

**BOROUGH OF MADISON
RESOLUTION 122-2021**

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF MADISON
ADOPTING AN “AFFIRMATIVE MARKETING PLAN” FOR THE
BOROUGH OF MADISON**

WHEREAS, in accordance with applicable Council on Affordable Housing (“COAH”) regulations, the New Jersey Uniform Housing Affordability Controls (“UHAC”)(N.J.A.C. 5:80-26., et seq.), and the terms of an Amended Settlement Agreement between the Borough of Madison and Fair Share Housing Center (“FSHC”), which was entered into as part of the Borough’s Declaratory Judgment action entitled In the Matter of the Application of the Borough of Madison, County of Morris, Docket No. MON-L-5604-05, which was filed in response to Supreme Court decision In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(“Mount Laurel IV”), the Borough of Madison is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 2, the COAH Housing Region encompassing the Borough of Madison.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Madison, County of Morris, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Madison shall be marketed in accordance with the provisions herein.
- B. The Borough of Madison has a plan to address both its Prior Round Obligation (1987-1999) and its Third Round Obligation (1999-2025). This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low, low and moderate income units, including those that are part of the Borough’s Housing Element and Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Madison, or the Administrative Agent of any specific developer. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Borough Administrative Agent.

- D. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low and moderate income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- E. In implementing the Affirmative Marketing Plan, the Administrative Agent, whether acting on behalf of the Borough of Madison or on behalf of a specific developer, shall undertake, at the minimum, all of the following strategies:
1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
 2. Broadcasting of an advertisement by a radio or television station broadcasting throughout the housing region.
 3. At least one additional regional marketing strategy using one of the other sources listed below.
- F. 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 or sponsor 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 the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Madison is located in COAH Housing Region 2, consisting of Morris, Essex, Union and Warren Counties.
- G. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements, and requests for applications for very low, low- and moderate-income units shall appear in the *Star Ledger*.
 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above 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.

3. All newspaper articles, announcements, and requests for applications for very low, low- and moderate-income units shall also be posted on the New Jersey Housing Resource Center's website (www.njhrc.gov).
4. The advertisement shall include a description of the:
 - a. Location of the units;
 - b. Directions to the units;
 - c. Range of prices for the units;
 - d. Size, as measured in bedrooms, of units;
 - e. Maximum income permitted to qualify for the units;
 - f. Location of applications;
 - g. Business hours when interested households may obtain an application;
 - h. Application fees.
5. The following regional cable television stations or regional radio stations shall be used. The developer must provide satisfactory proof of public dissemination on at least one of the following stations (must cover entire region):
 - a. 13 WNET Educational Broadcasting Corporation
 - b. 50 WNJN New Jersey Public Broadcasting Authority
 - c. Cablevision of Morris
 - d. Comcast of NJ
 - e. Comcast of Northwest NJ
 - f. WOR 710
 - g. WABC 770
 - h. WCAA 105.9

- i. WBLS 107.5
 - j. WPRB 103.3
- H. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
 - 1. Madison Municipal Building
 - 2. Madison Borough Web Site
 - 3. Madison Library
 - 4. Developer's Sales/Rental Offices
 - 5. Essex County Administration Building
 - 6. Morris County Administration Building
 - 7. Union County Administration Building
 - 8. Warren County Administration Building
 - 9. Essex County Library (all branches).
 - 10. Morris County Library (all branches)
 - 11. Union County Library (all branches)
 - 12. Warren County Library (all branches)
- I. Applications shall be mailed by the Borough's Administrative Agent and Municipal Housing Liaison, or by the Administrative Agent of any specific developer, to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002); the New Jersey State Conference of the NAACP; the Latino Action Network (P.O. Box 943, Freehold, NJ 07728); East Orange NAACP (P.O. Box 1127, East Orange, NJ 07019), Newark NAACP (PO Box 1262, Newark NJ 07101), Morris County NAACP (PO Box 2256, Morristown, NJ 07962), Elizabeth NAACP (PO Box 6732, Elizabeth NJ 07206), Housing Partnership of Morris County, Community Access Unlimited, Inc., NORWESCAP, Homeless Solutions of Morristown, the Supportive Housing Association, Affordable Housing Professionals of NJ, and the New Jersey Housing Resource Center.

J. The Borough's Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Morris, Essex, Union and Warren 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.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Essex County Board of Realtors
Morris County Board of Realtors
Union County Board of Realtors
Warren County Board of Realtors

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the Counties of Morris, Essex, Union and Warren:

Welfare or Social Service Board (via the Director)
Rental Assistance Office (local office of DCA)
Office on Aging
Housing Authority (municipal or county)
Community Action Agencies
Community Development Departments

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3e.

J. A random selection method to select occupants of very low, low- and moderate-income housing will be used by the Borough's Administrative Agent, or the Administrative Agent of any specific developer, in conformance with N.J.A.C. 5:80-26.16 (I). This Affirmative Marketing Plan provides a regional preference for very low, low and moderate income households that live and/or work in COAH Housing Region 2, which is comprised of Morris, Essex, Union and Warren Counties. 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, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.

K. The Borough's Administrative Agent, or the Administrative Agent of any specific developer, shall administer the Affirmative Marketing Plan. The Administrative Agent has

the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26-1, et seq.

- L. The Borough's Administrative Agent, or the Administrative Agent of any specific developer, shall provide or direct qualified very low, low and moderate income applicants to 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.
- M. All developers/owners of very low, low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Borough's Administrative Agent.
- N. The Borough's Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C. 5:80-26-1, et seq.

BE IT FURTHER RESOLVED that the appropriate Borough officials and professionals are authorized to take all actions required to implement the terms of this Resolution and attached Exhibit A.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

ADOPTED AND APPROVED
April 26, 2021

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

