



Engineering
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2025 Housing Element & Fair Share Plan

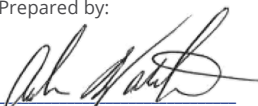
Borough of Berlin

June 12, 2025

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2025 Housing Element & Fair Share Plan

Borough of Berlin

Camden County, New Jersey

Adopted by the Planning Board: _____

Endorsed by the Borough Council: _____



The original of this report was signed and sealed in accordance with NJSA 45:14A-12.

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I. Introduction

According to the New Jersey Fair Housing Act of 1985 (L. 1985, c. 222, s. 1, eff. July 2, 1985), a Housing Plan Element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing.

This is the Borough of Berlin's ("the Borough") Housing Element and Fair Share Plan ("HEFSP") for the period between 2025 and 2035 (known as the Fourth Round). Berlin Borough seeks to voluntarily comply with its constitutional obligation to provide a realistic opportunity for affordable housing. This HEFSP is prepared utilizing the Prior Round Rules¹, Third Round Rules² (as applicable), and the amendments implemented in P.L. 2024, c.2. Each municipality in the State has a four-part obligation:

1. Present Need (Rehabilitation Obligation)
2. Prior Round Obligation (1987-1999)
3. Third Round Obligation (1999-2025)
4. Fourth Round Prospective Need Obligation (2025-2035)

Affordable Housing History

Mount Laurel Doctrine

Affordable housing planning in New Jersey dates back to 1975, when the New Jersey Supreme Court ruled in Southern Burlington County NAACP v. the Township of Mount Laurel, 67 N.J. 151 (1975), 336 (Mount Laurel I), that each municipality within New Jersey has a constitutional obligation to provide a realistic opportunity for the construction of their fair share of affordable housing. Mount Laurel I is the landmark decision that created what is commonly referred to as the "Mount Laurel Doctrine". The Supreme Court found that Mount Laurel Township's zoning ordinance only permitted one type of housing—single-family detached dwellings, while all other types of multi-family housing, such as garden apartments, townhomes, or mobile home parks, were prohibited, which the court determined resulted in economic discrimination and exclusion of substantial segments of the area population, and therefore the zoning ordinance was unconstitutional and invalid.

In 1983, the New Jersey Supreme Court issued Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983), another monumental decision which became known as the "Mount Laurel II" decision. In this case, the Supreme Court upheld and expanded upon the Mount Laurel I decision. Mount Laurel II clarified that the constitutional obligation applies to all municipalities, not just the "developing" municipalities as referenced in Mount Laurel I. Each municipality is required to establish zoning that provides a realistic opportunity for the construction of affordable housing to comply with the municipality's fair share obligation. Mount Laurel II established the "Builder's Remedy" as a judicial mechanism to enforce the Mount Laurel Doctrine. A Builder's Remedy lawsuit allows a plaintiff (typically a developer) to challenge a municipality's zoning ordinance if it fails to create a realistic opportunity to provide affordable housing units to meet the constitutional fair share obligation.

¹ N.J.A.C. 5:91 (Procedural) and N.J.A.C. 5:93 (Substantive) Rules. They can be found at: [New Jersey Department of Community Affairs | Second Round Regulations](#)

² N.J.A.C. 5:96 (Procedural) and N.J.A.C. 5:97 (Substantive) Rules, which can be found at: <https://nj.gov/dca/dlps/hss/thirdroundregs.shtml>

In 1985, the Fair Housing Act (“FHA”) was enacted in response to the court decisions, which provided an administrative process for municipal compliance. The FHA also created the New Jersey Council on Affordable Housing (“COAH”), which was the governmental agency responsible for promulgating municipal obligations, adopting regulations, and administering the compliance process.

Prior Rounds (1993-1999)

Under COAH, the First Round of affordable housing spanned from 1987 to 1993, followed by the Second Round from 1993 to 1999. The First Round Substantive Rules were enacted under N.J.A.C. 5:92 and the Second Round Substantive Rules were enacted under N.J.A.C. 5:93.

Berlin Borough’s Prior Round Compliance

4/20/1989	Superior Court granted Berlin Borough a Final Judgment of Repose, providing six years of protection from builder's remedy lawsuits
2001	Completion of Carriage Stop, an inclusionary development resulting from the first-round builder's remedy lawsuit
9/17/1997	Berlin Borough transferred jurisdiction over affordable housing matters to the NJ Council on Affordable Housing (COAH)
3/3/1999	COAH granted Berlin Borough second-round substantive certification, providing six years of protection from builder's remedy lawsuits
12/14/2004	Deadline set by COAH for municipalities to request extension of second-round substantive certification. Berlin Borough missed the deadline
3/3/2005	Berlin Borough filed for an extension of second-round certification under N.J.A.C. 5:95-15.2. COAH later denied the request due to non-compliance with the terms of its second-round substantive certification
12/31/2008	Deadline to which COAH extended Second Round certification for all municipalities

Third Round (1999-2025)

The Third Round of affordable housing commenced in 1999, which was supposed to end in 2018; however, due to numerous legal challenges and court orders, the Third Round was ultimately extended through 2025.

The first version of COAH’s Third Round Substantive Rules was enacted under N.J.A.C. 5:94 in 2004. This version of the rules was challenged and in January 2007 the Appellate Court issued a decision requiring COAH to revise its rules.

In October 2008, COAH adopted numerous amendments to its substantive and procedural regulations to address the Third Round fair housing requirements. The Third Round methodology, adopted in September 2008, required that a municipality’s fair share consist of three elements: the 1) rehabilitation share, 2) any remaining Prior Round obligation that was not provided for, and 3) the Growth Share or Third Round, which is based upon one affordable housing unit for every four market-rate units built and one affordable unit for every 16 new jobs created. In addition to these new rules, COAH assigned new rehabilitation, Prior Round and Third Round obligation numbers to each municipality. Additionally, the State legislature passed Assembly Bill A-500 (now P.L. 2008), which made significant changes to COAH’s rules.

In 2009, appeals were filed regarding the new Third Round Rules’ growth share methodology. The case worked its way through the Appellate Division and finally went before the Supreme Court. The

Supreme Court issued a decision on September 26, 2013, finding that the key set of rules establishing the growth share methodology as the mechanism for calculating “fair shares” was inconsistent with the FHA and the Mount Laurel Doctrine. The Supreme Court instructed COAH “to adopt new third round rules that use a methodology for determining prospective need similar to the methodologies used in the first and second rounds,” within five months, which was later extended to November 2014.

In July 2014, COAH proposed new Third Round under N.J.A.C. 5:98 and 5:99. However, the new rules were never formally adopted by COAH.

After COAH failed to promulgate its revised rules by the November 2014 deadline, the Supreme Court made a ruling on March 10, 2015 entitled In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), which allows for judicial review for constitutional compliance, as was the case before the FHA was enacted. The ruling allowed low- and moderate-income families and their advocates to challenge exclusionary zoning in court, rather than having to wait for COAH to issue rules that may never come. The process provided a municipality that had sought to use the FHA’s mechanisms the opportunity to demonstrate constitutional compliance to a court’s satisfaction before being declared noncompliant and then being subjected to the remedies available through exclusionary zoning litigation, including a builder’s remedy.

The transitional process created by the Supreme Court tracked the FHA procedures for compliance. In this regard, the process permitted municipalities to file a Declaratory Judgment Action during a 30-day window between June 8 and July 8, 2015 that sought an adjudication as to their fair share. This would enable the municipality to comply voluntarily with its constitutional obligation to provide a realistic opportunity for the construction of its fair share of the regions’ low- and moderate-income households.

On January 18, 2017, the Supreme Court decided In Re: Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant to The Supreme Court’s Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel V”), which held that municipalities are responsible for obligations accruing during the so-called “gap period,” the period between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need (also referred to as Rehabilitation Obligation), which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

Between 2015 and 2024, municipalities that elected to voluntarily comply with their constitutional obligation participated in mediation sessions, reached settlement agreements, adopted Third Round Housing Element and Fair Share Plans, and most municipalities concluded the process with a Third Round Judgment of Compliance and Repose (“Third Round JOR”) from the courts. As a result of COAH’s inability to function, the Third Round period spanned from 1999 to 2025, a 26-year long period as opposed to the 6-year periods for the first and second rounds. The Third Round is set to expire on June 30, 2025.

Berlin Borough’s Third Round Compliance

3/13/2006	Nexus Properties, Inc. filed a builder’s remedy lawsuit against Berlin Borough, proposing construction of 600 units—including affordable housing—on an approximately 30-acre site next to Virtua Hospital (Block 1700, Lots 1 and 3)
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5/18/2006	Armstrong Capital, LLC filed a builder's remedy lawsuit against Berlin Borough
5/27/2008	Superior Court ruled in favor of Nexus Properties, awarding a builder's remedy. The order was later stayed pending negotiations
3/9/2009	Berlin Borough and Armstrong Capital reached a settlement agreement
9/23/2011	Fairness Hearing held regarding the Armstrong Capital settlement
9/26/2011	Judge Robert Millenky, J.S.C., approved the Armstrong Capital settlement agreement on the record, permitting the development of approximately 80 townhouses on a 10-acre site, with 20 units designated for low- and moderate-income households
11/4/2011	Court issued official order approving the Armstrong Capital settlement agreement
3/5/2012	Berlin Borough adopted Ordinance No. 2012-04, creating the R-4 Townhouse District for the Armstrong Capital site on the former K-Mart site on White Horse Pike, permitting up to 80 townhouses, including 20 affordable units
12/27/2012	Berlin Borough adopted Ordinance No. 2012-19, establishing the R-5 District for the Nexus site
11/28/2016	Berlin Borough entered into a Mediation Agreement with the Fair Share Housing Center (FSHC). The Settlement Agreement outlined Berlin Borough's affordable housing obligations as follows: • Present Need (Rehabilitation Obligation): 32 units • Prior Round Obligation: 154 units • Third Round Prospective Need: 131 units
2/13/2017	Planning Board adopted the Third Round Housing Plan Element & Fair Share Plan
4/13/2017	Court granted Final Judgment of Compliance and Repose, confirming Berlin Borough's Third Round compliance.
12/14/2017	Berlin Borough initiated the Market to Affordable Program, through Resolution R12-11; 2017, to convert market-rate units to affordable units.

Fourth Round (2025-2035)

On March 20, 2024, Governor Murphy signed legislation that dramatically modified the State's affordable housing regulations. The 75-page bill, known as the A4/S50 Bill, abolished COAH, modified the process of affordable housing compliance, amended bonus credits, and, among other changes, set forth several important deadlines. P.L. 2024, c.2 amended the FHA (hereinafter the "Amended FHA") and charged the Department of Community Affairs ("DCA") with the preparation of Fourth Round obligations and set forth aggressive timelines for compliance. In October 2024, DCA published a report on its calculations of regional need and municipal present need (Rehabilitation Obligation) and prospective fair share obligations (Fourth Round Obligation). The report is entitled "Affordable Housing Obligation of 2025-2035 (Fourth Round) Methodology and Background".

The DCA calculated Berlin Borough's Present Need (Rehabilitation) Obligation as **15 units** and its Fourth Round Prospective Need Obligation as **62 units**.

Municipalities were required to adopt a binding resolution outlining their present and prospective fair share obligations by January 31, 2025. On January 31, 2025, the Borough Council adopted a resolution accepting the DCA's calculations of the Borough's Present Need Obligation of **15 units** and Fourth Round Prospective Need Obligation of **62 units**.

The Borough also filed a “Complaint for a Declaratory of Compliance with the Fair Housing Act” on January 8 2025. as part of the compliance certification process outlined in the Director of the Administrative Office of the Courts Directive #14-24.

During the 30-day challenge window, Berlin Borough did not receive any challenges to the calculated obligations. The Honorable Sherri L. Schweitzer, P.J.Ch. issued an order on March 28, 2025, ordering that Berlin Borough’s Present Need shall be 15 units and the prospective need for the Fourth Round housing cycle shall be 62 units (Docket No. CAM-L-000063-25).

Municipal Summary

The Borough of Berlin is in the eastern portion of Camden County in southern New Jersey. It is bordered by Berlin Township to the northeast, Lindenwold Borough to the northwest, Pine Hill Borough and Winslow Borough to the south, and Waterford Borough to the east. The Borough is situated near major transportation routes including U.S. Route 30 (White Horse Pike), which runs through the center of the community and connects to Route 73, providing access to the Atlantic City Expressway and surrounding regional highways.

Berlin Borough encompasses approximately 3.59 square miles, making it one of the smaller municipalities in Camden County by area. It lies to the west of Wharton State Forest and is located near the edge of the New Jersey Pinelands National Reserve, although most of the Borough itself is developed and suburban in character.

As outlined in the Berlin Borough Master Plan, the community demonstrates a varied land use pattern, featuring well-established residential neighborhoods interconnected by a network of local streets, alongside commercial corridors situated along significant collector roads, including the White Horse Pike and Route 73. These patterns are indicative of Berlin Borough's suburban character and its regional connectivity.

Between 2010 and 2020, Berlin Borough’s population decreased by 1.3% from 7,588 to 7,489 residents.³ The Delaware Valley Regional Planning Commission (hereinafter “DVRPC”), projects that Berlin Borough will grow by an additional 503 residents (6.7%) resulting in a total projected population of 7,992 by the year 2050.⁴

Affordable Housing Goals

It is the overall goal of the HEFSP, in combination with the Land Use Plan, to provide the planning context in which access to low and moderate income housing can be provided in accordance with the requirements of the Amended Fair Housing Act and the laws of the State of New Jersey, while respecting the character and density of Berlin Borough.

Master Plan Goals

The Borough's 2019 Economic Development Element of the Master Plan⁵ established specific Housing Plan goals and objectives as follows:

³ www.census.gov

⁴ <https://www.dvrpc.org/reports/adr21014.pdf>

⁵ Berlin Borough, Economic Development Element of the Master Plan, adopted December 9, 2019, page 7 & 8.

- GOAL: Use redevelopment to transform underutilized properties into productive uses that contribute to the vitality of the community.
- OBJECTIVE: Promote redevelopment that is sensitive to the surrounding environmental condition, nearby uses, and character.

Affordable Housing Obligation

Berlin Borough's four-part affordable housing obligation is as follows:

1. Present Need (Rehabilitation Obligation): 15 units
2. Prior Round Obligation: 154 units
3. Third Round Obligation: 131 units
4. Fourth Round Prospective Need Obligation: 62 units

HOUSING ELEMENT

II. Required Content of Housing Element

The Amended Fair Housing Act requires that “the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate-income housing”. As per the Municipal Land Use Law (hereinafter “MLUL”), specifically N.J.S.A. 52:27D-310, a housing element must contain at least the following items:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose conducting this inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing for the next ten years, considering, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age.
- d. An analysis of the existing and probable future employment characteristics of the municipality.
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52-27D-304.1).
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52D-329.20).
- 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 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.

III. Population Demographics

Population Growth

The Borough of Berlin's population rose rapidly from 2,239 people in 1950 to 5,672 in 1980, which is a 147.4% increase over just 30 years. The Borough's population continues to rise with the current population at 7,503, 88 less than its peak of 7,588 residents in 2010. See the table below for additional details.

Population Growth

Year	Population	Change	Percent
1940	1,753	--	--
1950	2,339	586	33.4%
1960	3,578	1,239	53.0%
1970	4,997	1,419	39.7%
1980	5,786	789	15.8%
1990	5,672	-114	-2.0%
2000	6,149	477	8.4%
2010	7,588	1,439	23.4%
2020	7,489	-99	-1.3%

Source: 2010 & 2020 Census Table P1; New Jersey Population Trends, 1790 to 2000,
<https://www.nj.gov/labor/labormarketinformation/assets/PDFs/census/2kpub/njsdcp3.pdf>

The Delaware Valley Regional Planning Commission (DVRPC) projects that the Borough's population will increase by 6.7% from 7,489 in 2020 to 7,992 in 2050. This represents an average increase of approximately 17 residents annually over 30 years. However, as noted above, the Borough's estimated population according to the 2023 ACS is 7,503, which is 37 less than projected by the DVRPC. This translates to an average annual gain of 19 people over the next 27 years.

Population Projection

Year	Population	Change	Percent
2020	7,489	---	---
2030**	7,925	436	5.8%
2040**	7,979	54	0.7%
2050**	7,992	13	0.2%

Source: Population Projections from Delaware Valley Regional Planning Commission (DVRPC)
<https://www.dvrpc.org/reports/adr018-a.pdf>

Age Distribution of Population

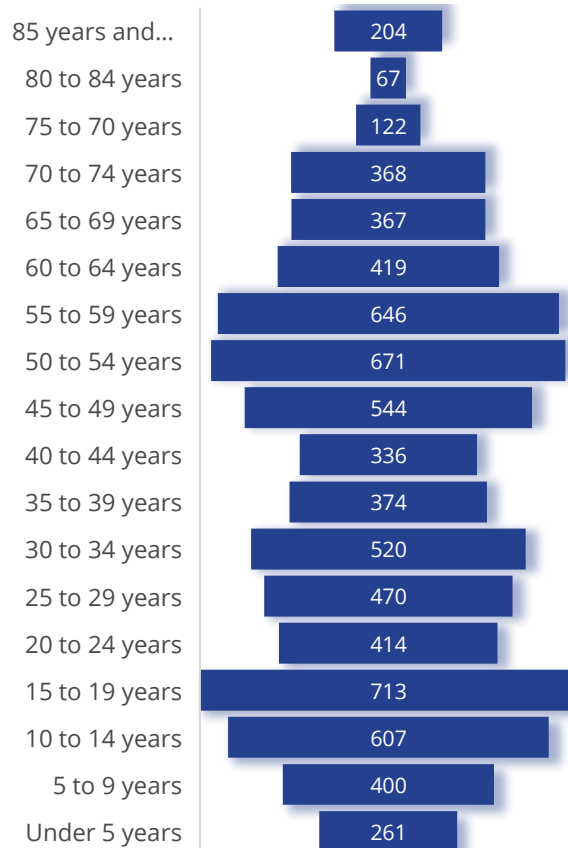
The 2023 ACS estimates 15.0% of Berlin Borough's population was 65 years or older compared to 26.4% of the population being 19 years or younger. The largest age cohort was estimated to be those aged 15 to 19 years, which comprised 9.5% (713) of the Borough's population. Residents aged 50 to 54 years comprised the second-largest age cohort at 5.5% (671) of the population, followed by residents aged 55 to 59 years at 8.6% (646). The median age was estimated at 39.2 years in the 2023 ACS. See the table and chart below for further details.

Population by Age Cohort

Age	Total	Percent
Under 5 years	261	3.5%
5 to 9 years	400	5.3%
10 to 14 years	607	8.1%
15 to 19 years	713	9.5%
20 to 24 years	414	5.5%
25 to 29 years	470	6.3%
30 to 34 years	520	6.9%
35 to 39 years	374	5.0%
40 to 44 years	336	4.5%
45 to 49 years	544	7.3%
50 to 54 years	671	8.9%
55 to 59 years	646	8.6%
60 to 64 years	419	5.6%
65 to 69 years	367	4.9%
70 to 74 years	368	4.9%
75 to 79 years	122	1.6%
80 to 84 years	67	0.9%
85 years and over	204	2.7%
Total	7,503	100%

Source: 2023 ACS Table S0101

Population by Age Cohort



Household Size & Type

According to the 2023 ACS, Berlin Borough had 2,828 households of various types. A plurality were married-couple households, which comprised 46.7% of all households (1,320). Of those, 529 had children under 18 years old. Female householders with no spouse present comprised 29.5% of all households, while male householders with no spouse present comprised only 17.5%. Of all households with no spouse present, 262 had children under the age of 18 (9.3%), while 843 were living alone (29.8%). See the table on the following page for complete details.

Household Type

Type	Number	Percent
Married-couple	1,320	46.7%
with children under 18	529	18.7%
Cohabiting couple	177	6.3%
with children under 18	76	2.7%
Male householder, no spouse	496	17.5%
with children under 18	17	0.6%
living alone	409	14.5%
Female householder, no spouse	835	29.5%
with children under 18	245	8.7%
living alone	434	15.3%
Total	2,828	100%

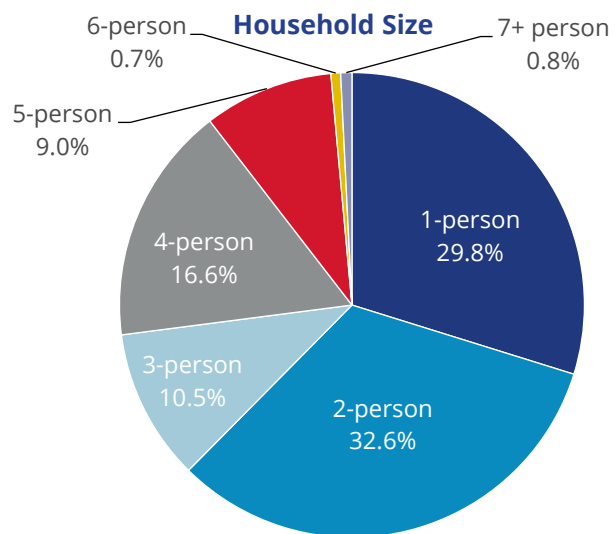
Source: 2023 ACS Table DP02

The most common household size in Berlin Borough was estimated to be 2-person households, comprising 32.6% of households in 2023. One-person households followed at 29.8%, and three-person households made up 10.5% of the 2,828 households in Berlin Borough. It should be noted that 22 households contained seven or more people. The table and pie chart below graphically illustrate the household size composition in Berlin Borough. The 2023 ACS estimated the average household size at 2.62 persons, which is slightly lower than reported in the 2010 Census (2.65 persons).

Household Size

Size	Total	Percent
1-person	843	29.8%
2-person	922	32.6%
3-person	298	10.5%
4-person	469	16.6%
5-person	255	9.0%
6-person	19	0.7%
7+ person	22	0.8%
Total	2,828	100%

Source: 2023 ACS Table B11016



Income & Poverty Status

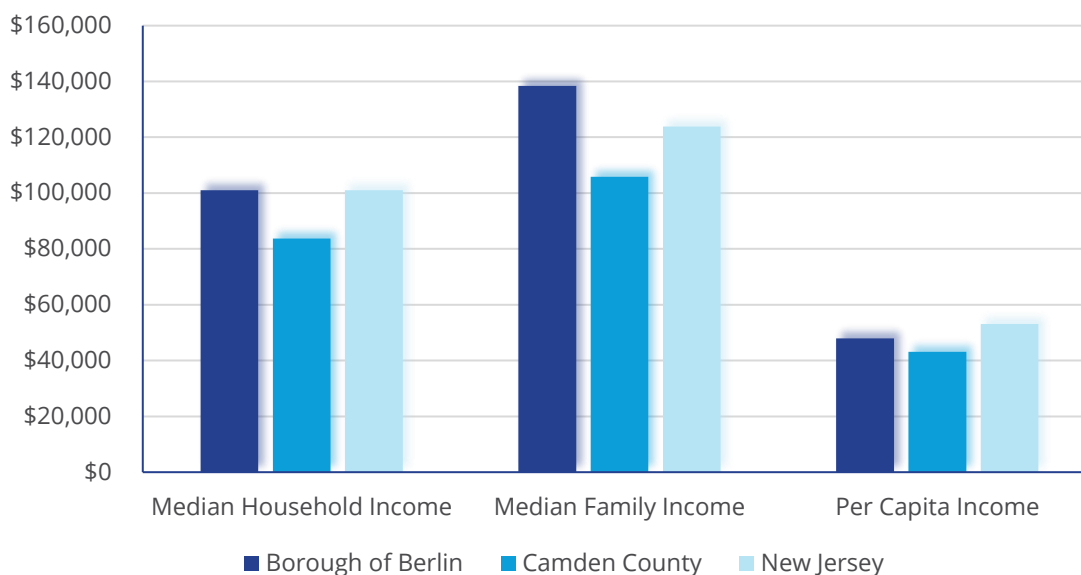
The 2023 ACS estimated the median household income for the Borough of Berlin to be \$101,008 which is almost \$17,000 less than Camden County's but \$42 more than the State's. Similarly, the median family income for the Borough was estimated at \$138,393, which is over \$32,000 below the County's and over \$14,000 less than the State's. Finally, Berlin Borough's per capita income was estimated at \$47,885, which is below both the County's but slightly more than the State's. Based on this data, residents of Berlin Borough represent a middle-ground between the high incomes of Hunterdon County and the median State incomes. This is reflected in the poverty rates of individuals and families estimated in the 2023 ACS. The Borough's poverty rate for individuals was estimated at 5.9%, which is lower than the County's by 6.6% and 3.8% lower than the State's. Similarly, the Borough's poverty rate for families was estimated at 5.6%, which is less than Gloucester County's and 1.5% less than New Jersey's. The table and bar chart below provide a comparison between income and poverty characteristics.

Income and Poverty Characteristics

Income Type	Borough of Berlin	Camden County	New Jersey
Median Household Income	\$101,008	\$83,763	\$101,050
Median Family Income	\$138,393	\$105,859	\$123,892
Per Capita Income	\$47,885	\$43,135	\$53,118
Poverty Status (Percent of People)	5.9%	12.5%	9.7%
Poverty Status (Percent of Families)	5.6%	9.4%	7.1%

Source: 2023 ACS Table DP03 & S1701& S1702

Income Characteristics



According to the 2023 ACS, 19% of households in Berlin Borough (536) earn between \$150,000 to \$199,999. Households earning between \$100,000 and \$149,999 comprised 18.5% of households, while those earning between \$50,000 and \$74,999 annually comprised 13.1% of the Borough's households. Around 50.9% of households in Berlin Borough made over \$100,000 annually compared to 40.2% of the County's and 50.4% of the State's households. It should be noted that 22.6% of households in Berlin Borough earned less than \$50,000. See the table below for additional details.

Household Income

Income Range	Borough of Berlin		Camden County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	41	1.4%	10,795	5.4%	152,706	4.3%
\$10,000 to \$14,999	46	1.6%	6,674	3.3%	97,568	2.8%
\$15,000 to \$24,999	170	6.0%	11,653	5.8%	179,019	5.1%
\$25,000 to \$34,999	254	9.0%	14,146	7.0%	183,144	5.2%
\$35,000 to \$49,999	128	4.5%	19,355	9.6%	281,135	7.9%
\$50,000 to \$74,999	370	13.1%	27,353	13.6%	466,624	13.2%
\$75,000 to \$99,999	380	13.4%	26,667	13.2%	412,151	11.6%
\$100,000 to \$149,999	522	18.5%	37,505	18.6%	639,081	18.1%
\$150,000 to \$199,999	536	19.0%	21,268	10.5%	403,415	11.4%
\$200,000 or more	381	13.5%	26,254	13.0%	723,614	20.4%
Total	2,828	100%	201,670	100%	3,538,457	100%

Source: 2023 ACS Table DP03

IV. Housing Demographics

Housing Type

The 2023 ACS estimated the Borough's housing stock at 2,949 units, which contains a variety of residential dwelling types. Single-family, detached dwellings comprised most of the housing stock with 1,961 units or 66.5% of all dwellings. There were an estimated 306 multi-family dwelling units (10.38%) in structures containing five or more units. Attached single-family dwellings (e.g. townhomes) comprised 343 units or 11.6% of the housing stock. See the table below for details.

Housing Units in Structure

Structure	Number of Units	Percent
1-unit, detached	1,961	66.5%
1-unit, attached	343	11.6%
2 units	98	3.3%
3 or 4 units	241	8.2%
5 to 9 units	152	5.2%
10 to 19 units	44	1.5%
20 or more units	110	3.7%
Mobile Home	0	0.0%
Other (boat, RV, van, etc.)	0	0.0%
Total	2,949	100%

Occupancy Status

Of the 2,949 residential units, 2,828 units, or 95.9% of the housing stock, was occupied. This includes 2,072 owner-occupied units and 756 rental units. The 121 vacant units included 111 units for rent. The remainder of the vacant units, 10, were categorized as "other" vacant. See the table on the following page for details.

The 2023 ACS estimated the average household size in Berlin Borough at 2.62 persons, while the average family size was 3.27 persons. Comparing tenure, the average owner-occupied household was 2.84, while the average renter-occupied household was 2.01 persons.

Occupancy Status

Status	Units	Percent
Occupied Total	2,828	95.9%
Owner Occupied	2,072	73.3%
Renter Occupied	756	26.7%
Vacant Total	121	4.1%
For rent	111	91.7%
Rented, not occupied	0	0.0%
For Sale	0	0.0%
Sold, not occupied	0	0.0%
Seasonal	0	0.0%
For migrant workers	0	0.0%
Other	10	8.3%
Total	2,949	100%

Source: 2023 ACS Tables DP04 & B25004

Value & Rent of Housing Stock

The 2023 ACS provided value estimates for owner-occupied housing units in Berlin Borough. According to the data, almost half of homes in the Borough were worth between \$300,000 and \$499,999 (44.2%). Homes worth between \$200,000 and \$299,999 comprised 29.1% of the owner-occupied housing units, while 14.0% of homes were estimated to be worth between \$100,000 to \$199,999. It should be noted that 16 homes (0.8%) were valued at \$1 million or more and 74 homes were valued less than \$99,999 (3.6%). The median home value estimated in the 2023 ACS was \$310,000. See the table below and chart on the following page for details.

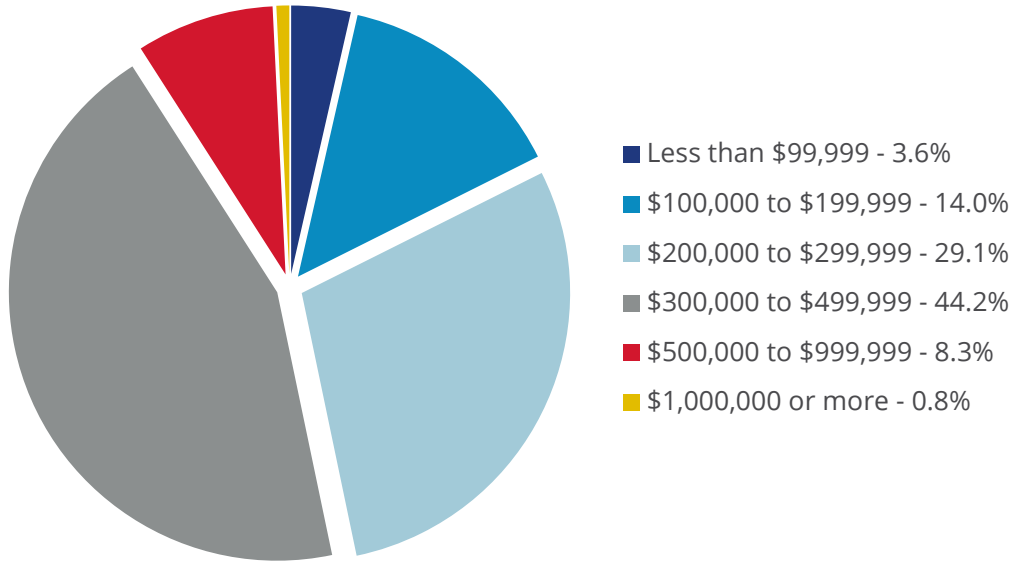
Value of Owner Occupied Units

Value	Number of Units	Percent
Less than \$99,999	74	3.6%
\$100,000 to \$199,999	291	14.0%
\$200,000 to \$299,999	603	29.1%
\$300,000 to \$499,999	916	44.2%
\$500,000 to \$999,999	172	8.3%
\$1,000,000 or more	16	0.8%
Total	2,072	100%

Median Value \$310,000

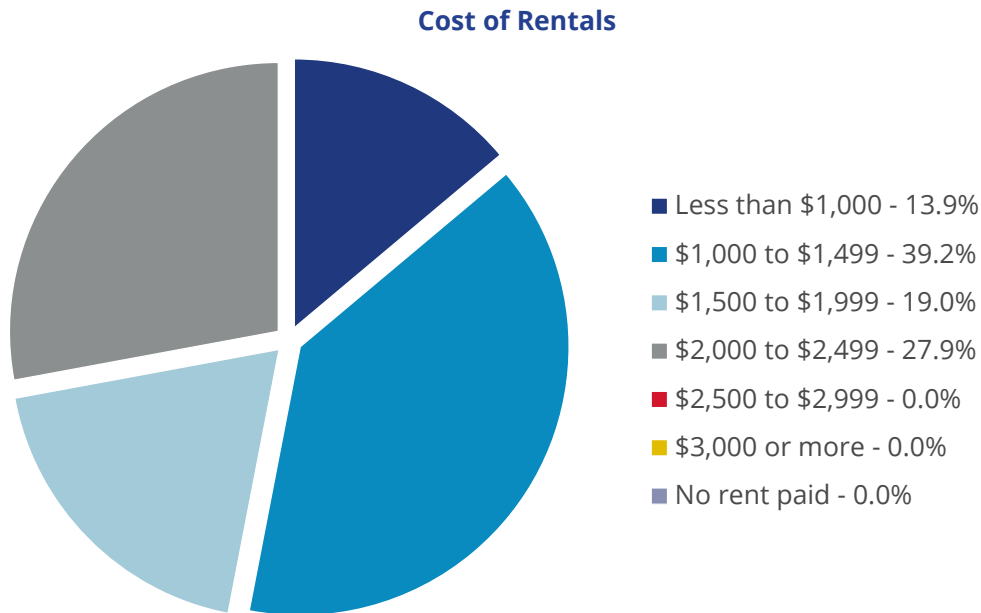
Source: 2023 ACS Table DP04

Value of Owner Occupied Units



The median rent in the Borough was estimated at \$1,399 per the 2023 ACS. Looking at the rent ranges, units that cost between \$1,000 and \$1,499 were most common with 296 rentals in this range (39.2%). Units that cost between \$2,000 and \$2,499 were the second-most common rental range at 27.9% (211 units). Rentals that cost less than \$1,000 included 105 units (13.9%), and no units cost \$3,000 or more per month. See the table below and chart on the following page for more information.

Cost	Number of Units	Percent
Less than \$1,000	105	13.9%
\$1,000 to \$1,499	296	39.2%
\$1,500 to \$1,999	144	19.0%
\$2,000 to \$2,499	211	27.9%
\$2,500 to \$2,999	0	0.0%
\$3,000 or more	0	0.0%
No rent paid	0	0.0%
Total	756	100%
Median (in dollars)		\$1,399
Source: 2023 ACS Table DP04		



Condition of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of the substandard housing units that are occupied by low- and moderate-income households. The Appellate Division upheld COAH's use of three indicators to determine substandard housing in the State. Those three indicators are:

- Houses built before 1970, and which are overcrowded with more than one person per room.
- Homes lacking complete plumbing.
- Homes lacking kitchen facilities.

In general, most homes contain complete plumbing and kitchen facilities and have adequate heat. However, 9 units (0.32%) were estimated to not used fuel for heating (gas, oil, liquid propane, wood, etc.). Additionally, no units lacked plumbing facilities while 14 units lacked kitchen facilities.

Condition of Housing Stock

Condition	Number of Units	Percent
Lack of complete plumbing	0	0.00%
Lack of complete kitchen	14	0.50%
Lack of telephone service	36	1.27%
Lack of adequate heat	9	0.32%
Total Occupied Housing Units	2,828	2.09%

Source: 2023 ACS Table DP04

Housing with 1.01 or more persons per room is an index of overcrowding as defined by the U.S. Department of Housing and Urban Development. According to the 2023 ACS, 66 units (2.3%) of the Borough's 2,828 occupied units contained 1.01 or more persons per room.

Occupants Per Room

Occupants	Number of Units	Percent
1.00 or less	2,762	97.7%
1.01 to 1.50	66	2.3%
1.51 or more	0	0.0%
Total	2,828	100%

Source: 2023 ACS Table DP04

Research has demonstrated that units built 50 or more years ago (i.e. 1975 or earlier) are much more likely to be in substandard condition. Included in the rehabilitation calculation are overcrowded units and dilapidated housing as discussed above.

The table and bar graph on the following page provide the 2023 ACS estimates for the age of housing units in Berlin Borough. An estimated 1,811 units, or 61.4%, of the Borough's housing stock, were constructed prior to 1970, with 336 homes being built prior to 1940 (11.4%). During the 1960s, 227 homes were constructed in Berlin Borough (7.7%), followed by 448 new homes during the 1970s (15.2%). During the 2010s, new residential development slowed in the Borough with only 48 homes constructed. However new residential development seemed to resume around 2020, with 143 homes being constructed since 2020. See the table and chart on the following page for more details.

The Borough's Rehabilitation Obligation is 15 units, which reflects the relatively good condition of the older homes.

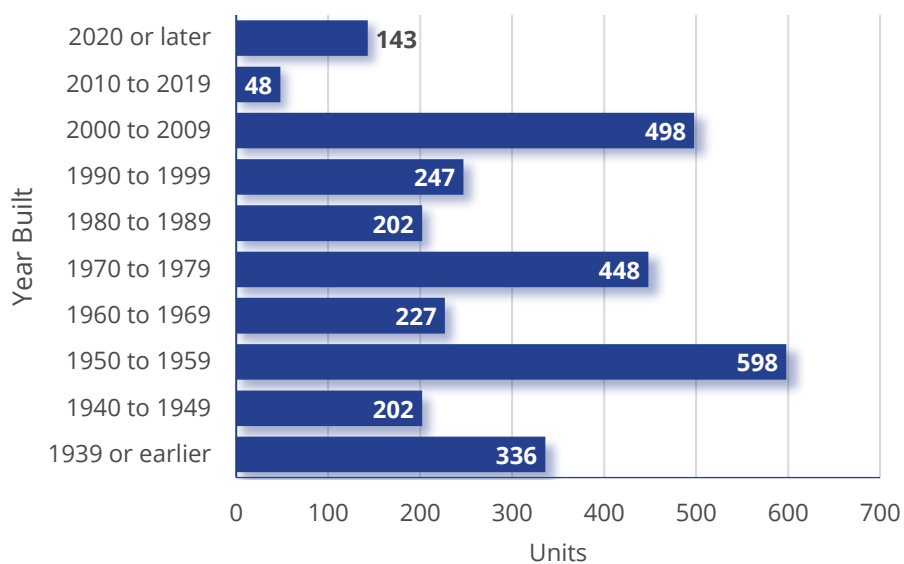
It should be noted that the "2020 or later" line item may be inaccurate. The New Jersey Department of Community Affairs' ("DCA"), Division of Codes and Standards website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development. We have reviewed the data from the State for 2020 through 2024 and only 15 certificates of occupancy have been issued for new residential units, including single-family and two-family units, since the beginning of 2020. See the table on page 24 for additional details.

Age of Housing Stock

Year Built	Number of Units	Percent
1939 or earlier	336	11.4%
1940 to 1949	202	6.8%
1950 to 1959	598	20.3%
1960 to 1969	227	7.7%
1970 to 1979	448	15.2%
1980 to 1989	202	6.8%
1990 to 1999	247	8.4%
2000 to 2009	498	16.9%
2010 to 2019	48	1.6%
2020 or later	143	4.8%
Total	2,949	100%

Source: 2023 ACS Table DP04

Age of Housing Stock



V. Employment Demographics

The 2023 ACS estimated that Berlin Borough had 4,146 residents over the age of 16 in the workforce. Of those, 4,073 (98.2%) were employed, which translates to a 1.8% unemployment rate. Most workers were private wage and salary workers (80.8%). Government workers comprised 12.7% of the workforce, while self-employed workers comprised 4.8%. See the table below for details.

Class of Workers

Class	Workers	Percent
Private wage and salary workers	3,349	80.8%
Government workers	527	12.7%
Self-employed workers	197	4.8%
Unpaid family workers	0	0.0%
Total employed residents	4,073	98.2%
Total unemployed residents	73	1.8%
Total residents in workforce	4,146	100%

Source: 2023 ACS Table DP 03

Occupational Characteristics

The 2023 ACS estimated 1,691 workers were employed management, business, science, and arts fields, which represents 41.5% of the Borough's employed residents. Service workers totaled 15.5% of employed residents, while 22.0% were employed in sales and office positions. See the table below for details.

Occupation of Employed Population

Occupation	Workers	Percent
Management, business, science, & arts	1,691	41.5%
Service	631	15.5%
Sales & office	897	22.0%
Natural resources, construction, & maintenance	235	5.8%
Production, transportation, & material moving	619	15.2%
Total	4,073	100%

Source: 2023 ACS Table DP 03

Employment Projections

DVRPC estimates that the number of available jobs in Berlin Borough will increase from 4,105 reported in 2020 to 4,941 in 2050. This represents an increase of 836 jobs, or an average increase of approximately 28 jobs annually. However, as detailed in the following section, the New Jersey Department of Labor and Workforce Development estimated a total of 3,700 jobs in Berlin Borough in 2023, which is 489 less than projected by DVRPC.

Employment Projection

Year	Jobs	Change	Percent
2020	4,105	---	---
2050	4,941	836	20.4%

Source: Population Projections from Delaware Valley Regional Planning Commission (DVRPC)
<https://www.dvrpc.org/reports/adr21014.pdf>

In-Place Employment By Industry

New Jersey's Department of Labor and Workforce Development ("NJDLWD") is the entity that reports on employment and wages within the State of New Jersey through the Quarterly Census of Employment and Wages ("QCEW"). The latest Municipal Report was completed in 2023. According to the data, there were 3,700 private sector jobs within Berlin Borough, which were provided by an average of 319 employers. It should be noted that the Municipal Report redacted data from multiple private-sector industries for not meeting publication standards (professional/technical, management, admin/waste remediation, etc.). The "Private Sector Total" row in the table on the following page provides the totals for the reported data only. However, the 2023 QCEW reported that Berlin Borough had an average of 5,778 private-sector jobs provided by 394 employers, including the redacted data. It should be noted that the QCEW data reflects employment within the Borough, regardless of where the employee lives.

Based on the 2023 QCEW data provided, the health/social had the greatest number of workers with an average of 1,149 jobs (29.0%), which were provided by the greatest number of employers (75). The accommodations/food industry employed 501 workers (second-most), or 12.7%, and had the fourth-greatest number of employers (66). The construction industry had 491 workers (third-most), with 62 employers (second-most). In the public sector, the 2023 QCEW Municipal Report indicated that there were two federal government employers, which provided 64 jobs. Additionally, there were three local government employers providing 195 jobs. This included one local government education employer providing an average of 121 jobs. See the table on the following page for data on each industry sector.

Private and Public Sector Employment (2023)

Industry	Establishments		Employees		Annual Wages
	Total	Percent	Total	Percent	
Construction	62	19.1%	491	12.4%	\$87,268
Manufacturing	14	4.3%	453	11.4%	\$65,410
Wholesale Trade	16	4.9%	198	5.0%	\$75,736
Retail Trade	45	13.9%	378	9.5%	\$38,403
Transportation/Warehousing	6	1.9%	297	7.5%	35,354
Finance/Insurance	11	3.4%	35	0.9%	\$66,431
Real Estate	8	2.5%	59	1.5%	\$43,465
Professional/Technical	.	-	.	-	.
Management	.	-	.	-	.
Admin/Waste Remediation	.	-	.	-	.
Education	.	-	.	-	.
Health/Social	75	23.1%	1,149	29.0%	\$40,887
Arts/Entertainment	.	-	.	-	.
Accommodations/Food	35	10.8%	501	12.7%	\$22,503
Other Services	33	10.2%	128	3.2%	\$42,616
Unclassifieds	14	4.3%	12	0.3%	\$64,267
Private Sector Total	319	98.5%	3,700	93.5%	\$55,164
Federal Government	2	0.6%	64	1.6%	\$126,571
State Government	0	0.0%	0	0.0%	\$0
Local Government	3	0.9%	195	4.9%	\$63,857
Local Government Education	1	0.3%	121	3.1%	\$67,543
Public Sector Total	5	1.5%	259	6.5%	\$64,493

Source: The table values above are sourced from the NJDLWD's QCEW 2023 Municipal Report. It is noted that this Report has redacted multiple private sector industries for not meeting the publication standard. Therefore, the Private Sector Totals row has been calculated by this office using the published numbers.

Travel Time to Work

The 2023 ACS collected data regarding employed resident's commute time. The most common commute time was between 60 and 89 minutes, which was made by 530 workers (15.0%). A commute between 30 and 34 minutes was second-most common commute with 457 workers (12.9%). Rounding off the top three was a commute of 20 to 24 minutes, which was reported by 427 workers (12.1%). The mean travel time was estimated at 35.7 minutes. It should be noted that 678 workers (19.1%) reported a commute of more than one hour. Additionally, 319 workers, or 8.3 % of the Borough's employed residents, reported working from home. See the table on the following page for additional details.

Commute Time

Travel Time (minutes)	Workers	Percent
Less than 5	132	3.7%
5 to 9	253	7.1%
10 to 14	281	7.9%
15 to 19	275	7.8%
20 to 24	427	12.1%
25 to 29	338	9.5%
30 to 34	457	12.9%
35 to 39	174	4.9%
40 to 44	128	3.6%
45 to 59	400	11.3%
60 to 89	530	15.0%
90 or more	148	4.2%
Total	3,543	100.0%

Source: 2023 ACS Table B08303

VI. Projection of Housing Stock

As per the MLUL, specifically N.J.S.A. 52:27D-310, a housing element must contain a projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing for the next ten years, considering, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.

The DCA Division of Codes and Standards website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development through the New Jersey Construction Reporter. This database contains permit and certificate of occupancy information that is submitted by municipal construction officials across the State each month. The Construction Reporter has information dating back to 2000, which can be used to show the Borough's historic development trends. However, data from 2013 and onward was reviewed to determine more recent trends.

As shown in the table below, there were 25 certificates of occupancy issued over this 12-year period. Most certificates of occupancy were issued in 2021, which included 12 certificates issued. Most years, the Borough did not issue more than one or two certificates of occupancy. During the same time, a total of 9 demolition permits were issued, which equates to a net development of 16 residential units.

Historic Trend of Residential Certificates of Occupancy & Demolition Permits (2013-2024)

	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	Total
COs Issued	4	0	3	1	1	1	0	2	12	0	1	0	25
Demolitions	0	0	4	1	0	1	2	0	1	0	0	0	9
Net Development	4	0	-1	0	1	0	-2	2	11	0	1	0	16

Source: NJDCA, Construction Reporter - Housing Units Certified and Demolition Permits, Yearly Summary Data

Projecting into the future, aside from the redevelopment projects identified in Chapter XI, the Borough anticipates very limited residential development in the municipality during the Fourth Round. Assuming the same rate of development as the past 12 year period, the Borough anticipates a total of 13 new units to be developed between 2025 and 2035, primarily resulting from infill or minor subdivisions.

VII. Capacity for Fair Share

This chapter of the HEFSP provides the following information as required by the rules:

- The Borough's capacity to accommodate its housing needs.
- A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing.
- Lands of developers who have expressed a commitment to provide low- and moderate-income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

Land Capacity

Berlin Borough's capacity to accommodate its present and prospective affordable housing need is determined by three components - available land, water capacity and sewer capacity. Note that land development is limited by wetlands, flood plains, easements (conservation, sewer, water, etc.), parcel size and municipal regulations.

Utility Capacity

Berlin Borough is provided with potable public water by the Berlin Borough Water Department. According to the NJDEP public water system website, the Berlin Borough Water Department has a firm capacity of 3.240 million gallons per day ("MGD") with a current peak demand of 2.185 MGD with 0.271 MGD committed for approved projects. The current and committed flows result in a total peak demand of 2.456 MGD, leaving 0.784 MGD in surplus capacity.⁶

Sanitary sewer service is provided by the Berlin Borough Sewer Department, which transports wastewater to the regional system operated by the Camden County Municipal Utility Authority ("CCMUA"). According to the CCMUA website, the Atlantic Basin Interceptor Project was completed in 2014, which expanded sewer capacity in Berlin Borough, Berlin Township, Chesilhurst, Pine Hill, Waterford Township, and Winslow Township. The Berlin Borough Engineer has stated that there is sufficient capacity in the Borough's sanitary system and the regional treatment plant to treat the wastewater from future affordable housing projects.

Appropriate Locations for Affordable Housing

Land that is most appropriate for the construction of low- and moderate-income housing includes the following properties being considered by the Borough for designation as Areas in Need of Redevelopment:

- 126-148 Route 73 (Block 1100, Lots 4, 7, 8, 9, 9.01)
- 328 South White Horse Pike (Block 1800, Lot 9)
- 69-83 South White Horse Pike (Block 1108, Lots 6, 7, 8, 9)

Existing structures appropriate for conversion to affordable housing include homes in foreclosures, which may be cost effective to buy and convert to affordable housing. As for structures suitable for

⁶ NJDEP Public Water System Deficit/Surplus Report. <https://www.nj.gov/cgi-bin/dep/watersupply/pwsdetail.pl?id=0405001>.

rehabilitation, according to the Borough's Rehabilitation Obligation, 15 homes within the Borough need a major system repair (e.g. roof, electric, plumbing, etc.).

Potential Affordable Housing Developers

The Borough is currently working with potential redevelopers of the three tracts being considered for designation as Areas in Need of Redevelopment as identified above. No other developers have approached the Borough to express any interest in developing affordable housing.

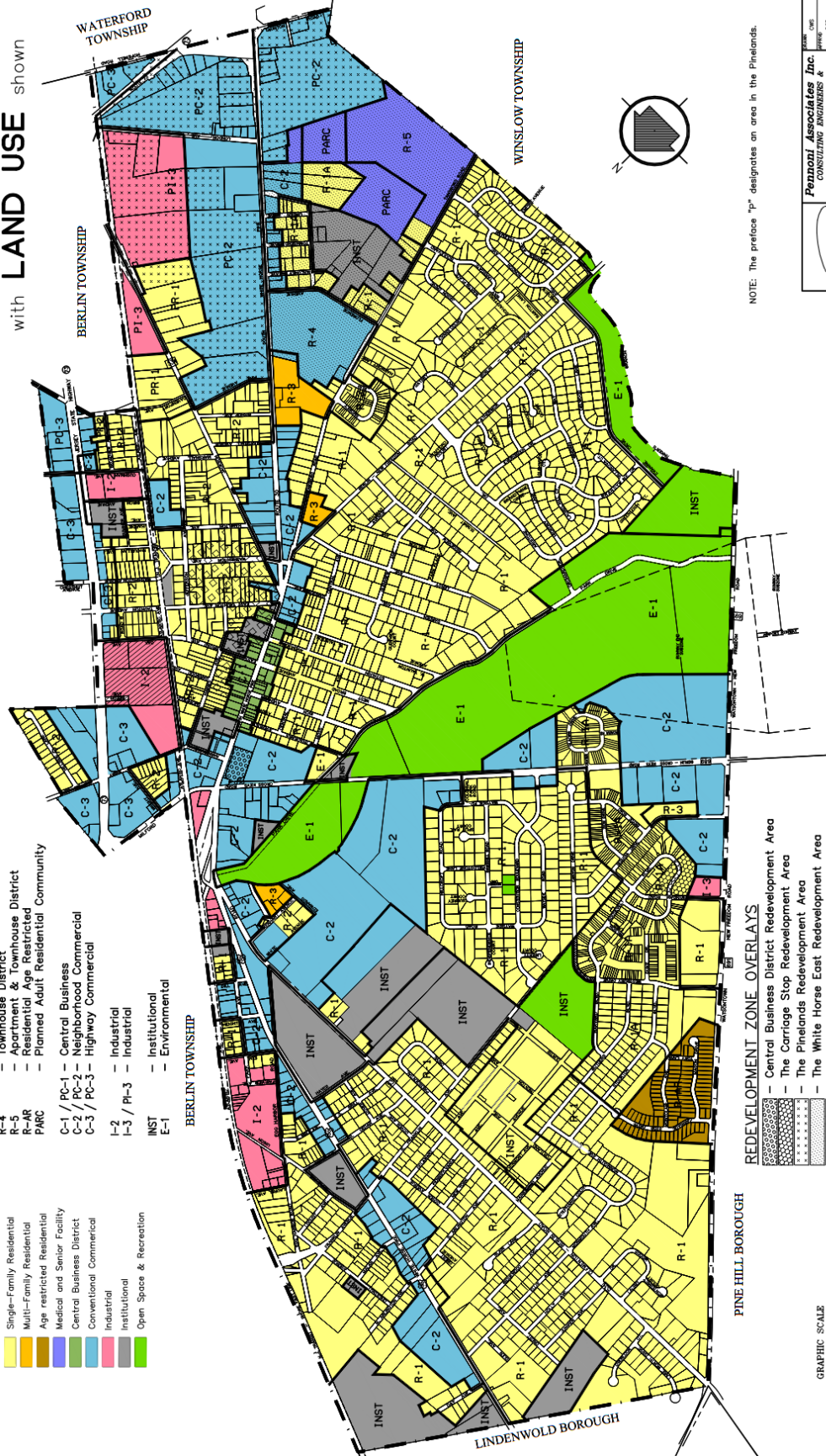
Anticipated Development Patterns

Anticipated land use patterns within the Borough of Berlin will most likely follow the established zoning map. Berlin Borough has low, medium, and high density residential districts; garden apartments, townhouses, and apartments; age-restricted and planned adult residential communities; central business, neighborhood, and highway commercial districts; industrial districts; and institutional and environmental districts.

The only anticipated exceptions to the established land use pattern will be the redevelopment projects identified above.

BOROUGH OF BERLIN ZONING MAP with LAND USE shown

- LAND USE**
- PLANNING DISTRICT DESIGNATIONS**
- Single-Family Residential
 - Multi-Family Residential
 - Age restricted Residential
 - Medical and Senior Facility
 - Central Business District
 - Conventional Commercial
 - Industrial
 - Institutional
 - Open Space & Recreation
- ZONING LEGEND**
- R-1 / PR-1 - Low Density Residential
 - R-1a - Medium Density Residential
 - R-2 / PR-2 - High Density Residential
 - R-3 - Garden Apartment District
 - R-4 - Townhouse District
 - R-5 - Apartment & Townhouse District
 - R-AR - Residential Age Restricted
 - PARC - Planned Adult Residential Community
 - C-1 / PC-1 - Central Business
 - C-2 / PC-2 - Neighborhood Commercial
 - C-3 / PC-3 - Highway Commercial
 - I-2 - Industrial
 - I-3 / RI-3 - Industrial
 - INST - Institutional
 - E-1 - Environmental



NOTE: The prefix "P" designates an area in the Pinelands.

- REDEVELOPMENT ZONE OVERLAYS**
- Central Business District Redevelopment Area
 - The Carriage Stop Redevelopment Area
 - The Pinelands Redevelopment Area
 - The White Horse East Redevelopment Area
 - Historic District Overlay
 - The 73 Redevelopment Area

Pennoni Associates Inc.
Professional Land Surveyors
215 Grove Street
Atlantic City, NJ 08401
201.941.1111
www.pennoni.com

DATE: 1/2/2014
BY: [Signature]
1 OF 1

Multigenerational Family Continuity Evaluation

P.L. 2024, c.2 amended various aspects of the Fair Housing Act. These amendments modified the mandatory components of a municipality's housing element. NJSA 52:27D-310g. has been added, which states "An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20)"

P.L. 2021, c.273 took effect on November 8, 2021. The law established the Multigenerational Family Housing Continuity Commission, which consists of a body of nine members. The duties of the Commission include the preparation and adoption of recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas. The Law requires the Commission to report annually to the Governor on its activities, findings, and recommendations, if any, for State and local government. The Department of Community Affairs ("DCA") is required to provide staff services as may be needed for the Commission to carry out its responsibilities, including assembly of necessary information and statistics, and preparation of draft reports, analyses, and recommendations.

The State of New Jersey's website was reviewed on April 3, 2025. A search of the website revealed no webpage for the Multigenerational Family Housing Continuity Commission. As DCA is required to provide staff and research for the Commission, DCA's website was reviewed on April 3, 2025. DCA's website is silent regarding the Commission, its annual required reports, studies, and/or recommendations. Without recommendations from the Commission, Berlin Borough is unable to conduct an analysis of its ordinances and other local factors. Despite the absence of recommendations, it should be noted that there is nothing in Berlin Borough's zoning ordinance that prohibits senior citizens from residing at the home of their extended families.

State Development & Redevelopment Plan Consistency

P.L. 2024, c.2 amended the Fair Housing Act to include a new requirement for housing elements. N.J.S.A. 52:27D-310i. reads, "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."

The Draft State Development and Redevelopment Plan was approved by the State Planning Commission ("SPC") on December 4, 2024, and was released on December 6, 2024. The Office of Planning Advocacy ("OPA") conducted public hearings in each of New Jersey's 21 Counties between February 12, 2025 and April 16, 2025. Municipalities are tasked with completing Cross-Acceptance Response Template forms to determine a municipality's consistency with the Draft State Plan. The OPA anticipates collecting all Cross-Acceptance Response Template forms in the Summer of 2025. During this time, the OPA is accepting comments on the Draft Plan. The OPA anticipates releasing a Final Draft Plan and holding six additional public hearings in the Summer/Fall of 2025. The expected adoption of the Final Plan by the SPC is anticipated to be in the Winter of 2025.

As the document is a draft, the Borough cannot opine on consistency until the final version is adopted. Roseland has not received guidance concerning water, wastewater, stormwater, or multi-modal transportation from the State Planning Commission.

FAIR SHARE PLAN

VIII. Required Content of Fair Share Plan

The Fair Share Plan contains the following information:

- Description of existing credits intended to satisfy the obligation;
- Description of mechanisms that will be used to meet any outstanding obligation; and
- An implementation schedule that sets forth a detailed timetable for units to be provided.

In adopting its housing element, a municipality may provide for its fair share of low- and moderate-income housing by means of any technique or combination of techniques that provide a realistic opportunity for the provision of the fair share. As per N.J.A.C. 5:93, these potential techniques include but are not limited to:

- Rehabilitation of existing substandard housing units;
- ECHO units (as a Rehabilitation credit);
- Municipally sponsored and 100% affordable developments;
- Zoning for inclusionary development;
- Alternative living arrangements;
- Accessory apartment program;
- Purchase of existing homes;
- Write-down/buy-down programs; and
- Assisted living residences.

IX. Regional Income Limits

Dwelling units are affordable to low- and moderate-income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. The State historically provided income limits based upon the median gross household income of the affordable housing region in which the household is located. A moderate-income household is one with a gross household income equal to or more than 50%, but less than 80%, of the median gross regional household income. A low-income household is one with a gross household income equal to 50% or less of the median gross regional household income. Very-low-income households are those with a gross household income equal to 30% or less of the median gross household income. Berlin Borough is in Region 5, which contains Burlington, Camden, and Gloucester Counties.

Using the Affordable Housing Professionals of New Jersey's latest chart on the regional income limits for Housing Region 5 in 2024, a four-person moderate income household is capped at \$91,760. Two-person moderate income households are capped at \$73,408, while two-person households could make up to \$45,880 to be considered a low-income household. The table below provides the median, moderate, low, and very-low-income limits for one-, two-, three-, and four-person households in Region 5.

2024 Regional Income Limits

Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$80,290	\$91,760	\$103,230	\$114,700
Moderate	\$64,232	\$73,408	\$82,584	\$91,760
Low	\$40,145	\$45,880	\$51,615	\$57,350
Very-Low	\$24,087	\$27,528	\$30,969	\$34,410

Source: https://ahpnj.org/member_docs/Income_Limits_2024_FINAL.pdf

X. Berlin Borough's Affordable Housing Obligation

This chapter outlines the four-part affordable housing obligation Berlin Borough has been assigned.

Present Need (Rehabilitation Obligation) | 15

Berlin Borough accepted DCA's calculation of the present need (rehabilitation obligation) of 15 units for the Fourth Round.

Prior Round (1987-1999) | 154

The Borough of Berlin was granted Second Round Substantive Certification from COAH in 1999. Berlin Borough has a Prior Round Obligation of 154.

Third Round (1999-2025) | 131

The Borough of Berlin settled with the Fair Share Housing Center in 2017 regarding its Third Round obligation and accepted an obligation of 131.

Fourth Round (2025-2035) | 62

As indicated in the January 2025 Decision and March 2025 Order, the Borough's Fourth Round Obligation is 62.

The Amended FHA modified the micro-requirement formulas for the Fourth Round obligation, as follows:

- Minimum 50% of the actual affordable units (exclusive of any bonus credits) available to families;
- Minimum 25% of the actual affordable units (exclusive of any bonus credits) as rental units;
- Half of the above as family rental units;
- Maximum 30% of the affordable units exclusive of any bonus credits) as age-restricted housing; and
- Maximum 25% of the obligation as bonus credits.

XI. Mechanisms & Credits

This chapter provides the existing and proposed mechanisms and credits for each of the four affordable housing obligations.

Rehabilitation Mechanisms & Credits

Berlin Borough will participate in the Camden County Improvement Authority's Rehabilitation program for owner-occupied units and will enter into a shared services agreement for renter-occupied units. The Borough has a rehabilitation obligation of 15 units between 2025 and 2035. The Borough has set aside funds to rehabilitate rental units through the share services agreement while the remaining units will be rehabilitated through the owner-occupied program that uses CDBG funds. The rental rehabilitation funds will be from the Borough's Trust Fund.

Prior Round Mechanisms & Credits

The Borough has addressed this entire Prior Round obligation of 154 units. This includes the following developments, which are all constructed and occupied. There is a surplus of affordable housing unit credits which are then carried over to the Third Round Obligation. The following section summarizes the developments used to address the Borough's Prior Round obligation.

1. Carriage Stop

This development, formerly known as the "Marshall Site", consists of 401 market units and 28 affordable rental units, for a total of 429 dwelling units (originally this was to be 511 units). The site is traversed by Roosevelt Boulevard in Block 2201 on a 147-acre tract, now consisting of many different lot numbers assigned to fee simple lots. The tract has three points of access to Watsontown-New Freedom Road (County Route 691) and is situated in the R-1A district. The R-1A district permits single family detached units, townhouses, parks and churches.

While the project was first approved by the Court on June 23, 1989, it was developed under a modification of that order issued on September 24, 1997. Exhibit A of the Order contains a Stipulation Agreement that set the allowed number of housing units, the required number of affordable units, a development impact fee on the market rate units estimated to be \$515,000, a ratio of low income to moderate income units of 1:1, and the allowed income and rent levels of the project.

The site was certified by COAH as part of Berlin Borough's 1999 Second Round Substantive Certification. The affordable housing site itself is known as Block 2406 Lot 24 and consists of three buildings on Roosevelt Boulevard at the western intersection with Wyndam Road on a lot of 2.13 acres. The property is owned by Jet Associates, LLC, and is a subsidiary of Schaeffer Family Homes of West Berlin, New Jersey.

The certificate of occupancy for the last dwelling was issued prior to January 1, 2004. The affordable units have a 20-year deed restriction, which was established on May 1, 2001, and recorded on March 16, 2009. The Carriage Stop development will provide 28 Prior Round affordable family rental units, each of which is eligible for a Prior Round rental bonus credit, for a total of 56 credits contributing toward the Prior Round obligation.

2. Lonaconing

Lonaconing (also known as Haverhill in prior housing plans) is an inclusionary housing development that includes a total of 251 housing units, consisting of 211 non-age-restricted market units and 40 affordable senior rental units. The affordable housing component consists of 20 low-income and 20 moderate-income units.

The site was subject to a First Round builder's remedy lawsuit and was certified by COAH as part of Berlin Borough's 1999 Second Round Substantive Certification. The case's Final Judgment and Order was entered on April 20, 1989. The project received site plan approval from Superior Court on February 5, 1991. The Settlement Agreement for the project included not only 251 housing units but also a 215,000-shopping center with two pad sizes of 3,700 square feet and 5,000 square feet for a total of 223,700 square feet of retail space; however, there has been no development of this commercial use.

The senior affordable development is located on Lot 13 in Block 2507 along Sequoia Drive and consists of four 10-unit buildings. The senior development is owned by Lonaconing Apartments, LLC, a subsidiary of Schaeffer Family Homes of West Berlin, New Jersey. The 40 apartments are divided into 16 one-bedroom and 24 two-bedroom units and are all for rent. The final certificate of occupancy was issued on October 20, 2005. The affordable units have a 20-year deed restriction which was established on October 12, 2004, and recorded on April 1, 2009.

The Borough will apply 40 credits towards the Prior Round obligation. The remaining 2 age-restricted affordable apartments will be applied to the Third Round obligation.

3. BAM Developers

BAM Developers, LLC, (formerly known as DRD Developers) has constructed a small apartment building for 5 market units and 1 affordable unit, which equals a 16.6% set aside. The site is located at 45 East Taunton Avenue on Block 1102 Lot 3.01 and is in the R-2 zone district, which permits single family detached units, townhouses, parks, and churches. The project received a use variance and preliminary/final site plan approval on May 8, 2006. On March 8, 2010, the Planning Board granted amended approval to allow the affordable housing unit to be rented, whereas the prior approval required it to be owner-occupied. The site contains 0.81 acres, and the gross density of the project is 7.37 dwelling units per acre. The project has been completed and is occupied. This project will contribute 1 affordable family rental low-income unit toward the Prior Round obligation.

4. 328 South White Horse Pike

The owners of this property, now AC I Berlin, LLC, own a shopping center with a Kmart store as the anchor tenant and sought to build residential uses on the entire commercial site in an area of vacant storefronts. The site contains 21.99 acres located abutting White Horse Pike (U.S. Route 30), Florence Avenue, and Tansboro Road (County Route 561) on Block 1800, Lots 5, 6, and 9. The Borough entered into a settlement agreement with Armstrong on March 9, 2009, whereby the plaintiff was permitted to construct up to 80 market rate dwellings and 20 affordable townhouses, in addition to retaining a substantial retail component of approximately 125,000 square feet. This retail portion includes the existing Kmart store, a building containing multiple tenants, a diner, and a new 4,000-square foot building at the front of the site along the White Horse Pike. The site provides 20 affordable family rental units towards the Prior Round obligation.

5. The Gardens (Nexus Properties, LLC)

The Superior Court awarded a builder's remedy to Nexus Properties, LLC on May 27, 2008, allowing the construction an inclusionary development of 600 units. After much negotiation between the parties, including an analysis of the water and sewer infrastructure available to the site, the Borough and Nexus Properties entered into a settlement agreement, which permits the construction of 399 market rate units, 71 affordable units, and 2 dwellings for maintenance and for supervisory personnel, for a total of 472 units.

The Nexus tract is a 30.79-acre site located on Block 1700, Lots 1 and 3. The site is located on the east side of Tansboro Road (County Route 561). The site was previously located in the PARC Planned Active Residential Community zone and was rezoned to the R-5 Apartment and Townhouse District. The property has 1,200 feet of road frontage along Tansboro Road (Route 561), opposite the Coleman Road and Tansgate Boulevard intersections.

The site was constructed with 472 apartment unit within 24 two- and three-story buildings, known as the Gardens. The project inclusionary contains 71 affordable units and 2 superintendent units. The site provides a total of 71 affordable units, with 17 units applied to the Prior Round obligation and the remaining 54 units towards the Third Round.

6. South Jersey Behavioral Health

An existing four-bedroom group home serving six mentally disabled adults is located at Block 202 Lot 3. It is operated by South Jersey Behavioral Health Resources, Inc. All residents are very-low-income. The facility is licensed by the NJ Department of Human Services. Capital financing for the renovation of the facility was initially granted on June 5, 2002, and converted to permanent financing on May 15, 2004, to the NJ Department of Human Services. The facility was deemed to meet the eligibility criteria established under N.J.A.C. 5:97 4-3(c). The four bedrooms in this facility contribute 4 rental units and 4 rental bonus credits toward the Prior Round for a total of 8 credits.

7. PILOT Special Needs Facility

This three-bedroom group home for developmentally disabled adults is located at Block 900 Lot 1. All residents are very-low-income. It is operated by Personalized Independent Living Opportunities & Training Service, Inc. and licensed by the NJ Division of Developmental Disabilities. Financing for the purchase was obtained from the Capital Financing Unit of the NJ Housing and Mortgage Finance Agency. The group home has 20-year affordability controls. The project is affirmatively marketed using the Division's waiting list. The three bedrooms in this facility contribute 3 rental units and 3 rental bonus credits toward the Prior Round for a total of 6 credits.

8. Twin Oaks

A four-bedroom single family detached house was purchased in 2009 and converted into a group home by Twin Oaks Community Services for developmentally and mentally disabled adults. The group home is located at Block 1900 Lot 3. Since private funds were used to purchase the property, there is no requirement to adhere to NJHMFA requirements for deed restricting the building to low- and moderate-income residents. The Borough and Twin Oaks Community Services have reached an agreement to impose such affordability controls. In compensation for \$25,000 per bedroom for a total of \$100,000 to be paid from the municipal affordable housing trust fund, Twin Oaks agreed to deed restrict the property to very-low-income residents for a period of not less than 30 years in

accordance with UHAC. The four bedrooms in this facility contribute 4 rental units and 4 bonus rental creds toward the Prior Round for a total of 8 credits.

9. Rental Bonus Credits

Pursuant to N.J.A.C. 5:93-5.15(d), the Borough may claim 2 units of credit for rental units available to the general public (i.e. family rentals or non-age-restricted group homes) or 1.33 units of credit for age-restricted rentals. Rental bonuses for the Prior Round are capped at the rental obligation, which is 25 percent of the new construction obligation. For the Prior Round, Berlin Borough has a rental obligation of 39 units and, therefore, may apply up to 39 bonus credits. Berlin Borough will apply 28 rental bonus credits from Carriage Stop, and 11 rental bonus credits from the three existing group homes for a total of 39 bonus credits.

Summary of Prior Round Credits

As shown in the table below, the Borough has a total of 115 existing affordable units to address the Prior Round obligation. With the 39 rental bonus credits, the affordable housing credits total 154. Therefore, the Borough has met its Prior Round obligation.

Prior Round Obligation (1987-1999)

Project	Credit Type	Credit	Rental Bonus	Total
Carriage Stop	NAR/R	28	28	56
Lonaconing	AR/R	38		38
BAM Developers	NAR/R	1		1
328 S. White Horse Pike	NAR/R	20		20
Nexus Properties, LLC	NAR/R	17		17
South Jersey Behavioral Health	SGH	4	4	8
PILOT Special Needs Facility	SGH	3	3	6
Twin Oaks	SGH	4	4	8
Total		115	39	208
Prior Round Obligation				154

Key: NAR/R – Family Rental; NAR/S Family Sale; AR/R – Age-Restricted Rental; AR/S – Age-Restricted Sale; SGH – Supportive Group Home; MTA – Market to Affordable

Third Round Mechanisms & Credits

1. Lonaconing

As previously stated, 2 age-restricted rental units from the Lonaconing development will be applied to the Third Round obligation.

2. The Gardens (Nexus Properties, LLC)

As previously stated, 54 family rental units from the Gardens development will be applied to the Third Round obligation, along with 33 rental bonus credits.

3. Spring Oak Assisted Living Facility

The Spring Oak Assisted Living Facility is located at 396 South White Horse Pike, also known as Lot 1.01 in Block 1700. According to the NJ Department of Health, the assisted living facility contains 115 assisted living beds.⁷ N.J.S.A. 26:2H-12.166 requires that at least 10 percent of all beds in an assisted living facility must be available to Medicaid recipients, which is a minimum of 12 beds for this facility. As part of the Borough's Third Round Judgment of Compliance and Repose, the site was deemed credit worthy for 31 Medicaid beds, providing 31 units of age-restricted credits towards the Third Round obligation.

4. Market to Affordable Program

As part of the Borough's Third Round Judgment of Compliance and Repose, the Borough created a Market to Affordable program, which will negotiate with owners of existing market rate rental units to buy down the rent to an affordable level, offering owners a subsidy to deed restricts certain units so that the household renting the unit will be paying an affordable rent as determined under this program. This will be done through a lump sum subsidy payment up front to the landlord. The arrangement for payment of the subsidy will be documented in the program's Landlord Agreement.

The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income. The number of bedrooms in a unit shall not be a factor in the determination of whether to include a unit in the Program. The initial rent for a restricted rental unit, including all utilities, shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size.

The landlord will retain oversight of the building and the affordable units and may conduct standard credit and background checks; however, marketing and tenant selection will be completed according to UHAC by Berlin Borough, the Administrative Agent for the program.

Any house or apartment to be included in this Program will be brought up to code prior to renting or prior to any resale. At least, \$25,000 for each moderate-income unit and \$30,000 for each low-income unit will be expended from the Borough's affordable housing trust fund to operate the program.

The Borough's Third Round Judgment of Compliance and Repose deemed the Market to Affordable program creditworthy for 11 units of credit towards the Third Round obligation. These 11 units were restricted as affordable housing in compliance with the program.

⁷ <https://healthappns.nj.gov/facilities/fsFacilityDetails.aspx?item=NJ15A008>

5. Rental Bonus Credits

Rental bonuses for the Third Round are capped at the rental obligation, which is 25 percent of the new construction obligation. For the Third Round, Berlin Borough has a rental obligation of 33 units and, therefore, may apply up to 3 bonus credits. Berlin Borough has applied 33 rental bonus credits from the Gardens towards the Third Round obligation.

Summary of Third Round Credits

As shown in the table below, the Borough has a total of 98 existing affordable units to address the Third Round obligation. Accounting for the 33 rental bonus credits, the affordable housing credits total 131 units. Therefore, the Borough has met its Third Round Obligation.

Third Round Obligation (1999-2025)

Project	Credit Type	Credit	Rental Bonus	Total
Lonaconing	AR/R	2	0	2
The Gardens (Nexus)	PRO Cycle Credits /NAR/R	54	33	87
Spring Oak Assisted Living	AR/R	31	0	31
Market to Affordable	MTA	11	0	11
Total		98	33	131
Third Round Obligation				131
<i>Key: NAR/R – Family Rental; NAR/S Family Sale; AR/R – Age-Restricted Rental; AR/S – Age-Restricted Sale; SGH – Supportive Group Home; MTA - Market to Affordable</i>				

Fourth Round Mechanisms & Credits

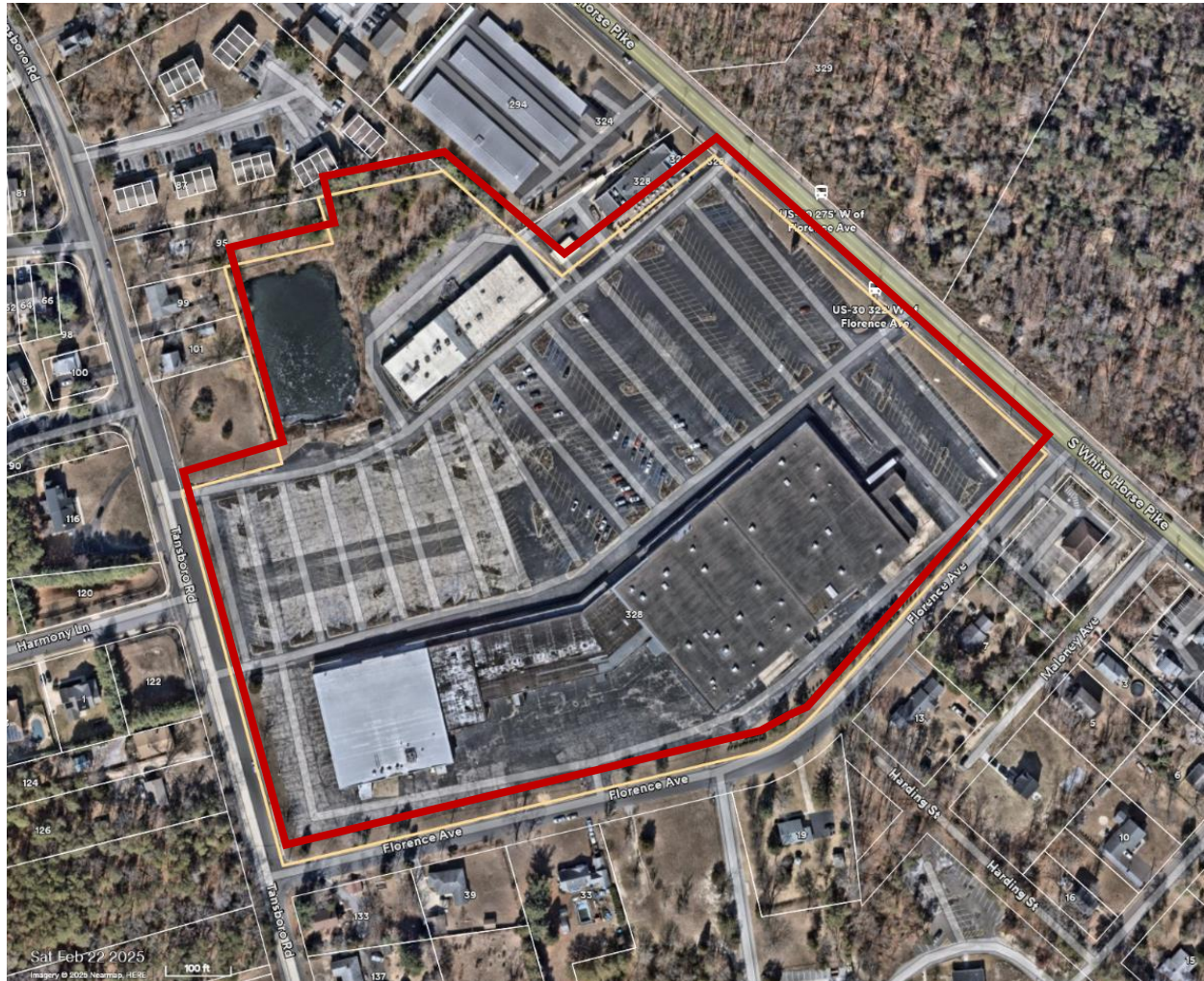
1. 126-148 Route 73 (Block 1100, Lots 4, 7, 8, 9, 9.01)

The tract consisting of Lots 4, 7, 8, 9 and 9.01 in Block 1100 contains approximately 13 acres located along the south side of State Route 73. The property has been the subject of discussion for redevelopment in the Borough for several years. The property was designated as an Area in Need of Redevelopment in 2016. Over the past 9 years, a number of concepts have been considered for the property. However, the Borough has not yet adopted a Redevelopment Plan for the Area in Need of Redevelopment. The Borough is currently negotiating with the property owner for the development of a townhouse development at a density of 10 units per acre with a minimum 20 percent set-aside for low- and moderate-income households. The Borough intends to prepare and adopt a Redevelopment Plan permitting up to 130 attached townhouse units including 26 affordable housing units. The Borough is applying 26 credits towards the Fourth Round obligation.



2. 328 South White Horse Pike (Block 1800, Lot 9)

Lot 9 in Block 1800 (also including Lots 4 and 5 as merged) contains approximately 21 acres located along South White Horse Pike, Florence Avenue, and Tansboro Road. This site was formally known as Armstrong Capital LLC in the Prior Round housing plan. The property is currently being considered for designation as a Condemnation Area in Need of Redevelopment with the use of condemnation. The Borough intends to prepare and adopt a Redevelopment Plan permitting up to 170 attached townhouse units including 38 affordable housing units. Under Armstrong Capital, LLC the Borough applied 20 credits toward the Prior Round obligation. As such, the Borough is applying the remaining 18 credits toward the Fourth Round obligation.



3. 69-83 South White Horse Pike (Block 1108, Lots 6, 7, 8, 9)

The tract consisting of Lots 6, 7, 8, and 9 in Block 1108 contains approximately 1 acre located along the east side of White Horse Pike, between the intersections with Thackara Avenue and Rich Avenue. The property is currently being considered for designation as a Non-Condemnation Area in Need of Redevelopment. The property is currently owned by Berlin Borough. The Borough intends to prepare and adopt a Redevelopment Plan permitting up a 100% affordable age-restricted rental development on the property at a density of 6 units per acre. The Borough is applying 6 units and 3 rental bonus credits towards the Fourth Round obligation.



4. Rental Bonus Credits

Rental bonuses for the Fourth Round are capped at the rental obligation, which is 25 percent of the new construction obligation. For the Fourth Round, Berlin Borough has a rental obligation of 16 units and, therefore, may apply up to 16 bonus credits. Rental bonus credits for the Fourth Round are 1.5 credits per rental unit. Berlin Borough will apply 12 rental bonus credits for the Fourth Round.

Summary of Fourth Round Credits

As shown in the table below, the Borough has total of 50 affordable units to address the Fourth-Round obligation. There are 24 rental units. The Borough is eligible for a rental bonus credit up to a maximum of 16 units. The 12 rental bonus credits added to the 50 affordable units result in a total of 62 affordable unit credits.

Summary of Mechanisms & Credits

CREDITS														
Project	Credit Type	Status	Total Units	Available Credits	Prior Round			Third Round			Fourth Round			Excess
					Units	Bonus	Total	Units	Bonus	Total	Units	Bonus	Total	
Carriage Stop	NAR/R	Existing	429	28	28	28	56			0			0	0
Lonaconing	AR/R	Existing	251	40	38		38	2		2			0	0
BAM Developers	NAR/R	Existing	6	1	1		1			0			0	0
The Gardens (Nexus)	Prior Cycle/NAR/R	Existing	472	71	17		17	54	33	87			0	0
South Jersey Behavioral Health	Group Home	Existing	4	4	4	4	8			0			0	0
PILOT Special Needs Facility	Group Home	Existing	3	3	3	3	6			0			0	0
Twin Oaks	Group Home	Existing	4	4	4	4	8			0			0	0
Spring Oak Assisted Living	AR/R	Existing	115	31			0	31		31			0	0
Market to Affordable	M2A	--	--	11			0	11		11			0	0
126-148 Route 73 Redevelopment	NAR/S	Proposed	130	26			0			0	26		26	0
328 S. White Horse Pike Redevelopment	NAR/R	Proposed	170	38	20		20				18	9	27	0
69-83 S. White Horse Pike Redevelopment	100% AR/R	Proposed	6	6			0			0	6	3	9	0
Total					115	39	154	98	33	131	50	12	62	0
Obligation					154			131			62			
Age-Restricted					38			33			6			
Max Bonus					39			33			16			

Key: NAR/R – Family Rental NAR/S - Family Sale AR/R – Senior Rental AR/S – Senior Sale

XII. Appendix

THE PLATT LAW GROUP, P.C.

Stuart A. Platt, Esquire (#02803-1988)

40 Berlin Avenue

Stratford, New Jersey 08084

Phone: (856) 784-8500

Attorneys for Petitioner, Borough of Berlin, Camden CountyIN THE MATTER OF THE
BOROUGH OF BERLIN, CAMDEN
COUNTYSUPERIOR COURT OF NEW JERSEY
LAW DIVISION

CAMDEN COUNTY

DOCKET NO.: CAM-L-

CIVIL ACTION

**COMPLAINT FOR DECLARATORY
RELIEF PURSUANT TO THE FAIR
HOUSING ACT, N.J.S.A. 52:27D-301 ET
SEQ. AND THE MOUNT LAUREL
DOCTRINE**

Petitioner, the Borough of Berlin ("Petitioner" or "Berlin"), a municipal corporation of the State of New Jersey with its principal place of business located at 59 South White Horse Pike, Berlin, NJ 08009 in the County of Camden, by way of Complaint for declaratory judgment pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and the Mount Laurel doctrine, states as follows:

BACKGROUND

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

2. The Mayor and Borough Council are the governing body of Berlin and are responsible, inter alia, to ensure that Berlin takes the actions necessary to achieve and

maintain compliance with its obligations under the laws collectively known as the “Mount Laurel doctrine.”

3. The Mount Laurel doctrine refers to the affordable housing laws of New Jersey resulting from the landmark cases commonly referred to as “Mount Laurel I” (So. Burlington County N.A.A.C.P. v. Tp. Of Mount Laurel, 67 N.J. 15 (1975), cert. denied, 423 U.S. 808, 96 S.Ct. 18, 46 L.Ed.2d 28 (1975)), “Mount Laurel II” (So. Burlington County N.A.A.C.P. v. Tp. Of Mount Laurel, 92 N.J. 158 (1983)), the New Jersey Fair Housing Act or “FHA” (N.J.S.A. 52:27D-301 et. seq.) and related laws.

4. The Planning Board of Berlin is a municipal agency responsible under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., (“MLUL”), for formulating the Housing Element of the Berlin Master Plan in a manner that complies with its obligations under the Mount Laurel doctrine.

5. Berlin brings the within action seeking declaratory judgment pursuant to the FHA and P.L. 2024, c.2 seeking a certification of compliance, repose and immunity from exclusionary zoning lawsuits for its Fourth Round Mount Laurel affordable housing obligation for a period of ten (10) years based upon its present need or rehabilitation share of 15 units and its prospective need share of 62 units.

6. Jurisdiction properly rests with the Superior Court, Law Division, Camden County before the designated Mount Laurel Judge for Vicinage 4 pursuant to Administrative Directive 14-24 of the Administrative Office of the Courts, dated December 18, 2024.

7. On January 6, 2025, the Borough of Berlin memorialized a Resolution adopting its Fourth Round Fair Share Affordable Housing obligations and other actions. (Exhibit “A”)

8. The Borough of Berlin’s Resolution has accepted the Fourth Round Affordable Housing obligations as established by the FHA and the Department of Community Affairs (“DCA”).

9. Administrative Directive 14-24 provides that, “A municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (“CIS”) in the County in which the municipality is located.”

10. The Borough of Berlin also seeks by way of this declaratory judgment action voluntary admission into the Affordable Housing Dispute Resolution Program (“Program”).

11. To the extent that the FHA and amendments thereto are construed or interpreted differently than Administrative Directive 14-24, the Borough of Berlin hereby reserves all of its rights and interests under the FHA and any amendments thereto and this declaratory judgment action is being filed in accordance with Administrative Directive 14-24 and voluntary admission into the Program.

WHEREFORE, Petitioner, the Borough of Berlin, respectfully requests that the Court enter judgment as follows:

- a. Voluntarily admitting the Borough of Berlin in the Program;

b. Declaring and establishing Berlin's Fourth Round Mount Laurel Affordable Housing obligation as provided for in the FHA and any amendments thereto;

c. Upon the adoption and approval of the Borough's Housing Element and Fair Share Plan and other requirements, granting Berlin a Judgment of Fourth Round compliance and repose, certification of compliance with the FHA and any amendments thereto and granting immunity from exclusionary zoning lawsuits for its Fourth Round Mount Laurel affordable housing obligations based upon its present need or rehabilitation share of 15 units and its prospective need share of 62 units for the period 2025 to 2035; and

d. Awarding such other and further relief as the Court may deem equitable and just and necessary.

THE PLATT LAW GROUP, P.C.

By: 
STUART A. PLATT, ESQUIRE

Dated: 1-8-25

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to R.4:25-4, Stuart A. Platt, Esquire is hereby designated as trial counsel.

THE PLATT LAW GROUP, P.C.

By: 
STUART A. PLATT, ESQUIRE

Dated: 1-8-25

RULE 4:5-1 CERTIFICATION

Pursuant to New Jersey Court Rule 4:5-1, I hereby certify that to the best of my knowledge, information, and belief, the matter in controversy is not the subject of any other action currently pending or contemplated in any court or arbitration proceeding, and that I know of no other party or parties at this time who should be joined, pursuant to Rule 4:28, or who are subject to joinder pursuant to Rule 4:29-1(b), in this action.

THE PLATT LAW GROUP, P.C.

By: 
STUART A. PLATT, ESQUIREDated: 1-8-25**CERTIFICATION OF COMPLIANCE WITH
ADMINISTRATIVE DIRECTIVE 14-24**

I hereby certify that I caused the within the Complaint for Declaratory Judgment to be filed within 48 hours after the adoption of the Municipal Resolution of Fourth Round Fair Share obligations.

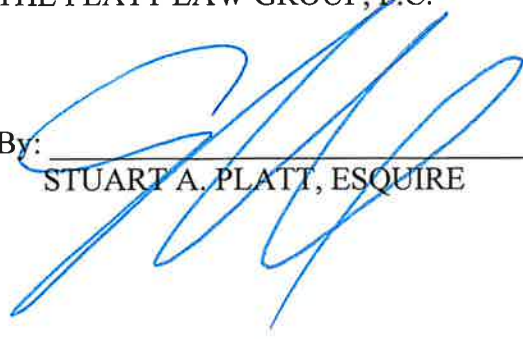
THE PLATT LAW GROUP, P.C.

By: 
STUART A. PLATT, ESQUIREDated: 1-8-25

RULE 4:6-1 CERTIFICATION

I hereby certify that I caused or will cause the within Complaint for Declaratory Judgment to be served on all parties within the time period allowed by Rule 4:6-1.

THE PLATT LAW GROUP, P.C.

By: 

STUART A. PLATT, ESQUIRE

Dated: 1-8-15

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EXHIBIT “A”

**BOROUGH OF BERLIN
COUNTY OF CAMDEN**

RESOLUTION R1-30:2025

RESOLUTION APPROVING THE FOURTH ROUND OF AFFORDABLE HOUSING OBLIGATIONS.

WHEREAS, pursuant to the Fair Housing Act P.L. 2024, c.2, ("FHA") the State of New Jersey adopted legislation addressing the Fourth Round of affordable housing for the period 2025 to 2035; and

WHEREAS, pursuant to the FHA, the Department of Community Affairs ("DCA"), published Fourth Round preliminary obligations for each municipality in October of 2024; and

WHEREAS, the DCA calculated the Borough of Berlin as having a present need or rehabilitation share of 15 units and a prospective need share of 62 units for the Fourth Round; and

WHEREAS, pursuant to the FHA, every municipality in the State of New Jersey has an obligation to adopt a binding resolution establishing its fair share affordable housing obligation for the Fourth Round by January 31, 2025; and

WHEREAS, the Borough's affordable housing professionals have reviewed the present need and prospective share published by the DCA and have recommended that the Borough adopt these amounts as its Fourth Round Fair Share obligation; and

WHEREAS, the Mayor and Council have reviewed this matter and agree to accept the recommendations of the Borough's affordable housing professionals and take other necessary actions in connection with the FHA.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Berlin, hereby establishes its Fourth Round Affordable Housing Fair Share obligation as a present need or rehabilitation share of 15 units and a prospective need share of 62 units; and

BE IT FURTHER RESOLVED, that the Borough of Berlin's Fourth Round Affordable Housing Fair Share obligation is subject to vacant land adjustments and other amendments as may be provided for by law and the Borough hereby reserves its right to adjust its Fourth Round Affordable Housing Fair Share obligation accordingly; and

BE IT FURTHER RESOLVED, that the Borough's affordable housing attorney is hereby authorized to file an action in the form of a declaratory judgment complaint and civil case information statement within 48 hours after the adoption of this resolution; and

BE IT FURTHER RESOLVED, that the Borough's affordable housing professionals shall submit the Borough of Berlin into the DCA affordable housing dispute program and take any other action necessary to comply with the

FHA and implement its Fourth Round Affordable Housing Fair Share obligation including but not limited to defending any challenges to the Borough's actions herein; and

BE IT FURTHER RESOLVED, the Borough also authorizes its affordable housing professionals to prepare the appropriate Housing Element and Fair Share Plan as a component of the Borough's Master Plan so that is filed with DCA on or before June 30, 2025; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be submitted to the DCA upon its adoption.

Name	Motion	Second	Ayes	Nays	Abstain	Absent
Badolato						√
Cummings			√			
Hohing		√	√			
Miller	√		√			
Mascarenhas			√			
Wilkinson			√			

I, Rachel von der Tann, Municipal Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Berlin held on January 6, 2025.

Rachel von der Tann

Rachel von der Tann, RMC, CMR
Municipal Clerk

**BOROUGH OF BERLIN
COUNTY OF CAMDEN**

RESOLUTION R1-30:2025

RESOLUTION APPROVING THE FOURTH ROUND OF AFFORDABLE HOUSING OBLIGATIONS.

WHEREAS, pursuant to the Fair Housing Act P.L. 2024, c.2, ("FHA") the State of New Jersey adopted legislation addressing the Fourth Round of affordable housing for the period 2025 to 2035; and

WHEREAS, pursuant to the FHA, the Department of Community Affairs ("DCA"), published Fourth Round preliminary obligations for each municipality in October of 2024; and

WHEREAS, the DCA calculated the Borough of Berlin as having a present need or rehabilitation share of 15 units and a prospective need share of 62 units for the Fourth Round; and

WHEREAS, pursuant to the FHA, every municipality in the State of New Jersey has an obligation to adopt a binding resolution establishing its fair share affordable housing obligation for the Fourth Round by January 31, 2025; and

WHEREAS, the Borough's affordable housing professionals have reviewed the present need and prospective share published by the DCA and have recommended that the Borough adopt these amounts as its Fourth Round Fair Share obligation; and

WHEREAS, the Mayor and Council have reviewed this matter and agree to accept the recommendations of the Borough's affordable housing professionals and take other necessary actions in connection with the FHA.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Berlin, hereby establishes its Fourth Round Affordable Housing Fair Share obligation as a present need or rehabilitation share of 15 units and a prospective need share of 62 units; and

BE IT FURTHER RESOLVED, that the Borough of Berlin's Fourth Round Affordable Housing Fair Share obligation is subject to vacant land adjustments and other amendments as may be provided for by law and the Borough hereby reserves its right to adjust its Fourth Round Affordable Housing Fair Share obligation accordingly; and

BE IT FURTHER RESOLVED, that the Borough's affordable housing attorney is hereby authorized to file an action in the form of a declaratory judgment complaint and civil case information statement within 48 hours after the adoption of this resolution; and

BE IT FURTHER RESOLVED, that the Borough's affordable housing professionals shall submit the Borough of Berlin into the DCA affordable housing dispute program and take any other action necessary to comply with the

FHA and implement its Fourth Round Affordable Housing Fair Share obligation including but not limited to defending any challenges to the Borough's actions herein; and

BE IT FURTHER RESOLVED, the Borough also authorizes its affordable housing professionals to prepare the appropriate Housing Element and Fair Share Plan as a component of the Borough's Master Plan so that is filed with DCA on or before June 30, 2025; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be submitted to the DCA upon its adoption.

Name	Motion	Second	Ayes	Nays	Abstain	Absent
Badolato						√
Cummings			√			
Hohing		√	√			
Miller	√		√			
Mascarenhas			√			
Wilkinson			√			

I, Rachel von der Tann, Municipal Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Berlin held on January 6, 2025.

Rachel von der Tann

Rachel von der Tann, RMC, CMR
Municipal Clerk

Civil Case Information Statement

Case Details: CAMDEN | Civil Part Docket# L-000063-25

Case Caption: IN THE MATTER OF BERLIN BORO
Case Initiation Date: 01/08/2025
Attorney Name: STUART A PLATT
Firm Name: THE PLATT LAW GROUP, P.C.
Address: 40 BERLIN AVE
 STRATFORD NJ 080841404
Phone: 8567848500
Name of Party: PETITIONER : Borough of Berlin, Camden
 Cnty
Name of Defendant's Primary Insurance Company
 (if known): None

Case Type: AFFORDABLE HOUSING
Document Type: Complaint
Jury Demand: NONE
Is this a professional malpractice case? NO
Related cases pending: NO
If yes, list docket numbers:
Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO
Does this case involve claims related to COVID-19? NO
Are sexual abuse claims alleged by: Borough of Berlin, Camden Cnty? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Affordable housing action voluntary enter DCA Program and order grant immunity and entry JCR and Certification of Compliance under FHA for 4th Round

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

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 *Rule 1:38-7(b)*

01/08/2025
 Dated

/s/ STUART A PLATT
 Signed

PREPARED BY THE COURT:

**In the Matter of the Declaratory
Judgment Action of the Borough
of Berlin, Camden County
Pursuant to P.L. 2024, Chapter 2**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
CAMDEN COUNTY
DOCKET NO. CAM-L -000063-25

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 1/8/2025 (“DJ Complaint”) by the Petitioner, Borough of Berlin (“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)*,³ 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”);

³ 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 15 affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as 62 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:

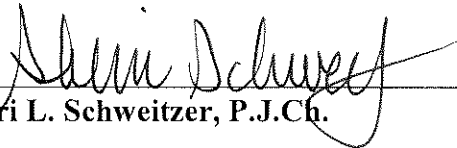
IT IS, THEREFORE, on this **28th** day of **MARCH 2025**, **ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as 15 affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as 62 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:



Sherri L. Schweitzer, P.J.Ch.

(X) Uncontested.