RESOLUTION NO. R-55-2026

RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK ADOPTING AN AMENDED AFFIRMATIVE MARKETING PLAN

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

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

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

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

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

WHEREAS, previously by way of Resolution No. 109-2018, the Township adopted an Affirmative Marketing Plan for the affirmative marketing of affordable housing units; and

WHEREAS, the amendments to UHAC now necessitate amendment of the Affirmative Marketing Plan and the Township has determined that it is in the best interest of the Township of Elk to adopt an amended Affirmative Marketing Plan.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Elk, Gloucester County, State of New Jersey, as follows:

1. The Township of Elk hereby adopts the following affirmative marketing plan as the affordable housing affirmative marketing plan of the Township of Elk.

AFFIRMATIVE MARKETING PLAN

A. In accordance with the rules and regulations pursuant to N.J.A.C. 5:80-26.16 and the Fair Housing Act, Elk Township adopts the following as an affirmative marketing plan. The definitions set forth in Chapter 40 entitled "Affordable Housing" of the Township Code shall be incorporated herein by reference.

B. This affirmative marketing process is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for "housing for older persons" as defined at N.J.S.A. 10:5.1 et seq. and age-restricted units as permitted by 42 U.S.C. § 3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 5.50, to dwelling units which are being marketed by a developer or sponsor of an affordable development. The affirmative marketing plan is also intended to reach those potentially eligible persons who are least likely to apply for restricted units in Region 5 by attracting applications from eligible applicant-households in preparation for the random selection process and occupancy preferences set forth in Chapter 40 of the Township Code. It is a continuing program that directs all marketing activities toward Region 5.

C. The administrative agent is the person responsible to administer the affirmative marketing plan for all affordable units. The administrative agent has the responsibility to income qualify very-low-income households, low-income households and moderate-income households; to place certified households in restricted units upon initial occupancy; to provide for the initial occupancy of restricted units with income-qualified certified households; to continue to qualify households for re-occupancy of restricted units as they become vacant during the period of affordability controls; to assist with outreach to very-low-income households, low-income households and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan, and to comply with UHAC.

D. The Administrative Agent for each restricted unit shall provide or direct qualified very-low-income households, low-income households and moderate-income households who are applicants counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.

E. All developers of affordable units shall be required to assist in the marketing of the affordable units in their respective developments in accordance with this affirmative marketing plan.

F. All administrative agents and the Municipal Housing Liaison will comply with monitoring and reporting requirements of UHAC and Chapter 40 of the Township Code. The developer, owner and/or administrative agent shall document and report the affirmative marketing of restricted units under their purview to the Municipal Housing Liaison, who shall ensure that developers, owners and administrative agents are marketing units in accordance with the provisions of N.J.A.C. 5:80-26.16, Chapter 40 and this Affirmative Marketing Plan. The developer, owner or administrative agent shall also provide proof of compliance to the Municipal Housing Liaison.

G. All affordable units shall be marketed in accordance with the provisions herein.

(1) This Affirmative Marketing Plan shall apply to all developments that contain or propose one or more restricted units and any future affordable developments that may occur. Unless otherwise required in N.J.A.C. 5:80-26.16, supportive housing units, transitional housing units, and special needs housing units must comply with the affirmative marketing requirements of their respective sponsoring programs, where applicable.

(2) The affirmative marketing process for available restricted units must begin at least four (4) months prior to expected occupancy of a restricted unit and may begin before construction commences. Affirmative marketing shall occur at least 120 days before the issuance of either temporary or permanent certificates of occupancy and shall until all restricted units are initially occupied and for as long as restricted units are deed restricted and occupancy or re-occupancy and/or purchasers of units continue to be necessary. The Affirmative Marketing Plan is a continuing program that shall be followed throughout the entire period that the restricted unit remains subject to affordability controls.

(3) Advertising and outreach must take place during the first week of the affirmative marketing program and at least sixty (60) days before the random selection process and continue until all of the restricted units being brought to market at that time have been sold in the case of for-sale units or until enough applications from eligible households have been received to fill all of the restricted units plus two years of future re-rentals in the case of rental units. Applications must be accepted for no less than 45 days following the initial advertisement on the New Jersey Housing Resource Center, except for the resale of for-sale units, in which case, applications must be accepted for no less than 30 days. No random selection process may be conducted prior to sixty (60) days following the initial advertisement on the New Jersey Housing Resource Center or while applications are still being accepted. The advertisement must include all of the information set forth in N.J.A.C. 5:80-26.16(h). All advertisements for restricted units shall contain, at a minimum, the following information:

(a) The name and location of the restricted units;
(b) An address sufficient to find directions to the restricted units;
(c) A range of sale prices and/or rent for the restricted units;
(d) The physical characteristic of the restricted units, including the unit type (i.e. family, age-restricted, or supportive), size of the restricted units, as measured in bedrooms and total square footage, and accessibility features, if any;
(e) The number of restricted units available and the number of units available to very-low-income households, low-income households, and moderate-income households within the pertinent eligible income ranges;
(f) Maximum income permitted to qualify for the restricted units;
(g) Where applications can be found (paper or online) for the restricted unit and the amount of the required application fee;
(h) Business hours when interested households may obtain a paper application;
(i) The population(s), if any, given preference in the selection process pursuant to N.J.A.C. 5:80-26.17(k)(2) and Chapter 40 of the Township Code;
(j) The number of restricted units, including the number of sale units and/or rental units;
(k) The expected lease-up/closing date(s) for the restricted units;
(l) A description of the random selection process that will be used to select occupants of the restricted units and the expected date of the random selection;
(m) Contact information for the Administrative Agent, including a phone number and email address that is regularly monitored by the Administrative Agent;
(n) The name of the sales agent and/or rental manager, and a website address for the development, if any.

(4) In implementing the affirmative marketing program, the administrative agent for a restricted unit shall undertake affirmative marketing in accordance with this Section and shall utilize all of the following strategies:

(a) Publication of at least one advertisement in a regional newspaper of general circulation within the housing region, and shall take the form of at least one press release and a paid display advertisement in the below newspapers the first week of the marketing program and each month thereafter until all units are leased or sold. Additional advertising and

publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent. All newspaper articles, announcements and requests for applications for restricted units shall appear in the following daily regional newspaper/publication:

[1] South Jersey Times.

[2] Courier Post.

(b) Post an advertisement of the available restricted units to the New Jersey Housing Resource Center, www.njhrc.gov, at least 60 days before the random selection process and within one day following the date the owner, developer, property manager, administrative agent or other administrative entity provides information regarding the application process to prospective applicants or solicits any applications from potential applicants through any other means pursuant to N.J.S.A. 52:27D-321.6.

(c) Within one business day of listing the restricted units on the New Jersey Housing Resource Center, notify the local Continuum of Care of any restricted units for individuals with special needs that are reserved for individuals and families that are homeless and of any permanent supportive housing rental units.

(d) Publish the advertisement on at least one of the following housing search websites, in addition to the Housing Resource Center;

[1] Zillow.com

[2] Realtor.com

[3] Redfin.com

[4] Apartments.com

[5] Homes.com

[6] Trulia.com

(e) The advertising must also be posted on the following websites:

[1] Elk Township website is https://elktownshipnj.gov/.

[2] The developer's or owner's website or the rental office website.

[3] If there be one, the website of the homeowner's association or condominium association.

(f) Undertake at least two additional regional marketing strategies using the sources listed below, with at least one non-digital strategy if the newspaper advertisement was in print, or with at least two non-digital strategies if the newspaper advertisement was digital:

[1] Radio stations, television stations or paid potential targeted digital advertising opportunities:

(i) WKVP 106.9 FM, Educational Media Foundation (Radio)

(ii) WKXW 101.5 FM. Townsquare License, LLC (Radio)

(iii) WGTW 48 TBN, Trinity Broadcasting Network (Television)

[2] Newspapers and other publications:

(i) South Jersey Times.

(ii) Courier Post.

(iii) The Sun Newspapers

[3] Community and Regional Organizations:

(i) Habitat for Humanity.

(ii) Houses of worship.

(iii) Fair Share Housing Center.

(iv) Gloucester County NAACP.

(v) Willingboro County NAACP.

(vi) Camden County NAACP.

(vii) The New Jersey State Conference of the NAACP.

(viii) Latino Action Network.

(ix) New Jersey Supportive Housing Association.

[4] Internet websites that operate as housing search websites where restricted units will be advertised:

(i) Zillow.com

(ii) Realtor.com

(iii) Redfin.com

(iv) Apartments.com

(v) Homes.com

(vi) Trulia.com

[5] Social Media websites and platforms where advertisements will be posted or linked

(i) Facebook.

(ii) Instagram.

(iii) Snapchat.

(iv) TikTok.

(v) X (formerly Twitter).

(vi) LinkedIn.

[6] The following is the location of flyers or advertisements can be posted or provided:

(i) Elk Township Municipal Building.

(ii) Developer's/Property Manager's sales/rental office.

(iii) Gloucester County Administration Building.

(iv) Burlington County Administration Building.

(v) Camden County Administration Building.

(vi) Gloucester County Library (all branches).

(vii) Burlington County Library (all branches).

(viii) Camden County Library (all branches).

(ix) Rt-77 at Swedesboro-Franklinville Road bus stop (410).

[7] Other advertising methods:

(i) Camden County Board of Realtors.

(ii) Burlington County Board of Realtors.

(iii) Gloucester County Board of Realtors.

(5) The administrative agent shall document and report the affirmative marketing activities for the restricted units under its purview to the Municipal Housing Liaison, who shall monitor this affirmative marketing activities to ensure that developers, owners and administrative agents are marketing units in accordance with the provisions of N.J.A.C. 5:80-26.16, N.J.S.A. 52:27D-321.3 and this Affirmative Marketing Plan. The developer, owner or administrative agent shall also provide all proof of publication to the Municipal Housing Liaison.

(6) The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Gloucester, Burlington, and Camden Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.

(7) The Administrative Agent shall develop, maintain and update a list of major employers in Gloucester, Burlington, and Camden Counties that will aid in the affirmative marketing program.

(8) A random selection method to select occupants of low- and moderate-income housing will be used by the Municipal Housing Liaison, in conformance with N.J.A.C. 5:80-26.17(k). If the Township hereby adopts the occupancy preferences which shall be utilized as part of the random selection process:

(a) If authorized in the site plan and/or subdivision approval for the development, a preference of up to 50 percent of the restricted units in said development for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311(j);

(b) A preference for very-low-income households, low-income households, and moderate-income households that reside or work in Region 5;

(c) Subordinate to the regional preference, a preference for very-low-, low-, and moderate-income households that reside or work in New Jersey; and

(d) If authorized in a redevelopment plan, with respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-households, low-households, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.

H. The Administrative Agent for each restricted unit shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very-low-income households, low-income households and moderate income households; to place income eligible households in very-low-income units, low-income units and moderate income units upon initial occupancy; to provide for the initial occupancy of very-low-income units, low-income units and moderate income units with income qualified households; to continue to qualify households for re-occupancy of restricted units as they become vacant during the period of affordability controls; to assist with outreach to very-low-income households, low-income households and moderate income households; and to enforce the terms of the deed restriction-and mortgage loan in accordance with UHAC. In carrying out the affirmative marketing process, the administrative agent shall comply with all provisions of the Fair Chance in Housing Act, N.J.S.A. 46:8-52 through 64.

I. All of the costs of advertising and affirmatively marketing restricted unit(s) shall be borne by the developers/sellers/owners of restricted unit(s).

2. All previously adopted Affirmative Marketing Plans are hereby repealed and replaced with this Affirmative Marketing Plan.

3. The appropriate Township officials, staff and professionals are authorized and directed to take all actions required to implement the terms of this Resolution.

4. This Resolution shall take effect pursuant to law.

ADOPTED at a Regular Meeting of the Elk Township Committee held March 5, 2026.

TOWNSHIP OF ELK

BY: _____
JAMES RAMBO, Mayor

ATTEST:

_____
TIMOTHY PINE, Acting Township Clerk

ROLL CALL VOTE				
COMMITTEE	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Cammarata				✓
Cowan	✓			
Lucas	✓			
Sammons	✓			
Rambo	✓			

CERTIFICATION

I hereby certify that the above resolution is a true copy of a resolution adopted by the Township Committee of the Township of Elk, County of Gloucester, State of New Jersey, at a meeting held by the same on March 5, 2026, in the Elk Township Municipal Building, 680 Whig Lane, Monroeville, New Jersey.

_____
TIMOTHY PINE
Acting Clerk