally established a methodology for determining municipal affordable housing obligations for the six-year period between 1987 and 1993,⁴ which period became known as the First Round. This methodology established an existing need to address substandard housing that was being occupied by low- and moderate-income households (variously known as “present need” or “rehabilitation share”), and calculated future demand, to be satisfied typically, but not exclusively, with new construction (“prospective need” or “fair share”).

The First Round methodology was superseded in 1994 by COAH's Second Round regulations.⁵ The 1994 regulations recalculated a portion of the 1987-1993 affordable housing obligations for each municipality and computed the additional municipal affordable housing need from 1993 to 1999 using 1990 census data. These regulations identified a municipality's cumulative obligations for the First and Second Rounds. Under regulations adopted for the Third Round, a municipality's obligation to provide affordable housing for the First and Second Rounds is referred to cumulatively as the Prior Round obligation.

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

The FHA had originally required housing rounds to be for a six-year period for the First and Second Rounds. In 2001, the time period increased to a 10-year period consistent with the Municipal Land Use Law (“MLUL”). In order to utilize 2000 census data, which hadn't yet been released, COAH delayed the start of the Third Round from 1999 to 2004, with the Third Round time period initially ending in 2014. In December 2004, COAH's first version of the Third Round rules⁶ became effective, and the 15-year Third Round *time period* (1999 – 2014) was condensed into an affordable housing *delivery period* from January 1, 2004, through January 1, 2014.

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

On January 25, 2007, a New Jersey Appellate Court decision⁷ invalidated key elements of the first version of the Third Round rules, including the growth share approach, and the Court ordered COAH to propose and adopt amendments to its rules. COAH issued revised rules effective on June

⁴ N.J.A.C. 5:92-1 *et seq.*

⁵ N.J.A.C. 5:93-1.1 *et seq.*

⁶ N.J.A.C. 5:94-1 and 5:95-1

⁷ In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super. 1 (2007)

Borough of Cape May Point
Fourth Round Housing Plan Element and Fair Share Plan



2, 2008 (as well as a further rule revision effective on October 20, 2008), which largely retained the growth share approach.

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

Third Round Judicial Activity

After various challenges were filed, on September 26, 2013, the New Jersey Supreme Court upheld the Appellate Court decision⁹ and ordered COAH to prepare the necessary rules. COAH failed to adopt new rules, and more challenges ensued.

On March 10, 2015, the New Jersey Supreme Court issued a ruling on Fair Share Housing Center's ("FSHC's") Motion in Aid of Litigant's Rights, which became known as Mount Laurel IV.¹⁰ In this decision, the Court transferred responsibility for reviewing and approving housing plan elements and fair share plans from COAH to designated Mount Laurel trial judges, declaring COAH "moribund." Municipalities were now to apply to the Courts, instead of COAH, if they wished to be protected from exclusionary zoning lawsuits. The Mount Laurel trial judges, with the assistance of a Court-appointed Special Adjudicator, were tasked with reviewing municipal plans much in the same manner as COAH had done previously. Those towns whose plans were approved by the Court received a Judgment of Compliance and Repose, the court equivalent of COAH's substantive certification.

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

On January 17, 2017, the New Jersey Supreme Court rendered a decision¹¹ that found that the period between 1999 and 2015, now known as the "gap period," when no valid affordable housing

⁸ In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462 (2010)

⁹ In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing, 215 N.J. 578 (2013)

¹⁰ In re Adoption of N.J.A.C. 5:96 & 5:97, 221 NJ 1 (2015)

¹¹ In Re Declaratory Judgment Actions Filed by Various Municipalities, 227 N.J. 508 (2017)



regulations were in force, generated an affordable housing obligation. This obligation required an expanded definition of the municipal Present Need obligation to include the unaddressed housing needs of low- and moderate-income households that had formed during the gap period. This meant that the municipal affordable housing obligation would now comprise four components: Present Need (rehabilitation), Prior Round (1987-1999, new construction), Gap Need (1999-2015, new construction), and Prospective Need (Third Round, 2015 to 2025, new construction).

Third Round Legislative Activity

The New Jersey Legislature has amended the FHA several times in recent years.

On July 17, 2008, P.L. 2008 c. 46 (referred to as the “Roberts Bill” or “A500”) was enacted, which amended the FHA in a number of ways. Key provisions included the following:

- It established a statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing;
- It eliminated new regional contribution agreements (“RCAs”) as a compliance technique available to municipalities; previously a municipality could fund the transfer up to 50% of its fair share to so called “receiving” municipalities;
- It added a requirement that 13% of all affordable housing units be restricted to very low-income households, which it defined as households earning 30% or less of median income; and
- It added a requirement that municipalities had to commit to spend development fees within four years of the date of collection. This was later addressed in a Superior Court decision which found the four-year period begins at the time the Court approves the municipal spending plan.¹²

In July 2020, the State amended the FHA again to require, beginning in November 2020, that all affordable units that are subject to affirmative marketing requirements also be listed on the state’s Affordable Housing Resource Center website.¹³ All affordable housing affirmative marketing plans are now required to include listing on the State Affordable Housing Resource Center website.

The Fourth Round (2025-2035)

On March 20, 2024, the New Jersey Legislature passed P.L. 2024 c.2, which amended the FHA and other statutes to:

- Formally abolish COAH;

¹² In the Matter of the Adoption of the Monroe Township Housing Element and Fair Share Plan, and Implementing Ordinances (2015)

¹³ <https://www.nj.gov/njhrc/>

Borough of Cape May Point**Fourth Round Housing Plan Element and Fair Share Plan**

- Require the state Department of Community Affairs (“DCA”) to promulgate municipal obligations using an adjusted methodology. These obligations are to be considered advisory, not binding;
- Establish a timeline within which municipalities need to adopt and submit binding resolutions stipulating to their Fourth Round fair share obligations, in order for them to retain their immunity from exclusionary-zoning lawsuits;
- Require the New Jersey Housing and Mortgage Finance Agency (“HMFA”) and DCA to update rules and standards governing affordable housing production, trust funds, and affordable housing administration;
- Establish a Court-based Affordable Housing Dispute Resolution Program (“Program”) that will be responsible for challenges to municipalities’ affordable housing obligation determinations and compliance efforts;
- Establish a longer control period – 40 years, rather than 30 years – for new affordable rental units;
- Change the criteria for affordable housing bonuses, making various additional categories of affordable housing eligible for bonuses;
- Establish a timeline within which municipalities need to take various steps toward adoption of a Housing Plan Element and Fair Share Plan, in order for them to retain their immunity from exclusionary-zoning lawsuits;
- Establish new reporting and monitoring procedures and deadlines for both affordable units and affordable housing trust funds and assign oversight for reporting and monitoring to DCA.

In December 2024, the Administrative Office of the Courts issued Administrative Directive #14-24, establishing procedures for implementation of the Program and for municipalities to file their Fourth Round Declaratory Judgment (“DJ”) filings, etc. As detailed under section covering requirements of an HPE/FSP, the Administrative Directive also set requirements for what must be included in a compliant Fourth Round HPE/FSP.

This plan has been prepared to meet the requirements of the FHA as most recently amended, as well as the 2024 Administrative Directive and all applicable regulations.



CAPE MAY POINT'S AFFORDABLE HOUSING HISTORY

In August of 1988, the Borough of Cape May Point adopted an HPE/FSP in accordance with the First Round of COAH's affordable housing regulations.

On January 5, 1999, the Borough attained substantive certification for its Second Round obligations. The Borough received a VLA, showing an RDP of 0-units in comparison to the 29-unit Second Round obligation set forth by COAH. As a result, the Borough was required to establish a development fee ordinance.

After the first version of COAH's Third Round rules became effective in December 2005, the Borough petitioned and received an extension to Second Round substantive certification on July 29, 2005.

On November 12, 2006, the Borough introduced, and later adopted on December 14, an ordinance conditionally permitting accessory apartments in order to meet their affordable housing need of one growth share unit. The approved ordinance would permit a limited number of principal residence owners to create an accessory apartment of at least 300 square feet, but not greater than 25% of their total floor area.

On December 31, 2008, the Borough petitioned COAH for substantive certification of their Third Round HPE/FSP addressing their 1987-2018 affordable housing obligations. COAH issued a Compliance Report on May 15, 2009, recommending approval of the Borough's petition for approved compliance with their Third Round obligations. On July 8, 2009, the Borough formally received substantive certification from COAH in relation to their petition for Third Round obligations. COAH granted a 29-unit VLA in the Second Round, resulting in an RDP of 0. The Borough was waived of their 29-unit Unmet Need due to lack of realistic opportunity to generate affordable units. The Borough agreed to meet a realistic Growth Share obligation through their accessory apartment program.

Due to the Appellate Division's decision to halt review of municipalities' plans for third round obligation following COAH's regulations, the Borough's efforts to meet its constitutional obligation were stunted until the NJ Supreme Court transferred the review and approval of municipal housing plans to the NJ Superior Courts on March 10, 2015. As such, municipalities were required to file declaratory judgement actions with the Superior Court by July 8, 2015, in order to maintain immunity from builder's remedy litigation.

On June 8, 2015, the Borough filed for declaratory judgement in Superior Court.

After substantial negotiation, a Third Round Settlement Agreement with FSHC was executed on December 8, 2017 (Appendix A). This agreement cites the Borough's fair share obligation, including its VLA. The settlement agreement sets forth how the Borough's Prior Round and Third Round obligations are satisfied. The Borough subsequently noticed the Court, interested parties, and various government entities of the executed Agreement and sought approval of it from Superior

Borough of Cape May Point**Fourth Round Housing Plan Element and Fair Share Plan**

Court. On March 15, 2018, a Fairness Hearing occurred that reviewed the Settlement Agreement between Cape May Point and FSHC. At this time, and as addressed in an Order dated March 20, 2018, the Honorable Nelson C. Johnson, J.S.C., approved the Settlement Agreement and found it to be “fair and reasonable, and adequately protects the interest of low and moderate income persons.” At this time, the Court also found that the Borough’s proposed affordable housing strategy as set forth within the Settlement Agreement was facially constitutionally compliant and provided a fair and reasonable opportunity for the Borough to meet its obligation. In addition, the Order of Fairness and Compliance granted the Borough “the judicial equivalent of substantive certification and accompanying protection as provided under the FHA’ per Mount Laurel IV, through July 31, 2025.”

The Borough’s Amended Third Round HPE/FSP was adopted by the Planning Board on June 27, 2018, and endorsed by the Borough Commission on July 12, 2018. Thereby, the Borough of Cape May Point is immune to builder’s remedy lawsuits through 2025 as it continues to comply with the requirements of the Settlement Agreement and Court-approved mechanisms of the HPE/FSP.

On January 28, 2025, the Borough adopted Resolution 29-25 accepting the DCA’s calculated affordable housing obligations and subsequently filed a Fourth Round Declaratory Judgment Action (“DJ Action”) with the Program/Superior Court that received an Order on March 27, 2025 (Appendix B).

AFFORDABILITY REQUIREMENTS

Affordable housing is defined under the FHA as a dwelling, either for sale or rent that is within the financial means of households of low- or moderate-income as income is measured within each housing region. The Borough of Cape May Point is in Region 6, which includes the Counties of Atlantic, Cape May, Cumberland, and Salem. Moderate income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. In 2008, the State Legislature created an additional sub-category of low income – very-low income, which has been defined as households earning 30% or less of the regional median income.

Through the Uniform Housing Affordability Controls (“UHAC”) found at N.J.A.C. 5:80-26.1 *et seq.*, the maximum rent for a qualified unit must be affordable to households that earn no more than 60% of the median income for the region. The average rent must be affordable for households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable for households that earn no more than 70% of the median income. The average sale price must be affordable for a household that earns no more than 55% of the median income.

The regional median income is now defined in the amended FHA and continues to utilize HUD income limits on a regional basis. In the spring of each year HUD releases updated income limits which will be reallocated to the six (6) regions. It is from these income limits that the rents and sale prices for affordable units are derived. See Table 1 for 2024 income limits for Region 6 and Tables

Borough of Cape May Point
Fourth Round Housing Plan Element and Fair Share Plan



2 and 3 for illustrative sale prices and gross rents from 2024 (the latest figures available). The sample rents and sale prices are illustrative and are gross figures which do not account for the specified utility allowance for rentals.

Table 1. 2024 Income Limits for Region 6

Household Income Level	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household
Median	\$68,852	\$78,688	\$88,524	\$98,360	\$106,228
Moderate	\$55,081	\$62,950	\$70,819	\$78,688	\$84,983
Low	\$34,426	\$39,344	\$44,262	\$49,180	\$53,114
Very Low	\$20,655	\$23,606	\$26,557	\$29,508	\$31,868

Source: AHPNJ, 2024 Affordable Housing Regional Income Limits by Household Size

Table 2. Illustrative 2024 Affordable Rents for Region 6

Household Income Level (% of Median Income)	1 Bedroom Unit Rent	2 Bedroom Unit Rent	3 Bedroom Unit Rent
Moderate (60% of Median)	\$1,107	\$1,328	\$1,534
Low (50% of Median)	\$922	\$1,107	\$1,279
Very Low (30% of Median)	\$553	\$664	\$767

Source: AHPNJ Affordable Housing Regional Income Limits and Rental Calculator

Table 3. Illustrative 2024 Affordable Sales Prices for Region 6

Household Income Levels (% of Median Income)	1 Bedroom Unit Price	2 Bedroom Unit Price	3 Bedroom Unit Price
Moderate (70% of Median)	\$118,451	\$151,841	\$183,004
Low (50% of Median)	\$70,753	\$94,602	\$116,862
Very Low (30% of Median)	\$23,054	\$37,363	\$50,719

Source: AHPNJ Affordable Housing Regional Income Limits and Sales Calculator



HOUSING PLAN ELEMENT AND FAIR SHARE PLAN REQUIREMENTS

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

- a. *An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;*
- b. *A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;*
- c. *An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;*
- d. *An analysis of the existing and probable future employment characteristics of the municipality;*
- e. *A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing, as established pursuant to section 3 of P.L. 2024, c.2 (C.52:27D-304.1);*
- f. *A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;*
- g. *An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20); and*
- h. *For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an*

Borough of Cape May Point
Fourth Round Housing Plan Element and Fair Share Plan



analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and

- i. *An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.*

This Fourth Round Housing Plan Element And Fair Share Plan has been prepared in compliance with the following additional requirements specified by Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024:

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

Borough of Cape May Point
Fourth Round Housing Plan Element and Fair Share Plan



4. *The HEFSP must include an analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement. Once the HEFSP has been prepared, it must be reviewed by Fair Share Housing Center and the Program's Special Adjudicator for compliance with the terms of the executed settlement agreement, the Fair Housing Act (FHA) and Uniform Housing Affordability Controls (UHAC) regulations. The HEFSP must be adopted by the Planning Board and the implementation components of the HEFSP must be adopted by the governing body.*

The HEFSP must also include (in an Appendix) all adopted ordinances and resolutions needed to implement the HEFSP, including:

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

Borough of Cape May Point**Fourth Round Housing Plan Element and Fair Share Plan**

9. *A resolution from the Planning Board adopting the HEFSP, and, if a final Judgment is sought before all of the implementing ordinances and resolutions can be adopted, a resolution of the governing body endorsing the HEFSP.*

Consistent with N.J.A.C. 5:93-5.5, any municipally sponsored 100 percent affordable housing development will be required to be shovel-ready within two (2) years of the deadlines set forth in the settlement agreement:

1. *The municipality will be required to submit the identity of the project sponsor, a detailed pro forma of project costs, and documentation of available funding to the municipality and/or project sponsor, including any pending applications for funding, and a commitment to provide a stable alternative source, in the form of a resolution of intent to fund shortfall, including by bonding, if necessary, in the event that a pending application for outside funding has not yet been not approved.*
2. *Additionally, a construction schedule or timetable must be submitted setting forth each step in the development process, including preparation and approval of a site plan, applications for state and federal permits, selection of a contractor, and start of construction, such that construction can begin within two (2) years of the deadline set forth in the settlement agreement.*



HOUSING CONDITIONS

A summary of the housing stock estimates by occupancy and number of units in Cape May Point is shown in Table 4. The Borough's housing stock consists of an estimated 655 housing units, of which 84 units (12.8%) are owner-occupied, 0 units are renter-occupied, and 571 units (87.2%) are vacant and/or seasonal homes. The existing housing stock is primarily composed of single-family detached housing units (91.0%).

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

Number of Units in Structure	Owner-Occupied		Renter-Occupied		Vacant		Total	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent
1, Detached	84	12.8%	0	0.0%	512	78.2%	596	91.0%
1, Attached	0	0.0%	0	0.0%	24	3.7%	24	3.7%
2	0	0.0%	0	0.0%	13	2.0%	13	2.0%
3 or 4	0	0.0%	0	0.0%	9	1.4%	9	1.4%
5 to 9	0	0.0%	0	0.0%	0	0.0%	0	0.0%
10 to 19	0	0.0%	0	0.0%	0	0.0%	0	0.0%
20 or more	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Mobile Home	0	0.0%	0	0.0%	13	2.0%	13	2.0%
Other	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	84	12.8%	0	0.0%	571	87.2%	655	100%

Source: Table B25032 and Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

Borough of Cape May Point**Fourth Round Housing Plan Element and Fair Share Plan**

The estimated age of the housing stock in Cape May Point is shown in Table 5. The median year of construction of all housing units in the Borough is 1981, which is more recent than that of the County (1977) and the State (1969). More than half of the Borough's housing stock was built prior to 1970, and one-fifth was built after 2000.

Table 5. Housing Units by Year Built and Tenure, 2023

Year Built	Owner-Occupied		Renter-Occupied		Vacant		Total	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent
2020 or later	0	0.0%	0	0.0%	7	1.1%	7	1.1%
2010 to 2019	10	1.5%	0	0.0%	42	6.4%	52	7.9%
2000 to 2009	3	0.5%	0	0.0%	70	10.7%	73	11.1%
1990 to 1999	5	0.8%	0	0.0%	33	5.0%	38	5.8%
1980 to 1989	27	4.1%	0	0.0%	76	11.6%	103	15.7%
1970 to 1979	3	0.5%	0	0.0%	36	5.5%	39	6.0%
1960 to 1969	6	0.9%	0	0.0%	30	4.6%	36	5.5%
1950 to 1959	14	2.1%	0	0.0%	63	9.6%	77	11.8%
1940 to 1949	7	1.1%	0	0.0%	35	5.3%	42	6.4%
1939 or earlier	9	1.4%	0	0.0%	179	27.3%	188	28.7%
Total	84	12.8%	0	0.0%	571	87.2%	655	100.0%
Median Year Built	1981		(X)		(X)		1981	

Sources: Table B25036, Table B25037, and Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

Borough of Cape May Point**Fourth Round Housing Plan Element and Fair Share Plan**

Table 6 illustrates the estimated number of rooms per housing unit in the Borough. According to American Community Survey estimates, no units have fewer than three rooms. Approximately 33.6% of all housing units contain three to five rooms, 28.9% of housing units contain six rooms, and 37.6% of housing units contain more than six rooms. The median number of rooms per unit in the Borough (6.1 rooms) is higher than the County (5.7 rooms) State (5.7 rooms).

Table 6. Number of Rooms per Housing Unit, 2023

Rooms per Unit	Units	Percent
1 Room	0	0.0%
2 Rooms	0	0.0%
3 Rooms	34	5.2%
4 Rooms	74	11.3%
5 Rooms	112	17.1%
6 Rooms	189	28.9%
7 Rooms	138	21.1%
8 Rooms	69	10.5%
9+ Rooms	39	6.0%
Total	655	100%
Median	6.1 rooms	

Source: Table DPo4 U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

As shown in Table 7, over two-thirds of all units in the Borough contain three or four bedrooms. Approximately 18.0% of units contain two bedrooms, and 13.3% contain one or five bedrooms. According to American Community Survey estimates, there are no studios in the Borough.

Table 7. Number of Bedrooms per Housing Unit, 2023

Bedrooms per Unit	Units	Percent
Efficiency (Studio)	0	0.0%
1 Bedroom	28	4.3%
2 Bedrooms	118	18.0%
3 Bedrooms	228	34.8%
4 Bedrooms	222	33.9%
5+ Bedrooms	59	9.0%
Total	655	100%

Source: Table DPo4, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

Borough of Cape May Point**Fourth Round Housing Plan Element and Fair Share Plan**

Table 8 shows the estimated value of owner-occupied housing units in Cape May Point in 2013 and 2023. Without adjusting for inflation, the median home value in the Borough increased from \$791,700 in 2013 to \$987,200 in 2023 (+24.7%). The percentage of units valued at over \$1,000,000 increased from 17.4% to 47.6% of the housing stock.

Based on AHPNJ's 2024 Illustrative Sales Prices (See Table 3), an estimated 2.4% (2 units) of for-sale housing units within the Borough would be considered affordable to low- and moderate-income households in 2023, compared to no units in 2013.

Table 8. Value of Owner-Occupied Housing Units, 2013 and 2023

Housing Unit Value	2013		2023	
	Units	Percent	Units	Percent
Less than \$50,000	0	0.0%	0	0.0%
\$50,000 to \$99,999	0	0.0%	0	0.0%
\$100,000 to \$149,999	0	0.0%	2	2.4%
\$150,000 to \$199,999	0	0.0%	0	0.0%
\$200,000 to \$299,999	6	6.5%	0	0.0%
\$300,000 to \$499,999	3	3.3%	2	2.4%
\$500,000 to \$999,999	67	72.8%	40	47.6%
\$1,000,000 or more	16	17.4%	40	47.6%
Total	92	100%	84	100%
Median Value	\$791,700		\$987,200	

Sources: Table Dpo4, U.S. Census Bureau, 2009-2013 American Community Survey Five-Year Estimates; Table Dpo4, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates.

Borough of Cape May Point
Fourth Round Housing Plan Element and Fair Share Plan



Table 9 shows gross rent estimates in Cape May County for 2023. The median rent in the County was \$1,345. Approximately 28.8% of households in renter-occupied units in the County pay less than \$1,000 in rent, 55.0% pay between \$1,000 and \$1,999, and 21.6% pay rents of \$2,000 or more.

Table 9. Gross Rent by Housing Unit, 2023

Gross Rent	Cape May Point Borough		Cape May County	
	Units	Percent	Units	Percent
Less than \$500	0	0.0%	446	5.3%
\$500 to \$999	0	0.0%	1,981	23.5%
\$1,000 to \$1,499	0	0.0%	2,475	29.3%
\$1,500 to \$1,999	0	0.0%	2,168	25.7%
\$2,000 to \$2,499	0	0.0%	1,097	13.0%
\$2,500 to \$2,999	0	0.0%	180	2.1%
\$3,000 or More	0	0.0%	99	1.2%
No rent paid	0	0.0%	446	5.3%
Total	0	0.0%	8,446	100%
Median Rent	(X)		\$1,345	

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

Housing is generally considered to be affordable if the cost of rents, mortgages, and other essential housing costs consume 28% or less of an owner-household's income or 30% or less of a renter-household's income. In Cape May Point, an estimated 21.4% of all households spend more than 30% of their income on housing costs.

Table 10. Housing Affordability by Tenure, 2023

Monthly Housing Costs as Percent of Income	Owner-Occupied		Renter-Occupied		All Occupied	
	Units	Percent	Units	Percent	Units	Percent
Less than 20 Percent	58	69.0%	0	0.0%	58	69.0%
20 to 29 Percent	8	9.5%	0	0.0%	8	9.5%
30 Percent or More	18	21.4%	0	0.0%	18	21.4%
Total*	84	100%	0	0.0%	84	100%
*Remainder of occupied units have zero or negative income.						

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

Borough of Cape May Point**Fourth Round Housing Plan Element and Fair Share Plan**

Indicators of deficient housing units are shown in Table 11. The FHA defines a *deficient housing unit* as “housing that (1) is over fifty years old and overcrowded, (2) lacks complete plumbing, or (3) lacks complete kitchen facilities.” However, the estimates in Table 11 are consistent with DCA’s Fourth Round Present Need/Rehabilitation Share calculation of zero (0) for the Borough. Although an estimated 343 units, or 52.4% of the Borough’s housing stock, will be more than 50 years old by 2029, zero (0) units in the Borough were estimated to have incomplete plumbing, incomplete kitchens, or crowded conditions, as of 2023.

Table 11: Indicators of Housing Deficiency, 2023

Indicator	Units	Percent*
50+ Years Old*	343	52.4%
Incomplete Plumbing	0	0.0%
Incomplete Kitchen	0	0.0%
Crowded or Overcrowded and Built pre-1950	0	0.0%
* Includes all units built prior to 1979.		

Source: Table B25050, Table B25051, and Table B25034, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates



POPULATION CHARACTERISTICS

A comparison of population changes by census year in Cape May Point Borough and Cape May County is shown in Table 12. Similar to most of the country, the most rapid population growth in the Borough occurred in the 1950s and 1960s. However, while the population of Cape May County peaked in 2000, the Borough's population has fluctuated since the 1980 Census. Between 2000 and 2010, Borough's population grew by over 20%. As of 2023, the Borough's population was estimated at 155, or 49.1% less than the population of 305 recorded during the 2020 Decennial Census.

Table 12. Population Change, 1950 to 2023

Year	Cape May Point Borough		Cape May County	
	Population	Percent Change	Population	Percent Change
1950	198	+57.1%	37,131	+28.4%
1960	263	+32.8%	48,555	+30.8%
1970	204	- 22.4%	59,554	+22.7%
1980	255	+25.0%	82,266	+38.1%
1990	248	- 2.7%	95,089	+15.6%
2000	241	- 2.8%	102,326	+7.6%
2010	291	+20.7%	97,265	-4.9%
2020	305	+4.8%	95,263	-2.1%
2023*	155	- 49.1%	95,236	0.0%
*Estimate provided by American Community Survey Five-Year Estimates				

Sources: U.S. Census Bureau, Decennial Census 1950-2020; Table S0101, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

Borough of Cape May Point**Fourth Round Housing Plan Element and Fair Share Plan**

Population estimates for each age cohort in the Borough in 2013 and 2023 are shown in Table 13. The total population has decreased by 8.8%, and the age of the population has increased. The percentage of the population over age 60 has increased from 72.3% in 2013 to 91.6% in 2023, while the percentage of population under age 45 has remained at or near zero. Similarly, the median age in the Borough has increased from 67.8 in 2013 to 70.9 in 2023.

Table 13. Age of Population, 2013 and 2023

Age in Years	2013		2023		Percent Change 2013-2023
	Population	Percent	Population	Percent	
Under 5	0	0.0%	0	0.0%	(X)
5 to 9	0	0.0%	0	0.0%	(X)
10 to 14	0	0.0%	0	0.0%	(X)
15 to 19	0	0.0%	0	0.0%	(X)
20 to 24	0	0.0%	0	0.0%	(X)
25 to 34	0	0.0%	5	3.2%	(X)
35 to 44	0	0.0%	0	0.0%	(X)
45 to 54	14	8.2%	3	1.9%	- 78.6%
55 to 59	33	19.4%	5	3.2%	- 84.8%
60 to 64	23	13.5%	24	15.5%	+4.3%
65 to 74	52	30.6%	51	32.9%	- 1.9%
75 to 84	32	18.8%	34	21.9%	+6.3%
85+	16	9.4%	33	21.3%	+106.3%
Total	170	100%	155	100%	- 8.8%
Median Age	67.8 Years		70.9 Years		(X)

Source: Table DP05, U.S. Census Bureau, 2009-2013 American Community Survey Five-Year Estimates;
Table DP05, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates



HOUSEHOLD CHARACTERISTICS

A household is defined by the U.S. Census Bureau as persons who occupy a single room or group of rooms constituting a housing unit; however, these persons may or may not be related. By comparison, a family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. As of 2023, there were an estimated 84 households in the Borough.

Table 14 compares household size in the Borough in 2013 and 2023. During this period, the total number of households decreased from 102 in 2013 to 84 in 2023. Likewise, household size decreased from 1.50 persons per household in 2013 to 1.40 in 2023 as the number of households with two or more persons decreased.

Table 14. Household Size of Occupied Units, 2013-2023

Household Size	2013		2023	
	Units	Percent	Units	Percent
1 Person	49	48.0%	49	58.3%
2 Persons	50	49.0%	35	41.7%
3 Persons	2	2.0%	0	0.0%
4+ Persons	1	1.0%	0	0.0%
Total	102	100%	84	100%
Average Household Size	1.50		1.40	

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

Borough of Cape May Point
Fourth Round Housing Plan Element and Fair Share Plan



Household and family composition estimates in Cape May Point are shown in Table 15. The most-represented family household types in 2023 were female householders with no spouse present (64.3%) and married-couple households with no children (29.8%). According to American Community Survey estimates, no households in the Borough have children.

Table 15. Household Composition, 2023

Household Type	Households	Percent
<i>Family households</i>		
Married-couple household	25	29.8%
With Children	0	0.0%
Without Children	25	29.8%
Cohabiting couple household	0	0.0%
With Children	0	0.0%
Without Children	0	0.0%
Male householder, no spouse present	5	6.0%
With Children Under 18	0	0.0%
Without Children Under 18	5	6.0%
Female householder, no spouse present	54	64.3%
With Children Under 18	0	0.0%
Without Children Under 18	54	64.3%
<i>Nonfamily households</i>		
Householder living alone	5	6.0%
Total Households	84	100%

Source: Table DP02, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates



INCOME CHARACTERISTICS

A summary of household income characteristics in Cape May Point is shown in Table 16. In 2023, the median household income in Cape May Point was \$88,333, which is consistent with the County (\$88,046) but below the statewide median (\$101,050). More than one-third of households in the Borough earn between \$75,000 and \$99,999, and approximately 22.6% of households earn over \$200,000. The percentage of households earning between \$75,000 and \$99,999 in the Borough (34.5%) is nearly triple the percentage of households in the County (13.4%) and State (11.4%).

Table 16. Household Income, 2023

Household Income	Households	Percent
Less than \$10,000	5	6.0%
\$10,000-\$14,999	0	0.0%
\$15,000-\$24,999	1	1.2%
\$25,000-\$34,999	0	0.0%
\$35,000-\$49,999	5	6.0%
\$50,000-\$74,999	10	11.9%
\$75,000-\$99,999	29	34.5%
\$100,000-\$149,999	13	15.5%
\$150,000-\$199,999	2	2.4%
\$200,000+	19	22.6%
Total	84	100%
Median Household Income	\$88,333	

Source: Table DP03, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

Borough of Cape May Point**Fourth Round Housing Plan Element and Fair Share Plan**

A comparison of estimated poverty rates in Cape May Point and Cape May County is shown in Table 17. The poverty rate in the Borough is 0.0% among families and 12.3% among individuals. While the Borough's poverty rate among families is well below the County (6.1%) and State (7.0%), the individual poverty rate in Borough is slightly higher than the County (8.7%) and State (9.8%). However, this differential may be a result of a relatively high margin of error corresponding to the Borough's relatively low sample/population size.

Table 17. Poverty Rates among Individuals and Families, 2023

Location	Poverty Rate, Family	Poverty Rate, Individuals
Cape May Point Borough	0.0%	12.3%
Cape May County	6.1%	8.7%
New Jersey	7.0%	9.8%

Source: Table S1701 and Table S1702, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates



EMPLOYMENT CHARACTERISTICS

Estimated employment among Cape May Point residents by North American Industry Classification System (NAICS) categories is shown in Table 18. In 2023, an estimated 62 residents were employed. In 2023, “Other Services, Except Public Administration” employed the largest percentage of residents (37.1%) in the labor force. The next largest industry sectors were “Finance and Insurance, and Real Estate and Rental and Leasing” (24.2%), and “Arts, Entertainment, and Recreation, and Accommodation And Food Services” (12.9%).

Table 18. Employed Residents by Industry Sector, 2023

NAICS Industry	Employed Residents	Percent
Agriculture, Forestry, Fishing and Hunting, And Mining	0	0.0%
Construction	0	0.0%
Manufacturing	2	3.2%
Wholesale Trade	0	0.0%
Retail Trade	0	0.0%
Transportation and Warehousing, And Utilities	3	4.8%
Information	3	4.8%
Finance and Insurance, and Real Estate and Rental and Leasing	15	24.2%
Professional, Scientific, and Management, and Administrative and Waste Management Services	2	3.2%
Educational Services, and Health Care And Social Assistance	3	4.8%
Arts, Entertainment, and Recreation, and Accommodation And Food Services	8	12.9%
Other Services, Except Public Administration	23	37.1%
Public Administration	3	4.8%
Civilian employed population 16 years and over	62	100%

Source: Table DP03, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

Borough of Cape May Point
Fourth Round Housing Plan Element and Fair Share Plan



Employment by occupation category is shown in Table 19. The most common occupation groups are “Management, Business, Science, and Arts” (77.4%) and “Sales and Office” (12.9%).

Table 19. Employed Residents by Occupation, 2023

Occupation	Employed Residents	Percent
Management, Business, Science, Arts	48	77.4%
Service	5	8.1%
Sales and Office	8	12.9%
Natural Resources, Construction, Maintenance	0	0.0%
Production, Transportation, Material Moving	1	1.6%
Civilian employed population 16 years and over	62	100%

Source: Table DP03, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

Estimated changes in employment among Cape May Point residents between 2013 and 2023 are shown in Table 20. In 2023, the Borough’s labor force was estimated to be 62 workers with a 100% employment rate. Over the previous ten years, the Borough’s labor force fluctuated between 39 and 65 workers with an unemployment rate between 0% and 16.7% (8 unemployed).

Table 20. Change in Employment, 2013-2023

Year	Labor Force	Employed Residents	Unemployed Residents	Unemployment Rate
2013	56	54	2	3.6%
2014	54	51	3	5.6%
2015	58	56	2	3.4%
2016	41	37	4	9.8%
2017	39	36	3	7.7%
2018	65	58	7	10.8%
2019	59	51	8	13.6%
2020	48	40	8	16.7%
2021	51	45	6	11.8%
2022	50	46	4	8.0%
2023	62	62	0	0.0%

Source: Table DP03, U.S. Census Bureau, American Community Survey Five-Year Estimates

Borough of Cape May Point
Fourth Round Housing Plan Element and Fair Share Plan



Table 21 compares employment estimates within Cape May Point and Cape May County regardless of where workers live. In 2022, an estimated 70 workers were employed in the Borough, comprising 0.3% of the 34,128 total jobs in Cape May County.

Table 21. Estimated Employment, 2023

Year	Cape May Point Borough	Cape May County
2023	70	34,128

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2022).

Common commuter destinations among Cape May Point residents are shown in Table 22. In 2022, the most common commuter destinations were Cape May City, NJ (21.2%), Lower Township, NJ (16.1%), and Middle Township, NJ (13.6%), while other municipalities in South Jersey were also common.

Table 22. Top Ten Commuting Destinations for Cape May Point Residents, 2022

Destination	Workers	Percent of Workers
Cape May City, NJ	25	21.2%
Lower Township, NJ	19	16.1%
Middle Township, NJ	16	13.6%
West Cape May, NJ	9	7.6%
Atlantic City, NJ	6	5.1%
Cherry Hill, NJ	3	2.5%
Wildwood, NJ	3	2.5%
Gloucester Township, NJ	2	1.7%
Trenton, NJ	2	1.7%
Vineland, NJ	2	1.7%
All Other Locations	31	26.3%
Total	118	100%

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2022).



POPULATION AND EMPLOYMENT PROJECTIONS

The South Jersey Transportation Planning Organization (“SJTPO”) is the Metropolitan Planning Organization for the southern New Jersey region, which contains all municipalities in the Counties of Salem, Atlantic, Cape May, and Cumberland. The SJTPO publishes population and employment forecasts for each county and municipality in the region. Between 2020 and 2060, the SJTPO projects slight population decline and significant employment growth throughout the region. In Cape May Point, the SJTPO projects local employment growth of 200 jobs (+18.2%) with no changes in population. As shown in Table 23, the Borough is not expected to experience the population decline that is projected to occur throughout the County (-10.7%).

Table 23. Population and Employment Projections, 2020-2060

Location	Population			Employment		
	Estimate 2020	Projected 2060	Percent Change	Estimate 2020	Projected 2060	Percent Change
Cape May Point	300	300	0.0%	1,100	1,300	+ 18.2%
Cape May County	95,300	85,100	- 10.7%	58,200	72,700	+ 24.9%
SJTPO Region	588,800	557,100	- 5.4%	310,000	378,900	+ 22.2%

Source: South Jersey Transportation Planning Organization, Population and Employment Projections, 2020-2060



HOUSING UNIT PROJECTIONS

The FHA requires that housing plans include a 10-year projection of new housing units based on the number of building permits, development applications approved, and probable developments, as well as other indicators deemed appropriate (N.J.S.A. 52:27D-310.b). Table 24 shows the balance of Certificates of Occupancy and Demolition Permits issued between 2013 and 2023. According to NJDCA permit data, 29 new units were certified, and 46 units were demolished. There is an annual average net decrease of 1.5 dwelling units per year. If this rate were to remain relatively constant, the Borough could see a net decrease of 18 units by 2035.

Table 24. Residential C.O.'s and Demolition Permits Issued, 2013-2023

Year	Certificates of Occupancy	Demolitions	Net New Dwellings
2013	4	5	-1
2014	5	3	2
2015	4	4	0
2016	7	16	-9
2017	2	7	-5
2018	2	1	1
2019	1	3	-2
2020	1	3	-2
2021	0	4	-4
2022	3	0	3
2023	0	0	0
Total	29	46	-17
Annual Average	2.6	4.2	-1.5

Source: NJDCA Construction Reporter, Building Permits, Yearly Summary Data

CONSIDERATION OF LAND FOR AFFORDABLE HOUSING

Pursuant to the FHA at N.J.S.A. 52:27D-310.f, an HPE/FSP shall contain “a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.” As part of this HPE/FSP, the Borough has considered land that is appropriate for the construction of low- and moderate-income housing. The Borough received a vacant land adjustment (“VLA”) for the Prior Round and Third Round and has prepared a VLA update as part of this Fourth Round HPE/FSP.



FAIR SHARE PLAN

Affordable Housing Obligation for Cape May Point

A municipality's Fourth Round affordable housing obligation has four components: Fourth Round Present Need (Rehabilitation Share), Prior Round Prospective Need, Third Round "Gap"/Prospective Need, and Fourth Round Prospective Need.

In December 2017, the Borough entered into a Third Round settlement agreement with the Fair Share Housing Center ("FSHC") to establish the Borough's Prior Round Prospective Need (previously established by COAH) and Third Round Gap/ Prospective Need (as negotiated with FSHC), which was then adjusted pursuant to an updated 2018 Prior Round/Third Round VLA. On January 28, 2025, the Cape May Point Board of Commissioners adopted Resolution 29-25 accepting the DCA calculation of its Fourth Round Present Need and Prospective Need, which will also be adjusted per an updated 2025 Fourth Round VLA.

The four components of the Borough's Fourth Round fair share obligation are as follows:

- Fourth Round Present Need: 0 units
- Prior Round Prospective Need: 34 units
- Third Round Prospective Need: 36 units
- Fourth Round Prospective Need: 5 units

Fourth Round Present Need

The amended FHA defines *present need* as "the number of substandard existing deficient housing units currently occupied by low- and moderate-income (LMI) households" and *deficient housing unit* as "housing that (1) is over fifty years old and overcrowded, (2) lacks complete plumbing, or (3) lacks complete kitchen facilities." The Borough's Fourth Round Present Need of zero (0) was calculated by DCA according to its October 2024 methodology report. The Borough accepted DCA's determination of its Fourth Round Present Need obligation by resolution as submitted to the Program/Superior Court with its Fourth Round DJ filing. Because the Borough's rehabilitation obligation is zero (0), there is no rehabilitation obligation to satisfy in the Fourth Round.

Prior Round Prospective Need

The Prior Round Prospective Need obligation is the cumulative Prospective Need obligation for the First and Second Rounds (1987 to 1999). The Borough's 34-unit Prior Round Prospective Need was calculated by COAH as set forth in the Appendices to COAH's Substantive Rules at N.J.A.C. 5:93-1.

Borough of Cape May Point
Fourth Round Housing Plan Element and Fair Share Plan



Third Round "Gap" / Prospective Need

As established by the Borough's 2017 Third Round Settlement Agreement, Cape May Point's Third Round Prospective Need (1999-2025) was set at 36. As part of the Borough's Third Round HPE/FSP, the Borough prepared a court-approved VLA update that resulted in a combined Prior Round/Third Round RDP of 0 and a combined Prior Round/Third Round Unmet Need of 70. The Third Round VLA ultimately concluded that new construction at the time consisted of subdivisions of property smaller than 0.33 acres, conversions of existing dwellings to two (2) to three (3) units, and the replacement of existing dwellings.

Fourth Round Prospective Need

The FHA, as amended by P.L. 2024, c.2, defines *prospective need* as "a projection of housing needs based on development and growth which is reasonably likely to occur in a region or municipality, as the case may be, as a result of actual determination of public and private entities." The Borough's Fourth Round Prospective Need of 5 was calculated by DCA according to the methodology described in the October 2024 report titled *Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background*. The Borough accepted DCA's determination of its Fourth Round Prospective Need as adopted by resolution and filed with the Program/Superior Court as part of its Fourth Round DJ Action (Appendix B).

Fourth Round Vacant Land Adjustment Update

As part of this Fourth Round HPE/FSP, the Borough has prepared a Fourth Round VLA update to determine, pursuant to the 2002 NJ Supreme Court decision in the Cherry Hill Twp./Garden State Racetrack VLA matter, whether there were any 'changed circumstances' from the Borough's Court-approved Third Round VLA from 2017. Based on an analysis of property tax records, approvals, and aerial imagery, the Borough has determined that there have been no changed circumstances that would generate new realistic development potential ("RDP") since the VLA contained in the 2017 Third Round HPE/FSP.

All vacant land continues to be too small to generate a minimum density of 6 dwellings per acre (less than 0.86 acres). The only site that had potential for redevelopment was the historic, 1.3-acre St. Mary-by-the-Sea site, which was sold by the Sisters of St. Joseph in 2022 for \$5.5 million to Cape May Point Science Center Inc., who now operates the site as the Cape May Point Arts and Science Center.

This updated VLA consists of a Fourth Round RDP of 0 and a Fourth Round Unmet Need of 5.

Addressing Prior/Third Round Prospective Need

As the Borough had a Prior Round/Third Round RDP of 0 and a Prior Round/Third Round Present Need of 0, all Court-approved programs that were in the Third Round HPE/FSP were intended to address Prior/Third Round Unmet Need (70 units).



Pursuant to Term #8 of the 2018 FSHC Agreement, the Borough was required to provide one (1) very low-income unit. The required unit was not created through the Borough's ADU program or mandatory inclusionary zoning ordinance. As a result, the required unit obligation will be carried forward and addressed in the Fourth Round.

Addressing Fourth Round Prospective Need

As stated in this HPE/FSP, the Borough has prepared a Fourth Round VLA that adjusted its Fourth Round Prospective Need of 5 to an RDP of 0 and an Unmet Need of 5. Pursuant to the FHA as amended by P.L. 2024, c.2, the Borough plans to address at least 25% of its Fourth Round Unmet Need, $[(0.25)(5) = 1.25, \text{rounded up} = 2]$ through its adopted Accessory Apartment Program and Mandatory Set-Aside Ordinance.

Accessory Apartment Program

An accessory apartment (also known as an accessory dwelling unit) is defined within the Borough's municipal code as:

A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

As noted in the 2017 Third Round Settlement Agreement and HPE/FSP, the Borough adopted an Accessory Apartment Program (Appendix C) as a part of the Borough's Third Round substantive certification with COAH. While the VLA demonstrated that the Borough lacks vacant and developable land, the Borough has sufficient housing stock and a number of oversized lots within residential zoning districts that can accommodate the construction of accessory apartments to address the Borough's Unmet Need.

Pursuant to the 2017 Third Round Settlement Agreement, the Borough agreed to maintain the Accessory Apartment Program through July 1, 2025. However, while the Borough has indicated that the program continues to be marketed to the public, no applications were received during the Third Round. The Borough will therefore extend the agreement with Triad Associates to implement the program through the Fourth Round (June 30, 2035). As noted in the Borough's Fourth Round Spending Plan and draft ordinance amendment (Appendix C), the Borough will increase the per-unit subsidy amounts to further incentivize the creation of accessory affordable apartments.



Mandatory Set-Aside Ordinance

Per the 2017 Third Round Settlement Agreement, the Borough was required to adopt an ordinance establishing a mandatory set-aside requirement for all new multifamily residential developments containing five (5) or more units. On July 12, 2018, the Board of Commissioners adopted Ordinance 08-2018 (Appendix D) establishing the mandatory affordable housing set-aside requirements contained at §52-21 in the Borough Code.

In compliance with the 2017 Third Round Settlement Agreement, the adopted set-aside ordinance requires all new qualifying developments to set aside 15% of proposed rental units and 20% of proposed for-sale units for affordable housing. This ordinance strictly applies to new developments, and does not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in the net increase of five or more dwelling units.

VERY LOW-INCOME UNITS

Pursuant to the amended FHA (P.L. 2008, c.46), the Borough must ensure that at least 13% of affordable housing units approved and constructed (or to be constructed) after July 17, 2008, are available to very low-income households. As the Borough currently has no affordable units with controls, the one (1) very low-income accessory unit that will be created through the Accessory Apartment Program to satisfy the 2017 Third Round Settlement Agreement will exceed the requirement that 13% of units be available to very low-income households.

Per the more recently amended FHA (P.L. 2024, c.2) at N.J.S.A. 52:27D-329.1, at least half of very low-income units addressing the Fourth Round Prospective Need must be “available for families with children.” To meet this requirement, the one (1) very low-income accessory apartment to be created through the Accessory Apartment Program shall be a family affordable unit containing two (2) or three (3) bedrooms.

INCOME AND BEDROOM DISTRIBUTION

While the Borough currently has no affordable units with affordability controls, the Borough’s Affordable Housing Ordinance will ensure that the distribution of new affordable developments in the Borough, including the one (1) very low-income family affordable accessory apartment, will comply with N.J.A.C. 5:93-7.2 through -7.3.



AFFORDABLE HOUSING ADMINISTRATION AND AFFIRMATIVE MARKETING

Affordable Housing Ordinance

Cape May Point currently has a Court-approved Affordable Housing Ordinance at Chapter 52 of the Borough Code (Appendix E). The Affordable Housing Ordinance governs the establishment and occupancy of affordable units in the Borough including, but not limited to, the phasing of affordable units, the mix of very low-/low-/moderate-income units, bedroom distribution, occupancy standards, affordability controls, rents and sales prices, affirmative marketing, and income qualification. The Affordable Housing Ordinance also establishes the standards for the collection, maintenance, and expenditure of development fees.

Once DCA and HMFA finalize their rule proposals (anticipated after June 30, 2025), the Borough will prepare an updated Affordable Housing Ordinance in accordance with COAH's rules, DCA's proposed new regulations at N.J.A.C. 5:99, and UHAC's new 2025 regulations (anticipated to be released shortly). The updated ordinance will address any terms of the court-approved Third Round FSHC agreement, if relevant.

Affirmative Marketing Plan

Cape May Point has prepared a Preliminary Fourth Round Affirmative Marketing Plan (Appendix F). Once DCA and HMFA finalize their rule proposals (anticipated after June 30, 2025), the Borough will adopt the Preliminary Affirmative Marketing Plan with updates in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules. The updated Affirmative Marketing Plan will address any terms of the court-approved Third Round FSHC agreement, if relevant. The Borough will adopt an Affirmative Marketing Plan for all affordable housing sites.

The Borough has established the position of the Municipal Housing Liaison and has appointed a staff member to the position by resolution (Appendix H). However, the Borough has a contract with Triad Associates to conduct the administration and affirmative marketing of its affordable housing sites. The affirmative marketing plans are designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Borough. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the Borough's housing region, Region 6, consisting of Atlantic, Cape May, Cumberland, and Salem counties.

The Affirmative Marketing Plan lays out the random-selection and income qualification procedure of the administrative agent, which is consistent with COAH's rules and N.J.A.C. 5:80-26.1. All

Borough of Cape May Point**Fourth Round Housing Plan Element and Fair Share Plan**

newly created affordable units will comply with the minimum 30-year (or 40-year for rentals) affordability control required by UHAC, N.J.A.C. 5:80-26.1 *et seq.* This plan must be adhered to by all private, nonprofit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit.

As required by the Court-approved Third Round FSHC agreement, the Affirmative Marketing Plan lists FSHC, the New Jersey State Conference of the NAACP, the Latino Action Network, Cape May County Branch of the NAACP among the list of community and regional organizations. The Borough has also included several local and regional veterans' groups. The Borough shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Borough also agrees to require any other entities, including developers or individual or companies retained to do affirmative marketing, to comply with this paragraph. Finally, in accordance with the July 2020 amendment to the FHA, The Borough will include in its Affirmative Marketing Plan the requirement that all units subject to affirmative marketing requirements be listed on the state Housing Resource Center website.¹⁴

SPENDING PLAN

The Borough has prepared a Fourth Round Spending Plan (Appendix G), which discusses anticipated revenues, collection of revenues, and the use of revenues, in accordance with N.J.A.C. 5:93-5.1(c). All collected revenues are placed in the Borough's Affordable Housing Trust Fund and will be dispensed for the use of affordable housing activities as indicated in the Fourth Round Spending Plan. Once DCA and HMFA finalize their rule proposals (anticipated after June 30, 2025), the Borough will prepare an updated spending plan in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules, not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules as well as to address any terms of the court-approved Third Round FSHC agreement.

The Borough may, in the future, seek to amend its Spending Plan and obtain court approval to use its affordable housing trust funds for the following additional permitted affordable housing activities, including new, emergent affordable housing activities, subject to applicable limitations and minimum expenditures:

- New construction;
- Purchase of land for low- and moderate-income housing;
- Improvement of land to be used for low- and moderate-income housing;
- Extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites;

¹⁴ <https://njhrc.gov>

Borough of Cape May Point
Fourth Round Housing Plan Element and Fair Share Plan



- Assistance designed to render units to be more affordable.

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

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

COST GENERATION

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

MULTIGENERATIONAL FAMILY HOUSING CONTINUITY

The FHA requires an HPE/FSP to provide an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20). As of April 2025, no recommendations have been issued by the Commission. Notwithstanding, Cape May Point Borough's Accessory Apartment Program supports the development of affordable, multigenerational living for existing developed properties in a manner that is consistent with existing community design and sound land use planning.



STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The entirety of Cape May Point is located in the Environmentally Sensitive Planning Area (PA-5) as established by the SDRP Plan. Per the SDRP, the intent for PA-5 is to:

- protect environmental resources;
- protect both large and small contiguous areas of land;
- promote restoring habitats and bio-diversity;
- accommodate growth only in Centers;
- confining programmed sewers and public water services to Centers;
- revitalize cities, towns, and older traditional settlements; and
- protect, enhance, and diversify the existing character of stable communities.

The Borough's HPE/FSP is consistent with the intent of PA-5. Cape May Point is not a center such that the NJ State Plan does not identify the Borough as a focus for future growth. Cape May Point's program for the creation of accessory apartments represents a thoughtful mechanism to integrate affordable housing within a context of a fully developed community that utilizes existing infrastructure while protecting the cherished natural resources that define the context of the Borough. New affordable units, including the one (1) very low-income family rental unit to be created through the Accessory Apartment Program, are anticipated to have negligible impact on the Borough's environmental and coastal resources as all units are expected to be infill development and/or accessory units on developed lots.

**APPENDIX A – THIRD ROUND FAIRNESS AND COMPLIANCE ORDER,
2017 SETTLEMENT AGREEMENT**

COURT INITIATED

IN THE MATTER OF THE
APPLICATION OF THE BOROUGH OF
CAPE MAY POINT FOR COURT
APPROVAL OF ITS HOUSING
ELEMENT AND FAIR SHARE PLAN

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAPE MAY COUNTY
DOCKET NO. CPM-L-292-15

**ORDER OF FAIRNESS AND
COMPLIANCE**

THIS MATTER having been opened to the Court by Brock D. Russell, Esquire, on behalf of the Petitioner, Borough of Cape May Point (hereinafter "the Borough"); and in the presence of Adam Gordon, Esquire, legal counsel to the Fair Share Housing Council (hereinafter "FSHC"); and the Court being in receipt of the findings and recommendations of the Honorable Steven P. Perskie, J.S.C.(Ret'd.), the Court-appointed Special Master ("the Master") in this litigation;

And the within litigation raising issues with regard to the compliance of the Borough with the requirements of the New Jersey Fair Housing Act, *N.J.S.A. 52:27D-301, et seq.*, ("NJFHA"), and, more particularly, with the mandates of the New Jersey Supreme Court's decision of January 18, 2017, supplementing its ruling in the matter of *In Re: Adoption of N.J.A.C. 5:96, 221 N.J. 1* (2015) (hereinafter "Mount Laurel IV"), which decision and prior rulings issued by the Supreme Court articulate what is known as "The Mount Laurel Doctrine";

AND the Borough and FSHC having negotiated a settlement agreement wherein the Borough has agreed, and committed to adopting the requisite Ordinances and municipal planning documents, and taking such other actions as are necessary to insure that the Borough has removed all legal or regulatory impediments to the construction of the Borough's fair share of affordable housing within the Borough;

and the Court is in receipt of the Public Notice, and Certification of publication of said Notice by the Borough providing for a Public Hearing on March 15, 2018; and for good cause shown;

IT IS ON THIS 20th day MARCH 2018, ORDERED, as follows:

1. The Court finds that the Settlement Agreement between the Borough and FSHC is fair and reasonable, and adequately protects the interests of low and moderate income persons within the Borough's housing region based upon the criteria set forth in *East/West Venture v. Borough of Fort Lee*, 286 N.J. Super. 311 (App. Div. 1996) for approving a settlement of Mount Laurel Litigation.
2. The Court finds that the Borough's proposed affordable housing strategy as set forth within the Settlement Agreement is facially constitutionally compliant and provides a fair and reasonable opportunity for the Borough to meet its obligation under Mount Laurel IV, subject to the Borough's compliance with the conditions set forth hereinafter.
3. On or before July 31, 2018, the following actions shall be completed in fulfillment of the Borough's responsibilities hereunder.
 - a. The adoption of a Housing Element and Fair Share Plan ("Fair Share Plan") by the Borough Planning Board, consistent with the standards set forth at N.J.S.A. 40:55D-1, et seq. and with Mount Laurel IV.
 - b. The ratification of the Fair Share Plan by the Borough Committee via adoption of the requisite ordinance(s) consistent with Article Eight of the Municipal Land Use Law and such other applicable standards of N.J.S.A. 40:55D-1 et seq. and with Mount Laurel IV.
 - c. Adoption of the requisite amendments to the Borough's Affordable Housing and Zoning Ordinance to implement the terms of the Settlement Agreement between FSHC and the Borough.

- d. Implementation of all the terms contained in the Settlement Agreement, up to those terms required to be completed by July 31, 2018, from FSHC and the Borough dated December 7, 2017, endorsed by Adam M. Gordon, Esquire, on behalf of the FSHC.
 - e. Adoption of the requisite "Spending Plan" as contemplated by N.J.S.A. 52:27D-329.2 and 329.3.
 - f. Submission to the Court, the Master and FSHC of a Certification by the Borough Clerk confirming that the aforesaid measures have been duly completed.
 - g. As per the terms of paragraph 18 a., in the event the FSHC concludes that the Borough's planning and zoning "mechanisms" are not effective in enabling a realistic opportunity for the construction of affordable housing, then the FSHC is encouraged to petition this Court for a plenary hearing to address any such concerns.
4. Upon completion of the actions referenced in paragraph 3, the Borough shall be granted the "judicial equivalent of substantive certification and accompanying protection as provided under the FHA," pursuant to Mount Laurel IV, through July 31, 2025.
5. The Borough's temporary immunity from Mount Laurel Litigation is hereby extended through July 31, 2018 pending the completion of the actions referenced in paragraph 3.
6. IT IS FURTHER ORDER that a copy of this Order shall be serviced upon all parties within seven (7) days of its receipt.



NELSON C. JOHNSON, J.S.C.



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BROCK D. RUSSELL

- MEMBER OF N.J. & FLA BAR
- CERTIFIED BY THE N.J. SUPREME COURT
AS A MATRIMONIAL LAW ATTORNEY

N. DOUGLAS RUSSELL (1952-2006)

JEANNETTE A. PACE, PARALEGAL

Cape May County Office:

(by appt. only)

1029 Route 9 South

Cape May Court House, NJ 08210

TELE NO.: (609) 884-4700

Please forward Emails to: diamondlawgirl@aol.com

☒ Please respond to the **Millville Office**

February 7, 2018

Donna Gomez
Administrative Assistant
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002

RE: In the Matter of the Borough of Cape May Point
Docket No.: CPM-L-292-15

Dear Ms. Gomez:

In follow-up to my email, enclosed please find the original agreement signed by Mayor Robert Moffatt.

Thank you for giving this your attention.

Very truly yours,

Brock D. Russell

BDR/jap



Peter J. O'Connor, Esq.
 Kevin D. Walsh, Esq.
 Adam M. Gordon, Esq.
 Laura Smith-Denker, Esq.
 David T. Rommler, Esq.
 Joshua D. Bauers, Esq.

December 8, 2017

Brock D. Russell, Esq.
 Brock Russell LLC
 706 North High Street
 P.O. Box 290
 Millville, NJ 08332

Re: In the Matter of the Borough of Cape May Point, County of Cape May, Docket No. CPM-L-292-15

Dear Mr. Russell:

This letter memorializes the terms of an agreement reached between the Borough of Cape May Point (the Borough or "Cape May Point"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

Background

Cape May Point filed the above-captioned matter on June 8, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the Borough and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement terms

The Borough and FSHC hereby agree to the following terms:

1. FSHC agrees that the Borough, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and Cape May Point hereby agree that Cape May Point's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report ¹)	0
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	34
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this Agreement)	36

4. For purposes of this Agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).
5. The Borough has no rehabilitation obligation.
6. The Borough, as calculated in Exh. A, has a realistic development potential (RDP) of 0 units for the Prior and Third Round so there is currently no RDP obligation to satisfy.
7. For the purposes of settlement, the Borough agrees to address the unmet need of 70 units from the Prior Round and Third Round through the following mechanisms:
 - a. Accessory Apartment Program: The Borough already adopted as part of its Borough Code, Section 52, an accessory apartment program in response to its Third Round substantive certification from COAH. The Borough will maintain this Program through at least July 1, 2025, and will prior to final judgment in this matter as part of its Housing Element and Fair Share Plan, through collaboration between FSHC, the Special Master, and representatives of the Borough, provide a plan for marketing the program and adding a very low income unit to the program per paragraph 8 of this agreement
 - b. Mandatory Set-Aside: The Borough shall adopt an ordinance requiring a mandatory affordable housing set aside for all new multifamily residential developments of five (5) units or more. The set aside for rental developments shall be fifteen percent (15%) and the set aside for for-sale developments shall be twenty percent (20%). The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. The form of the Ordinance shall be finalized prior to final judgment being issued in this matter through collaboration between FSHC, the Special Master, and representatives of the Borough.
8. The Borough agrees to require 13% of all units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements by providing funding for one very-low-income accessory apartment unit and if any developments are created through the mandatory set-aside ordinance requiring 13% of the affordable units to be very low income.

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, July 2016 and April 2017.

9. The Borough shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:
- Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
 - At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
 - At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
 - At least half of the units addressing the Third Round Prospective Need in total must be available to families.
 - The Borough agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
10. The Borough shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, and the Atlantic County NAACP, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
11. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The Borough as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls 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 HUD as follows:
- Regional income limits shall be established for the region that the Borough is located within (i.e. Region 6) 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.

- b. The income limits attached hereto as Exhibit B are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 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.
 - c. 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.
 - d. The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.
-
12. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
13. As an essential term of this Agreement, within one hundred and twenty (120) days of Court's approval of this Agreement, the Borough shall introduce and adopt an ordinance or ordinances providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
14. The parties agree that if a decision of a court of competent jurisdiction in Cape May County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Borough for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Borough may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Borough shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments

referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Borough's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its prospective need for the Third Round, the Borough may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

15. The Borough shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this Agreement, which shall be established by the date on which it is executed by a representative of the Borough, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
16. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
17. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in this Agreement. The Borough agrees to comply with those provisions as follows:
 - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.

- b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
18. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
19. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
20. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
21. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Cape May County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
22. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
23. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
24. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.

December 8, 2017
Page 8

706 North High Street
P.O. Box 290
Millville, NJ 08332

Telecopier:
Email: brockdrussell@aol.com

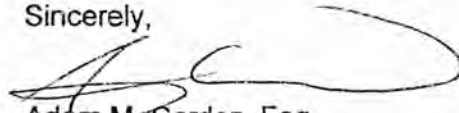
**WITH A COPY TO THE
MUNICIPAL CLERK:**

Municipal Clerk
P.O. Box 490
215 Lighthouse Avenue
Cape May Point, NJ 08212

Telecopier: (609) 884-1732

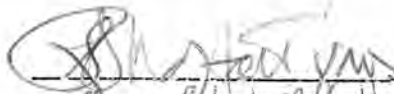
Please sign below if these terms are acceptable.

Sincerely,



Adam M. Gordon, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Borough of Cape May Point, with the authorization
of the governing body:



Mayor Robert M. Mott
Dated: 2-6-18



CAPE MAY POINT | COMPLIANCE PROGRAM SUMMARY

Clarke Caton Hintz

Architecture

Planning

Landscape Architecture

100 Barrack Street

Trenton NJ 08608

clarkecatonhintz.com

Tel. 609 883 8383

Fax: 609 883 4044

The following is provided for the purpose of settlement discussions only.

Obligation

Cape May Point was assigned a 31-unit Prior Round obligation by COAH's Second Round Rules, which was adjusted to 34 units during COAH's first iteration of the Third Round rules based on new data.

The Fair Share Housing Center ("FSHC") most recent 2016 and 2017 affordable housing obligation calculations assign the Borough a 0-unit rehabilitation obligation and a 34-unit adjusted Prior Round obligation. FSHC's calculation of the Borough's Third Round obligation is capped at 36 units according to N.J.A.C. 5:93-2.16, which caps a municipality's obligation at 20% of the occupied housing stock.

The Borough proposes to address a 0 unit rehabilitation obligation, 34 unit prior round obligation and a 36 unit third round obligation, and to do so with a vacant land adjustment.

Vacant Land Analysis

Through the vacant land adjustment process, the Council of Affordable Housing's ("COAH") rules allow a municipality to adjust downward its new construction obligation to recognize its limited land available for new development. The downward adjusted number is referred to as the realistic development potential ("RDP"). COAH approved the Borough's vacant land adjustment that included a 0-unit RDP by way of granting the Borough Substantive Certification for its Second Round Housing Element and Fair Share Plan in 1999. The following analysis determines whether the Borough is eligible for a continued vacant land adjustment for the period of 1999 through 2025 and if yes, if or how the RDP must increase to account for newly vacant land or to reflect development that occurred since 1999.

The analysis first assessed if or how the Borough's housing stock grew since 1999 and if any market-rate residential development occurred that could arguably have supported inclusionary development. To make this assessment, we reviewed aerial photography from 1995 through 2016, as well as U.S. Census data and certificates of occupancy issued since 1999. According to the U.S. Census and American Community Survey ("ACS") data for 2000 and 2015, the total number of housing units grew by 79 units (501 to 580), but the number of occupied housing units was unchanged (133 to 132); as such nearly all of the new units are vacation homes. The certificate of occupancy data we received also indicates that from the beginning of 1999 to the end of October of this year, 84 certificates

Philip Caton, FAICP

John Hatch, FAIA

George Hibbs, AIA

Brian Slaugh, AICP

Michael Sullivan, AICP

Erneriti

John Clarke, FAIA

Carl Hintz, AICP, ASLA

EXHIBIT B: 2017 INCOME LIMITSPrepared by *Affordable Housing Professionals of New Jersey (AHPNJ)* - August 2017**2017 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE**

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rent*** Sales***	Regional Asset Limit****
Region 1	Median	\$60,271	\$64,576	\$68,882	\$77,492	\$86,102	\$93,546	\$92,990	\$99,878	\$106,766	\$113,655		
	Moderate	\$48,217	\$51,661	\$55,105	\$61,993	\$68,882	\$71,737	\$74,392	\$79,903	\$85,413	\$90,924	1.7%	\$166,495
	Low	\$30,136	\$32,288	\$34,441	\$38,746	\$43,051	\$44,773	\$46,495	\$49,929	\$53,383	\$56,827	1.99%	
	Very Low	\$18,081	\$19,373	\$20,664	\$23,248	\$25,831	\$26,864	\$27,897	\$29,863	\$32,030	\$34,096		
Region 2	Median	\$65,953	\$70,663	\$75,374	\$84,796	\$94,218	\$97,987	\$101,755	\$109,293	\$116,830	\$124,368		
	Moderate	\$52,762	\$56,531	\$60,299	\$67,837	\$75,374	\$78,389	\$81,404	\$87,434	\$93,464	\$99,494	1.7%	\$180,756
	Low	\$32,976	\$35,332	\$37,687	\$42,398	\$47,109	\$48,993	\$50,878	\$54,646	\$58,415	\$62,184	3.25%	
	Very Low	\$19,786	\$21,199	\$22,612	\$25,439	\$28,265	\$29,396	\$30,527	\$32,788	\$35,049	\$37,310		
Region 3	Median	\$73,780	\$79,050	\$84,320	\$94,860	\$105,400	\$109,616	\$113,832	\$122,264	\$130,696	\$139,128		
	Moderate	\$55,024	\$63,240	\$67,456	\$75,888	\$84,320	\$87,693	\$91,066	\$97,811	\$104,557	\$111,302	1.7%	\$200,698
	Low	\$36,890	\$39,525	\$42,160	\$47,430	\$52,700	\$53,808	\$56,916	\$61,132	\$65,348	\$69,564	0.38%	
	Very Low	\$22,134	\$23,715	\$25,296	\$28,458	\$31,620	\$32,885	\$34,150	\$36,679	\$39,209	\$41,738		
Region 4	Median	\$66,022	\$70,738	\$75,454	\$84,885	\$94,317	\$98,090	\$101,862	\$109,408	\$116,953	\$124,498		
	Moderate	\$52,817	\$56,590	\$60,363	\$67,908	\$75,454	\$78,472	\$81,490	\$87,526	\$93,562	\$99,599	1.7%	\$177,413
	Low	\$33,011	\$35,369	\$37,727	\$42,443	\$47,158	\$49,045	\$50,931	\$54,704	\$58,476	\$62,249	1.53%	
	Very Low	\$19,807	\$21,221	\$22,636	\$25,466	\$28,295	\$29,427	\$30,559	\$32,822	\$35,086	\$37,349		
Region 5	Median	\$58,240	\$62,400	\$66,560	\$74,880	\$83,200	\$86,528	\$89,856	\$96,512	\$103,168	\$109,824		
	Moderate	\$46,592	\$49,920	\$53,248	\$59,904	\$66,560	\$69,222	\$71,885	\$77,210	\$82,534	\$87,859	1.7%	\$154,194
	Low	\$29,120	\$31,200	\$33,280	\$37,440	\$41,600	\$42,264	\$44,928	\$48,256	\$51,584	\$54,912	2.09%	
	Very Low	\$17,472	\$18,720	\$19,968	\$22,464	\$24,960	\$25,958	\$26,957	\$28,954	\$30,950	\$32,947		
Region 6	Median	\$51,085	\$54,734	\$58,383	\$65,681	\$72,979	\$75,898	\$78,817	\$84,655	\$90,494	\$96,332		
	Moderate	\$40,868	\$43,787	\$46,706	\$52,545	\$58,383	\$60,718	\$63,054	\$67,724	\$72,395	\$77,066	1.7%	\$136,680
	Low	\$25,543	\$27,367	\$29,192	\$32,840	\$36,489	\$37,949	\$39,409	\$42,328	\$45,247	\$48,166	0.00%	
	Very Low	\$15,326	\$16,420	\$17,515	\$19,704	\$21,894	\$22,769	\$23,645	\$25,397	\$27,148	\$28,900		

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

** This column is used for calculating the pricing for rent increases for units as per N.J.A.C. 5:97-9.3. The increase for 2015 was 2.3%, the increase for 2016 was 1.1% and the increase for 2017 is 1.7% (Consumer Price Index for All Urban Consumers (CPI-U)). Regions by expenditure category and commodity (and service group). Landlords who did not increase rents in 2015 or 2016 may increase rent by up to the applicable combined percentage from their last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.

*** This column is used for calculating the pricing for resale increases for units as per N.J.A.C. 5:97-9.3(b). 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.

Low income tax credit developments may increase based on the low income tax credit regulations.

**** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)(3).

Note: Since the Regional Income Limits for Region 6 in 2016 were higher than the 2017 calculations, the 2016 income limits will remain in force for 2017. See N.J.A.C. 5:97-9.2(c).

**APPENDIX B – FOURTH ROUND ORDER, DECLARATORY JUDGMENT
FILING, BINDING RESOLUTION**

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE BOROUGH
OF CAPE MAY POINT, CAPE
MAY COUNTY PURSUANT TO
P.L. 2024, CHAPTER 2**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
CAPE MAY COUNTY
DOCKET NO. CPM-L-46-25

Civil Action

**ORDER FIXING MUNICIPAL
OBLIGATIONS FOR “PRESENT NEED”
AND “PROSPECTIVE NEED” FOR THE
FOURTH ROUND HOUSING CYCLE**

THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 29, 2025 (“DJ Complaint”) by the Petitioner, **BOROUGH OF CAPE MAY POINT** (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

AND IT APPEARING, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs (“DCA”) issued its report entitled *Affordable Housing Obligations for 2025-2035 (Fourth Round)*,¹ therein setting forth the present need and prospective need obligations of all New Jersey municipalities for the Fourth Round housing cycle (the “DCA’s Fourth Round Report”);

¹ See https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

AND IT APPEARING that, pursuant to the DCA's Fourth Round Report, the **present need** obligation of the Petitioner has been calculated and reported as **0** affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as **5** affordable units, and which calculations have been deemed presumptively valid for purposes of the FHA;

AND THE COURT, having determined that no interested party has filed a challenge to the Petitioner's DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

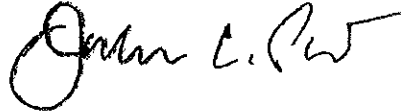
AND THE COURT, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:

IT IS, THEREFORE, on this 27th day of **MARCH 2025 ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as **0** affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as **5** affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay.

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:

A handwritten signature in black ink, appearing to read "John C. Porto", written over a horizontal line.

Hon. John C. Porto, P.J.Cv.

(X) Uncontested.

John P. Amenhauser, Esquire
Attorney Identification No. 121372014
THE DEWEESE LAW FIRM, P.C.
3200 Pacific Avenue
Wildwood, New Jersey 08260
(609) 522-5599; Fax (609) 522-3003
Attorneys for Declaratory Plaintiff, Borough of Cape May Point

**IN THE MATTER OF THE
APPLICATION OF THE BOROUGH OF
CAPE MAY POINT, COUNTY OF CAPE
MAY, STATE OF NEW JERSEY**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAPE MAY COUNTY

DOCKET NO.: CPM-L-

Civil Action
AFFORDABLE HOUSING
PER DIRECTIVE #14-24

**COMPLAINT FOR DECLARATORY
RELIEF PURSUANT TO DIRECTIVE
#14-24**

Declaratory Plaintiff, the Borough of Cape May Point, County of Cape May, State of New Jersey (hereinafter “Cape May Point” or the “Borough”), a municipal corporation of the State of New Jersey, with a principal office at 215 Lighthouse Avenue, Cape May Point, New Jersey 08212, by way of this Declaratory Judgment Action (“DJ Action”) as authorized under Directive #14-24 of the Administrative Office of the Courts alleges and says:

Background

1. Cape May Point is a body corporate and politic organized under the laws of the State of New Jersey.

2. The Mayor and Borough Commissioners are the governing body of Cape May Point and are responsible, inter alia, to ensure that Cape May Point takes the actions necessary to achieve and maintain compliance with its obligations under the laws collectively known as the “Mount Laurel Doctrine”
3. The Planning Board of the Borough of Cape May Point (hereinafter the “Planning Board”) is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., (hereinafter the “MLUL”), and, among other duties and obligations, is responsible for adopting the Housing Element and Fair Share Plan (“HEFSP”) of Cape May Point’s Master Plan.
4. Through this DJ Action, Cape May Point seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the Affordable Housing Alternative Dispute Resolution Program (the “Program”) pursuant to P.L. 2024, c.2 (hereinafter, the “Act”) and the Court, pursuant to Directive #14-24; (b) to have the Program and the Court approve the Borough’s Present and Perspective affordable housing obligations as set forth in the binding resolution adopted by the Borough, attached hereto as Exhibit A; (c) to have the Program and the Court approve a HEFSP to be adopted by the Planning Board and endorsed by the governing body of the Borough and issue a conditional or unconditional “Compliance Certification” pursuant to the Act or other similar declaration; (d) to the extent it is not automatically granted pursuant to the Act, through the filing of this DJ Action and binding resolution, to have the Program and the Court confirm the Borough’s immunity from all exclusionary zoning litigation, including builder’s remedy lawsuits, during the pendency of the process outlined in the Act and for the duration of the Fourth Round, i.e., through

June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the Borough receives and obtains all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third-party litigation.

COUNT 1

ESTABLISHMENT OF JURISDICTION UNDER P.L.2024, C.2

5. The Borough of Cape May Point repeats and realleges each and every allegation as set forth in the previous paragraphs of this DJ Action as if more fully set forth at length herein.
6. The Act represents a major revision of the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq.
7. Among other things , the Act abolishes the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall, judges that have been designated as the Program. Among other things, the Act authorizes the Director of the Administrative Office of the Courts, (hereinafter, respectively, “Director” and “AOC”) to create a framework to process applications for a compliance certification.
8. On or about December 13, 2024, the Director issued Directive #14-24, which, among other things, required municipalities seeking compliance certification to file an action in the form of a declaratory judgment complaint and Civil Case Information Statement in the County in which the municipality is located within forty-eight (48) hours after the

municipality's adoption of a binding resolution as authorized under the Act and attach a copy of said binding resolution to the DJ Action.

9. The Borough adopted a binding resolution establishing its present and prospective affordable housing obligations within the statutory window of time set forth in the Act and in accordance with the methodology and formula set forth in the Act, a certified copy of which resolution is attached to this DJ Action as Exhibit A.
10. Based on the foregoing, the Borough has established the jurisdiction of the Program and the Court in regard to this DJ Action for a compliance certification as set forth herein.

WHEREFORE, the Borough of Cape May Point seeks a declaratory judgment for the following relief:

- a. Declaring that the Borough of Cape May Point has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit A to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of the Borough of Cape May Point under the Act;
- c. Declaring the approval of the Borough of Cape May Point's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Borough's governing body, including, as applicable, any applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d. Declaring that the Borough of Cape May Point continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;

- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive #14-24 to the Borough of Cape May Point for the time period beginning July 1, 2025, and ending on June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT II

DETERMINATION OF THE PRESENT AND PROSPECTIVE NEED OF THE BOROUGH OF CAPE MAY POINT

- 11. The Borough of Cape May Point repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if more fully set forth at length herein.
- 12. The Act adopted the methodology to calculate every municipality's present and prospective need affordable housing obligation for the Fourth Round (2025-2035) and beyond.
- 13. The Act directed the Department of Community Affairs ("DCA") to apply the methodology and to render a non-binding calculation of each municipality's present and prospective affordable housing obligations to be contained in a report to be issued not later than October 20, 2024.
- 14. The DCA issued its report on October 18, 2024.
- 15. Pursuant to the October 18, 2024, report, the DCA calculated Cape May Point's present and prospective affordable housing obligations as follows:
 - a. Present Need: 0 Units
 - b. Prospective Need: 5 Units

16. Pursuant to the Act, a municipality desiring to participate in the Program is obligated to adopt a “binding resolution” determining its present and prospective affordable housing obligations to which it will commit based upon the methodology set forth in the Act.
17. Cape May Point adopted a binding resolution, a copy of which is attached hereto and made a part hereof as Exhibit A as to DJ Action.
18. The binding resolution maintains that the Present (“Rehabilitation”) Need obligation of Cape May Point is 0 and its Prospective Need obligation is 5.
19. Cape May Point seeks the approval of and confirmation by the Program and the Court of the Present and Prospective affordable housing obligations as set forth in the binding resolution attached hereto and made a part hereof as Exhibit A or the adjustment of those obligations consistent with the Act and the applicable COAH regulations.

WHEREFORE, the Borough of Cape May Point seeks a declaratory judgment for the following relief:

- a) Declaring that the Borough of Cape May Point has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit A to this DJ Action or to adjust such determination consistent with the Act;
- b) Declaring the present and prospective affordable housing obligations of the Borough of Cape May Point under the Act;
- c) Declaring the approval of the Borough of Cape May Point’s HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Borough’s governing body, including, as applicable, any adjustments permitted in accordance with the Act and/or applicable COAH regulations;

- d) Declaring that the Borough of Cape May Point continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e) Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive #14-24 to the Borough of Cape May Point for the period beginning July 1, 2025, and ending on June 30, 2035; and
- f) Declaring such other relief that the Program and the Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT III

HOUSING ELEMENT AND FAIR SHARE PLAN

- 20. The Borough of Cape May Point repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if more fully set forth at length herein.
- 21. Pursuant to the Act, a Housing Element and Fair Share Plan (hereinafter, "HEFSP") must be prepared, adopted by the Borough's Planning Board, and endorsed by the Borough's governing body by June 30, 2025.
- 22. Cape May Point hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court which HEFSP shall apply as appropriate, and any applicable adjustments, as appropriate, that is permitted in accordance with the Act and/or applicable COAH regulations.

WHEREFORE, the Borough of Cape May Point seeks a declaratory judgment for the following relief:

- a) Declaring that the Borough of Cape May Point has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as

set forth in the binding resolution attached as Exhibit A to this DJ Action or to adjust such determination consistent with the Act;

- b) Declaring the present and prospective affordable housing obligations of the Borough of Cape May Point;
- c) Declaring that the Borough of Cape May Point's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Borough's governing body, including, as applicable, any adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d) Declaring that the Borough of Cape May Point continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e) Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive #14-24 to the Borough of Cape May Point for the period beginning July 1, 2025, and ending June 30, 2035; and
- f) Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT IV

CONFIRMATION OF IMMUNITY

- 23. The Borough of Cape May Point repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if more fully set forth at length herein.
- 24. Pursuant to the Act, a municipality that complies with the deadlines in the Act for both determining present and prospective affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

25. The Borough of Cape May Point has met the deadline for adoption and filing of its binding resolution (and the filing of this DJ Action in accordance with Directive #14-24) not later than January 31, 2025, by adopting the binding resolution attached to this DJ Action as Exhibit A, and has committed to the adoption of its HEFSP by the June 30, 2025, deadline.

WHEREFORE, the Borough of Cape May Point seeks a declaratory judgment for the following relief:

- a) Declaring that the Borough of Cape May Point has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit A to this DJ Action or to adjust such determination consistent with the Act;
- b) Declaring the present and prospective affordable housing obligations of the Borough of Cape May Point;
- c) Declaring that the Borough of Cape May Point's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Borough's governing body, including, as applicable, any adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d) Declaring that the Borough of Cape May Point continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e) Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive #14-24 to the Borough of Cape May Point for the period beginning July 1, 2025, and ending June 30, 2035; and

- f) Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

THE DEWEESE LAW FIRM, P.C.
Attorneys for Plaintiff

Dated: January 29, 2025

BY: 
JOHN P. AMENHAUSER, ESQUIRE
For the Firm

CERTIFICATION PURSUANT TO RULE 4:5-1

The undersigned, John P. Amenhauser, Esquire, certifies on behalf of the above-named Plaintiff, as follows:

1. I am an attorney admitted to practice in the State of New Jersey and am a partner with The DeWeese Law Firm, P.C., counsel for the above-named Plaintiff.
2. The matter in controversy in this matter is not the subject of any other action pending in any Court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated.
3. At this time, there are no other parties who should be joined in this action.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

THE DEWEESE LAW FIRM, P.C.
Attorneys for Plaintiff

Dated: January 29, 2025

BY: 
JOHN P. AMENHAUSER, ESQUIRE
For the Firm

CERTIFICATION PURSUANT TO R. 1:38-7(b)

John P. Amenhauser, Esq., of full age, hereby certifies as follows:

- 1) I am a partner with The DeWeese Law Firm, P.C., attorneys for the Declaratory Plaintiff, the Borough of Cape May Point.
- 2) I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment for false swearing.

THE DEWEESE LAW FIRM, P.C.
Attorneys for Plaintiff

Dated: January 29, 2025

BY: 
JOHN P. AMENHAUSER, ESQUIRE
For the Firm

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:5-1(c), John P. Amenhauser, Esquire, of The DeWeese Law Firm, P.C., is hereby designated as trial counsel for Plaintiff in this matter.

THE DEWEESE LAW FIRM, P.C.
Attorneys for Plaintiff

Dated: January 29, 2025

BY: 
JOHN P. AMENHAUSER, ESQUIRE
For the Firm

Exhibit A

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

**RESOLUTION COMMITTING THE BOROUGH OF CAPE MAY POINT TO
COMPLY WITH DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT
NEED AND PROSPECTIVE NEED NUMBERS**

RESOLUTION 29-25

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough of Cape May Point's ("Borough") Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation of 5; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, the Borough accepts the DCA calculations of the Borough's fair share obligations and commits to its fair share of 0 units present need and 5 units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Borough reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Borough 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

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Borough 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

WHEREAS, considering the above, the Commissioners of the Borough of Cape May Point finds that it is in the best interest of the Borough to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and

WHEREAS, seeks a certification of compliance with the FHA and, therefore, directs its legal counsel to file a declaratory relief action within 48 hours of the adoption of this resolution in Cape May County.

NOW, THEREFORE, BE IT RESOLVED on this 28 day of January, 2025, by the Commissioners of the Borough of Cape May Point as follows:

1. All the above Whereas Clauses are incorporated into the operative clauses of this resolution.

2. The Borough of Cape May Point hereby commits to the DCA Round 4 Present Need Obligation of 0 units and the Round 4 Prospective Need Obligation of 5 units described in this resolution, subject to all reservations of rights set forth above.

3. The Borough of Cape May Point hereby directs its legal counsel to file a declaratory judgment complaint in Cape May County within 48 hours after adoption this resolution, attaching this resolution.

4. The Borough of Cape May Point authorizes its legal counsel to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.

5. This resolution shall take effect immediately, according to law.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger			X			
vanHeeswyk	X		X			
Yunghans		X	X			

CERTIFICATION

I, Elaine Wallace, Clerk of the Borough of Cape May Point, County of Cape May, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Commissioners of the Borough of Cape May Point at a meeting held on January 28, 2025.


 Elaine Wallace, Borough Clerk

**APPENDIX C – ADOPTED ACCESSORY APARTMENT PROGRAM
ORDINANCES, DRAFT AMENDMENT**

*Borough of Cape May Point, NJ
Tuesday, May 20, 2025*

Chapter 150. Zoning

Article VI. R-1 Residential Zone

§ 150-11. PERMITTED USES.

[1988 Code § 150-11; Ord. No. 526-06; Ord. No. 568-09]

In residential areas, no building or other structure and no area shall be used, and no building or other structures shall be built, altered or erected to be used, for any purpose other than that of:

- a. One single-family dwelling.
- b. Public park or playground.
- c. Churches, Sunday schools and other places of worship.
- d. Charitable institutions, hospitals and sanatoriums.
- e. Municipal buildings, public library.
- f. Office of a resident professional person.
- g. Home occupations employing no outside help.
- h. Accessory building, provided that when housed in a separate building, other than a private garage, on the lot, no cooking facilities or living quarters shall be installed, and provided further that no permit shall be issued for an accessory building before construction and completion of the main building.
- i. Accessory Apartments; Affordable Housing; Special Permits. It is the specific purpose and intent of this section to allow accessory apartments on parcels of minimum size in conformance with the specific zoning district minimum lot size requirement to provide the opportunity for the development of affordable housing units. It is also the purpose of this limited, special-use provision to allow more efficient use of the Borough's existing stock of dwellings and the Borough's existing stock of accessory buildings, to allow residents the opportunity to remain in large, underutilized houses by virtue of the added income for them from an accessory apartment, allow accessory apartments in new attached and/or detached structures and to protect and preserve property values in the Borough of Cape May Point. No new approvals of special permits for accessory apartments will be issued whenever a total of six special permits have been approved. To help achieve these goals to promote the other objectives of this chapter and of the Master Plan, the following specific standards and limitations are set forth for such accessory apartment use.
 1. Location and Number of Units.
 - (a) An accessory apartment may be located in the principal building or in an existing permitted accessory building, such as a barn or garage, and may include existing and/or expanded structure construction.
 2. Size.

- (a) The minimum floor area for an accessory apartment located within a principal structure shall be 300 square feet, but in no case shall it exceed the gross floor area of the existing principal dwelling on the lot.
 - (b) For an accessory apartment located in an existing accessory building, the minimum floor area shall be 300 square feet.
3. Other Requirements.
- (a) Exterior appearance. Principal buildings containing an accessory apartment shall have only one front or principal entry to the building, and the accessory apartment shall be located, designed, constructed, and landscaped so as to preserve the appearance of the principal building to the maximum extent feasible and further to enhance and not detract from the character of the principal building and the surrounding neighborhood. An accessory apartment shall have a separate, distinct entry, which does not detract from the character of the principal building.
 - (b) Approval of utilities. Prior to the issuance of a building permit for the establishment of an accessory apartment in a principal dwelling or the conversion of an existing accessory building to an accessory apartment use, all septic systems and well (if applicable) must be approved by the governing agency.
 - (c) The occupant must meet the established income limitations for low- and moderate-income households as specified by the rules and regulations of the Council on Affordable Housing (COAH) as N.J.A.C. 5:97 et seq.
 - (d) Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all local building codes.
 - (e) The accessory apartment must meet the adaptability law at P.L. 2005, c. 350, if applicable.
 - (f) Rents of accessory apartments shall be affordable to low- and moderate-income households as per COAH regulations.
 - (g) There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale within the affordable housing requirements stated herein.
 - (h) Each accessory apartment shall have living/sleeping space, cooking facilities, a kitchen sink and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two rooms, one of which shall be a full bathroom.
 - (i) The accessory apartment shall have a separate door with direct access to the outdoors.
 - (j) The accessory apartment shall be affirmatively marketed to the housing region in accordance with COAH regulations and the Uniform Housing Authority Controls at N.J.A.C. 5:80-26.1 et seq.
4. Administration.
- (a) Cape May Point Borough shall designate an administrative entity by municipal resolution to administer the accessory apartment program.
 - (b) The administrative agency shall administer the accessory apartment program including advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, overseeing the securing of certificates of occupancy, qualifying properties, handling application forms, oversetting the filing deed restriction, filing monitoring reports and affirmatively marketing the accessory apartment program.
 - (c) In accordance with COAH requirements, the Borough shall provide at least \$20,000.00 for moderate income units (total of \$60,000.00) and \$25,000.00 (total of \$75,000.00) for low

income units to subsidize the physical creation of an accessory apartment conforming to the requirements of this section and COAH requirements. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with the Borough insuring that the subsidy shall be used to create the accessory apartment and the apartment shall meet the requirements of this paragraph and COAH regulations.

- (d) Applicants for the creation of an accessory apartment shall submit to the administrative agent:
- (1) A sketch of floor plans showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;
 - (2) Rough elevations showing the modification of any exterior building façade to which changes are proposed; and
 - (3) A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with the minimum building setback lines; the required parking spaces for both dwelling units and any man-made conditions which might affect construction.

*Borough of Cape May Point, NJ
Thursday, May 1, 2025*

Chapter 52. Affordable Housing

Article I. General Program Purposes, Procedures

§ 52-3. AFFORDABLE HOUSING PROGRAMS.

[Ord. No. 09-2018]

The Borough of Cape May Point has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

a. Accessory Apartment Program.

1. All accessory apartments shall meet the following conditions:

- (a) Accessory apartments are permitted by the Zoning Ordinance for various zoning districts, provided the units are affordable to low- and moderate-income households. Accessory apartments may be developed as low-income or moderate-income units (accessory apartments may be limited to only low- or only moderate-income units as determined in the Fair Share Plan).
- (b) Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.
- (c) At the time of initial occupancy of the unit and for at least 10 years thereafter, the accessory apartment shall be rented only to a household which is either a low- or moderate-income household.
- (d) Rents of accessory apartments shall be affordable to very low, low- or moderate-income households as per COAH and UHAC regulations.
- (e) There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale of the unit and the accessory apartment.
- (f) The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.
- (g) The Borough of Cape May Point accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
- (h) No accessory apartment created as a result of this Article or these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.
- (i) Municipal building permit fees shall be waived in all cases involving affordable accessory apartment development under this section. An annual license and inspection fee, if required, shall be paid by unit owners.

2. The maximum number of creditable accessory apartments shall be equal to no more than 10 or an amount equal to 10% of the Borough of Cape May Point's fair share obligation,

whichever is greater (additional units may be approved by COAH if the municipality has demonstrated successful completion of its accessory apartment program).

3. The Borough of Cape May Point shall designate an administrative entity to administer the accessory apartment program that shall have the following responsibilities:
 - (a) The Administrative Agent shall administer the accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the affordable accessory apartment program in accordance with the UHAC.
 - (b) The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with COAH's requirements and/or the provisions of this section/Article. All denials shall be in writing with the reasons clearly stated.
 - (c) In accordance with COAH requirements, the Borough of Cape May Point shall provide at least \$30,000 per unit to subsidize the creation of one very low income unit, \$25,000 per unit to subsidize the creation of each low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
4. Property owners wishing to apply to create an accessory apartment shall submit to the administrative entity:
 - (a) A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;
 - (b) Rough elevations showing the modifications of any exterior building facade to which changes are proposed; and
 - (c) A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with the minimum building setback lines; the required parking spaces for both dwelling units; and any man-made conditions which might affect construction.

DRAFT AMENDMENT

ACCESSORY APARTMENT ORDINANCE

Borough of Cape May Point

52-3 AFFORDABLE HOUSING PROGRAMS.

The Borough of Cape May Point has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

a. Accessory Apartment Program.

1. All accessory apartments shall meet the following conditions:

(a) Accessory apartments are permitted by the Zoning Ordinance for various zoning districts, provided the units are affordable to low- and moderate-income households. Accessory apartments may be developed as low-income or moderate-income units (accessory apartments may be limited to only low- or only moderate-income units as determined in the Fair Share Plan).

(b) Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.

(c) At the time of initial occupancy of the unit and for at least ten (10) years thereafter, the accessory apartment shall be rented only to a household which is either a very low-, low- or moderate-income household.

(d) Rents of accessory apartments shall be affordable to very low-, low- or moderate-income households as per ~~COAH~~ FHA and UHAC regulations, and N.J.A.C. 5:93.

(e) There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale of the unit and the accessory apartment.

(f) The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.

(g) The Borough of Cape May Point accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.

(h) No accessory apartment created as a result of this Article or these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.

(i) Municipal building permit fees shall be waived in all cases involving affordable accessory apartment development under this section. An annual license and inspection fee, if required, shall be paid by unit owners.

2. The maximum number of creditable accessory apartments shall be equal to no more than ten (10) or an amount equal to ten percent (10%) of the Borough of Cape May Point's fair share obligation, whichever is greater (additional units may be approved by ~~COAH~~ the Program if the municipality has demonstrated successful completion of its accessory apartment program.).

3. The Borough of Cape May Point shall designate an administrative entity to administer the accessory apartment program that shall have the following responsibilities:

(a) The Administrative Agent shall administer the accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the affordable accessory apartment program in accordance with the UHAC.

(b) The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with ~~COAH's~~ FHA, N.J.A.C. 5:93, and UHAC requirements and/or the provisions of this section/Article. All denials shall be in writing with the reasons clearly stated.

(c) In accordance with ~~COAH requirements N.J.A.C. 5:93,~~ the Borough of Cape May Point shall provide at least ~~thirty thousand (\$30,000)~~ ninety thousand (\$90,000) dollars per unit to subsidize the creation of ~~one (1)~~ two (2) very low-income units, ~~twenty five thousand (\$25,000.00)~~ forty thousand (\$40,000) dollars per unit to subsidize the creation of each low-income accessory apartment or twenty thousand (\$20,000.00) dollars per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.

4. Property owners wishing to apply to create an accessory apartment shall submit to the administrative entity:

(a) A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;

(b) Rough elevations showing the modifications of any exterior building facade to which changes are proposed; and

(c) A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with the minimum building setback lines; the required parking spaces for both dwelling units; and any manmade conditions which might affect construction.

(Ord. No. 566-09 § 3)

APPENDIX D – ADOPTED MANDATORY SET-ASIDE ORDINANCE

*Borough of Cape May Point, NJ
Thursday, May 1, 2025*

Chapter 52. Affordable Housing

Article III. Administration

§ 52-21. MANDATORY AFFORDABLE HOUSING SET-ASIDE ORDINANCE.

[Ord. No. 08-2018]

- a. All multi-family residential development, including the residential portion of a mixed-use project, which consists of five or more new residential units, whether permitted by a zoning amendment, a use variance granted by the Zoning Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, shall require that an appropriate percentage of the residential units be set aside for low and moderate income households.
- b. This requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.
- c. For inclusionary projects in which the low and moderate units are to be offered for sale, the set-aside percentage should be 20 percent; for projects in which the low and moderate income units are to be offered for rent, the set-aside percentage should be 15 percent.
- d. The developer shall provide that half of the low- and moderate-income units constructed be affordable by low-income households and that the remaining half be affordable by moderate-income households. At least 13 percent of all restricted units shall be very low-income units (affordable to a household earning 30 percent or less of median income). The very-low income units shall be counted as part of the required number of low-income units within the development.
- e. Subdivision and site plan approval shall be denied by the board unless the developer complies with the requirements to provide low- and moderate-income housing pursuant to the provisions of this section. A property shall not be permitted to be subdivided so as to avoid meeting this requirement. The board may impose any reasonable conditions to ensure such compliance.
- f. Nothing in this paragraph precludes the Borough from imposing an affordable housing set aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
- g. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- h. This requirement does not apply to any sites or specific zones otherwise identified in the Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.

APPENDIX E – ADOPTED AFFORDABLE HOUSING ORDINANCE

*Borough of Cape May Point, NJ
Thursday, May 1, 2025*

Chapter 52. Affordable Housing

[Chapter 52 was amended in entirety by Ord. Nos. 07-2018, 08-2018 and 09-2018. Prior history includes Ord. No. 566-09]

Article I. General Program Purposes, Procedures

§ 52-1. AFFORDABLE HOUSING OBLIGATION.

[Ord. No. 07-2018]

- a. This chapter of the Borough Code sets forth regulations regarding the low and moderate income housing units in the Borough consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing", N.J.A.C. 5:93 et seq., the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq. except where modified by the terms of a Settlement Agreement between the Borough and Fair Share Housing Center ("FSHC") such that the statutory requirement to provide very-low income units equal to 13% of affordable units approved and constructed after July 1, 2008, to be affordable to households at 30% of the regional median income, overrides the UHAC requirement that 10% of all low- and moderate-income units must be affordable at 35% of the regional median income, and the Borough's constitutional obligation to provide a fair share of affordable housing for low and moderate income households. In addition, this section applies requirements for very low income housing as established in P.L. 2008, c.46 (the "Roberts Bill", codified at N.J.S.A. 52:27D-329.1).
- b. This chapter is intended to assure that very-low, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low, low- and moderate-income households shall occupy these units. This chapter shall apply to all inclusionary developments and 100% affordable developments (including those funded with low-income housing tax credit financing) except where inconsistent with applicable law.
- c. The Cape May Point Planning 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 Plan has also been endorsed by the Borough Commission of the Borough of Cape May Point. The Fair Share Plan describes the ways the Borough shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.
- d. This chapter implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.
- e. The Borough shall file monitoring and status reports with the Superior Court and place the reports on its municipal website. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring evaluation report prepared by the Special Master in accordance with N.J.A.C. 5:91 shall be available to the public at the Cape May Point Borough Municipal Building, 215 Lighthouse Avenue, Cape May Point, New Jersey, 08212.
- f. On or about December 8 of each year through the end of the period of Third Round Judgment of Repose, the Borough will provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to all parties to the Borough's Court-approved Settlement Agreements, using forms

previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and Fair Share Housing Center ("FSHC").

- g. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in the Borough's agreement with FSHC. The Borough agrees to comply with those provisions as follows:
1. By July 1, 2020, the Borough must prepare a midpoint realistic opportunity review, as required pursuant to N.J.S.A. 52:27D-313, which the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues. In the event the Court determines that a site or mechanism no longer presents a realistic opportunity and should be replaced or supplemented, then the municipality shall have the opportunity to supplement or revise its plan to correct any deficiency.
 2. Within 30 days of December 8, 2020 and every third year thereafter, the Borough shall prepare a review of compliance with the very low income housing requirements required by N.J.S.A. 52:27D-329.1 and its Settlement Agreement with Fair Share Housing Center. The Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein and in the Borough's Settlement Agreement with FSHC. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income housing obligation.

§ 52-2. DEFINITIONS.

[Ord. No. 07-2018]

As used herein the following terms shall have the following meanings:

ACCESSORY APARTMENT

Means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

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 responsible for the administration of affordable units in accordance with this chapter, N.J.A.C. 5:91, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

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 restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

Means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4; 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 DEVELOPMENT

Means a housing development all or a portion of which consists of restricted units.

AFFORDABLE HOUSING DEVELOPMENT

Means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable 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, credited pursuant to N.J.A.C. 5:93, 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 where the unit is situated are 62 years or older; or 2) at least 80% of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of 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 arrangement includes, but is not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes as regulated by the 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 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 Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under 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 require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

DEVELOPER

Means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or 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.

FAIR SHARE PLAN

Means the plan that describes the mechanisms, strategies and the funding sources, if any, by which the Borough proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:93-5.

HOUSING ELEMENT

Means the portion of the Borough's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.A.C. 5:93-5.1 and establishes the Borough's fair share obligation.

INCLUSIONARY DEVELOPMENT

Means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD

Means a household with a total gross annual household income equal to 50% or less of the median household income.

LOW-INCOME UNIT

Means a restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

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

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 county, as adopted annually by COAH or approved by the NJ Superior Court.

MODERATE-INCOME HOUSEHOLD

Means a household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

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.

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% of the regional median as defined by adopted/approved Regional Income Limits.

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 ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

SPECIAL MASTER

Means an expert appointed by a judge to make sure that judicial orders are followed. A master's function is essentially investigative, compiling evidence or documents to inform some future action by the court.

UHAC

Means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

VERY LOW-INCOME HOUSEHOLD

Means a household with a total gross annual household income equal to 30% or less of the median household income.

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 rehabilitation.

§ 52-3. AFFORDABLE HOUSING PROGRAMS.

[Ord. No. 09-2018]

The Borough of Cape May Point has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

a. Accessory Apartment Program.

1. All accessory apartments shall meet the following conditions:

- (a) Accessory apartments are permitted by the Zoning Ordinance for various zoning districts, provided the units are affordable to low- and moderate-income households. Accessory apartments may be developed as low-income or moderate-income units (accessory apartments may be limited to only low- or only moderate-income units as determined in the Fair Share Plan).
- (b) Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.
- (c) At the time of initial occupancy of the unit and for at least 10 years thereafter, the accessory apartment shall be rented only to a household which is either a low- or moderate-income household.
- (d) Rents of accessory apartments shall be affordable to very low, low- or moderate-income households as per COAH and UHAC regulations.
- (e) There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale of the unit and the accessory apartment.
- (f) The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.
- (g) The Borough of Cape May Point accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
- (h) No accessory apartment created as a result of this Article or these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.
- (i) Municipal building permit fees shall be waived in all cases involving affordable accessory apartment development under this section. An annual license and inspection fee, if required, shall be paid by unit owners.

2. The maximum number of creditable accessory apartments shall be equal to no more than 10 or an amount equal to 10% of the Borough of Cape May Point's fair share obligation, whichever is greater (additional units may be approved by COAH if the municipality has demonstrated successful completion of its accessory apartment program).

3. The Borough of Cape May Point shall designate an administrative entity to administer the accessory apartment program that shall have the following responsibilities:

- (a) The Administrative Agent shall administer the accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rent increases,

maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the affordable accessory apartment program in accordance with the UHAC.

- (b) The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with COAH's requirements and/or the provisions of this section/Article. All denials shall be in writing with the reasons clearly stated.
 - (c) In accordance with COAH requirements, the Borough of Cape May Point shall provide at least \$30,000 per unit to subsidize the creation of one very low income unit, \$25,000 per unit to subsidize the creation of each low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
4. Property owners wishing to apply to create an accessory apartment shall submit to the administrative entity:
- (a) A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;
 - (b) Rough elevations showing the modifications of any exterior building facade to which changes are proposed; and
 - (c) A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with the minimum building setback lines; the required parking spaces for both dwelling units; and any man-made conditions which might affect construction.

§ 52-4. NEW CONSTRUCTION.

[Ord. No. 07-2018]

The following requirements shall apply to all new or planned developments that contain low- and moderate-income housing units.

- a. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development:

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

- b. Design. In inclusionary developments, to the extent possible, low- and moderate- income units shall be integrated with the market units.
- c. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- d. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. 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.
 2. In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
 3. Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very low income households.
 4. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - (b) At least 30% of all low- and moderate-income units shall be two bedroom units;
 - (c) At least 20% of all low- and moderate-income units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
 5. 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. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- e. Accessibility Requirements:
1. The first floor of all new restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one other dwelling unit shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
 2. All restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;
 - (b) An adaptable kitchen on the first floor;
 - (c) An interior accessible route of travel on the first floor;
 - (d) An interior accessible route of travel shall not be required between stories within an individual unit;
 - (e) 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
 - (f) 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 the Borough has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (1) 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.
 - (2) To this end, the builder of restricted units shall deposit funds with the Borough of Cape May Point sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

- (3) The funds deposited under paragraph (2) herein, shall be used by the Borough for the sole purpose of making the adaptable entrance of any 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.
- (4) The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Cape May Point.
- (5) 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 of Cape May Point in care of the Municipal Treasurer who shall ensure that the funds are deposited and appropriately earmarked for accessibility purposes.
- (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.

f. Maximum Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and by the Superior Court, utilizing the regional income limits established.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
3. 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.
 - (a) At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:

- (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. 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% 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% 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.
 8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size 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.
 9. 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.

Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls 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 HUD as follows:

- (a) Regional income limits shall be established for the Region 6 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 Region 6. 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.
- (b) The income limits calculated each year shall be the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the relevant fiscal year, 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.
- (c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:8026.16(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.

10. 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.
 11. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.
- g. Condominium and Homeowners Association Fees. For any affordable housing unit that is part of a condominium association and/or homeowner's association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market rate fee.

Article II. Affordable Unit Controls and Requirements

§ 52-5. PURPOSE.

[Ord. No. 07-2018]

- a. The requirements of this section apply to all developments that contain affordable housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.
- b. Affirmative Marketing.
 1. The Borough shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Superior Court, 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 also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 6 and covers the period of deed restriction.
 3. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 6, comprised of Atlantic, Cape May, Cumberland, and Salem Counties.
 4. The Administrative Agent designated by the Borough shall assure the affirmative marketing of all affordable units is consistent with the Affirmative Marketing Plan for the municipality.
 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 process for available affordable units shall begin at least four months prior to the expected date of occupancy.
 7. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough of Cape May Point.

§ 52-6. OCCUPANCY STANDARDS.

[Ord. No. 07-2018]

- a. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 1. Provide an occupant for each bedroom;
 2. Provide separate bedrooms for parents and children;
 3. Provide children of different sexes with separate bedrooms; and
 4. Prevent more than two persons from occupying a single bedroom.
- b. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

§ 52-7. SELECTION OF OCCUPANTS OF AFFORDABLE HOUSING UNITS.

[Ord. No. 07-2018]

- a. The administrative agent shall use a random selection process to select occupants of low- and moderate- income housing.
- b. A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 et seq.

§ 52-8. CONTROL PERIODS FOR RESTRICTED OWNERSHIP UNITS AND ENFORCEMENT MECHANISMS.

[Ord. No. 07-2018]

- a. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability.
- b. Rehabilitated owner-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- c. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- d. The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- e. 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 that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 52-9. PRICE RESTRICTIONS FOR RESTRICTED OWNERSHIP UNITS, HOMEOWNER ASSOCIATION FEES AND RESALE PRICES.

[Ord. No. 07-2018]

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:8026.1, as may be amended and supplemented, including:

- a. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- c. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate income unit owners and the market unit owners.
- d. 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. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

§ 52-10. BUYER INCOME ELIGIBILITY.

[Ord. No. 07-2018]

- a. 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% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- b. 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% of the household's certified monthly income.

§ 52-11. LIMITATIONS ON INDEBTEDNESS SECURED BY OWNERSHIP UNIT; SUBORDINATION.

[Ord. No. 07-2018]

- a. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- b. With the exception of original purchase money mortgages, during a control period 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% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

§ 52-12. CONTROL PERIODS FOR RESTRICTED RENTAL UNITS.

[Ord. No. 07-2018]

- a. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability.
 1. Restricted rental units created as part of developments receiving 9% Low Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period.
- b. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- c. 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 Cape May. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- d. A restricted rental unit shall remain subject to the affordability controls of this chapter, despite the occurrence of any of the following events:
 1. Sublease or assignment of the lease of the unit;
 2. Sale or other voluntary transfer of the ownership of the unit; or
 3. The entry and enforcement of any judgment of foreclosure.

§ 52-13. PRICE RESTRICTIONS FOR RENTAL UNITS; LEASES.

[Ord. No. 07-2018]

- a. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- b. 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.
- c. Application fees (including the charge for any credit check) shall not exceed 5% 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 chapter.

§ 52-14. TENANT INCOME ELIGIBILITY.

[Ord. No. 07-2018]

- a. 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:
 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.

- b. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% 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:
 - 1. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - 2. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - 3. The household is currently in substandard or overcrowded living conditions;
 - 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- c. The applicant shall file documentation sufficient to establish the existence of the circumstances in b,1 through b,5 above with the Administrative Agent, who shall counsel the household on budgeting.

§ 52-15. CONVERSIONS.

[Ord. No. 07-2018]

Each housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

§ 52-16. ALTERNATIVE LIVING ARRANGEMENTS.

[Ord. No. 07-2018]

- a. 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:
 - 1. 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;
 - 2. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- b. 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.
- c. 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.

Article III. Administration

§ 52-17. MUNICIPAL HOUSING LIAISON.

[Ord. No. 07-2018]

- a. The position of Municipal Housing Liaison for the Borough of Cape May Point is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Borough Commission and be subject to the approval by the Superior Court.
- b. The Municipal Housing Liaison must be either a full-time or part-time employee of the Borough of Cape May Point.
- c. The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in N.J.A.C. 5:93.
- d. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Cape May Point, including the following responsibilities which may not be contracted out to the Administrative Agent:
 1. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 2. The implementation of the Affirmative Marketing Plan and affordability controls;
 3. When applicable, supervising any contracting Administrative Agent;
 4. Monitoring the status of all restricted units in the Borough of Cape May Point's Fair Share Plan;
 5. Compiling, verifying and submitting annual reports as required by the Superior Court;
 6. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 7. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

§ 52-18. ADMINISTRATIVE AGENT.

[Ord. No. 07-2018]

- a. The Borough shall designate by resolution of the Borough Commission, subject to the approval of the Superior Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:93 and UHAC.
- b. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Superior Court. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- c. The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Superior Court;
 2. Affirmative Marketing;
 3. Household Certification;
 4. Affordability Controls;
 5. Records retention;
 6. Resale and re-rental;

7. Processing requests from unit owners; and
8. Enforcement, although the ultimate responsibility for retaining controls on the units rests with the municipality.
9. The Administrative Agent shall, as delegated by the Borough Commission, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

§ 52-19. ENFORCEMENT AFFORDABLE HOUSING REGULATIONS.

[Ord. No. 07-2018]

- a. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- b. After providing written notice of a violation to an Owner, Developer or Tenant of 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 against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - (a) A fine of not more than \$500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - (b) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment to the Borough of Cape May Point of the gross amount of rent illegally collected and appropriately earmarked for affordable housing purposes;
 - (c) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
 2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- c. Such 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 the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- d. 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 and to the 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.

- e. 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.
- f. 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.
- g. 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.
- h. 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.

§ 52-20. APPEALS.

[Ord. No. 07-2018]

Appeals from all decisions of an Administrative Agent designated pursuant to this chapter shall be filed in writing with the Borough.

§ 52-21. MANDATORY AFFORDABLE HOUSING SET-ASIDE ORDINANCE.

[Ord. No. 08-2018]

- a. All multi-family residential development, including the residential portion of a mixed-use project, which consists of five or more new residential units, whether permitted by a zoning amendment, a use variance granted by the Zoning Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, shall require that an

appropriate percentage of the residential units be set aside for low and moderate income households.

- b. This requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.
- c. For inclusionary projects in which the low and moderate units are to be offered for sale, the set-aside percentage should be 20 percent; for projects in which the low and moderate income units are to be offered for rent, the set-aside percentage should be 15 percent.
- d. The developer shall provide that half of the low- and moderate-income units constructed be affordable by low-income households and that the remaining half be affordable by moderate-income households. At least 13 percent of all restricted units shall be very low-income units (affordable to a household earning 30 percent or less of median income). The very-low income units shall be counted as part of the required number of low-income units within the development.
- e. Subdivision and site plan approval shall be denied by the board unless the developer complies with the requirements to provide low- and moderate-income housing pursuant to the provisions of this section. A property shall not be permitted to be subdivided so as to avoid meeting this requirement. The board may impose any reasonable conditions to ensure such compliance.
- f. Nothing in this paragraph precludes the Borough from imposing an affordable housing set aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
- g. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- h. This requirement does not apply to any sites or specific zones otherwise identified in the Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.

Article IV. Affordable Housing Development Fees

[Article IV was previously codified as Article II, 52-21—52-31 and renumbered as Article IV, 52-22—52-32 by Ord. No. 07-2018]

§ 52-22. PURPOSE.

[Ord. No. 567-09 § 1]

- a. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the rules adopted by the New Jersey Council on Affordable Housing's (COAH).
- b. Pursuant to P.L. 2008, c. 46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have an approved spending plan may retain fees collected from nonresidential development.
- c. This Article establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32-38. Fees collected pursuant to this Article shall be used for the sole purpose of providing low- and

moderate-income housing. This Article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

§ 52-23. BASIC REQUIREMENTS.

[Ord. No. 567-09 § 2]

- a. The Borough of Cape May Point shall not impose development fees on any applicant pursuant to this Article until COAH or a Court has approved the Development Fee Ordinance pursuant to N.J.A.C. 5:96-5.1, except that residential fees may be collected pursuant to the previously approved fee ordinance until such time as this ordinance takes effect, and nonresidential fees shall be collected in accordance with the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 et seq.
- b. The Borough of Cape May Point shall not spend development fees until COAH or a Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

§ 52-24. DEFINITIONS.

[Ord. No. 567-09 § 3]

- a. The following terms, as used in this Article, shall have the following meanings:
 1. AFFORDABLE HOUSING DEVELOPMENT – Shall mean a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project, or a 100% affordable development.
 2. COAH OR THE COUNCIL – Shall mean the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in the State.
 3. DEVELOPMENT FEE – Shall mean money paid by a developer for the improvement of property as permitted under N.J.A.C. 5:97-8.3.
 4. DEVELOPER – Shall mean the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
 5. EQUALIZED ASSESSED VALUE – Shall mean the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L. 1973, c.123 (C. 54:1-35a through C. 54:1-35c).
 6. GREEN BUILDING STRATEGIES – Shall mean those strategies that minimize the impact of development on the environment, and enhance health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§ 52-25. RESIDENTIAL DEVELOPMENT FEES.

[Ord. No. 567-09 § 4]

- a. Imposed Fees.
 1. Within all zoning districts in the Borough of Cape May Point, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one

and one-half percent (1.5%) of the equalized assessed value for residential development, provided no increased density is permitted.

2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of 6% of the equalized assessed value (EAV) for each additional unit above that permitted by right which may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: if an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and one-half percent (1 1/2%) of the equalized assessed value on the first two units; and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Development.

1. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
2. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
3. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
4. Nonprofit organizations which have received tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.
5. Federal, State, County and local governments shall be exempted from paying a development fee.
6. The owner of a residential unit who rebuilds when the owner's existing dwelling unit was destroyed due to fire, flood or other natural disaster shall be exempt from paying a development fee.

§ 52-26. NONRESIDENTIAL DEVELOPMENT FEES.

[Ord. No. 567-09 § 5]

a. Imposed Fees.

1. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.

2. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
 3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly-improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.
- b. Eligible Exactions, Ineligible Exactions and Exemptions for Nonresidential Development.
1. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half percent (2.5%) development fee, unless otherwise exempted below.
 2. The two and one-half percent (2.5%) fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 3. Nonresidential developments shall be exempt from payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
 4. A developer of a nonresidential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 5. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Cape May Point as a lien against the real property of the owner.

§ 52-27. COLLECTION PROCEDURE.

[Ord. No. 567-09 § 6; Ord. No. 15-2014; Ord. No. 2015-05; Ord. No. 02-2016]

- a. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the Borough's Construction Official as well as the Zoning Official responsible for issuance of a Zoning Permit.
- b. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Zoning Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c. The Zoning Official responsible for the issuance of a zoning permit shall notify the local Tax Assessor of the issuance of the first zoning permit for a development which is subject to a development fee.

- d. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee, and thereafter notify the developer and the Zoning Official of the amount of the fee.
- g. Should the Municipal Assessor fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection **b** of section 37 of P.L.2008, c.46 (C.40:551)-8.6).
- h. An estimated 50% of the development fee shall be collected at the time of issuance of the zoning permit. The remaining portion shall be collected at the issuance of the Certificate of Occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of Certificate of Occupancy.
- i. Appeal of Development Fees.
 - 1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of Cape May Point. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq. within 90 days after the date of such determination, interest earned on amounts escrowed shall be credited to the prevailing party.
 - 2. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Cape May Point. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 52-28. AFFORDABLE HOUSING TRUST FUND.

[Ord. No. 567-09 § 7]

- a. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Borough's Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - 1. Payments in lieu of on-site construction of affordable units;
 - 2. Developer-contributed funds to make 10% of the affordable entrances in a townhouse or other multistory attached development accessible;
 - 3. Rental income from municipally-operated units;

4. Repayments from affordable housing program loans;
 5. Recapture funds;
 6. Proceeds from the sale of affordable units; and
 7. Any other funds collected in connection with the Borough of Cape May Point's affordable housing program.
- c. The Borough of Cape May Point shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the Borough's banking institution, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
 - d. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH or the Court.

§ 52-29. USE OF FUNDS.

[Ord. No. 567-09 § 8]

- a. The expenditure of all funds shall conform to a spending plan approved by COAH or the Court. Funds deposited in the housing trust fund may be used for any activity approved by COAH or the Court to address the Borough of Cape May Point's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or State standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- b. Funds shall not be expended to reimburse the Borough of Cape May Point for past housing activities.
- c. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. 1/3 of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
 1. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 2. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d. The Borough of Cape May Point may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

- e. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

§ 52-30. MONITORING.

[Ord. No. 567-09 § 9]

The Borough of Cape May Point shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Cape May Points housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court. All monitoring reports shall be completed on forms designed by COAH.

§ 52-31. ONGOING COLLECTION OF FEES.

[Ord. No. 567-09 § 10]

The ability of the Borough of Cape May Point to impose, collect and expend development fees shall expire with its substantive certification or judgment of compliance unless the Borough of Cape May Point has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned COAH for substantive certification, or brought a declaratory relief action in Court pursuant to N.J.S.A. 52:27D-313 and has received approval of its development fee ordinance by COAH or a Court. If the Borough of Cape May Point fails to renew its ability to impose and collect development fees prior to the expiration of its substantive certification or judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222 (C.52:27D-320). The Borough of Cape May Point shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or its judgment of compliance, nor shall the Borough of Cape May Point retroactively impose a development fee on such a development. The Borough of Cape May Point shall not expend development fees after the expiration of its substantive certification or its judgment of compliance.

§ 52-32. RESOLUTION OF CONFLICTING PROVISIONS.

[Ord. No. 567-10 § 11]

Notwithstanding the provisions of any other ordinance to the contrary, the provision of this Article shall apply to the development within the Mount Laurel zoning districts containing inclusionary affordable housing units.

**APPENDIX F – PRELIMINARY FOURTH ROUND
AFFIRMATIVE MARKETING PLAN**



Borough of
Cape May Point

**Affirmative
Marketing
Plan**

**In Accordance with the Uniform
Housing Affordability Controls**



AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in (REGION 6)

I. APPLICANT AND PROJECT INFORMATION

Section 1 is completed individually for all developments or programs within the municipality.

1a. Administrative Agent Name, Address, Phone Number Triad Associates 1301 W. Forest Grove Road Vineland NJ 08360 856-690-9590	1b. Development or Program Name, Address, Phone Number Borough of Cape May Point PO Box 490 215 Lighthouse Avenue Cape May Point NJ 08212 PHONE (609) 884-8468 x 10
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✓ FOR RENT UNITS ✓ FOR SALE UNITS

Section 1 To Be Completed Separately for Each Project/Development

1c. Number of Affordable Units: TBD Number of Rental Units: TBD Number of For-Sale Units: TBD	1d. Price or Rental Range From: \$ To be Determined To: \$ To be Determined	1e. State and Federal Funding Sources (if any) None
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1f. ✓ Age Restricted ✓ Non-Age Restricted	1g. Advertising: To be Determined Occupancy: To be Determined Lottery Date: To be Determined for Each Project
1h. County CAPE MAY, ATLANTIC, CUMBERLAND & SALEM	1i. Census Tract(s):

1j. Managing/Sales Agent's Name, Address, Phone Number To be Determined for Each Project
1k. Application Fees (if any): Application fee, Credit Screening and Check Fees may apply. Each landlord to establish application fees and rental criteria.



AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in (REGION 6)

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

II. RANDOM SELECTION

1. Description of the random selection process that will be used once applications are received.

INITIAL RANDOMIZATION

The Affirmative Marketing period begins when the applicant waitlist opens, and a property is posted on the NJHRC website. During this 120 day period, the property is advertised and interested applicants have the opportunity to submit Preliminary Applications. After a minimum of 60 days from the date that the affirmative marketing period begins, a lottery randomization takes place, which will establish the applicant waitlist. The lottery date will be included in all affirmative marketing materials.

All applicants are included in the lottery and randomized regardless of household size or desired number of bedrooms. The process is as follows:

The lottery will be conducted by the Administrative Agent with at least two professionals present. The applicant pool will include all applicants who have applied. The Administrative Agent will utilize a computer program to randomly assign a number, which will then become the applicant's lottery number.

When a unit becomes available, the Administrative Agent will identify the applicants that match the number of bedrooms and affordability (very low, low, or moderate income). Those who work or live in Region 6 will be given preference and contacted for the unit first. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised. If a veteran's preference is in effect, the veterans will be offered the unit prior to the general applicant pool.

Preliminary Applications received after the lottery date will be added to the applicant pool in the order they were received.

If the applicant pool becomes close to being depleted, the Administrative Agent will conduct additional marketing until all units are filled.



III. MARKETING

3a. Direction of Marketing Activity:

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

3b. **HOUSING RESOURCE CENTER** (www.njhrc.gov) A free, online listing of affordable housing. Listed for the duration of the affirmative marketing process. Listing will be posted at minimum 60 days prior to lottery date.

3c. Commercial Media (required)

TARGETS ENTIRE HOUSING REGION 1

INTERNET ADVERTISING

<input checked="" type="checkbox"/>	Listed for the duration of the affirmative marketing process	Zillow/Social Media Sites	Statewide
<input checked="" type="checkbox"/>	Listed for the duration of the affirmative marketing process	Social media ads include "apply today" button that goes to the landing page for each listing	Borough of Cape May Point & Cape May County
<input checked="" type="checkbox"/>	Listed for the duration of the affirmative marketing process	NJHRC.gov and Triadhousingprograms.com	Statewide
<input checked="" type="checkbox"/>	Listed for a 1 week period at the time of print publication	A digital ad in combination with print advertising	Regional

TARGETS PARTIAL HOUSING REGION 1

DAILY NEWSPAPERS

<input checked="" type="checkbox"/>	One display ad beginning at the start of the marketing process & press release	The Cape May Star & Wave	cmstarwave@comcast.net
<input checked="" type="checkbox"/>	Press release	Cape May County Herald	admin@cmcherald.com
<input checked="" type="checkbox"/>	Press release	Press of Atlantic City	newstips@pressofac.com



REGIONAL NEWSPAPERS

✓	Press release	NJ.COM Regional	press@njnpublishing.com
✓	Press release	The Gazette of Cape May County	newstips@pressofac.com
✓	Press release	Ocean City Sentinel	oceancitysentinel@comcast.net
✓	Press release	Reminder Newspaper Millville	Editor@ReminderNewspaper.net

3d. Direct Mail and Email Outreach - Companies and community organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing.

TARGETS ENTIRE HOUSING REGION 1

✓	Flyers to be mailed	Cape May County Social Services	3801 US-9 Unit 4, Rio Grande, NJ 08242
✓	Flyers to be mailed	Atlantic County Social Services	1333 Atlantic Avenue Atlantic City, NJ 08401-8297
✓	Flyers to be mailed	Cumberland County Social Services	275 North Delsea Dr. Vineland, NJ 08360-3607
✓	Flyers to be mailed	Salem County Social Services	147 South Virginia Avenue Penns Grove, NJ 08069-1797
✓	Flyers to be mailed	Catholic Charities	1304 Rt. 47 South, Unit C1 P.O. Box 232 Rio Grande, NJ 08242
✓	Flyers to be mailed	Latino Action Network	Freehold, NJ, United States, 07728
✓	Flyers to be mailed	NAACP Conference	4326 Harbor Beach Blvd. #775 Brigantine, NJ 08203
✓	Flyers to be mailed	Cape May County NAACP	PO Box 932 Cape May Court House 08210
✓	Flyers to be mailed	Cumberland County NAACP	PO Box 744 Vineland 08360
✓	Flyers to be mailed	Atlantic County NAACP	PO Box 1977 Atlantic City 08404
✓	Flyers to be mailed	Salem County NAACP	396 Bailey Street Woodstown 08098
✓	Flyers to be mailed	Supportive Housing Association	185 Valley St, South Orange, NJ 07079
✓	Flyers to be mailed	Fair Share Housing Development	1 Ethel Lawrence Blvd, Mt Laurel Township, NJ 08054
✓	Flyers to be mailed	Fair Share Housing Center	510 Park Blvd, Cherry Hill, NJ 08002
✓	Flyers to be mailed	Tri-County Community Action Partnership	110 Cohansey Street, Bridgeton
✓	Flyers to be mailed	Anti-Poverty Network of NJ	272 Dunns Mill Road, Acme Commons Center, #327, Bordentown, NJ 08505

Borough of
Cape May Point

✓	<i>Flyers to be mailed</i>	DCA Rental Assistance	20 Market St, Camden, NJ 08102
✓	<i>Flyers to be mailed</i>	American Red Cross	850 N. Franklin Avenue Pleasantville, NJ 08232
✓	<i>Flyers to be mailed</i>	Bethel Commandment Church	1717 Bishop Richard Allen Avenue in Atlantic City, New Jersey
✓	<i>Flyers to be mailed</i>	Coalition Against Rape & Abuse, Inc.	P.O. BOX 774 Cape May Court House, NJ 08210-0774
✓	<i>Flyers to be mailed</i>	Family Promise	505 Townbank Rd. North Cape May, NJ 08204
✓	<i>Flyers to be mailed</i>	Holy Spirit Lutheran Church	1220 BAYSHORE ROAD, VILLAS, NJ 08251
✓	<i>Flyers to be mailed</i>	Jewish Family Services of Atlantic and Cape May Counties	1129 South Route 9 Suite 7 Cape May Court House, NJ 08210
✓	<i>Flyers to be mailed</i>	St. Barnabas By the Bay Episcopal Church	13 West Bates Avenue, Villas, New Jersey 08251
✓	<i>Flyers to be mailed</i>	United Way of Cape May County	1000 W. Washington Ave 3rd floor - Press of AC building Pleasantville, NJ 08232
✓	<i>Flyers to be mailed</i>	Cape Assist	3819 New Jersey Avenue Wildwood, NJ 08260
✓	<i>Flyers to be mailed</i>	Fair Share Housing Center	info@fairsharehousing.org
✓	<i>Flyers to be mailed</i>	NAACP New Jersey	15 W Front St, Trenton, NJ 08608
✓	<i>Flyers to be mailed</i>	Cape Counseling Services	128 Crest Haven Rd Cape May Court House, NJ 08210
✓	<i>Flyers to be mailed</i>	Cape May County Aging & Disability Resource Connection	Social Services Building 4005 Route 9 S Rio Grande, NJ 08242
✓	<i>Flyers to be mailed</i>	Cape May County Discount Prescription Card	4 Moore Road Cape May Court House, NJ 08210
✓	<i>Flyers to be mailed</i>	Caring for Kids	31 E Mechanic St Cape May Court House, NJ 08210
✓	<i>Flyers to be mailed</i>	Supportive Housing Association of NJ	185 Valley St, South Orange, NJ 07079
✓	<i>Flyers to be mailed</i>	Families Matter Behavioral Health Services	899 Bayshore Road, Villas, NJ 08251
✓	<i>Flyers to be mailed</i>	Puerto Rican Action Committee	114 EAST MAIN ST PENNS GROVE NJ 08069
✓	<i>Flyers to be mailed</i>	Veterans Multi-Service Center	415 N. High Street Millville, NJ 08332
✓	<i>Flyers to be mailed</i>	New Jersey Citizen Action	75 Raritan Avenue, Suite 200 Highland Park, NJ 08904



IV. APPLICATION FLYERS

Application instructions for affordable housing for affordable units will be available at the following locations:

4a. County Administration Buildings and/or Libraries for all counties in the housing region.

	BUILDING	LOCATION
✓	Cape May County Administration Building	4 Moore Road, Cape May Court House, NJ 08210
✓	Atlantic County Administration Building	1333 Atlantic Avenue, Atlantic City, NJ 08401
✓	Cumberland County Administration Building	164 W. Broad St., Bridgeton, NJ 08302
✓	Salem County Administration Building	110 Fifth Street, Salem, NJ 08079
✓	Cape May County Main Library	30 Mechanic Street, Cape May Courthouse, NJ
✓	Atlantic County	5901 Main Street, Mays Landing, NJ 08330 (609) 625-4011
✓	Cumberland County Library	800 East Commerce Street, Bridgeton, NJ 08302
✓	Salem County Library	12 W. Broadway, Salem, NJ 08079 (856).935.0526

4b. Municipality in which the units are located:

Borough of Cape May Point, Attn: Municipal Housing Liaison PO Box 490 215 Lighthouse Avenue Cape May Point New Jersey
City of Cape May Public Library 110 Ocean Street Cape May, NJ 08204

4c. Sales/Rental Office for units (if applicable)

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V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding.

Susan DiBiasio
Susan DiBiasio, Triad Associates

5/5/25
May 5, 2025

APPENDIX G – FOURTH ROUND SPENDING PLAN



BOROUGH OF CAPE MAY POINT FOURTH ROUND SPENDING PLAN

INTRODUCTION

The Borough of Cape May Point has prepared a Fourth Round Housing Plan Element and Fair Share Plan (“HPE/FSP”) that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) as amended by P.L. 2024, c.2, and the remaining valid regulations of the former Council on Affordable Housing (“COAH”) found at N.J.A.C. 5:93-1 and N.J.A.C. 5:97-8.

The Borough of Cape May received Second Round substantive certification and approval of a Prior Round spending plan on January 5, 1999. On July 8, 2009, the Borough formally received substantive certification from COAH in relation to their petition for Third Round obligations. The Borough did not receive approval for an updated Spending Plan at the time. On June 27, 2018, the Third Round HEFSP and spending plan were amended pursuant to a 2017 Settlement Agreement between the Borough of Cape May Point and Fair Share Housing Center (“FSHC”) and a March 20, 2018, Order of Fairness and Compliance which granted the Borough “the judicial equivalent of substantive certification and accompanying protection as provided under the FHA’ per Mount Laurel IV, through July 31, 2025.”

The Borough has a development fee ordinance that was most recently amended on July 12, 2018, following the court-approved 2018 Third Round HPE/FSP. The ordinance established the Borough’s affordable housing trust fund as a dedicated revenue source of affordable housing funding. This Spending Plan sets forth how the Borough will spend its affordable housing trust funds in support of the affordable housing compliance plan detailed in the Fourth Round HEFSP.

As of December 31, 2024, the Borough collected a total of \$1,073,439.98 in revenue, including \$1,005,204.00 in development fees, \$56,114.92 in interest, \$0.00 in payments in lieu of construction of affordable housing units, and \$12,121.06 in other income, while the Borough has spent a total of \$123,627.73, including \$51,390.90 in housing activity related to a former rehabilitation program, \$0.00 in affordability assistance, and \$72,236.83 in administrative expenditures, leaving a balance in the trust fund of \$949,812.25.

Borough of Cape May Point
Fourth Round Spending Plan



All development fees, payments in lieu of constructing affordable units, other income, and interest generated are deposited in a separate, interest-bearing affordable housing trust account at Crest Savings Bank.

The Borough acknowledges that the expenditure of funds contemplated in this spending plan constitute a “commitment” for expenditure pursuant to N.J.S.A. 52:27D-329.2.d., with the four-year time period beginning to run with the date of collection of the funds as may be extended by virtue of the date of the Superior Court’s approval of this Fourth Round Spending Plan.

These funds will be spent in accordance with N.J.A.C. 5:93-8.16, as described in this Spending Plan. The Borough will rely on N.J.A.C. 5:93 or 5:97, as N.J.S.A. 52:27D-329.2.a(4) provides that “[m]unicipalities may continue to rely on regulations on development fees and spending plans previously adopted by the council until new rules and regulations are adopted by the department.”

REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the Fourth Round (2025-2035), the Borough of Cape May Point has considered the following:

- (a) Development fees: \$794,035
 - 1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
 - 2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
 - 3. Future development that is likely to occur based on historical rates of development.

- (b) Payment in lieu (PIL): \$0

Actual and committed payments in lieu (PIL) of construction from developers. The Borough has not previously received any PILs, and no revenues from PILs are expected during the Fourth Round as the FHA was amended by P.L. 2024, c.2 to eliminate N.J.S.A. 52:27D-329.3 which had enabled PILs.

Borough of Cape May Point
Fourth Round Spending Plan



(c) Other funding sources: \$0

The Borough had previously collected \$12,121.06 from other sources, but does not anticipate future funds from this category at this time. Funds from other sources include, but are not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, and proceeds from the sale of affordable units. All monies in the Affordable Housing Trust Fund are anticipated to come from development fees and interest.

(d) Projected interest: \$15,722

Based on the current average interest rate and projected development fee revenue, the Borough anticipates collecting \$15,722 in interest through 2035.

As shown in Table SP-1, the Borough of Cape May Point projects a total revenue of \$809,757 during the Fourth Round (2025-2035) from residential and non-residential development fees and accrued interest. Projected residential development fees are based on an annual average of past residential development fee receipts for residential construction and improvements between 2013 and 2024 and cross-referenced with the 10-year housing stock projection contained in the HEFSP. Projected non-residential development fees are based on limited non-residential fee receipt history and minimal anticipated future commercial development in the Borough. Projected interest assumes the average interest rate of 1.98% as of December 2024.



Table SP-1. Projected Fourth Round Affordable Housing Trust Fund Revenues

Year Source of Funds	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2025-2035 Total
Projected Residential Development	\$72.2k	\$72.2k	\$72.2k	\$72.2k	\$72.2k	\$72.2k	\$72.2k	\$72.2k	\$72.2k	\$72.2k	\$72.2k	\$0.79 M
Projected Non- Residential Development	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interest	\$1.4k	\$1.4k	\$1.4k	\$1.4k	\$1.4k	\$1.4k	\$1.4k	\$1.4k	\$1.4k	\$1.4k	\$1.4k	\$15.7k
Total	\$73.6k	\$73.6k	\$73.6k	\$73.6k	\$73.6k	\$73.6k	\$73.6k	\$73.6k	\$73.6k	\$73.6k	\$73.6k	\$0.81 M

**Borough of Cape May Point
Fourth Round Spending Plan**



ADMINISTRATIVE MECHANISM TO COLLECT / DISTRIBUTE FUNDS

The following procedural steps for the collection and distribution of development fee revenues shall be followed by the Borough of Cape May Point:

(a) Collection of development fee revenues:

All collection of development fee revenues will be consistent with local regulations which follow COAH administrative models for residential development in accordance with the FHA as amended by P.L. 2024, c.2, and non-residential developments in accordance with N.J.S.A. 40:55D-8.1 through 8.7.

(b) Distribution of development fee revenues:

The Planning Board adopts and forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this Spending Plan. Alternatively, the governing body may hear and decide upon a request for development fee revenues for the purpose of creating affordable housing. The governing body reviews the request for consistency with the Spending Plan and adopts the recommendation by resolution.

The release of funds requires the adoption of the governing body resolution. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) Accessory Apartment Program

The Borough will commit funds from the Affordable Housing Trust Fund to extend the Affordable Accessory Apartment Program for the creation of accessory apartments. The Borough shall provide at least \$90,000 per unit to subsidize the creation of up to two (2) very low-income accessory units, \$40,000 per unit to subsidize the creation of each low-income accessory unit, and \$20,000 per unit to subsidize the creation of each moderate-income accessory unit. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates. At this time, the Borough anticipates creating up to 20 accessory units, which would require a total subsidy of up to \$800,000.

(b) Affordability Assistance (N.J.A.C. 5:93-8.16(c))

The Borough is required to spend a minimum of 30 percent of development fee revenue to render existing affordable units more affordable, and at least one-third of that amount must be dedicated to very low-income households or to create very

**Borough of Cape May Point
Fourth Round Spending Plan**



low-income units (i.e. households earning less than 30 percent of the regional median income).

As shown in Table SP-2, the Borough projects that it must dedicate at least \$561,322.74 from the affordable housing trust fund to render units more affordable. Since the Borough's combined RDP for all rounds is 0, the Borough currently has no units or tenants that can take advantage of Affordability Assistance funds. To address the affordability assistance requirement, the Borough will allocate \$180,000 toward the creation of two (2) very low-income units through the Accessory Apartment Program (as discussed below) and \$381,322.74 in affordability assistance to be disbursed as soon as new affordable units are created and/or occupied. The Borough will contract with Triad Associates to administer the affordability assistance program, which may include, but may not be limited to, the following mechanisms:

- Down-payment assistance;
- Rental assistance;
- Security deposit assistance;
- Low interest loans;
- Assistance with homeowners' association or condominium fees and special assessments; and/or
- Conversion of low-income units to very-low-income units or the creation of new very-low income units, etc.

As shown in Table SP-3, the Borough projects that it must dedicate at least \$178,054.80 in very low-income affordability assistance. As noted above, the Borough will provide \$180,000 for the creation of two (2) very low-income accessory apartments in addition to affordability assistance to be disbursed as soon as new affordable units are created and/or occupied.

Borough of Cape May Point
Fourth Round Spending Plan



Table SP-2. Projected Minimum Affordability Assistance Requirement

Actual development fees collected through 12/31/2024		\$1,005,204.00
Actual interest earned through 12/31/2024	+	\$56,114.92
Projected development fees (1/1/2025 - 6/30/2035)	+	\$794,035.00
Projected interest (1/1/2025 - 6/30/2035)	+	\$15,721.89
Total	=	\$1,871,075.81
30 percent requirement	x 0.30 =	\$561,322.74
Less affordability assistance expenditures through 12/31/2024	-	\$0.00
Projected Minimum Affordability Assistance Requirement	=	\$561,322.74

Table SP-3. Projected Minimum Very Low-Income Affordability Assistance Requirement

Actual development fees collected (7/17/2008 - 12/31/2024)		\$918,802.00
Actual interest earned (7/17/2008 - 12/31/2024)	+	\$51,989.09
Projected development fees (1/1/2025 - 6/30/2035)	+	\$794,035.00
Projected interest (1/1/2025 - 6/30/2035)	+	\$15,721.89
Total	=	\$1,780,547.98
30 percent requirement	x 0.30 =	\$534,164.39
1/3 requirement	÷ 3 =	\$178,054.80
Less <u>very low-income</u> affordability assistance expenditures through 12/31/2024	-	\$0.00
Projected Minimum <u>Very Low-Income</u> Affordability Assistance Requirement	x 0.33 =	\$178,054.80

Borough of Cape May Point
Fourth Round Spending Plan



(c) Administrative Expenses (N.J.A.C. 5:93-8.16(e))

The Borough may use affordable housing trust fund revenue for related administrative costs up to a 20 percent limitation pending funding availability after programmatic and affordability assistance expenditures. The actual administrative expense maximum is calculated based on actual revenues.

As shown in Table SP-4, the Borough projects that \$301,978.33 may be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

- Borough Attorney, Engineer, and Planner fees related to plan preparation and implementation;
- Administration fees related to rehabilitation, extension of expiring controls, and municipally-sponsored construction programs;
- Affirmative Marketing;
- Income qualification of households; and
- Administration of Borough's Affordable Housing Units.

Table SP-4. Projected Allowed Administrative Expenses

Actual development fees collected through 12/31/2024	\$1,005,204.00
Actual interest earned through 12/31/2024	+ \$56,114.92
Actual payments-in-lieu through 12/31/2024	+ \$0
Projected development fees (1/1/2025 – 6/30/2035)	+ \$794,035
Projected interest (1/1/2025 – 6/30/2035)	+ \$15,722
Total	= \$1,871,075.81
20 percent maximum permitted administrative expenses	x 0.20 = \$374,215.16
Less administrative expenditures through 12/31/2024	– \$72,236.83
<i>Projected allowed administrative expenditures</i>	= \$301,978.33

EXPENDITURE SCHEDULE

The Borough of Cape May Point intends to use affordable housing trust funds revenues for its Affordable Accessory Apartment Program, affordability assistance including the creation of very low-income units, and administrative expenses. Where applicable, the Projected Expenditure Schedule in Table SP-5 will reflect the implementation schedule to be set forth in the Fourth Round HEFSP.



Table SP-5. Projected Expenditure Schedule, 2025-2035

Program	Units	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Housing Activity (Accessory Apartment Program)	20	\$72.7k	\$72.7k	\$72.7k	\$72.7k	\$72.7k	\$72.7k	\$72.7k	\$72.7k	\$72.7k	\$72.7k	\$72.7k	\$800k
Affordability Assistance		\$59.8k	\$59.8k	\$59.8k	\$59.8k	\$59.8k	\$59.8k	\$59.8k	\$59.8k	\$59.8k	\$59.8k	\$59.8k	\$658k
Administration		\$27.5k	\$27.5k	\$27.5k	\$27.5k	\$27.5k	\$27.5k	\$27.5k	\$27.5k	\$27.5k	\$27.5k	\$27.5k	\$302k
TOTAL		\$160k	\$160k	\$160k	\$160k	\$160k	\$160k	\$160k	\$160k	\$160k	\$160k	\$160k	\$1.76 M

Borough of Cape May Point
Fourth Round Spending Plan



EXCESS OR SHORTFALL OF FUNDS

While no shortfall of funds is anticipated, the Borough commits to adopting a resolution of intent to fund all programs detailed in this Spending Plan, including via all outside funding sources and municipal funding including but not limited to municipal bonding. Any excess in funds collected over what has been projected will be dedicated to additional accessory units and bond payments to the extent required.

MONITORING

In accordance with the requirements of N.J.S.A. 52:27D-301 *et seq.* as amended by P.L. 2024 c.2, by February 15 of each year of the Fourth Round, the Municipality will provide data entry in DCA's new AHMS monitoring system including a detailed accounting of all residential and non-residential fees collected, interest earned, and other income collected and deposited into the Municipality's affordable housing trust fund during the prior calendar year. The Municipality will also provide a detailed accounting of all expenditures of affordable housing trust funds during the prior calendar year, including purposes and amounts, and documentation of the balance remaining in the affordable housing trust fund as of December 31 of that year.

SUMMARY

The Borough of Cape May Point intends to spend affordable housing trust fund revenues pursuant to the regulations governing such funds and consistent with the Fourth Round HPE/FSP. As of December 31, 2024, the Borough had a balance of \$949,812.25 and projects an additional \$809,757 in revenues during the Fourth Round for a total of \$1,759,569.14 by June 30, 2035. The Borough estimates that up to \$800,000 will be spent to subsidize the creation of affordable units through the Borough's Affordable Accessory Apartment Program (including two (2) very low-income units) and an additional \$381,322.74 will be spent on affordability assistance once affordable units are created and/or occupied. The Borough may also expend up to \$301,978.33 of the trust fund on administrative costs during the Fourth Round. Table SP-6 provides a summary of the Borough's Fourth Round Spending Plan.

Borough of Cape May Point
Fourth Round Spending Plan



Table SP-6. Spending Plan Summary

Revenues		
Balance as of 12/31/2024		\$949,812.25
Projected Revenues through 6/30/2035		
1. Development fees	+	\$794,035
2. Interest	+	\$15,722
3. Other funds	+	\$0
Total Projected Revenue	=	\$1,759,569.14
Expenditures		
Accessory Unit Program	-	\$800,000.00
Affordability Assistance	-	\$657,590.81
Administration	-	\$301,978.33
Total Projected Expenditures	=	\$1,759,569.14

APPENDIX H – AFFORDABLE HOUSING ADMINISTRATION DOCUMENTS

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 58-25

APPOINTING MUNICIPAL HOUSING LIAISON

WHEREAS, Cape May Point has established an affordable housing program to provide for ownership and rental units for very low-, low-, and moderate-income households to satisfy its constitutional obligation under Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975); and

WHEREAS, Chapter 52, section 17 of the Code of the Borough of Cape May Point provides for the appointment of a Municipal Housing Liaison to administer Cape May Point's affordable housing program in accordance with all applicable state and local regulations including Housing Affordability Control, N.J.A.C. 5:80-26.1 et seq.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Cape May Point, County of Cape May, State of New Jersey that Jim Craft is hereby appointed as the Municipal Housing Liaison, effective May 1, 2025, for the administration of the affordable housing program, pursuant to and in accordance with Section 52-17 of the Code of the Borough of Cape May Point and N.J.A.C. 5:80-26.1 et seq.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on April 22, 2025.

Municipal Clerk

RESOLUTION NO:

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF CAPE MAY POINT, CAPE
MAY COUNTY, NEW JERSEY, OF INTENT TO FUND SPENDING PLAN SHORTFALL
FOR AFFORDABLE HOUSING PROGRAMS IN THE BOROUGH'S HOUSING
ELEMENT & FAIR SHARE PLAN**

WHEREAS, pursuant to the NJ Fair Housing Act and N.J.A.C. 5:93, certain portions of the Borough's Fourth Round Housing Plan Element and Fair Share Plan as adopted by the Cape May Point Borough Planning Board on May 20, 2020, may require a financial commitment by the Borough; and

WHEREAS, the municipality must resolve to address any shortfall in the funding of its affordable housing programs as set forth in the Spending Plan and the Fair Share Plan, including its willingness to incur bonded indebtedness, if necessary, to provide the funds required for the timely implementation of the Fair Share Plan;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Cape May Point, in the County of Cape May, New Jersey, as follows:

- I. To the degree that the funds required for the implementation of the Borough's Fair Share Plan, as will be more particularly set forth in the Borough's approved Spending Plan, are not available at the time they are needed from all available affordable housing funding sources, the Borough will provide the funding needed to cover any shortfall through appropriations in the Borough's annual budget, bonding, or any other legal means, with the understanding that any future affordable housing funding which becomes available may be used to reimburse the Borough for the costs incurred.

Mayor, Borough of Cape May Point

I, _____, Borough Clerk of the Borough of Cape May Point, do hereby certify that the above is a true copy of a resolution adopted by the Borough Council at a meeting held on _____.

Borough Clerk, Borough of Cape May Point



Borough of
Cape May Point

**Affordable
Housing
Operating Manual**

**A GUIDE TO THE ADMINISTRATION
OF AFFORDABLE HOUSING
AND PROGRAMS**

**In Accordance with the Uniform
Housing Affordability Controls**

CONTENTS

Contents

INTRODUCTION	1
<i>What Is Affordable Housing?</i>	1
<i>Who Qualifies for Affordable Housing?</i>	2
<i>Applying for Borough of Cape May Point Affordable Housing</i>	3
<i>Other Affordable Housing Programs and Opportunities</i>	3
<i>Fair Housing and Equal Housing Opportunities</i>	3
AFFIRMATIVE MARKETING	4
<i>Overview of the Requirements of an Affirmative Marketing Plan</i>	4
<i>Online Advertising</i>	4
<i>Implementation of the Affirmative Marketing Plan</i>	5
MATCHING HOUSEHOLDS WITH AVAILABLE UNITS	6
<i>The Random Selection Process</i>	6
<i>Identifying Candidates for Available Units</i>	6
<i>Confirming the Interest of a Candidate</i>	7
<i>Full Application & Income Certification Process</i>	7
HOUSEHOLD CERTIFICATION	9
<i>Procedure for Income-Eligibility Certification</i>	9
<i>Income</i>	10
<i>Not Income</i>	10
<i>Student Income</i>	10
<i>The Real Estate Asset Limit</i>	10
<i>Income from Real Estate</i>	11
<i>Maximum Monthly Expenses</i>	11
<i>Maximum Monthly Expenses for Tenants</i>	11
<i>Maximum Monthly Expenses for Owners</i>	12
<i>Housing Counseling</i>	12
<i>The Applicant Interview</i>	13
<i>Approving or Rejecting a Household</i>	13
<i>Dismissal of Applications</i>	14

CONTENTS

Contents

ACCESSORY APARTMENT PROGRAM	15
<i>Program Administration</i>	16
<i>Responsibilities of Owners of Accessory Apartments</i>	17
<i>Requirements and Process for Creating an Accessory Apartment</i>	18
<i>Determining Affordable Rents</i>	18
<i>Development Considerations and Compliance Issues</i>	19
AFFORDABILITY ASSISTANCE	20
<i>Security Deposits for Renters</i>	20
RESALE OF AFFORDABLE OWNERSHIP UNITS	21
ROLES AND RESPONSIBILITIES	22
<i>Key Roles</i>	22
<i>Responsibilities of the Municipal Housing Liaison</i>	22
<i>Responsibilities of an Administrative Agent</i>	23
<i>Responsibilities of the Affordable Housing Attorney</i>	25
<i>Responsibilities of Developers</i>	25
<i>Responsibilities of Owners of Affordable Rental Units</i>	25
<i>Responsibilities of Landlords and Property Managers</i>	26
VIOLATIONS, DEFAULTS, AND REMEDIES	27
<i>Appeals</i>	27
MAINTENANCE OF RECORDS AND APPLICANT FILES	28
<i>Files To Be Maintained on Every Applicant</i>	28
<i>Files To Be Maintained on Every Unit</i>	28
<i>Files to Be Maintained on Every Project</i>	28
<i>Files To Be Maintained on The Applicant Pool</i>	29
<i>Monitoring</i>	29

Introduction

This Manual describes the policies and procedures of the Borough of Cape May Point's Affordable Housing Program. It examines program purposes and provides guidelines for administering affordable housing units developed to address the Borough of Cape May Point's affordable housing obligation. The Manual has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and procedures.

The scope of the manual includes the steps for renting and selling affordable housing units included in the Borough's Housing Element and Fair Share Plan. The manual also provides policies and procedures for the Affordability Assistance Program and other mechanisms to create affordable housing. In addition, it describes the eligibility requirements for buying and renting affordable units, record keeping, and overall Program administration.

Implementation of any procedure, even if it is not included in this Operating Manual, shall be in accordance with the [Federal Fair Housing Act and Equal Opportunities](#) laws, the [Uniform Housing Affordability Controls \(UHAC\) N.J.A.C. 5:80-26.1 et seq.](#), P.L.2020, c.51 (C.52:27D-321.3 et seq.), the Fair Chance in Housing Act (N.J.A.C. 46:8-52 et seq.), and the affordable housing regulations of the Borough of Cape May Point (hereafter referred to as the "Regulations").

A copy of the Borough of Cape May Point's Housing Element and Fair Share Plan and other related reports and information, including a pre-application form for households, can be found here: 215 Lighthouse Avenue, Cape May Point New Jersey, 08204.

What Is Affordable Housing?

Affordable housing, unlike market-rate housing, is subject to affordability controls that restrict the price for a specified duration as mandated by relevant regulations. This duration typically spans 30 years or more. A rental unit is considered "affordable" under State regulations if the household pays 35% or less of its gross income on housing costs. In age-restricted units, households can spend up to 40% of their household income on housing expenses. Regulations for ownership, or for sale affordable housing, permit buyers to spend up to 33% of their gross household income on housing expenses.

Housing expenses are defined differently for ownership (for sale) affordable housing and rental housing. In the case of ownership (for sale) affordable housing expenses are defined as:

- Primary mortgage principal and interest;
- Local real estate taxes;
- Condominium or association dues, if any; and
- Homeowners insurance.

The following constitutes housing expenses for rental units:

- Rent; and
- Tenant-paid utilities.

Affordable housing is priced to be affordable to households earning up to 80% of the regional area median income by household size.

Who Qualifies for Affordable Housing?

To be eligible for affordable housing in New Jersey, a household's income must be below the income limit for the region in which the affordable housing is located, either for low or moderate levels:

- A **moderate-income household** earns between 50 percent and 80 percent of the area median income by household size.
- A **low-income household** is classified as earning less than 50 percent of the area median income by household size.
- The Fair Housing Act included an additional requirement for **very low-income households**, classified as earning less than 30 percent of the area median income by household size.

The 2008 New Jersey Fair Housing Act amendments require municipalities to provide at least 13% of affordable units post-2008 in their fair share plans to very low-income households earning 30 percent or less of median income by household size.

The six housing regions consist of up to four counties:

Region	Counties
1	Bergen, Hudson, Passaic, Sussex
2	Essex, Morris, Union, Warren
3	Hunterdon, Middlesex, Somerset
4	Mercer, Monmouth, Ocean
5	Burlington, Camden, Gloucester
6	Atlantic, Cape May, Cumberland, Salem

The Regional Income Limits Chart (Appendix A) provides income limits for each of the six housing regions. The Borough of Cape May Point is located in Region 6. Median incomes, and therefore income limits, differ by Region. Income limits are updated annually in the Spring of each year.

Applicants do not have to currently live in the region they are interested in applying to, for an affordable unit. An applicant's income qualification is determined by the Regional Income Limits for where the unit is located rather than where the applicant currently lives.

Applying for Borough of Cape May Point's Affordable Housing

The Borough of Cape May Point uses a pre-application and full application model to identify potential tenants and owners for its affordable housing. The pre-application collects basic information that allows the Administrative Agent to “test” an applicant against an available unit. Specifically, the household size is compared against the bedroom count, and income is compared to the unit’s housing expenses. The full application collects information on each household member, including details on income, assets, debt, and employment. Applicants must also submit documents, including bank account statements, tax returns, and pay stubs.

Other Affordable Housing Programs and Opportunities

A wide variety of organizations and agencies administer affordable housing. Under the Fair Housing Act’s jurisdiction, each New Jersey community has a Municipal Housing Liaison responsible for helping the local affordable housing program. Individuals interested in applying for affordable housing should contact the Municipal Housing Liaison in the community they are interested in living in. Some communities administer their affordable housing and have their own application process. If not, the Municipal Housing Liaison can direct applicants to developers, nonprofit agencies, State agencies, or consultants that may administer affordable housing within the community.

The ***New Jersey Housing and Mortgage Finance Agency*** has established New Jersey’s Housing Resource Center, an online, searchable database of affordable housing in the State. The Housing Resource Center provides a listing of available, affordable housing. Available units are listed with contact and application information. Visit the Housing Resource Center at www.njhrc.gov.

The ***Affordable Housing Professionals of New Jersey*** maintains a web page with a comprehensive list of affordable housing opportunities in New Jersey. Please visit <https://ahpnj.org/housing-search> for more information.

Fair Housing and Equal Housing Opportunities

It is unlawful to discriminate against any person making an application to buy or rent a home with regard to race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments.

For more information on discrimination or if anyone feels they are a victim of discrimination, please get in touch with the New Jersey Division on Civil Rights at 1-866-405-3050 or <https://www.njoag.gov/about/divisions-and-offices/division-on-civil-rights-home/>.

AFFIRMATIVE MARKETING

Overview of the Requirements of an Affirmative Marketing Plan

All affordable units are required to be affirmatively marketed using the Affirmative Marketing Plan. An Affirmative Marketing Plan is a regional marketing strategy designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Plan are to identify households who are least likely to apply for affordable housing and to target households throughout the entire housing region in which the units are located.

Every Affirmative Marketing Plan must include all of the following:

- Publication of at least one advertisement in a newspaper of general circulation within the housing region; and
- Publication on at least one housing search website, plus one additional digital strategy such as digital paid ads, social media or an additional housing search website.
- At least one additional regional marketing strategy, such as advertisement in a local publication, mailings to major employer(s), or community and regional organizations such as non-profit, religious, and civic organizations.

Online Advertising

To comply with the rules of the Fair Housing Act the developer, owner, or Administrative Agent of affordable units must affirmatively market units through newspaper, outreach and digital strategies. To stay current with changes in technology and how the public searches for housing, the owner, developer, property manager, or other administrative entity will be required to post rental units onto the NJHMFA's Housing Resource Center (HRC) under P.L. 2020, c.51, effective November 1, 2020. Any affordable units listed for the first time, existing units expected to become available, and opened waiting lists for current and future units must be listed on the HRC. All postings should include a link to an online fillable pre-application or downloadable application and information on obtaining a paper application.

For each affordable housing rental opportunity within the Borough, the Affirmative Marketing Plan must include the following information:

- The address of the project and development name, if any
- The number of rental units
- The price ranges of the rental units
- The number of bedrooms in the units
- The name and contact information of the Administrative Agent,

- A description of the Random Selection method that will be used to select applicants for affordable housing and the date on which the first Random Selection will be conducted.
- Disclosure of required application fees, if any.

Advertisements must contain the following information for each affordable housing ownership opportunity:

- The location of and directions to the units
- A range of prices for the housing units
- The number of bedrooms in the units
- The maximum income permitted to qualify for the housing units
- The locations of applications for the housing units
- The website where interested households may complete a pre-application
- The name and contact information of the Administrative Agent
- A description of the Random Selection method that will be used to select applicants for affordable housing and the date on which the first Random Selection will be conducted.

It is also recommended that the following information be included in the advertisements:

- Last date applications will be accepted
- A statement concerning the availability of credit, budget, and homeownership counseling services
- If already adopted by ordinance, a statement concerning regional or veteran preference.
- “Visit www.njhrc.gov for more affordable housing opportunities.”

Implementation of the Affirmative Marketing Plan

The affirmative marketing process for affordable units shall begin at least four months before expected occupancy. In implementing the marketing program, the Administrative Agent shall undertake all the strategies outlined in the Affirmative Marketing Plan. Advertising and outreach shall occur during the first week of the marketing program and each month after that until all the units have been rented. The Administrative Agent shall market and advertise each project separately during each project’s initial affirmative marketing. Applications for affordable housing shall be available in several locations through the Affirmative Marketing Plan. The period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

MATCHING HOUSEHOLDS WITH AVAILABLE UNITS

The Administrative Agent uses a two-step process to match available units with potential tenants and buyers of affordable homes. First, anyone interested in buying or renting an affordable unit must complete a pre-application. The pre-application is brief and designed to collect only the information necessary to assess a household's income and bedroom requirements for available units. Pre-applications may be submitted online or via paper.

Once a pre-applicant has been part of a random selection and has been potentially matched with an available unit, they will be required to complete a full application. The application (see Appendix C) collects detailed information on each household member, including their income, assets, and other information necessary to determine the household's eligibility according to the UHAC regulations.

The Random Selection Process

UHAC requires communities to include a "random selection" among interested applicants when an affordable housing unit is available. Random selection ensures "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." The initial Random Selection for a given project may be conducted no sooner than sixty (60) days following the start of the Affirmative Marketing Plan.

The Borough's Affirmative Marketing Plan (attached to this manual) details the specific steps of the random selection process.

Identifying Candidates for Available Units

The Administrative Agent will use the following process to test each applicant against the available unit(s) in the order of their random selection.

1. Regional Preference Test. Pre-applicants that live or work in Region 6 will be considered first as per the Borough's Affirmative Housing Ordinance establishing a preference for pre-applicants that live or work within the COAH Region.
2. Veteran Preference Test. If applicable to the available unit(s), pre-applicants who served in time of war or other emergency, as defined in section 1 of P.L.1963, c. 171 (C.54:4-8.10) and who apply within 90 days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units.
3. Bedroom Test. Next, the number of bedrooms in the available unit(s) will be tested against the random selection list. If the first pre-applicant qualifies for a unit with a different number of bedrooms, they will be skipped, and the next pre-applicant will be evaluated. Once a match is made between the available unit(s) and a pre-applicant, the following criteria will be tested.
4. Income Test. The first pre-applicant on the random selection list that meets the bedroom test will then be tested to ensure their reported income is sufficient to afford the housing expenses of the available unit. See **Maximum Monthly Expenses**.

5. If the database record for the pre-applicant is more than six months old, the AA will contact the pre-applicant to update their gross household income, household size, and bedroom requirement. Any changes will be made to the random selection list and the pre-applicant database.

Confirming the Interest of a Candidate

A pre-applicant that passes the Regional Preference, Veteran Preference (if applicable), Bedroom, and Income Tests is considered a viable candidate for the available unit and will be contacted to determine their interest in the available unit. The Administrative Agent will provide the candidate with essential information about the unit, including current rent (or sales price). Other information may include amenities, parking availability, HOA/association dues, real estate taxes, and potential availability date. If the candidate is interested in the unit, they will be instructed by the Administrative Agent to contact the Landlord, Property Manager, or seller of the unit to visit the unit. Prospective buyers must provide a mortgage pre-approval letter before visiting an available unit before they are referred to the seller to view the unit.

If the candidate is interested in moving forward after seeing the unit, the Administrative Agent will make the full application available. Prospective buyers and renters are given 48 hours to decide if they want to move forward after visiting an available unit. Before completing a full application, prospective tenants must first meet the Landlord's tenant selection criteria. The candidate will be instructed to complete the full application and attach all of the required source documents listed on the application.

Full Application & Income Certification Process

A pre-applicant who has confirmed their interest in buying or renting an available, affordable housing unit will be required to complete a full application. The household will be given ten (10) business days to complete the application and provide the required documentation listed in the application. Those documents include the following:

- Copies of photo IDs for all adults in the household
- Copies of social security cards for all members of the household
- Four (4) most recent consecutive pay stubs for each source of income for each working member of the household
- Three (3) most recent state and federal income tax returns with W-2s and all schedules
- Where applicable, proof of income from Welfare/Alimony/Child Support/Pension
- Where applicable, the most recent award letter for Social Security, SSI, SSD
- Checking and Savings Account statements for three (3) consecutive months for all bank accounts in the household

The application must be complete and signed before the Administrative Agent reviews an application. In addition, all applicable source documents are required before reviewing the application.

It may be necessary for the Administrative Agent to collect additional information and documentation from the applicant beyond the items listed above. The Administrative Agent will notify applicant households in writing of certification or denial within 20 days of the determination.

Once approved, a certified household for a rental unit will work with the leasing agent or landlord to sign the lease, pay the first month's rent and the security deposit, and receive the keys. Then, the certified household moves into the affordable rental unit.

Once approved, a certified household for an ownership unit will have a contract of sale drawn up and executed with the seller. Then, the certified household will move through the purchasing process to closing with the guidance of their lender and chosen title company.

See ***Household Certification*** for more information on how eligibility is determined.

HOUSEHOLD CERTIFICATION

Before any household can rent or buy an affordable unit, the Administrative Agent must certify the household as eligible. Certification of a household involves verifying two critical pieces of data: 1) Household size and composition, including gender, and 2) The total income and assets for all household members over 18 years of age. The certification process begins with the applicant completing an application and providing the required backup documentation. Once eligibility documents and data have been collected, the Administrative Agent can calculate the household's income.

Procedure for Income-Eligibility Certification

The Administrative Agent shall require each member of an applicant household who is 18 or older to provide documentation to verify their income. The household shall have ten (10) business days from the first notification to submit all required documents. Income verification documentation includes, but is not limited to, the following for every member of a household who is 18 years of age or older:

- Four (4) most recent consecutive pay stubs, including bonuses, overtime, or tips, or a letter from the employer stating the present annual income figure or, if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- Copies of Federal and State income tax returns and W2s for the preceding three (3) tax years.
- A letter or appropriate reporting form verifying monthly benefits, such as
 - Social Security
 - Unemployment
 - Welfare or TANF
 - Disability or Worker's compensation
 - Pension income
- A notarized letter, court order, or statement verifying any other sources of income claimed by the applicant, such as alimony or child support.
- Three (3) consecutive months of statements for all savings and checking accounts (bank statements and passbooks) and income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks, or bonds.
- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Other documentation that may be necessary to document any other source of income fully.

The following is a list of various types of wages, payments, rebates, and credits. Those considered as part of the household's income are listed under Income. Sources not considered part of the household's income are listed under Not Income.

Income

- Wages, salaries, tips, commissions
- Alimony
- Regularly scheduled overtime
- Pensions
- Social security
- Unemployment compensation
- Temporary Assistance to Needy Families (TANF)
- Verified regular child support
- Disability
- Net income from business or real estate
- Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
- Imputed interest (using a current average annual rate of two percent) from non-income-producing assets, such as equity in real estate. Rent from real estate is considered income after deducting any mortgage payments, taxes, and property owner's insurance.
- Rent from real estate is considered income
- Any other forms of regular income reported to the Internal Revenue Service

Not Income

- Income received on behalf of foster children
- Rebates or credits received under low-income energy assistance programs
- Food stamps
- Relocation assistance benefits
- Income of live-in attendants
- Scholarships
- Student loans
- Personal property such as automobiles, clothing, household items
- Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
- Part-time income of persons enrolled as full-time students
- Court-ordered payments for alimony or child support paid to another household shall be deducted from gross annual income

Student Income

Only the full-time income from a full-time job held by a full-time student is considered income. A full-time student is a household member enrolled in a degree-seeking program for 12 or more credit hours per semester. Part-time income is a job of less than a 35-hour per week.

The Real Estate Asset Limit

If an applicant's primary residence, has no mortgage debt and is valued at or above the regional asset limit as published annually by the Affordable Housing Professionals of New Jersey with the Annual Regional Income Limits Chart (see Appendix A), the household will be determined ineligible for certification.

However, if the applicant's existing monthly housing costs, including taxes, homeowner insurance, and condominium or homeowner association fees, exceed 38 percent of the household's eligible monthly income, the household will be exempt from the asset limit.

An applicant must provide a recent Market Value Appraisal or Realtor Comparative Market Analysis on the home they own unless the applicant has mortgage debt on the house or can demonstrate that the existing monthly housing costs exceed 38 percent of the household's eligible monthly income in which case the applicant is exempt from the asset limit.

Before obtaining a professional appraisal, the applicant should review the property's tax appraisal and current market value and compare them to the asset limit to avoid unnecessary expenses. For instance, if homes are commonly sold in the applicant's neighborhood for over \$250,000, it is unlikely that an appraisal will determine a value below the asset limit.

Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deducting any mortgage payments, real estate taxes, property owner insurance, and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Administrative Agent should determine the imputed interest from the property's value. The Administrative Agent should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Then, based on current money market rates, interest will be imputed on the determined value of the real estate. The imputed interest will be added to the household's annual income.

Maximum Monthly Expenses

The percentage of funds that a household can contribute toward housing expenses is limited. However, an applicant may qualify for an exception based on the household's current housing cost (see below). Therefore, the Administrative Agent will strive to place an applicant in a unit with a monthly housing cost equal to or less than the applicant's current housing cost.

Maximum Monthly Expenses for Tenants

A certified household cannot lease a restricted rental unit requiring more than 35 percent of the verified household income (40 percent for age-restricted units) to pay rent and utilities. However, at the discretion of the Administrative Agent, this limit may be exceeded if:

- The household currently pays more than 35 percent (40 percent for a household seeking an age-restricted unit) of its gross household income for rent, and the proposed rent will reduce the household's housing costs;

- 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;
- The household is currently in substandard or overcrowded living conditions;
- The household documents the existence of assets with which the household proposes to supplement the rent payments or
- The household documents proposed 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; and
- The household receives budget counseling.

Maximum Monthly Expenses for Owners

As per 5:80-26.7(b), 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 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.

If the housing expenses (principal, interest, real estate taxes, HOA/association dues, and homeowners' insurance) exceed 33% of an applicant's gross income, the Administrative Agent may exercise discretion permitted in 5:80-26.7(b). Specifically, the Administrative Agent may certify a low- or moderate-income household as eligible even though the unit's monthly housing cost would exceed the 33 percent level if the household obtains a firm mortgage loan commitment at the higher level from a licensed financial institution under terms consistent with the requirements of the New Jersey Home Ownership Security Act of 2002, N.J.S.A. 46:10B-22 et seq., including certification from a non-profit counselor approved by HUD or the New Jersey Department of Banking and Insurance that the borrower has received counseling on the advisability of the loan transaction.

Housing Counseling

The Administrative Agent is responsible for providing referrals for counseling as a part of the Affirmative Marketing Plan and during the application process. Although housing counseling is recommended, a household must only attend counseling if their monthly housing expense exceeds UHAC standards. A HUD-approved housing counseling agency, or one approved by the NJ Department of Banking and Insurance, meets UHAC's requirements for an experienced Housing Counseling Agency. If the Administrative Agent is not authorized by HUD or the NJ Department of Banking and Insurance, the Agent will make referrals to one of the HUD-approved housing counseling agencies in New Jersey. This counseling to low- and moderate-income housing applicants will focus on budgeting, credit issues, and mortgage qualification and is free of charge. A list of non-profit counselors approved by HUD and the New Jersey Department of

Banking and Insurance is included on DCA's website and is available from the Administrative Agent.

The Applicant Interview

The prospective applicant may meet with the Administrative Agent to review the certification and random selection processes in detail and ask any questions they may have about the project or the process. The Administrative Agent is prepared to complete the certification process via virtual meeting, telephone, mail, and email. If an interview is to be conducted, the Administrative Agent will attempt to achieve the following objectives:

- Confirm and update all information provided on the application.
- Explain program requirements, procedures for verifying information, and penalties for providing false information. Ask the head of household, co-head, spouse, and household members over 18 to sign the Authorization for Release of Information forms and other verification requests.
- Review the applicant's identification and financial information and documentation, ask questions to clarify the application information, and obtain any additional information needed to verify the household's income.
- Make sure the applicant has reported all sources for earned and benefit income and assets (including assets disposed of for less than fair market value in the past two years). In addition, the applicant must give a written certification as to whether any household member did or did not dispose of any assets for less than the fair market value during the past two years.

Approving or Rejecting a Household

Administrative Agents must notify applicant households of their eligibility within twenty (20) days of the Administrative Agent's determination. Households with a verified total household income that exceeds 80 percent of the current Regional Income Limit for the appropriate family size are ineligible to buy or rent an affordable unit. A letter rejecting the household's application shall be mailed or emailed to the household.

Similarly, households with a verified total household income that is within the income limits but too low to afford any units administered by the Administrative Agent shall be sent a letter rejecting the household's application and referring them to housing counseling.

Households with a verified total household income of less than 80 percent shall be issued a letter certifying eligibility. This certification is valid for 180 days. If the Administrative Agent cannot place the household in a restricted unit after 180 days, an extension may be granted once the household's eligibility is verified.

Once the applicant is certified and matched to an available unit, the Administrative Agent must secure from the applicant a signed and notarized acknowledgment of their requirements and responsibilities of renting or owning a restricted unit. In addition, UHAC's Disclosure Statement shall be forwarded to the applicants.

In addition to non-eligibility based on income, the Administrative Agent may deny certification because of the household's failure or inability to document household composition, income, assets, sufficient funds for a down payment, or any other required facts and information. A household may also be denied certification if the Administrative Agent determines the applicant made a willful or material misstatement of fact.

Dismissal of Applications

Applications can be dismissed for one or more of the following reasons:

- The application is not signed or submitted on time.
- The applicant commits fraud, or the application is not truthful or complete.
- The applicant cannot or does not provide documentation to verify their income or other required information when due.
- The household income does not meet a particular property's minimum or maximum income requirements.
- The applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit as published annually.
- The applicant fails to respond to any inquiry promptly.
- The applicant is non-cooperative or abusive with the staff, property manager, or landlord.
- The applicant changes address or other contact information without informing the Administrative Agent in writing.
- The applicant does not meet the credit standard or other lawful requirements set forth by managers of rental properties.
- The applicant fails to verify attendance in a credit counseling program when required to do so by the program rules.
- The applicant does not promptly respond to periodic update inquiries.
- The applicant fails to sign the Compliance Certification, Certificate for Applicant, and Lease Document, as may be required.
- The applicant, once approved, fails to sign the lease promptly.

Applicants who are dismissed must re-apply. A minimum period of six months applies where the applicant has been denied for fraud, uncooperative behavior, or other serious matters.

Applicants will be removed from the Borough's applicant pool once approved for an affordable unit. However, these applicants may re-apply for other opportunities in that Borough once they have occupied their unit.

Applicants are not removed from the applicant pool if they do not respond to a Notice of Availability.

ACCESSORY APARTMENT PROGRAM

The Borough of Cape May Point has established by ordinance, a program to allow the creation of at least one accessory apartment, provided the units are affordable to low-and moderate- income households. The first unit created was for a low income household. The ordinance allows an accessory apartment on one-family parcels of minimum size of 5,000 square feet to provide the opportunity for the development of affordable housing to meet the needs of the elderly, the young, persons of middle income, and the relatives or domestic employees of the owners of the principal residence. The following specific standards and limitations are set forth for such accessory apartment use: (See Appendix for Borough Ordinance)

a. Occupancy

- The owner(s) of the one-family lot upon which the accessory apartment is to be located shall occupy and maintain as his or her legal full time residence at least one of the dwelling units on the lot.

b. Location of unit

- An accessory apartment may be located in the principal building or in an existing permitted accessory building, such as a barn or garage, and may include existing and/or expanded structure construction.
- There shall be no more than one accessory apartment permitted per one family building lot
- An accessory apartment is not permitted on any single lot where more than one dwelling unit already exists, regardless of whether the additional dwelling is a prior nonconforming dwelling unit or not.

a. Size

- The minimum floor area for an accessory apartment located within a principal structure shall be 300 square feet, but in no case shall it exceed 25% of the total floor area of the dwelling building.
- For an accessory apartment located in an existing accessory building, the minimum floor area shall also be 300 square feet.

b. Other requirements

- Exterior appearance – Accessory apartments shall have a separate distinct entry which does not detract from the character of the principal building.
- Off-street parking – two off street parking spaces must be provided for each dwelling unit on the property.
- Approval of utilities.
- The accessory apartment shall, for a period of at least 10 years from the date of the issuance of the initial certificate of occupancy, be rented only to low and moderate income households and rents must be affordable to low and moderate income

households. Prior to the issuance of a building permit, the applicant shall have entered into a Property Agreement with the Borough and recorded a deed restriction specifying the appropriate affordability controls for the units.

- The accessory apartment shall be affirmatively marketed to the housing region in accordance with COAH regulations and the Uniform Housing Affordability Controls at NJAC 5:80-26.1 et seq.
- Recorded deeds, declaration of covenants, and restrictions applied to the property upon which the accessory apartment is located running the land and limiting its subsequent rental or sale with the affordable housing requirements stated herein.
- Each accessory unit shall have living/sleeping space, cooking facilities, a kitchen sink and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two rooms, one of which shall be a full bathroom
- The accessory units shall have a separate door with direct access to the outdoors.

Program Administration

1. The Borough of Cape May Point has designated Triad Associates, Inc. as the administrative agency to administer the accessory apartment program. Triad Associates shall administer the program, in accordance with the terms of this Operating Manual, including advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, overseeing the securing of certificates of occupancy, qualifying properties, handling application forms, overseeing the filing deed restrictions, filing monitoring reports and affirmatively marketing the accessory apartment program
2. The Borough will provide home improvement grants to owners of properties in which accessory apartments are to be created. Grants for up to \$20,000 per unit, will be provided for moderate-income units; grants for up to \$40,000 per unit will be provided for low-income units and grants for up to \$90,000 per unit for very low-income units, to subsidize the physical creation of an accessory apartment conforming to the requirements of the ordinance and COAH requirements. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with the Borough insuring that the subsidy shall be used to create the accessory apartment and the apartment shall meet the requirements of this ordinance and COAH regulations.
3. The subsidy shall be paid in the following manner:
 - a. No more than half of the grant amount shall be paid to the property owner when upon the determination of the construction official the project has surpassed 50% of completion.
 - b. The remainder shall be paid once the certificate of occupancy has been issued; or
 - c. The full amount may be withheld by the Borough until the certificate of occupancy is issued
 - d. All work must documented with the appropriate bills/invoices

4. Applicants intending to create an accessory apartment shall submit to the Borough and to Triad Associates, the Administrative Agent, a sketch of floor plans showing the location of the unit, rough elevations showing the modification of any exterior building facade to which changes are proposed, and a site development sketch
5. The units shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:
 - a. Control periods for rental units (N.J.A.C. 5:80-26.11(a)); accessory apartments may have 10-year controls on affordability;
 - b. Bedroom distribution (N.J.A.C. 5:80-26.3 (b) and (c)); however, the ordinance shall not restrict the number of bedrooms per unit;
 - c. Low/moderate income split (N.J.A.C. 5:80-26.3(a)); subject to the provisions of (b) 2 above, accessory apartments shall be exempt from the requirement that at least 50 percent of the units created shall be affordable to households earning 50 percent or less of regional median income. In programs limited only to moderate income households, an equivalent number of housing units for low-income households shall be addressed through other mechanisms in the Fair Share Plan; and
 - d. Affordability average (N.J.A.C. 5:80-26.3(d) and (e)); however, the maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income;

Responsibilities of Owners of Accessory Apartments

When an owner is in the planning process for an affordable accessory apartment, she/he should contact Triad Associates, the Program Administrator. The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all related local ordinances – that have already been adopted by the municipality.

The Administrative Agent will secure from the owner, written acknowledgement that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Open and direct communication between the Owners of rental developments, the Municipal Housing Liaisons and the Administrative Agent is essential to ongoing administration of affordability controls. Although the Administrative Agent is required to serve as the primary point of contact with households, the Owner must provide the Municipal Housing Liaisons and Administrative Agent with information on vacancies. Owners of rental developments are also responsible for working with the Administrative Agent to ensure that the Municipal Housing Liaisons have all necessary information to complete the annual reporting.

Requirements and Process for Creating an Accessory Apartment

- Homeowners interested in creating an accessory apartment or making an existing accessory unit available for this program must read this manual and understand all of the requirements of owning and renting out an affordable housing unit.
- Prior to the issuance of a building permit, the applicant shall have entered into an Accessory Apartment Agreement with the borough and recorded a deed restriction specifying the appropriate affordability controls for the units.
- Upon submission of construction permits, the Municipal Building inspector shall conduct an initial inspection and forward plans for approval of apartment design.
- The property must have sufficient sewer and water capacity to service the proposed accessory apartment. This must be documented and kept on file by the Administrative Agent.
- A deed restriction stating the affordability controls will be recorded on the primary residence.
- Deed restrictions for accessory apartments in Borough of Cape May Point are for a period of no less than 10 years.
- The rent for the accessory apartment will be lower than market rate rents in the area to make it affordable for low- and/or moderate-income households. Households must be income-qualified by the Administrative Agent. Application for the apartment is open to the public, however the homeowner may establish reasonable criteria for the household selected to live in the unit.

Determining Affordable Rents

To determine the affordable rents the Administrative Agent uses the approved calculators.

Development Considerations and Compliance Issues

There are several regulations that must be considered from the development perspective before the rents of accessory apartments can be calculated. These requirements should be discussed at the first meeting between the Municipal Housing Liaisons, Administrative Agent and homeowner.

Number of Bedrooms. The number of bedrooms is a decision that must be made by the homeowner as there is no requirement for a certain number of bedrooms for accessory apartments. The homeowner must provide this information to the municipality and the Administrative Agent so that a rent may be established for the unit.

AFFORDABILITY ASSISTANCE

In accordance with N.J.A.C. 5:93-8.16, the Borough of Cape May Point will dedicate 30 percent of all development fees collected and interest earned towards a revolving Security Deposit Assistance Fund. An interest-free loan from the Affordable Housing Trust fund will be received by an income eligible renter with good credit standing who qualifies for a low- or moderate-income rental unit in the Borough's Accessory Apartment program as per the following guidelines:

The following sections describe the Borough's Affordability Assistance Program.

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

RESALE OF AFFORDABLE OWNERSHIP UNITS

When an Owner of a restricted unit wishes to sell, the sale must be processed through the Administrative Agent to ensure an appropriately sized income-eligible household purchases the unit and maintains the affordability controls. At the initial date of purchase, the Owner makes a certification regarding their understanding of this requirement.

Typically, the resale process begins when an Owner inquires about their unit's maximum resale price (MRP). At that time, the Administrative Agent provides the Owner with a "Notice of Intent to Sell" form and the written "Affordable Homes Resale Process" for owners wishing to sell an Affordable Unit.

Once the Owner/Seller returns the completed "Notice of Intent to Sell" form, the Administrative Agent will begin the outreach process.

The Administrative Agent uses the current applicant pool and conducts a random selection of the entire pool. Using the process described in ***Matching Households with Available Units*** section of this manual, the Administrative Agent will identify a candidate to purchase the available unit. Information on the available unit will be shared with the candidate. If the candidate is interested in the unit, they will be instructed to contact a mortgage lender for a pre-qualification. Once the pre-qualification letter is received, the Administrative Agent will refer the prospective buyer to the Owner/Seller to view the unit.

If the Buyer would like to proceed with the purchase, they will then be required to complete the full income eligibility application according to the process described in the ***Household Certification*** section of this manual. Once the buyer is certified, and if the Seller and Buyer agree on a sale price (not to exceed MRP) and other terms of the sale, they will be encouraged to have a contract of sale prepared and fully executed.

If the unit is not a 95/5-unit, the Buyer will be required to obtain an appraisal of the property with a market rate value. This value will be used to determine the recapture amount that is used in the Recapture Mortgage Note.

The Administrative Agent ensures that the Deed, Recapture Mortgage, Recapture Mortgage Note, and Disclosure Statement form are submitted to the closing agent as part of the closing package. The closing agent will be instructed to record the Deed and Recapture Mortgage immediately after closing. The Recapture Mortgage will be filed immediately behind the Buyer's permanent mortgage.

ROLES AND RESPONSIBILITIES

Key Roles

The **Municipal Housing Liaison (MHL)** is a Borough of Cape May Point full-time employee. The MHL serves as the main point of contact for residents, developers, and stakeholders interested in learning more about the Borough's efforts to create affordable housing. The Borough's Municipal Housing Liaison is:

215 Lighthouse Avenue
Cape May Point NJ 08212
Phone (609) 884-8468

The **Administrative Agent (AA)** is responsible for the overall administration of the Borough's affordable housing portfolio and various related affordable housing programs. The Borough's Administrative Agent is a private consultant:

Triad Associates
1301 W. Forest Grove Road, Bldg. 3
Vineland, NJ 08360
P: (856) 690-5749
F: (856) 690-5622
E: housing@triadincorporated.com
W: www.triadhousingprograms.com

Responsibilities of the Municipal Housing Liaison

The Municipal Housing Liaison is responsible for coordinating all the activities of the municipal government as it relates to the creation and administration of affordable housing units, in conjunction with the Borough's Affordable Housing Attorney, where appropriate (see **Responsibilities of the Affordable Housing Attorney**). The primary purpose of the Municipal Housing Liaison is to ensure that all affordable housing projects are established and administered according to applicable regulations. The duties of the Municipal Housing Liaison include the following:

- **Monitor the status of all restricted units in the Borough's Fair Share Plan.** Regardless of any arrangements the Borough may have with one or more Administrative Agents, it is the Municipal Housing Liaison's responsibility to know the status of all restricted units in the community.
- **Serve as the Borough's primary point of contact for all inquiries from the State, Administrative Agents, developers, affordable housing sponsors, owners, property managers, and interested households.** In addition, the Municipal Housing Liaison serves as the Borough's primary point of contact on affordable housing issues. Therefore, interested applicants should be provided with information on the types of affordable

units within the Borough, and where applicable, the name of the Administrative Agent who manages the units and the contact information for the Administrative Agent.

- **Compile, verify, and submit annual reporting.** Administrative Agents are responsible for collecting much of the data that is ultimately included in an annual monitoring report. However, the Municipal Housing Liaison's responsible for collecting and verifying this data and consolidating it into the annual report.
- **Coordinate meetings with Administrative Agents and Developers/Affordable Housing Sponsors/Owners.** When a new affordable unit or series of units is in the planning process, the Municipal Housing Liaison should coordinate a meeting between the Administrative Agent and the developer, affordable housing sponsor, or owner. This initial meeting aims to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all related local ordinances.

The Municipal Housing Liaison, in conjunction with the Affordable Housing Attorney, must have the affordable housing provisions of any Master Deed and Public Offering reviewed for consistency with UHAC regulations before they are recorded and submitted to DCA for approval.

Responsibilities of an Administrative Agent

The primary responsibility of an Administrative Agent is to establish and enforce affordability controls and ensure that units in their portfolio are rented to eligible households. Administrative Agents must:

- **Secure written acknowledgment from all developers, affordable housing sponsors, and owners that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.**
- **Create and adhere to an Operating Manual.** Administrative Agents are required to follow the policies and procedures of an Operating Manual, as applicable to the scope of services they have been contracted to perform.
- **Implement the Borough's Affirmative Marketing Plan.** The Administrative Agent, the developer, the affordable housing sponsor, or the owner could be responsible for implementing the Affirmative Marketing Plan adopted by the Borough. This responsibility should be discussed with the Municipal Housing Liaison, Administrative Agent, developer, affordable housing sponsor, or owner at the first meeting. Affirmative marketing includes conducting regional outreach and advertising for available affordable units. Advertising costs have been delegated to the developer in accordance with the Borough's adopted Affirmative Marketing Plan.
- **Accept applications from interested households.** Interested households will contact the Administrative Agent in response to marketing initiatives or by referral from the Municipal Housing Liaison. The Administrative Agent will supply applicants with applications, provide additional information on available units, and accept completed applications.

- **Conduct a random selection of applicants for the rental of restricted units.** The Administrative Agent is responsible for conducting the random selection in accordance with the Affirmative Marketing Plan and any related local ordinances and as described in the Operating Manual.
- **Create and maintain a pool of applicant households.** This includes contacting households in the applicant pool to determine continued interest and household size and income changes.
- **Determine the eligibility of households.** Collecting application materials and documentation from applicant households and analyzing it for eligibility is the responsibility of an Administrative Agent. A written determination of a household's eligibility must be provided within twenty (20) days of the Administrative Agent's determination of eligibility or non-eligibility. Whether or not the household is eligible for a unit, it is an Administrative Agent's responsibility to secure all information provided by the household in individual files and maintain strict confidentiality of all information regarding that household. In addition, an Administrative Agent is required to ensure that all certified applicants execute a Disclosure Statement acknowledging the rights and requirements of renting or owning an affordable unit.
- **Establish and maintain effective communication with property managers and landlords.** Property managers and landlords of restricted units should be instructed and regularly reminded that the Administrative Agent is their primary point of contact. The Administrative Agent must immediately inform all property managers and landlords of any changes to the Administrative Agent's contact information or business hours.

Property managers and landlords should be instructed to contact the Administrative Agent immediately:

- Immediately upon learning that an affordable rental unit will be vacated.
 - For review and approval of annual rental increases.
- **Provide annual notification of maximum rents.** Each year, when AHPNJ releases its low- and moderate-income limits, rental households must be notified of the new maximum rent that may be charged for their unit. The Administrative Agent's contact information must be included in the notification if the tenant is overcharged.
 - **Serve as the custodian of all legal documents.** An Administrative Agent is responsible for maintaining the originals of all legal instruments for the units in their portfolio. In addition, throughout the duration of a control period, an Administrative Agent must maintain a file containing its affordability control documents. This includes but is not limited to, the recorded Declarations of Covenants, Conditions, Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, and Recapture Mortgage Notes.
 - **Serve as the point of contact on all matters relating to affordability controls.** It is recommended that the Administrative Agent develop a system to be notified by lenders when a unit is at risk of foreclosure. In the event of a foreclosure, the Administrative Agent

should work with the foreclosing institution to ensure that the affordability controls are maintained. The Administrative Agent should seek the Borough attorney's counsel on legal matters threatening the durability of the affordability controls.

- **Provide annual activity reports to the Municipal Housing Liaison for use in the annual required monitoring report.** An Administrative Agent is responsible for collecting the reporting data on each unit in the Administrative Agent's portfolio.
- Maintain and distribute information on HUD-approved Housing Counseling Programs.

Responsibilities of the Affordable Housing Attorney

The Affordable Housing Attorney assists the Borough with developing, administering, and enforcing affordability controls, including but not limited to the following:

- Assisting the Municipal Housing Liaison with reviewing the affordable housing provisions of any Master Deed and Public Offering for consistency with UHAC regulations before they are recorded and submitted to DCA for approval.
- Providing all reasonable and necessary assistance to support the Administrative Agent's efforts to ensure compliance with the housing affordability controls, including reviewing legal documents and legal actions required on foreclosures and violations.

Responsibilities of Developers

When a new affordable unit or series of units is in the planning process, the affordable housing developer should contact the Municipal Housing Liaison, who shall coordinate a meeting with the Administrative Agent, where applicable, and the developer, affordable housing sponsor, or owner.

This initial meeting aims to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all related local ordinances- that the Borough has already adopted.

The Administrative Agent will secure from the developer written acknowledgment that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Responsibilities of Owners of Affordable Rental Units

Open and direct communication between the Owners of affordable rental units, the Municipal Housing Liaison, and the Administrative Agent is essential to the ongoing administration of affordability controls. Although the Administrative Agent is required to serve as the primary point of contact with households, the Owner must provide the Municipal Housing Liaison and Administrative Agent with information on vacancies. Owners of rental developments are also responsible for working with the Administrative Agent to ensure that the Municipal Housing Liaison has all the necessary information to complete the annual reporting.

Responsibilities of Landlords and Property Managers

Landlords and property managers must place a notice in all rental properties annually informing residents of the rent increase for the year and the contact information for the Administrative Agent.

VIOLATIONS, DEFAULTS, AND REMEDIES

In the event of a threatened breach of any of the regulations governing the affordable unit, the Borough of Cape May Point shall have all the remedies provided at law or equity, including the right to seek injunctive relief or specific performance, both parties recognize that it will cause irreparable harm to the Borough of Cape May Point, in light of the public policies outlined in the Fair Housing Act and the obligation for the provision of low- and moderate-income housing.

Upon the occurrence of a breach of any of the regulations governing the affordable units, the Borough of Cape May Point shall have all remedies provided at law or equity, including but not limited to foreclosure, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the rules, the entry on the premises, and specific performance.

Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the Commissioner of the Executive Director of the NJ Housing Mortgage and Finance Agency:

NJ HMFA
Executive Director
637 South Clinton Avenue
P.O. Box 18550
Trenton, NJ 08625

The Executive Director's written decision, which shall be made within 15 days of receipt of an appeal, shall be a final administrative action.

MAINTENANCE OF RECORDS AND APPLICANT FILES

Pursuant to NJAC 5:80-26.14(a)8, NJAC 5:80-26.15(c), and NJAC 5:80-26.17, the Administrative Agent must maintain current records, and outdated documents must be given to the Borough of Cape May Point for safe-keeping. A file must be created and held on each restricted unit for its control period.

Administrative Agents maintain detailed records on all marketing initiatives.

Files To Be Maintained on Every Applicant

The Administrative Agent will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will have, at a minimum:

- Application Form and all Source Documents
- Tenant/Purchaser Information Form
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility

Files To Be Maintained on Every Unit

The Administrative Agent will maintain files on every unit for the length of the affordability controls. The unit file will contain, at a minimum:

- Base rent or sales price
- Identification as low- or moderate-income
- Description of the number of bedrooms and physical layout
- Floor plan
- Application materials, verifications, and certifications of all present owners, pertinent correspondence
- Copy of lease
- Disclosure Statement

Files to Be Maintained on Every Project

The Administrative Agent will maintain files on every project for the length of the affordability controls. The project file will contain, at a minimum:

- Condominium Master Deed
- Condominium Public Offering
- Crediting Information
- Original deed restriction
- Affordability control documents, including Declarations of Covenants, Conditions, and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes, Disclosure Statement

Files To Be Maintained on The Applicant Pool

- Any changes to the applicant pool.
- Any action taken with regard to the applicant pool.
- Any activity that occurs that affects a particular applicant.
- Current information for all pre-applicants whose status is active in the applicant pool.

Monitoring

The information required for each unit includes but is not limited to the following:

- A Recorded Deed for each project
- Street Address
- Block/Lot/Qualifier/Unit Number
- Housing Type
- Income: Very Low/Low/Moderate
- Initial Rental Price
- % of affordability
- Bedroom Type
- Age-restricted
- Handicap accessible/adaptable
- Date of Certificate of occupancy
- Effective date of affordability controls
- Length of affordability controls (years)
- Date Affordability controls removed

Appendix A

REGIONAL INCOME LIMITS CHART



UHAC 2025 Affordable Housing Regional Income Limits by Household Size

Regional Income Limits

Region 1	Bergen, Hudson, Passaic, Sussex	Household Size											
		1 Person	1.5 Persons	2 Persons	2.5 Persons	3 Persons	4 Persons	4.5 Persons	5 Persons	6 Persons	7 Persons	8 Persons	
		Median	\$89,100	\$95,450	\$101,800	\$108,150	\$114,500	\$127,200	\$132,300	\$137,400	\$147,600	\$157,800	\$168,000
		Moderate (80%)	\$71,280	\$76,360	\$81,440	\$86,520	\$91,600	\$101,760	\$105,840	\$109,920	\$118,080	\$126,240	\$134,400
		Low (50%)	\$44,550	\$47,725	\$50,900	\$54,075	\$57,250	\$63,600	\$66,150	\$68,700	\$73,800	\$78,900	\$84,000
		Very Low (30%)	\$26,730	\$28,635	\$30,540	\$32,445	\$34,350	\$38,160	\$39,690	\$41,220	\$44,280	\$47,340	\$50,400

	Median	\$94,800	\$101,550	\$108,300	\$115,050	\$121,800	\$135,300	\$140,750	\$146,200	\$157,000	\$167,800	\$178,600
	Moderate (80%)	\$75,840	\$81,240	\$86,640	\$92,040	\$97,440	\$108,240	\$112,600	\$116,960	\$125,600	\$134,240	\$142,880
	Low (50%)	\$47,400	\$50,775	\$54,150	\$57,525	\$60,900	\$67,650	\$70,375	\$73,100	\$78,500	\$83,900	\$89,300
	Very Low (30%)	\$28,440	\$30,465	\$32,490	\$34,515	\$36,540	\$40,590	\$42,225	\$43,860	\$47,100	\$50,340	\$53,580

	Median	\$107,400	\$115,100	\$122,800	\$130,450	\$138,100	\$153,400	\$159,550	\$165,700	\$178,000	\$190,300	\$202,500
	Moderate (80%)	\$85,920	\$92,080	\$98,240	\$104,360	\$110,480	\$122,720	\$127,640	\$132,560	\$142,400	\$152,240	\$162,000
	Low (50%)	\$53,700	\$57,550	\$61,400	\$65,225	\$69,050	\$76,700	\$79,775	\$82,850	\$89,000	\$95,150	\$101,250
	Very Low (30%)	\$32,220	\$34,530	\$36,840	\$39,135	\$41,430	\$46,020	\$47,865	\$49,710	\$53,400	\$57,090	\$60,750

	Median	\$94,300	\$101,000	\$107,700	\$114,450	\$121,200	\$134,600	\$140,000	\$145,400	\$156,200	\$167,000	\$177,700
	Moderate (80%)	\$75,440	\$80,800	\$86,160	\$91,560	\$96,960	\$107,680	\$112,000	\$116,320	\$124,960	\$133,600	\$142,160
	Low (50%)	\$47,150	\$50,500	\$53,850	\$57,225	\$60,600	\$67,300	\$70,000	\$72,700	\$78,100	\$83,500	\$88,850
	Very Low (30%)	\$28,290	\$30,300	\$32,310	\$34,335	\$36,360	\$40,380	\$42,000	\$43,620	\$46,860	\$50,100	\$53,310

	Median	\$83,600	\$89,600	\$95,600	\$101,550	\$107,500	\$119,400	\$124,200	\$129,000	\$138,600	\$148,100	\$157,700
	Moderate (80%)	\$66,880	\$71,680	\$76,480	\$81,240	\$86,000	\$95,520	\$99,360	\$103,200	\$110,880	\$118,480	\$126,160
	Low (50%)	\$41,800	\$44,800	\$47,800	\$50,775	\$53,750	\$59,700	\$62,100	\$64,500	\$69,300	\$74,050	\$78,850
	Very Low (30%)	\$25,080	\$26,880	\$28,680	\$30,465	\$32,250	\$35,820	\$37,260	\$38,700	\$41,580	\$44,430	\$47,310

	Median	\$71,900	\$77,050	\$82,200	\$87,350	\$92,500	\$102,700	\$106,850	\$111,000	\$119,200	\$127,400	\$135,600
	Moderate (80%)	\$57,520	\$61,640	\$65,760	\$69,880	\$74,000	\$82,160	\$85,480	\$88,800	\$95,360	\$101,920	\$108,480
	Low (50%)	\$35,950	\$38,525	\$41,100	\$43,675	\$46,250	\$51,350	\$53,425	\$55,500	\$59,600	\$63,700	\$67,800
	Very Low (30%)	\$21,570	\$23,115	\$24,660	\$26,205	\$27,750	\$30,810	\$32,055	\$33,300	\$35,760	\$38,220	\$40,680

Bedroom Count	Household Size (Family)*	Household Size (Senior)**	Maximum Sale Price Increase***		Maximum Rent Increase****		Net Asset Limit*****	
			Region 1	Region 2	Statewide	Statewide	Statewide	Statewide
0BR	1 Person	1 Person	5.64%					\$300,000
1BR	1.5 Persons	1.5 Persons	4.55%					
2BR	3 Persons	2 Persons	4.92%					
3BR	4.5 Persons	2.5 Persons	3.50%					
4BR	6 Persons	N/A	4.10%					
			4.41%					

* N.J.A.C. 5:80-26.4(i).
** N.J.A.C. 5:80-26.4(j).
*** N.J.A.C. 5:80-26.7(c).
**** N.J.A.C. 5:80-26.13(b).
***** N.J.A.C. 5:80-26.17(b)3.

Appendix B

AFFIRMATIVE MARKETING PLAN





Borough of
Cape May Point

**Affirmative
Marketing
Plan**

**In Accordance with the Uniform
Housing Affordability Controls**



AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in (REGION 6)

I. APPLICANT AND PROJECT INFORMATION

Section 1 is completed individually for all developments or programs within the municipality.

1a. Administrative Agent Name, Address, Phone Number Triad Associates 1301 W. Forest Grove Road Vineland NJ 08360 856-690-9590	1b. Development or Program Name, Address, Phone Number Borough of Cape May Point PO Box 490 215 Lighthouse Avenue Cape May Point NJ 08212 PHONE (609) 884-8468 x 10
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✓ FOR RENT UNITS ✓ FOR SALE UNITS

Section 1 To Be Completed Separately for Each Project/Development

1c. Number of Affordable Units: TBD Number of Rental Units: TBD Number of For-Sale Units: TBD	1d. Price or Rental Range From: \$ To be Determined To: \$ To be Determined	1e. State and Federal Funding Sources (if any) None
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1f. ✓ Age Restricted ✓ Non-Age Restricted	1g. Advertising: To be Determined Occupancy: To be Determined Lottery Date: To be Determined for Each Project
1h. County CAPE MAY, ATLANTIC, CUMBERLAND & SALEM	1i. Census Tract(s):

1j. Managing/Sales Agent's Name, Address, Phone Number To be Determined for Each Project
1k. Application Fees (if any): Application fee, Credit Screening and Check Fees may apply. Each landlord to establish application fees and rental criteria.



AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in (REGION 6)

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

II. RANDOM SELECTION

1. Description of the random selection process that will be used once applications are received.

INITIAL RANDOMIZATION

The Affirmative Marketing period begins when the applicant waitlist opens, and a property is posted on the NJHRC website. During this 120 day period, the property is advertised and interested applicants have the opportunity to submit Preliminary Applications. After a minimum of 60 days from the date that the affirmative marketing period begins, a lottery randomization takes place, which will establish the applicant waitlist. The lottery date will be included in all affirmative marketing materials.

All applicants are included in the lottery and randomized regardless of household size or desired number of bedrooms. The process is as follows:

The lottery will be conducted by the Administrative Agent with at least two professionals present. The applicant pool will include all applicants who have applied. The Administrative Agent will utilize a computer program to randomly assign a number, which will then become the applicant's lottery number.

When a unit becomes available, the Administrative Agent will identify the applicants that match the number of bedrooms and affordability (very low, low, or moderate income). Those who work or live in Region 6 will be given preference and contacted for the unit first. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised. If a veteran's preference is in effect, the veterans will be offered the unit prior to the general applicant pool.

Preliminary Applications received after the lottery date will be added to the applicant pool in the order they were received.

If the applicant pool becomes close to being depleted, the Administrative Agent will conduct additional marketing until all units are filled.



III. MARKETING

3a. Direction of Marketing Activity:

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

3b. **HOUSING RESOURCE CENTER** (www.njhrc.gov) A free, online listing of affordable housing. Listed for the duration of the affirmative marketing process. Listing will be posted at minimum 60 days prior to lottery date.

3c. Commercial Media (required)

TARGETS ENTIRE HOUSING REGION 1

INTERNET ADVERTISING

<input checked="" type="checkbox"/>	Listed for the duration of the affirmative marketing process	Zillow/Social Media Sites	Statewide
<input checked="" type="checkbox"/>	Listed for the duration of the affirmative marketing process	Social media ads include "apply today" button that goes to the landing page for each listing	Borough of Cape May Point & Cape May County
<input checked="" type="checkbox"/>	Listed for the duration of the affirmative marketing process	NJHRC.gov and Triadhousingprograms.com	Statewide
<input checked="" type="checkbox"/>	Listed for a 1 week period at the time of print publication	A digital ad in combination with print advertising	Regional

TARGETS PARTIAL HOUSING REGION 1

DAILY NEWSPAPERS

<input checked="" type="checkbox"/>	One display ad beginning at the start of the marketing process & press release	The Cape May Star & Wave	cmstarwave@comcast.net
<input checked="" type="checkbox"/>	Press release	Cape May County Herald	admin@cmcherald.com
<input checked="" type="checkbox"/>	Press release	Press of Atlantic City	newstips@pressofac.com



REGIONAL NEWSPAPERS

✓	Press release	NJ.COM Regional	press@njnpublishing.com
✓	Press release	The Gazette of Cape May County	newstips@pressofac.com
✓	Press release	Ocean City Sentinel	oceancitysentinel@comcast.net
✓	Press release	Reminder Newspaper Millville	Editor@ReminderNewspaper.net

3d. Direct Mail and Email Outreach - Companies and community organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing.

TARGETS ENTIRE HOUSING REGION 1

✓	Flyers to be mailed	Cape May County Social Services	3801 US-9 Unit 4, Rio Grande, NJ 08242
✓	Flyers to be mailed	Atlantic County Social Services	1333 Atlantic Avenue Atlantic City, NJ 08401-8297
✓	Flyers to be mailed	Cumberland County Social Services	275 North Delsea Dr. Vineland, NJ 08360-3607
✓	Flyers to be mailed	Salem County Social Services	147 South Virginia Avenue Penns Grove, NJ 08069-1797
✓	Flyers to be mailed	Catholic Charities	1304 Rt. 47 South, Unit C1 P.O. Box 232 Rio Grande, NJ 08242
✓	Flyers to be mailed	Latino Action Network	Freehold, NJ, United States, 07728
✓	Flyers to be mailed	NAACP Conference	4326 Harbor Beach Blvd. #775 Brigantine, NJ 08203
✓	Flyers to be mailed	Cape May County NAACP	PO Box 932 Cape May Court House 08210
✓	Flyers to be mailed	Cumberland County NAACP	PO Box 744 Vineland 08360
✓	Flyers to be mailed	Atlantic County NAACP	PO Box 1977 Atlantic City 08404
✓	Flyers to be mailed	Salem County NAACP	396 Bailey Street Woodstown 08098
✓	Flyers to be mailed	Supportive Housing Association	185 Valley St, South Orange, NJ 07079
✓	Flyers to be mailed	Fair Share Housing Development	1 Ethel Lawrence Blvd, Mt Laurel Township, NJ 08054
✓	Flyers to be mailed	Fair Share Housing Center	510 Park Blvd, Cherry Hill, NJ 08002
✓	Flyers to be mailed	Tri-County Community Action Partnership	110 Cohansey Street, Bridgeton
✓	Flyers to be mailed	Anti-Poverty Network of NJ	272 Dunns Mill Road, Acme Commons Center, #327, Bordentown, NJ 08505

Borough of
Cape May Point

✓	<i>Flyers to be mailed</i>	DCA Rental Assistance	20 Market St, Camden, NJ 08102
✓	<i>Flyers to be mailed</i>	American Red Cross	850 N. Franklin Avenue Pleasantville, NJ 08232
✓	<i>Flyers to be mailed</i>	Bethel Commandment Church	1717 Bishop Richard Allen Avenue in Atlantic City, New Jersey
✓	<i>Flyers to be mailed</i>	Coalition Against Rape & Abuse, Inc.	P.O. BOX 774 Cape May Court House, NJ 08210-0774
✓	<i>Flyers to be mailed</i>	Family Promise	505 Townbank Rd. North Cape May, NJ 08204
✓	<i>Flyers to be mailed</i>	Holy Spirit Lutheran Church	1220 BAYSHORE ROAD, VILLAS, NJ 08251
✓	<i>Flyers to be mailed</i>	Jewish Family Services of Atlantic and Cape May Counties	1129 South Route 9 Suite 7 Cape May Court House, NJ 08210
✓	<i>Flyers to be mailed</i>	St. Barnabas By the Bay Episcopal Church	13 West Bates Avenue, Villas, New Jersey 08251
✓	<i>Flyers to be mailed</i>	United Way of Cape May County	1000 W. Washington Ave 3rd floor - Press of AC building Pleasantville, NJ 08232
✓	<i>Flyers to be mailed</i>	Cape Assist	3819 New Jersey Avenue Wildwood, NJ 08260
✓	<i>Flyers to be mailed</i>	Fair Share Housing Center	info@fairsharehousing.org
✓	<i>Flyers to be mailed</i>	NAACP New Jersey	15 W Front St, Trenton, NJ 08608
✓	<i>Flyers to be mailed</i>	Cape Counseling Services	128 Crest Haven Rd Cape May Court House, NJ 08210
✓	<i>Flyers to be mailed</i>	Cape May County Aging & Disability Resource Connection	Social Services Building 4005 Route 9 S Rio Grande, NJ 08242
✓	<i>Flyers to be mailed</i>	Cape May County Discount Prescription Card	4 Moore Road Cape May Court House, NJ 08210
✓	<i>Flyers to be mailed</i>	Caring for Kids	31 E Mechanic St Cape May Court House, NJ 08210
✓	<i>Flyers to be mailed</i>	Supportive Housing Association of NJ	185 Valley St, South Orange, NJ 07079
✓	<i>Flyers to be mailed</i>	Families Matter Behavioral Health Services	899 Bayshore Road, Villas, NJ 08251
✓	<i>Flyers to be mailed</i>	Puerto Rican Action Committee	114 EAST MAIN ST PENNS GROVE NJ 08069
✓	<i>Flyers to be mailed</i>	Veterans Multi-Service Center	415 N. High Street Millville, NJ 08332
✓	<i>Flyers to be mailed</i>	New Jersey Citizen Action	75 Raritan Avenue, Suite 200 Highland Park, NJ 08904



IV. APPLICATION FLYERS

Application instructions for affordable housing for affordable units will be available at the following locations:

4a. County Administration Buildings and/or Libraries for all counties in the housing region.

	BUILDING	LOCATION
✓	Cape May County Administration Building	4 Moore Road, Cape May Court House, NJ 08210
✓	Atlantic County Administration Building	1333 Atlantic Avenue, Atlantic City, NJ 08401
✓	Cumberland County Administration Building	164 W. Broad St., Bridgeton, NJ 08302
✓	Salem County Administration Building	110 Fifth Street, Salem, NJ 08079
✓	Cape May County Main Library	30 Mechanic Street, Cape May Courthouse, NJ
✓	Atlantic County	5901 Main Street, Mays Landing, NJ 08330 (609) 625-4011
✓	Cumberland County Library	800 East Commerce Street, Bridgeton, NJ 08302
✓	Salem County Library	12 W. Broadway, Salem, NJ 08079 (856).935.0526

4b. Municipality in which the units are located:

Borough of Cape May Point, Attn: Municipal Housing Liaison PO Box 490 215 Lighthouse Avenue Cape May Point New Jersey
City of Cape May Public Library 110 Ocean Street Cape May, NJ 08204

4c. Sales/Rental Office for units (if applicable)

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V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding.

Susan DiBiasio
Susan DiBiasio, Triad Associates

5/5/25
May 5, 2025

Appendix C

HUD APPROVED COUNSELING AGENCIES



HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY – as of 4/30/2025

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
ATLANTIC	CONSUMER CREDIT AND BUDGET COUNSELING; DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 609-390-9652 Fax: 609-390-9653 E-mail: help@cc-bc.com Web: www.cc-bc.com Agency ID: 81557	299 South Shore Rd. MARMORA, New Jersey 08223	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
BERGEN	COUNTY OF BERGEN, DEPARTMENT OF HUMAN SERVICES, DIVISION OF SENIOR SERVICES	Phone: 201-336-7431 E-mail: senior@co.bergen.nj.us Web: www.co.bergen.nj.us Agency ID: 80398	1 Bergen County Plz Division Senior Services, Floor 2 HACKENSACK, New Jersey 07601	<ul style="list-style-type: none"> - Mortgage Delinquency and Default Resolution Counseling - Reverse Mortgage Counseling 	<ul style="list-style-type: none"> - English
BERGEN	FAIR HOUSING COUNCIL OF NORTHERN NEW JERSEY	Phone: 201-489-3552 E-mail: info@fairhousingnj.org Web: www.fairhousingnj.org Agency ID: 80399	131 Main St Ste 140 HACKENSACK, New Jersey 07601	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Rental Housing Counseling 	<ul style="list-style-type: none"> - English - Spanish
BERGEN	GREATER BERGEN COMMUNITY ACTION, INC.	Phone: 201-968-0200 Fax: 201-342-9339 E-mail: info@greaterbergen.org Web: www.greaterbergen.org Agency ID: 84293	392 Main St HACKENSACK, New Jersey 07601	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Home Improvement and Rehabilitation Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
BURLINGTON	BURLINGTON COUNTY COMMUNITY ACTION PROGRAM	Phone: 609-835-4329 option 2 Fax: 609-835-9607 E-mail: housing@bccap.org Web: www.bccap.org Agency ID: 81842	One Van Sciver Parkway WILLINGBORO, New Jersey 08046	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Rental Housing Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English
CAMDEN	SENIOR CITIZENS UNITED COMMUNITY SERVICES OF CAMDEN COUNTY, INC.	Phone: 856-456-1121 E-mail: scucs@scucs.org Web: www.scucs.org Agency ID: 80409	537 W Nicholson Rd AUDUBON, New Jersey 08106	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Pre-purchase Counseling - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY – as of 4/30/2025

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
CAMDEN	NEIGHBORHOOD HOUSING SERVICES OF CAMDEN, INC	Phone: 856-541-0720 Fax: 856-541-8440 E-mail: info@nhscamden.org Web: www.nhscamden.org Agency ID: 80892	601-603 Clinton Street CAMDEN, New Jersey 08103	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - First Time Homebuyer Grant Program 	<ul style="list-style-type: none"> - English - Spanish - Vietnamese
CAMDEN	PARKSIDE BUSINESS AND COMMUNITY IN PARTNERSHIP, INC.	Phone: 856-964-0440 Fax: 856-964-3664 E-mail: MDiaz@pbcip.org Web: www.pbcip.org Agency ID: 83501	1487 Kenwood Avenue CAMDEN, New Jersey 08103	<ul style="list-style-type: none"> - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops 	<ul style="list-style-type: none"> - English
CAMDEN	ST. JOSEPH'S CARPENTER SOCIETY	Phone: 856-966-8117 Fax: 856-342-7289 E-mail: info@sjscamden.org Web: www.sjscamden.org Agency ID: 84308	20 Church St CAMDEN, New Jersey 08105	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Counseling 	<ul style="list-style-type: none"> - English - Spanish
CAMDEN	CCCS OF DELAWARE VALLEY, INC. DBA CLARIFI	Phone: 800-989-2227 Toll-free: 800-989-2227 Fax: 215-563-7020 E-mail: customerservice@clarifi.org Web: www.clarifi.org Agency ID: 82100	1060 Kings Highway N Suite 315 CHERRY HILL, New Jersey 08034	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Home Repairs 	<ul style="list-style-type: none"> - English
CAMDEN	GREENPATH FINANCIAL WELLNESS	Phone: 866-406-2062 Email: housingdepartment@greenpath.com Web: www.greenpath.org/housing Agency ID: 90542	1060 Kings Hwy N Suite 315 CHERRY HILL, New Jersey 08034	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling 	<ul style="list-style-type: none"> - English - Spanish

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY – as of 4/30/2025

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
CAMDEN	NEW JERSEY CITIZEN ACTION	Phone: 856-966-3091 Fax: 856-414-1054 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 81026	1040 Kings Highway Suite 308 CHERRY HILL, New Jersey 08034	- Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Free Tax Prep - Small landlord Education Program	- English - Spanish
CAPE MAY	CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 609-390-9652 Fax: 609-390-9653 E-mail: help@cc-bc.com Web: www.cc-bc.com Agency ID: 81557	299 South Shore Rd. MARMORA, New Jersey 08223	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling	- English - Spanish
CUMBERLAND	CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 609-390-9652 Fax: 609-390-9653 E-mail: help@cc-bc.com Web: www.cc-bc.com Agency ID: 81557	299 South Shore Rd. MARMORA, New Jersey 08223	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling	- English - Spanish
CUMBERLAND	NEW JERSEY CITIZEN ACTION	Phone: 856-966-3091 Toll-free: 800-656-9637 Fax: 856-414-1054 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 81026	1040 Kings Highway Suite 308 CHERRY HILL, New Jersey 08034	- Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling	- English - Spanish
ESSEX	HOMES OF MONTCLAIR ECUMENICAL CORP. (HOMECORP)	Phone: 973-744-4141 Fax: 973-744-5333 E-mail: info@homecorp.org Web: www.homecorp.org Agency ID: 90058	17 Talbot St MONTCLAIR, New Jersey 07042	- Financial, Budgeting, and Credit Workshops - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY – as of 4/30/2025

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
ESSEX	CONSUMER CREDIT AND BUDGET COUNSELING; DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 888-738-8233 Fax: 888-738-8234 E-mail: help@cc-bc.com Web: www.cc-bc.com Agency ID: 90224	299 South Shore Rd, US Route 9 South, Marmora, NJ 08223, US	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
ESSEX	CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEWARK	Phone: 973-596-4100 Fax: 973-676-0172 E-mail: mmorore@ccannj.org Web: www.ccannj.com Agency ID: 90020	590 North 7 th Street NEWARK, New Jersey 07107	<ul style="list-style-type: none"> - Rental Housing Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
ESSEX	LA CASA DE DON PEDRO	Phone: 973-482-8312 Fax: 973-485-9984 E-mail: info@lacasadonpedro.org Web: www.lacasanwk.org Agency ID: 84555	75 Park Ave, Newark, NJ 07104	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops 	<ul style="list-style-type: none"> - English - Spanish
ESSEX	NACA (NEIGHBORHOOD ASSISTANCE CORPORATION OF AMERICA)	Phone: 973-679-2601 Toll-free: 617-250-6222 (Headquartes) Fax: 877-329-6222 E-mail: N/A Web: https://www.naca.com Agency ID: 84368	60 Park Pl FI 15 S NEWARK, New Jersey 07102	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops 	<ul style="list-style-type: none"> - English - Other - Spanish
ESSEX	NEW COMMUNITY FEDERAL CREDIT UNION	Phone: 973-621-2363 Toll-free: 973-621-5624 Fax: 973-645-0252 E-mail: mulu@newcommunity.org info.fcu@newcommunity.org Web: www.newcommunityfcu.org Agency ID: 81161	274 S Orange Ave NEWARK, New Jersey 07103	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops 	<ul style="list-style-type: none"> - English - Hindi

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY – as of 4/30/2025

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
ESSEX	NEW JERSEY CITIZEN ACTION	Phone: 973-643-8800 Toll-free: 800-556-9637 Fax: 973-643-8100 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 80765	The Hahne's Building 625 Broad St Ste 270 NEWARK, New Jersey 07102	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops 	<ul style="list-style-type: none"> - English - Spanish
ESSEX	TRI-CITY PEOPLES CORPORATION	Phone: 973-675-4484 Fax: 862-930-3745 E-mail: tcaldwell@tri-citypeoples.org Web: www.tri-citypeoples.org Agency ID: 83474	The People's Center 675 S 19th St NEWARK, New Jersey 07103	<ul style="list-style-type: none"> - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English
ESSEX	URBAN LEAGUE OF ESSEX COUNTY	Phone: 973-624-9535 E-mail: info@ulec.org Web: www.ulec.org Agency ID: 83500	508 Central Ave NEWARK, New Jersey 07107	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
GLOUCESTER	CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 609-390-9652 Fax: 609-390-9653 E-mail: help@cc-bc.com Web: www.cc-bc.com Agency ID: 81557	299 South Shore Rd. MARMORA, New Jersey 08223	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish

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COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
GLOUCESTER	NEW JERSEY CITIZEN ACTION	Phone: 973-643-8800 Toll-free: 800-656-9637 Fax: 973-643-8100 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 81026	1040 Kings Highway Suite 308 CHERRY HILL, New Jersey 08034	<ul style="list-style-type: none"> - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling 	<ul style="list-style-type: none"> - English - Spanish
HUDSON	HUDSON COUNTY HOUSING RESOURCE CENTER, INC.	Phone: 201-795-5615 Fax: 201-795-1091 E-mail: info@hudsonhrc.org Web: https://hudsonhrc.org/ Agency ID: 84986	830 Bergen Ave Suite 1A JERSEY CITY, New Jersey 07306	<ul style="list-style-type: none"> - Rental Housing Counseling 	<ul style="list-style-type: none"> - ASL - English - Portuguese - Spanish
HUDSON	THE WATERFRONT PROJECT, INC.	Phone: 551-256-7578 Fax: 201-630-4313 E-mail: director@thewaterfrontproject.org Web: www.thewaterfrontproject.org Agency ID: 90239	830 Bergen Ave Suite 4A JERSEY CITY, New Jersey 07306	<ul style="list-style-type: none"> - Fair Housing - Financial Management - Pre-purchase Counseling - Post purchase Counseling - Rental Housing Counseling 	<ul style="list-style-type: none"> - English - Spanish
HUDSON	NORTH HUDSON COMMUNITY ACTION CORPORATION	Phone: 201-866-3140 E-mail: scastano@nhcac.org Web: www.nhcac.org Agency ID: 80255	407 39th Street Apt 2 UNION CITY, New Jersey 07087	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial, Budgeting, and Credit Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English
HUNTERDON	CENTRAL JERSEY HOUSING RESOURCE CENTER, INC.	Phone: 908-446-0036 E-mail: 2cjhrc@gmail.com Web: www.cjhrc.org Agency ID: 80650	92 E Main St Suite 407 SOMERVILLE, New Jersey 08876	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish

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COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
MERCER	ISLES, INCORPORATED	Phone: 609-341-4700/609-341-4783 Fax: 609-341-4783 E-mail: homehelp@isles.org Web: https://isles.org Agency ID: 80988	10 Wood St TRENTON, New Jersey 08618	<ul style="list-style-type: none"> - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Resolving/Preventing Mortgage Delinquency Workshops 	<ul style="list-style-type: none"> - Cantonese - English - Spanish
MIDDLESEX	NEW JERSEY CITIZEN ACTION	Phone: 732-246-4772 Toll-free: 800-656-9637 Fax: 732-214-8385 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 80769	75 Raritan Ave Ste 200 HIGHLAND PARK, New Jersey 07055	<ul style="list-style-type: none"> - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling 	<ul style="list-style-type: none"> - English - Spanish
MIDDLESEX	PUERTO RICAN ACTION BOARD, INC.	Phone: 732-832-7535 Fax: 732-832-7536 E-mail: Lilla@prab.org Web: www.prab.org Agency ID: 84236	754 Route 18, Suite 202 East Brunswick, NJ, 08816-5601	<ul style="list-style-type: none"> - Homebuyer Education and Counseling and Housing Counseling - Mortgage Counseling, Mortgage Assistance and Foreclosure Mediation - Landlord-Tenant Mediation - Housing Discrimination Prevention - Homelessness Prevention - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
MIDDLESEX	PUERTO RICAN ASSOCIATION FOR HUMAN DEVELOPMENT, INC.	Phone: 732-442-1081 Alternate Phone: 732-638-2800 Fax: 732-826-3082 E-mail: contact@prahd.org aivan@prahd.org Web: www.prahd.org Agency ID: 84906	100 First Street PERTH AMBOY, New Jersey 08861	<ul style="list-style-type: none"> - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops - Down Payment Assistance Program For Middlesex County, State Program 	<ul style="list-style-type: none"> - English - Spanish

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY – as of 4/30/2025

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
MIDDLESEX	THE HOUSING AUTHORITY OF THE CITY OF PERTH AMBOY	Phone: 732-826-3110-631 Fax: 732-826-3111 E-mail: ehill@perthamboyha.org Web: www.perthamboyha.org/ Agency ID: 83664	881 Amboy Avenue PO BOX 390 PERTH AMBOY, New Jersey 08861	<ul style="list-style-type: none"> - Financial Management/Budget Counseling (FSS participants) - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling 	<ul style="list-style-type: none"> - English - Other - Spanish
MONMOUTH	GARDEN STATE CONSUMER CREDIT COUNSELING, INC D/B/A NAVICORE SOLUTIONS	Phone: 732-409-6281 Toll-free: 866-472-4557 Fax: 732-863-5052 E-mail: housing@navicoresolutions.org Web: www.navicoresolutions.org Agency ID: 84870	200 US Highway 9 MANAPALAN, New Jersey 07726	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling 	<ul style="list-style-type: none"> - English - Spanish
MONMOUTH	AFFORDABLE HOUSING AUTHORITY	Phone: 732-389-2958 E-mail: info@housingall.org Web: www.housingall.org Agency ID: 82133	3535 Route 66 Parkway 100, Building 4 NEPTUNE, New Jersey 07753	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Resolving/Preventing Mortgage Delinquency Workshops - Reverse Mortgage Counseling 	<ul style="list-style-type: none"> - Czech - English - Polish - Spanish -Ukrainian
MONMOUTH	MONEY MANAGEMENT INTERNATIONAL	Phone: 732-747-2792 Toll-free: 866-232-9080 Fax: 866-921-5129 E-mail: counselinginfo@moneymanagement.org Web: www.moneymanagement.org Agency ID: 82645	309 Fellowship Rd. Suite 200 Mount Laurel, New Jersey, 08054	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Online Homebuyer courses 	<ul style="list-style-type: none"> - English - Spanish

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY – as of 4/30/2025

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
MONMOUTH	NAVICORE SOLUTIONS	Phone: (732) 409-6281 Email: housing@navicoresolutions.org Web: http://www.navicoresolutions.org Agency ID: 82226	200 US Highway 9 Manalapan, New Jersey, 07726	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Home Improvement and Rehabilitation Counseling - Non-Delinquency Post Purchase Workshops - Pre-Purchase Counseling - Pre-Purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling 	<ul style="list-style-type: none"> - English - Spanish
MORRIS	HOUSING PARTNERSHIP OF NEW JERSEY	Phone: 973-659-9222 Fax: 973-659-9220 E-mail: contact@hpnj.us Web: www.housingpartnershipnj.org Agency ID: 81648	2 E. Blackwell St Ste 12 DOVER, New Jersey 07801	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Financial Capability One on One Counseling - Financial Empowerment Workshop - Downpayment Assistance Loan Programs - CDFI Loan Program - Resolving/Preventing Mortgage Delinquency Workshops 	<ul style="list-style-type: none"> - English - Spanish
OCEAN	AFFORDABLE HOUSING ALLIANCE, INC. TOMS RIVER BRANCH OFFICE	Phone: 732-389-2958 / 732-341-2272 Fax: 732-240-3639 E-mail: info@housingall.org Web: www.housingall.org Agency ID: 90482	405 Washington Street TOMS RIVER, New Jersey 08753	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Reverse Mortgage Counseling 	<ul style="list-style-type: none"> - English - Spanish
OCEAN	OCEAN, INC. (COMMUNITY ACTION PARTNERSHIP)	Phone: 732-244-5333 X 1108 Fax: 732-288-2619 Email: sshepard@oceaninc.org Web: www.oceaninc.org Agency ID: 90545	40 Washington Street TOMS RIVER, New Jersey 08753	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Financial, Budgeting, and Credit Workshops - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops 	<ul style="list-style-type: none"> - English - Spanish

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY – as of 4/30/2025

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PASSAIC	HOUSING AUTHORITY OF THE CITY OF PATERSON	Phone: 973-345-5080 Fax: 973-977-9085 E-mail: www.patersonhousingauthority.org Agency ID: 81792	60 Van Houten St PO BOX H PATERSON, New Jersey 07505	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops 	<ul style="list-style-type: none"> - English - Spanish
PASSAIC	PATERSON TASK FORCE FOR COMMUNITY ACTION. INC	Phone: (973) 279-2333 ext.134 Email: dnicholson@patersontaskforce.com Website: http://www.patersontaskforce.com Agency ID: 80404	191 Market Street Paterson, New Jersey, 07505	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial, Budgeting, and Credit Workshops - Mortgage Delinquency and Default Resolution Counseling - Pre-Purchase Counseling - Pre-Purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshop 	<ul style="list-style-type: none"> - English
SALEM	CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 866-403-7798 Toll-free: 888-738-8233 Fax: 888-738-8234 E-mail: help@cc-bc.com Web: www.cc-bc.com Agency ID: 81557	299 S Shore Rd. US Route 9 So MARMORA, New Jersey 08223	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
SALEM	NEW JERSEY CITIZEN ACTION	Phone: 856-966-3091 Toll-free: 800-656-9637 Fax: 856-414-1054 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 81026	1040 Kings Highway Suite 308 CHERRY HILL, New Jersey 08034	<ul style="list-style-type: none"> - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling 	<ul style="list-style-type: none"> - English - Spanish
SOMERSET	CENTRAL JERSEY HOUSING RESOURCE CENTER, INC.	Phone: 908-446-0036 E-mail: 2cjhr@gmail.com Web: www.cjhr.org Agency ID: 80650	92 E Main St Suite 407 SOMERVILLE, New Jersey 08876	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish

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COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
SUSSEX	CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 609-390-9652 Toll-free: 888-738-8233 Fax: 888-738-8234 E-mail: help@cc-bc.com/ rgaraves@nfdm.org Web: www.cc-bc.com Agency ID: 90224	26 Park St. MONTCLAIR, New Jersey 07042	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
SUSSEX	NEW JERSEY CITIZEN ACTION	Phone: 973-643-8800 Toll-free: 800-656-9637 Fax: 973-643-8100 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 80765	625 Broad St Ste 270 NEWARK, New Jersey 07102	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops 	<ul style="list-style-type: none"> - English - Spanish
UNION	URBAN LEAGUE OF UNION COUNTY	Phone: 908-351-7200 Email: UrbanLeague@uloucnj.org Web: www.uloucnj.org Agency ID: 80403	1139 E Jersey St Ste 515 ELIZABETH, New Jersey 07201	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Financial, Budgeting, and Credit Workshops - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Resolving/Preventing Mortgage Delinquency Workshops - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
UNION	NID-HCA PLAINFIELD	Phone: 908-941-1112 833-364-3422 E-mail: MuhammadM@nidhousing.com Web: www.nidhousing.com Agency ID: 90527	311 Park Ave PLAINFIELD, New Jersey 07060	<ul style="list-style-type: none"> - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Resolving/Preventing Mortgage Delinquency Workshops - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English

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COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
WARREN	NEW JERSEY CITIZEN ACTION	Phone: 973-643-8800 Toll-free: 800-656-9637 Fax: 973-643-8100 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 80765	625 Broad St Ste 270 NEWARK, New Jersey 07102	- Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops	- English - Spanish

People living in counties not listed here, should go to the nearest location in their housing region:

aa 04/30/25.

Region 1: Bergen, Hudson, Passaic and Sussex

Region 3: Hunterdon, Middlesex and Somerset

Region 5: Burlington, Camden and Gloucester

Region 2: Essex, Morris, Union and Warren

Region 4: Mercer, Monmouth and Ocean

Region 6: Atlantic, Cape May, Cumberland and Salem

The information listed here is from www.HUD.gov. This list is updated

Appendix C

ARCHIVE MANAGEMENT



STATE OF NEW JERSEY



MUNICIPAL HOUSING AND DEVELOPMENT

M5000000-002

Records Retention and Disposition Schedule			Agency: M500000		Schedule: 002		Page #:1 of 8	
Department:		MUNICIPAL HOUSING AND DEVELOPMENT			Agency Representative:		BARBARA WALSH	
Division:					Title:		DIRECTOR	
Bureau:					Phone #:			
SCHEDULE APPROVAL: Unless in litigation, the records covered by this schedule, upon expiration of their retention periods, will be deemed to have no continuing value to the State of New Jersey and will be disposed of as indicated in accordance with the law and regulations of the State Records Committee. This schedule will become effective on the date approved by the State Records Committee.								
Agency Representative Signature:			Date:		Secretary, State Records Committee Signature:			
Record Series #	Record Title and Description				Retention Policy Total Retention Period Minimum Period in Agency		Disposition	Citation
					Confidential			
					Vital Record			
					Archival Review			
					Alternate Media			
					Audit			
	Director's Office							
0001-0000	Project File				X	X	10 Years After completion of construction	Destroy
0002-0000	Blueprints and Maps					X	10 Years After completion of construction	Destroy
0003-0000	Federal Grant File --- File contains but is not limited to Federal Grant Agreements, financial records, statistical records, and supporting documentation.				X			
0003-0001	Federal Grant File - Agreements --- File contains but is not limited to Federal Grant Agreements, financial records, statistical records, and supporting documentation.				X		6 Years After termination of grant	Destroy
0003-0002	Federal Grant File - Supporting Documentation, Financial Records, and Statistical Records --- File contains but is not limited to Federal Grant Agreements, financial records, statistical records, and supporting documentation.						6 Years After termination of grant	Destroy

Records Retention and Disposition Schedule				Agency: M500000		Schedule: 002		Page #:2 of 8	
Record Series #	Record Title and Description	Retention Policy				Disposition	Citation		
		Total Retention Period	Confidential	Vital Record	Archival Review			Alternate Media	Audit
	Economic Development								
0050-0000	Economic Development Studies and Surveys	Permanent						Retain at Agency	
0051-0000	Urban Renewal File - Economic Development	10 Years After completion of construction						Destroy	
	Neighborhood Development								
0120-0000	Affordable Housing Project File --- File contains but is not limited to the following: Documentation from the Developer including Developer Certifications, Planned Real Estate Development (PRED) Public Offering Statement, deed, municipal land use approval and/or grant contract, project total number of units, total number of affordable units, total number of very-low, low-, and/or moderate-income units, number of units by bedroom distribution by very-low, low- and/or moderate income, floor plans, project maps, list of project principals or partners, project construction schedule, proposed pricing, list of public funding sources, grant agreement (copies), loan agreement (copies), condominium or homeowner fees, real estate taxes, utilities, flood insurance, contact information, rental lease agreement, Planning Zoning Board Resolutions (copies), Condominium/Homeowner Association or Rental Project Recorded files, Affirmative Marketing Plans and Advertisements, and Cost of Advertising records.	X	X					Destroy	
0120-0001	Affordable Housing Project File - Approved	Life of Deed restriction plus 10 yrs or Or Until Municipality Relinquishes Control Plus 10 Yrs						Destroy	

Records Retention and Disposition Schedule						Agency: M500000		Schedule: 002		Page #:3 of 8	
Record Series #	Record Title and Description	Audit	Alternate Media	Archival Review	Vital Record	Confidential	Retention Policy		Disposition	Citation	
							Total Retention Period	Minimum Period in Agency			
0120-0002	Affordable Housing Project File - Denied/Withdrawn						3 Years		Destroy		
0120-0003	Affordable Housing Project File - Referral List					P	3 Years After referral list is purged		Destroy		
0121-0000	Affordable Housing Application File --- File includes but not limited to preliminary and final applications, documentation, disclosures, appeals,extensions and correspondence.										
	Neighborhood Development										
0121-0001	Affordable Housing Application File - Certification Approved	X					3 Years After recorded discharge of mortgage or 3 yrs after expiration of lease		Destroy		
0121-0002	Affordable Housing Application File - Certification Denied Or Expired	X					3 Years		Destroy		
0122-0000	Affordable Housing Unit File --- File includes but is not limited to deeds with restrictions, recorded mortgages and notes, discharges, approved increases, correspondence, certifications, contracts, and leases.	X					Life of Deed restriction plus 10 yrs		Destroy		
0122-0001	Affordable Housing Unit File - Mailing Notification Of Responsibilities						3 Years After recorded discharge of mortgage or 3 yrs after expiration of lease		Destroy		

Records Retention and Disposition Schedule					Agency: M500000			Schedule: 002		Page #:5 of 8	
Record Series #	Record Title and Description	Retention Policy						Retention Policy		Disposition	Citation
		Audit	Alternate Media	Archival Review	Vital Record	Confidential	Total Retention Period	Minimum Period in Agency			
0153-0000	Green Acres Project File	X	X				Permanent			Retain at Agency	
0154-0000	Urban Renewal File - Neighborhood Planning	X	X				10 Years After completion of construction			Destroy	
0155-0000	Flood Control File	X	X				Permanent			Retain at Agency	
0156-0000	Rent Stabilization File	X	X				7 Years			Destroy	
0157-0000	Recreation Recovery Action Plan	X	X				Permanent			Retain at Agency	
	Property Improvement										
0200-0000	Financial, Construction And Loan Data For Each Property Assisted By Property Improvement Program.	X					10 Years After completion of construction			Destroy	
0201-0000	Estimator's Records	X					10 Years			Destroy	
0202-0000	Delinquent Accounts	X					6 Years After final payment			Destroy	
0203-0000	Program Accounts	X					6 Years			Destroy	
	Property Management										
0250-0000	Sold Properties And Indices	X					7 Years Unless in litigation			Destroy	
0251-0000	Redeemed Properties	X					7 Years Unless in litigation			Destroy	
0252-0000	Inspection File	X					7 Years Unless in litigation			Destroy	

Records Retention and Disposition Schedule					Agency: M500000			Schedule: 002		Page #:6 of 8	
Record Series #	Record Title and Description							Retention Policy		Disposition	Citation
		Audit	Alternate Media	Archival Review	Vital Record	Confidential	Total Retention Period	Minimum Period in Agency			
0253-0000	Relocation File	X					7 Years Unless in litigation		Destroy		
0254-0000	Owned Properties and Indices	X	X				Permanent		Retain at Agency		
0255-0000	General Record Series Deleted - See County and Municipal General Schedule.	X									
0256-0000	Title Foreclosures	X					Permanent		Retain at Agency		
	Property Maintenance										
0300-0000	Work Orders	X					6 Years		Destroy		
0301-0000	Housing Plans	X	X				Permanent		Retain at Agency		
0302-0000	Utility Bills	X					6 Years		Destroy		
0303-0000	Quarterly Reports	X					3 Years		Destroy		
0304-0000	City Owned Properties and Lots	X	X				7 Years After disposal of building		Destroy		
0305-0000	Seniority List - Property Maintenance	X					As updated		Destroy		
0306-0000	Police Reports	X					3 Years		Destroy		
0307-0000	Gas Usage Reports	X					2 Years		Destroy		
0308-0000	Solid Waste Transport Records	X					6 Years		Destroy		
	Traffic and Parking										
0350-0000	Street Closings	X					6 Years		Destroy		
0351-0000	General Record Series Deleted - See County and Municipal General Schedule.	X									

Records Retention and Disposition Schedule				Agency: M500000			Schedule: 002		Page #:7 of 8	
Record Series #	Record Title and Description	Audit	Confidential	Vital Record	Archival Review	Alternate Media	Retention Policy		Disposition	Citation
							Total Retention Period	Minimum Period in Agency		
0352-0000	Traffic Reports	X					3 Years		Destroy	
0353-0000	Project File - Traffic and Parking	X					6 Years		Destroy	
0354-0000	Work Orders - Street Sweeping and Street Lighting	X					6 Years		Destroy	
0355-0000	Barricade Data	X					3 Years		Destroy	
0356-0000	Crosswalk Data	X					3 Years As updated		Destroy	
0357-0000	Yellow Curb Painting Work Orders	X					3 Years As updated		Destroy	
0358-0000	Signal Requests	X					6 Years Unless in litigation		Destroy	
0359-0000	Building Plans - Public Building	X	X				Permanent		Retain at Agency	
0360-0000	Vehicle Use Data	X					3 Years After disposition of vehicle		Destroy	
0361-0000	Daily Work Report	X					6 Years		Destroy	
0362-0000	Signing and Government Marking	X	X				Permanent		Retain at Agency	
0363-0000	Special Signing (Non-Traffic) and Lettering	X	X				Permanent		Retain at Agency	
0364-0000	Damage Reports and Billings	X					6 Years		Destroy	
0365-0000	Drawings, Plans, and Maps	X	X				Permanent		Retain at Agency	
Community Affairs										
0400-0000	Relocation Hearings	X					7 Years After settlement		Destroy	
0401-0000	Condemnation Hearings	X	X				Permanent		Retain at Agency	

Records Retention and Disposition Schedule						Agency: M500000		Schedule: 002		Page #:8 of 8	
Record Series #	Record Title and Description	Audit	Alternate Media	Archival Review	Vital Record	Confidential	Retention Policy		Disposition	Citation	
							Total Retention Period	Minimum Period in Agency			
0402-0000	Demolition File	X	X				Permanent		Retain at Agency		
0403-0000	Project Case File	X	X				10 Years After completion of construction		Destroy		
0404-0000	Inspection Reports	X					7 Years		Destroy		
0405-0000	Rental Assistance Certification/Recreation of Tenant Eligibility	X					6 Years		Destroy		
0406-0000	Notice of Rent Increase	X					7 Years After termination of lease		Destroy		

Appendix D

PROGRAM FORMS





AFFORDABILITY ASSISTANCE PROGRAM REQUEST FOR ASSISTANCE GRANT or LOAN

Date: 5/9/2025

<p><input checked="" type="checkbox"/> SECURITY DEPOSIT ASSISTANCE</p> <p><i>One time grant or loan equal to security deposit to income-qualified tenants of deed restricted affordable apartments.</i></p>	<p><input type="checkbox"/> FIRST MONTH'S RENTAL ASSISTANCE</p> <p><i>One time grant or loan equal to first month's rent to income-qualified tenants of deed restricted affordable apartments.</i></p>								
<p><input type="checkbox"/> DOWN PAYMENT ASSISTANCE PROGRAM</p> <p><i>The Down Payment Assistance Program is designed to help low- and moderate-income households achieve the goal of homeownership. This program will provide a no-interest, forgivable loan to homebuyers of deed restricted affordable properties within the municipality, of up to \$10,000 to use as a principal down payment and/or closing costs. The goal of the program is to provide financial assistance to income-qualified homebuyers. The home must be located within the municipality of application.</i></p>									
<p><input type="checkbox"/> EMERGENCY REPAIRS</p> <p><i>Funding to assist income eligible owners of deed restricted units to make emergency and/or health and safety related repairs for major systems. Funding is <u>not</u> provided for standard maintenance items, work covered by a HOA, damage covered by homeowner insurance and/or minor repairs.</i></p> <p><i>Additional income verification and property documents required.</i></p>	<p>LIST REPAIRS NEEDED:</p> 								
<p><input type="checkbox"/> ENERGY EFFICIENCY UPGRADES</p> <p><i>Funding to assist income eligible owners of deed restricted units to increase energy efficiency.</i></p> <p><i>Additional income verification and property documents required.</i></p>	<p>CHECK ALL THAT APPLY:</p> <p><input type="checkbox"/> HVAC (Heating/Air Conditioning)</p> <p><input type="checkbox"/> Hot Water Heater</p> <p><input checked="" type="checkbox"/> Windows</p> <p><input type="checkbox"/> Doors</p>								
<p><input type="checkbox"/> HOMEOWNERSHIP ASSISTANCE PROGRAM</p> <p><i>Funding to assist income eligible owners of deed restricted units. One time assistance with arrears for mortgage payments, taxes, utility payments, special assessments, or homeowners' fees.</i></p> <p><i>Additional income verification and property documents required.</i></p>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Mortgage Company: _____</td> <td style="width: 50%;">Arrears Amount: _____</td> </tr> <tr> <td>Utility Company: _____</td> <td>Arrears Amount: _____</td> </tr> <tr> <td>Property Taxes: _____</td> <td>Arrears Amount: _____</td> </tr> <tr> <td>HOA Contact Info: _____</td> <td>Special Assessment Amount: _____</td> </tr> </table>	Mortgage Company: _____	Arrears Amount: _____	Utility Company: _____	Arrears Amount: _____	Property Taxes: _____	Arrears Amount: _____	HOA Contact Info: _____	Special Assessment Amount: _____
Mortgage Company: _____	Arrears Amount: _____								
Utility Company: _____	Arrears Amount: _____								
Property Taxes: _____	Arrears Amount: _____								
HOA Contact Info: _____	Special Assessment Amount: _____								



AFFORDABILITY ASSISTANCE PROGRAM REQUEST FOR ASSISTANCE GRANT or LOAN

Date: 5/9/2025

Please be advised that I hereby submit a request for a ☐ GRANT ☒ LOAN

From _____
Municipality _____ Address _____ Attention _____

PROGRAM REQUEST:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Security Deposit Assistance | <input type="checkbox"/> Energy Efficiency Upgrades |
| <input type="checkbox"/> First Month's Rental Assistance | <input type="checkbox"/> Emergency Repairs |
| <input type="checkbox"/> Downpayment Assistance Program | <input type="checkbox"/> Homeownership Assistance Program |

APPLICANT INFORMATION:

Applicant Name: _____ Email: _____ Phone: _____

Present Address: _____

Payable to ☐ Applicant ☒ Landlord: _____

Monthly Rent: \$ _____ Security Deposit: \$ _____ Funds Requested: \$ _____

Unit to be Rented or Purchased: _____

Landlord or Development Address: _____

- ☒ A copy of the "CERTIFICATION OF ELIGIBLE HOUSEHOLD" is attached.
- ☐ A copy of the "RESOLUTION FOR DOWNPAYMENT ASSISTANCE" is attached.
- ☐ A copy of the "LICENSED CONTRACTOR QUOTE FOR REPAIRS" is attached.

REPAYMENT METHOD:

- ☐ An Affordability Assistance GRANT is not repaid.
- ☒ Security deposit assistance will be provided as a cash loan equal to the amount of the security deposit set by the landlord. This amount will be paid directly to the landlord on the tenant's behalf. Upon termination of the lease, the landlord shall return to the municipality the portion of the security deposit deemed refundable, along with any interest earned. The tenant is responsible for repaying any difference between the original deposit amount and the amount returned by the landlord. The total security deposit may not exceed one and one-half months' rent.

Repayments shall be delivered to: _____

Attention: TREASURER, _____



☐ I hereby certify that I am unable to provide the funds required and the loan of these funds will assist me in obtaining an affordable housing unit. To the best of my knowledge, the information provided herein is true and accurate.

☐ I hereby certify that I am unable to provide the funds required for the cost of essential repairs and the loan of these funds will assist me in making the necessary repairs. To the best of my knowledge, the information provided herein is true and accurate.

X _____

Applicant for loan or grant Signature

Date

X _____

Co-Applicant for loan or grant Signature

Date

APPROVALS:

Administrative Agent: Susan DiBiasio Date: 5/9/2025

Municipality: _____ Date: _____

TREASURER: _____ CHECK #: _____ AMT: _____ DATE: _____



1301 West Forest Grove Road • Building 3
Vineland, NJ 08360
Housing@triadincorporated.com

CERTIFICATION OF ELIGIBLE HOUSEHOLD

May 9, 2025

Triad Associates has thoroughly reviewed the application from the household seeking an affordable housing unit. After careful verification of the provided information in accordance with program procedures, we confirm that the Certified Applicant meets the income eligibility criteria for such housing. As such, we certify that the applicant is eligible for an affordable housing unit, according to the specified household and unit characteristics.

HOUSEHOLD

NAME		
STREET ADDRESS		
CITY/STATE/ZIP		
PRIMARY PHONE		
EMAIL		
HOUSEHOLD MEMBERS	OVER 18	MINOR
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

- ☒ ELIGIBLE FOR THIS UNIT
☐ INELIGIBLE FOR THIS UNIT

INCOME

SALARY & FIXED INCOME	
ADDITIONAL INCOME	
TOTAL ANNUAL INCOME	
% of REGIONAL MEDIAN INCOME	%
REGION	5
HOUSEHOLD SIZE	2
VERY LOW INCOME	<input type="checkbox"/>
LOW INCOME	<input checked="" type="checkbox"/>
MODERATE INCOME	<input type="checkbox"/>
2024 DCA MAXIMUM INCOME FOR THIS HOUSEHOLD/REGION:	

PROPERTY

PROPERTY	UNIT ADDRESS	BEDS	MONTHLY RENT	UNIT DESIGNATION
				<input type="checkbox"/> V LOW <input checked="" type="checkbox"/> LOW <input type="checkbox"/> MOD

THE ABOVE-NAMED HOUSEHOLD MEMBERS ARE THE ONLY OCCUPANT(S) PERMITTED TO LIVE IN THE UNIT HERIN. ANY OTHER OCCUPANTS WOULD CONSTITUTE A VIOLATION OF THE LEASE AND BE SUBJECT TO EVICTION BY THE PROPERTY.

Utilities are not included in these calculations, unless specified in the lease, and are the responsibility of the prospective renter. All housing specifically designated for low and moderate income-eligible households is subject to deed restrictions.

The undersigned hereby states that all information submitted to Triad Associates for the purpose of obtaining this Certification is true and complete to the best of the applicant's knowledge, and that a false statement or misrepresentation of fact may be cause for program disqualification and/or the initiation of any applicable legal remedies.

NOTHING HEREIN SHALL BE INTERPRETED AS ASSURANCE THAT CERTIFIED HOUSEHOLDS WILL OBTAIN AFFORDABLE HOUSING THROUGH THIS CERTIFICATION.

Certified by: Susan DiBiasio, Administrative Agent



FORM OF CERTIFICATE FOR APPLICANTS CERTIFIED TO RENTAL UNIT, REQUIRED BY SECTION 5:80-26.18(c)(2)

CERTIFICATE FOR APPLICANT CERTIFIED TO A RENTAL UNIT SUBJECT TO *AFFORDABLE HOUSING RESTRICTIONS*

CERTIFIED APPLICANT:

UNIT ADDRESS:

I am making this certificate in connection with my certification to rent the Affordable Housing unit located at Unit address _____. "I" shall be considered "we" in the foregoing:

I am aware, that as the renter of an Affordable unit that from this date forward, as long as I am renting the unit described above, occupancy of the apartment is subject to the requirements that are listed below:

1. I am required to pay all rent set forth in my lease on time and in the manner provided for in my lease.
2. I know that I am required to live in my apartment, and cannot sublease it or rent it out to any other person, including family members. I acknowledge that no occupants other than those listed on this certification are permitted to reside in the unit.
3. I know that the maximum rent I am required to pay to the landlord/leasing office is limited by law, and it is announced each year by the Department of Community Affairs, and that I may contact Triad Associates at any time regarding questions about the rent I am required to pay.
4. I know that I am not allowed to make any improvements to my apartment unless they have been approved in writing by the landlord/leasing office.

APPLICANT 1:

Applicant, Signature

Date _____

Printed Name

APPLICANT 2:

Applicant, Signature

Date _____

Printed Name

PAYSTUB INCOME CALCULATION

APPLICANT: Applicant				
EMPLOYER		DATES OF PAY PERIOD		GROSS PAY
PAY PERIOD:	1			
O/T				
PAY PERIOD:	2			
O/T				
PAY PERIOD:	3			
O/T				
PAY PERIOD:	4			
O/T				
		TOTAL:		\$0.00
BI-WEEKLY CALCULATION				TOTAL ANNUAL INCOME
\$0.00	x	26	WEEKS	\$0.00
TWICE MONTHLY CALCULATION				TOTAL ANNUAL INCOME
\$0.00	x	24	WEEKS	\$0.00

INCOME FROM YEAR TO DATE CALCULATION

	Year to Date Gross Income	
	First Day of Employment This Year	
	Last Day of Pay Period from YTD Pay Stub	
	Number of Weeks of Pay	0
	Estimated Annual Income	#DIV/0!
	Average Weekly Pay	#DIV/0!
	Average Bi-Weekly Pay	#DIV/0!
	Average Twice Monthly Pay	#DIV/0!

ANNUAL INCOME CALCULATION FORM

Name:		Identification No.	
ASSETS			
Family Member	Asset Description	Current Cash Value of Assets	Actual Income from Assets
Total Actual Income from Assets		\$0.00	

<p>if line 10 is greater than \$5,000, multiply line by .40% (Passbook Rate) and enter results here; otherwise, leave blank</p>	\$0.00
--	--------

ANTICIPATED ANNUAL INCOME

Family Members	a. Wages/ Salaries	b. Benefits/ Pensions	c. Public Assistance	d. Other Income
Totals	\$0.00	\$0.00	\$0.00	\$0.00
Total of items from 19a. Through 19e. This is Total Annual Income				
				\$0.00

AFFORDABILITY		
Monthly Income		\$0.00
Rental Amount		% of Income
		#DIV/0!

Household of 2 income guideline		
Median Income		
Percentage Monthly	#DIV/0!	\$0.00
33% monthly		\$0.00



CERTIFICATION OF ZERO INCOME AND NON-FILING TAX RETURNS

(To be completed by adult household members only, if appropriate)

Household Name: _____ Unit No. _____

Development Name: _____ City: _____

I hereby certify that I do not individually receive income from any of the following sources:

- ☐ Wages from employment (including commissions, tips, bonuses, fees, etc.);
- ☐ Income from operation of a business;
- ☐ Rental income from real or personal property;
- ☐ Interest or dividends from assets;
- ☐ Social Security payments, annuities, insurance policies, retirement funds, pensions, or death benefits;
- ☐ Unemployment or disability payments;
- ☐ Public assistance payments;
- ☐ Periodic allowances such as alimony, child support, or gifts received from persons not living in my household;
- ☐ Sales from self-employed resources (Avon, Mary Kay, Shaklee, etc.);
- ☐ Any other source not named above.

I currently have no income of any kind and there is no imminent change expected in my financial status or employment status during the next 12 months.

✓ I have not filed Federal/State Income Tax Returns for years: _____

✓ Reason I have not filed _____

Under penalty of perjury, I certify that the information presented in this certification is true and accurate to the best of my knowledge. The undersigned further understand(s) that providing false representations herein constitutes an act of fraud. False, misleading or incomplete information may result in the denial of application/voiding of Certification of Eligible Household

X

SIGNATURE OF APPLICANT

PRINTED NAME OF APPLICANT

WITNESS

DATE



Borough of
Cape May Point



215 Lighthouse Avenue
Cape May Point

**APPENDIX I – PLANNING BOARD RESOLUTION ADOPTING FOURTH
ROUND HPE/FSP**

**BOROUGH OF CAPE MAY POINT
CAPE MAY COUNTY, N.J.
PLANNING BOARD**

RESOLUTION NO. SR PB 2025-06

WHEREAS, the Planning Board of the Borough of Cape May Point, Cape May County, State of New Jersey ("Planning Board") adopted a Third Round Housing Element and Fair Share Plan ("HEFSP") on March 8, 2018 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-28, the Fair Housing Act ("FHA") at N.J.S.A. 52:27D-310 and court-upheld Council on Affordable Housing ("COAH") regulations at N.J.A.C. 5:93 et seq.; and

WHEREAS, pursuant to the NJ Supreme Court's March 10, 2015 decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV") and pursuant to N.J.S.A. 52:27D-313, the Borough filed a Third Round declaratory judgment ("DJ") action seeking to have its Third Round HEFSP found constitutionally compliant; and

WHEREAS, the New Jersey Superior Court approved the Borough's 2018 Third Round HEFSP and issued a Third Round Judgment of Compliance and Repose ("JOR"), dated March 20, 2018, which provided the Borough Third Round immunity from builder remedy lawsuits through July 1, 2025;

WHEREAS, on March 20, 2024, P.L. 2024, c.2, was signed into law which amended the FHA at N.J.S.A. 52:27D-301 *et seq.*, ("Amended FHA"); and

WHEREAS, in addition to the Amended FHA, the Acting Administrative Director of the Administrative Office of the Courts issued Directive #14-24, dated December 13, 2024 ("Administrative Directive #14-24"); and

WHEREAS, in response to the Amended FHA and the Administrative Directive #14-24, the Borough of Cape May Point adopted a binding resolution on January 28, 2025 committing to address the DCA Fourth Round Present Need or Rehabilitation Obligation of zero (0) and the Fourth Round Prospective Need Obligation of 5, to be adjusted by a Fourth Round vacant land adjustment to be set forth in its Fourth Round HEFSP; and

WHEREAS, pursuant to the requirements of the amended FHA and Administrative Directive #14-24, on January 29, 2025, the Borough of Cape May Point filed a Fourth Round DJ action (which included its January 28, 2025 adopted binding resolution) with the Superior Court/ Affordable Housing Dispute Resolution Program (“Program”), asking the Court to declare Cape May Point Borough’s Fourth Round HEFSP constitutionally compliant; and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (July 1, 2025 to June 30, 2035); and

WHEREAS, no objections were filed challenging the Borough’s calculations provided for in the Borough’s adopted January 28, 2025 binding resolution; and

WHEREAS, pursuant to Administrative Directive #14-24, “After the entry of an order determining present and prospective fair share obligations, the municipality must file with the Program its adopted housing element and fair share plan ... within 48 hours after adoption or by June 30, 2025, whichever is sooner.”; and

WHEREAS, a Court Order, dated March 27, 2025, was issued which accepted and determined the Borough’s Fourth Round Present Need or Rehabilitation Obligation of zero (0) and the Borough’s Fourth Round Prospective Need Obligation of 5 (prior to a Fourth Round vacant land adjustment as described below); and

WHEREAS, the Amended FHA provides that “All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations and the Amended FHA authorize vacant land adjustments (“VLA”); and

WHEREAS, the Borough’s and Planning Board’s affordable housing planning consultants Michael F. Sullivan, ASLA, AICP, and Tristan Harrison, PP, AICP, of Clarke Caton Hintz, PC, have prepared a Fourth Round HEFSP, dated May 7, 2025, that addresses the Borough’s Fourth Round affordable housing obligations and which includes an updated VLA; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round HEFSP on May 20, 2025; and

WHEREAS, the Planning Board has determined that the Fourth Round HEFSP is consistent with the goals and objectives of the Borough of Cape May Point' Master Plan and Master Plan Re-examination Report, and that the adoption and implementation of the Fourth Round HEFSP is in the public interest, protects public health and safety and promotes the general welfare.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Cape May Point, Cape May County, State of New Jersey, that the Planning Board hereby adopts the Fourth Round Housing Element and Fair Share Plan on this 20th day of May, 2025.

BE IT FURTHER RESOLVED the Planning Board of the Borough of Cape May Point hereby directs its Planning Board Attorney and Planning Board Secretary to assist the Borough Attorney of the Borough of Cape May Point to file this adopted resolution and this adopted Fourth Round HEFSP as part of the Borough's Fourth Round DJ, Docket #BER-L-694-25, in Cape May County Superior Court and with the Program within 48 hours after adoption of this Fourth Round HEFSP via ECourts per Directive #14-24.

ROLL CALL

Moved: Wallace

Seconded: MacKenzie

MEMBER	YEA	NAY	ABSENT	ABSTAINED/RECUSED	EXCUSED
vanHeeswyk, Class I	X				
MacKenzie, Class II	X				
Geiger, Class III	X				
Remy, Class IV	X				
Murphy, Class IV	X				
Wallace, Class IV	X				
Farrell, Class IV	X				
Brown, Class IV	X				
Rusnak, Class IV	X				
Shaw, Alt. #1			X		
Hobdy, Alt. #2				X	
Shufelt, Alt. #3				X	
VACANT, Alt. #4					

Borough of Cape May Point Planning Board

Dated: 05/20/2025

 By: M.A. Brown
 Matt Brown, Chairperson

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Borough of Cape May Point Planning Board at its meeting of May 20, 2025.

Kate Dunn
 Kate Dunn, Board Secretary