



BOROUGH OF OAKLAND  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION 21-329

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF OAKLAND, COUNTY OF  
BERGEN, STATE OF NEW JERSEY ADOPTING AN AFFIRMATIVE MARKETING PLAN  
PERTAINING TO LOW-AND MODERATE-INCOME HOUSING FOR THE BOROUGH OF  
OAKLAND**

**WHEREAS**, in accordance with the regulations of COAH pursuant to N.J.A.C. 5:93-1, et seq., the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26., et seq., and in the Matter of the Application of the Borough of Oakland, County of Bergen, Docket No. BER-L-6274-15 regarding In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"), the Borough of Oakland is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Borough of Oakland, are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 1, which encompasses the Borough of Oakland

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

**Affirmative Marketing Plan**

- A. All affordable housing units in the Borough of Oakland shall be marketed in accordance with the provisions herein unless otherwise provided in COAH's Rules at N.J.A.C. 5:93-1, et seq.
- B. The Borough of Oakland has a Third Round obligation. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that are part of the Borough's current Housing Element and Fair Share Plan and those that may be constructed in future developments not contemplated in the Borough's Housing Element and Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Oakland. All costs of advertising and affirmatively marketing affordable housing units shall be borne by the

developer/seller/owner of the affordable unit(s).

- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Oakland, shall undertake the following strategies:
1. Publication of one advertisement in a newspaper of general circulation within the housing region.
  2. Broadcast of one 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.
- E. 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 the region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the Borough is located and covers the entire period of deed restriction for each restricted housing unit. The Borough of Oakland is located in COAH Housing Region 1, and is comprised of Bergen, Hudson, Passaic and Sussex Counties.

- F. 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 application for low and moderate income units shall appear in the Bergen Record and 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 once a week for four consecutive weeks. 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 publication to the Borough's Administrative Agent. All press releases and advertisements shall be approved in advance by the Borough's Administrative Agent.
  3. The advertisement shall include a description of the:
    1. Location of the units;
    - ii. Direction of the units;
    - iii. Range of prices for the units;
    - iv. Size, as measured in bedrooms, of units;
    - v. Maximum income permitted to qualify for the units;
    - vi. Location of applications;
    - vii. Business hours when households may obtain an application; and
    - viii. Application fees.
  4. Newspaper articles, announcements and information on where to request applications for low and moderate income housing shall appear at least once a week for four consecutive weeks in at least four locally oriented weekly newspapers within the region, one of which shall be circulated primarily in Bergen County and the other three of which shall be circulated primarily outside of Bergen County but within the housing region.

5. Four or more of the following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:
  - i. 2 WCBS-TV (CBS Broadcasting, Inc.)
  - ii. 4 WNBC (NBC Telemundo License Co., General Electric)
  - iii. 5 WNYW (Fox Television Stations, Inc., News Corp.)
  - iv. 7 WABC-TV (American Broadcasting Companies, Inc., Walt Disney)
  - v. 9 WWOR-TV (Fox Television Stations, Inc., News Corp.)
  - vi. 10 WCAU (NBC Telemundo License Co., General Electric)
  - vii. 11 WPIX (WPIX, Inc., Tribune)
  - viii. 13 WNET (Educational Broadcasting Corporation)
  - IX. 58 WNJB (New Jersey Public Broadcasting Authority)
6. 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:
  - i. Oakland Municipal Building
  - ii. Oakland Municipal Library
  - iii. New Jersey Housing Resource Center
  - iv. Developer's Sales/Rental Office
  - v. Bergen County Administration Building
  - vi. Hudson, County Administration Building
  - vii. Passaic County Administration Building
  - viii. Sussex County Administration

Building.

Applications shall be mailed by the Administrative Agent to the prospective applications upon request. Also, applications shall be made available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.

7. The administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Bergen, Hudson, Passaic and Sussex 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:

Bergen County Board of Realtors

Hudson County Board of Realtors

Passaic County Board of Realtors

Sussex County Board of Realtors

- ii. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies in the counties of Bergen, Hudson, Passaic and Sussex:

Welfare or Social Service Board

Rental Assistance Office (local office of DCA)

Office on Aging

Housing Authority

Community Action Agencies

Community Development Departments

- iii.. Quarterly informational circulars and applications shall be sent to the

chief personnel administrators of all the major employers within the region in accordance with the Region 1 Affirmative Marketing Plan.

- iv. Quarterly informational circulars and applications shall be sent to the following additional community and regional organizations:

Fair Share Housing Center

Bergen County Housing Coalition

The New Jersey State Conference of the NAACP

The Bergen County NAACP

Bergen Urban League

The Latino Action Network

- 8. A random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent in conformance with N.J.A.C. 5:80-26.16(1). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work COAH Housing Region 1 comprised of Bergen, Hudson, Passaic and Sussex Counties.
- 9. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of 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 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.
- 10. The Administrative Agent shall provide or direct qualified 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.
- 11. All developers/owners of 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 Administrative Agent.

12. 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 low-income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary.
13. The 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.

ATTEST:

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LINDA H. SCHWAGER, MAYOR

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LISA M. DUNCAN, BOROUGH CLERK

Date Adopted: November 23, 2021

	Motion	Second	Ayes	Nays	Abstain	Absent
Biale						
Kulmala						
Pignatelli						
Slasinski						
Talamini						
Van Eck						
Mayor Schwager						

