

**TOWNSHIP OF HAINESPORT
ORDINANCE 2018-12**

**AN ORDINANCE TO AMEND CHAPTER 44 OF THE CODE OF THE
TOWNSHIP OF HAINESPORT ENTITLED "AFFORDABLE HOUSING"**

WHEREAS, by Ordinance adopted on May 10, 1994, the Township of Hainesport established standards and regulation for affordable housing within the Township; and

WHEREAS, the Township of Hainesport finds it in the best interest of the Township to amend certain provisions of the Affordable Housing Code.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hainesport that Chapter 44 entitled "Affordable Housing" is hereby amended as follows:

Chapter 44. Affordable Housing

§ 44-1. Intent.

- A. It is the intent of this chapter to regulate the development and management of very low-, low- and moderate-income housing units constructed in compliance with the Housing Element and Fair Share Plan of the Master Plan of the Township of Hainesport ("Township") pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq.
- B. This chapter includes requirements set forth in N.J.S.A. 5:97-1.1 et seq., known as the "Substantive Rules of the New Jersey Council on Affordable Housing," as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq. and the Township's constitutional obligation to provide a fair share of affordable housing for low- and moderate-income households as set forth in its ordinances. These regulations shall apply, except where inconsistent with applicable law.

§ 44-2. Definitions.

The following terms when used in this Ordinance shall have the meanings given in this Section:

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

accessory building, or by the construction of a new accessory structure on the same site.

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.) as has been subsequently amended.

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative Agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, applicable COAH regulations and the Uniform Housing Affordability Controls (UHAC) (N.J.A.C. 5:80-26.1 et seq.).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined by COAH in its applicable regulations or an equivalent controlling New Jersey state agency; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Township’s Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in the Township’s Fair Share Plan prepared or implemented to address the Township’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to applicable COAH regulations, the FSHC Settlement Agreement, or an order of the Court.

“Agency” means the New Jersey Housing and Mortgage Finance Agency (also “HMFA”) established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the New Jersey Council on Affordable Housing, as well as any other governmental body (whether judicial, legislative or executive) ordered, assigned, appointed, and/or directed to undertake its statutory and administrative responsibilities, as may be amended from time to time. All references in this section to responsibilities prescribed and/or mandated by COAH shall only be required should COAH become operative.

“The Department” or “DCA” means the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or

enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“HMFA” means the New Jersey Housing and Mortgage Finance Agency (also “Agency”) established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Inclusionary development” means a development containing both affordable units and market rate units. Inclusionary developments must have a twenty (20) percent set aside of affordable units if the development has five or more units and is a for-sale project, or a fifteen (15) percent set-aside if the development is a rental project. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

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

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by the Department.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Municipal Housing Liaison” means the Township employee charged by the governing body with the responsibility for oversight and supervision of the affordable housing program for the Township of Hainesport. As permitted per Section 44-5 (B)(3)(f), the Municipal Housing Liaison additionally may serve as

Administrative Agent and in such instance shall undertake all related responsibilities as set forth in this Ordinance.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Program” means the Township of Hainesport’s Affordable Housing Program.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by the Department’s adopted Regional Income Limits published annually by the Department.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under the Agency’s Urban Home Ownership Recovery Program (“UHORP”) or Market Oriented Neighborhood Investment Program (“MONI”) as may be authorized from time to time by the Agency. (See definition of Agency above.)

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

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

§ 44-3. Administration of the Fair Share Plan.

The Township Committee may create an affordable housing authority to administer the affordable housing program or may contract with an Administrative Agent to implement this Program.

§ 44-4. Municipal Housing Liaison and Administrative Agent.

A. Purpose. The purpose of this section is to create the administrative mechanisms needed for the execution of Hainesport Township’s responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

B. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

(1) There is hereby established the position of Municipal Housing Liaison for the Township of Hainesport.

(2) The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee. Should COAH become operative and so require, the appointment shall require COAH approval.

(3) The Municipal Housing Liaison shall be responsible for oversight and supervision of the affordable housing program for the Township of Hainesport, including the following responsibilities, which may not be contracted out, exclusive of Subsection B(3)(f), which may be contracted out:

(a) Serving as the Township of Hainesport’s primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;

(b) Monitoring the status of all restricted units in the Township of Hainesport’s Fair Share Plan;

(c) Compiling, verifying and submitting annual reports as required by COAH;

- (d) Coordinating meetings with affordable housing providers and administrative agents, as applicable;
 - (e) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (f) If applicable, serving as the administrative agent for some or all of the restricted units in the Township of Hainesport as described in Subsection 44-4 (C) below.
- (4) Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.

C. Administrative Agent.

- (1) The above responsibilities for administration of the Township's Affordable Housing Program as set forth in this section may be delegated to the Administrative Agent with the exception of those responsibilities which may not be contracted out pursuant to Subsection B (3) above. If the Township of Hainesport contracts with an Administrative Agent to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the Administrative Agent. Should COAH become operative and so require, such contracts shall require COAH approval.
- (2) Administrative Powers and Duties. As determined by the Township, the following tasks shall be carried out by Administrative Agent:
- (a) Affirmative marketing.
 - [1] Conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Hainesport and the provisions of N.J.A.C. 5:80-26.15; and
 - [2] Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 - (b) Household certification.
 - [1] Soliciting, scheduling, conducting and following up on interviews with interested households;
 - [2] Conducting interviews and obtaining sufficient

documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

- [3] Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- [4] Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the owner or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- [5] Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- [6] Employing the random selection process as provided in the Affirmative Marketing Plan of the Township of Hainesport when referring households for certification to affordable units.

(c) Affordability controls.

- [1] Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- [2] Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- [3] Ensuring that the removal of the deed restrictions and cancellations of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
- [4] Communicating with lenders regarding foreclosures; and
- [5] Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26-10.

(d) Resale and rental.

- [1] Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
- [2] Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

- (e) Processing requests from unit owners.
 - [1] Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - [2] Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
 - [3] Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (f) Enforcement.
 - [1] Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
 - [2] Securing from all developers and sponsors of restricted units, at the earliest point of contract in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;
 - [3] The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent can be made;
 - [4] Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - [5] Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - [6] Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - [7] Providing annual reports to COAH as required.
- (g) The Administrative Agent shall have authority to take all actions

necessary and appropriate to carry out its responsibilities hereunder.

§ 44-5. Submission of Affordable Housing Plan.

The developer of low- and moderate-income housing units shall submit to the Administrative Agent a description of the mechanism to be used to ensure that the required low- and moderate-income units are sold or rented only to low- and moderate-income households for a period of not less than 30 years. In addition to such description, actual samples of language to be included in the nature of deed, leases or covenants shall be submitted.

§ 44-6. Affordable Housing Plan.

- A. All inclusionary development on sites identified in the Hainesport Housing Element shall have a mandatory 15% or 20% set aside for the provision of affordable housing so noted in the zoning.
- B. Twenty-five percent of the affordable housing units to be produced through the mandatory set-aside may be age-restricted.
- C. Where this requirement would result in a fraction of a unit, the fraction shall be rounded to the nearest whole unit. Fractions of less than one half (1/2) shall be rounded off to the lower whole unit and fractions of greater than one half (1/2) shall be rounded off to the higher whole unit.

§ 44-7. Low- and moderate-income split.

The affordable housing units provided through inclusionary development shall be divided equally between low- and moderate-income households. At least half of all units in each bedroom distribution and half of all rental units shall be available for low-income households.

§ 44-8. Bedroom distribution.

- A. Affordable housing developments that are not limited to age-restricted households shall be structured in conjunction with realistic market demands so that:
 - 1. At least thirty (30%) percent of all affordable units shall be two-bedroom units.
 - 2. At least (20%) percent of all affordable units shall be three-bedroom units.
 - 3. The combination of efficiency and one-bedroom units is no greater than (20%) of the total number of affordable units.
 - 4. The remainder, if any may be allocated among two and three-bedroom units at the discretion of the developer.

- B. Affordable housing developments that are limited to age-restricted households shall at a minimum have a total number of bedrooms equal to the number of age-restricted affordable units within the affordable housing development.

§ 44-9. Unit location.

Affordable housing units shall be situated on the development tract in locations no less desirable than market priced dwelling units within the development and shall be equally accessible to common open space, community facilities and shopping facilities.

§ 44-10. Phasing.

Final site plan approval shall be contingent upon the development, whether developed in one stage or in two or more stages, meeting the following phasing schedule;

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

§ 44-11. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

§ 44-12. Occupancy selection.

For initial sales or initial rentals of affordable housing units, the provisions of this section shall be administered by the developer under the supervision of the Administrative Agent. For all subsequent sales or rentals, these provisions shall be administered by the Administrative Agent. In the event that the developer is unable or unwilling to administer this section for initial sales or rentals, this responsibility may be assumed by the Administrative Agent upon payment by the developer of a reasonable fee to defray the expenses of such administration.

- A. The Administrative Agent shall designate an application period during which applications to purchase or rent affordable housing units will be accepted.
- B. Applications shall be accepted only if submitted on an application form prepared and/or approved by the Administrative Agent. Applications shall be completely filled out and notarized. Knowingly or intentionally making any false statement

on a form shall be grounds for disqualifying an applicant, even if the applicant is otherwise eligible. The following information shall be required:

- (1) A copy of IRS Form 1040A or 1040EZ (tax computation form) for each of the three years prior to the date of the application.
 - (2) A letter from all employers stating present annual income or four consecutive paystubs dated within 120 days of the interview date.
 - (3) A letter or appropriate reporting form verifying benefits, including but not limited to social security or pension.
 - (4) A letter or appropriate reporting form verifying any other sources of income claimed by the applicant household.
 - (5) Reports that verify income from assets to be submitted by banks or other financial institutions, managing trust funds, money market accounts, stocks or bonds.
 - (6) Reports that verify assets that do not earn regular income, such as real estate and savings with delayed earnings provisions.
- C. The Administrative Agent shall determine whether the applicant meets the income and other requirements established in these regulations. The review process for a prospective purchaser shall involve a credit background report; to be an eligible applicant, the applicant shall have an acceptable credit history such that there is a realistic possibility that he or she will be approved for a mortgage.
- D. The Administrative Agent will determine which eligible applicants shall be offered the opportunity to purchase or rent affordable housing units. Selection from among the eligible applicants shall be on a random basis subject only to the priority schedule established in this Subsection and the provisions established thereunder.
- E. Residency and size of household priorities.
- (1) The Administrative Agent shall advertise in Housing Region No. 5 for sales or rental units for purchase or rent by income eligible households in Region No. 5.
 - (2) A household of the size provided for in this Subsection shall have priority over households with a lesser number of persons for one-bedroom, two-bedroom and three-bedroom units.
 - (a) Three-bedroom: 4 or more persons (a household of more than 4 shall be treated the same as a household of 4)
 - (b) Two-bedroom: 3 persons
 - (c) One-bedroom: 2 persons
 - (3) All applicants shall be classified by the Administrative Agent in one of the priority categories set forth above on the basis of the information provided in the initial application.

F. Appeals.

- (1) If an applicant for affordable housing is determined to be ineligible by the Administrative Agent, the applicant may submit additional proof and request reconsideration. Such request for reconsideration shall be made by the applicant within five (5) business days of receipt of notice of denial of ineligibility.
- (2) If a policy or decision regarding this program is appealed by an outside party, the Municipal Housing Liaison will attempt to mediate the decision or policy to the satisfaction of all parties. Any situations that the Municipal Housing Liaison is unable to resolve will be forwarded to the Executive Director of the Agency (or its successor) for review.

G. Waiting list.

- (1) The Administrative Agent may establish a waiting list for the remaining eligible applicants in the manner established. After all the units are occupied, the Administrative Agent may choose to accept new applications. If an applicant is deemed eligible, the applicant shall be placed on the waiting list at the bottom of the list.
- (2) The Administrative Agent shall periodically recertify the applicants on the waiting list to ensure that the list remains current and that the applicants are still qualified for the units for which they applied.

§ 44-13. Buyer Income Eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income. Very low-income units shall be reserved for households with a gross household income of less than 30 percent of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

§ 44-14. Limitations on indebtedness secured by ownership unit; subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the Administrative Agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- B. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

§ 44-15. Control periods for restricted rental units.

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Township of Hainesport elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, et. seq., as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, et seq. as may be amended and supplemented, for at least 30 years.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Burlington. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

§ 44-16. Price restrictions for rental units; Leases.

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

- C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

§ 44-17. Tenant income eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - 3. The household is currently in substandard or overcrowded living conditions;
 - 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in (B) 1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

§ 44-18. Regional income limits.

- A. Income limits for all units that are part of Hainesport Township's Housing Element and Fair Share Plan, and for which income limits are not already

established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1, shall be updated by the municipality annually within 30 days of the publication of determinations of median income by HUD as follows:

- (1) Regional income limits shall be established for the region in which Hainesport Township is located within, based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the municipality's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low-income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- (2) The income limits applicable to Hainesport Township shall be the result of applying the percentages set forth in paragraph (a) above to HUD's most current fiscal year determination of median income and shall be utilized until Hainesport Township updates the income limits after HUD publishes revised determinations of median income for the next fiscal year.
- (3) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township of Hainesport annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

(4) If at any time, COAH issues new income determinations, or promulgates new regulations regarding same, said COAH income determinations shall be followed instead of the HUD determinations.

(5) Maximum Rents and Sales Prices

- (a) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC utilizing the regional income limits established by the New Jersey Department of Community Affairs (DCA) or other agency as required by the Court.
- (b) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- (c) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - (i) At least thirteen percent (13%) of all low- and moderate income dwelling units shall be affordable to households earning no more than 30 percent of median income.
- (d) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- (e) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - (i) A studio shall be affordable to a one-person household;
 - (ii) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (iii) A two-bedroom unit shall be affordable to a three-person household;

- (iv) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (v) A four-bedroom unit shall be affordable to a six-person household.
- (f) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - (i) A studio shall be affordable to a one-person household;
 - (ii) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (iii) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (g) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (h) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (i) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (j) The rent levels of very-low, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to

low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

Upon adoption of new income limits by COAH or a successor entity, the legislature or the courts, such new income limits shall supersede the income limits set forth in this ordinance.

- (k) Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§ 44-19. Procedure for resale transaction.

- A. All resale transactions of affordable housing units shall be administered by the Administrative Agent. From the date on which the Administrative Agent received a notice of intent to sell by the owner of a very low, low- or moderate-income unit, the Administrative Agent shall have exclusive right to purchase the unit or to refer prospective purchasers to that unit for a period of 90 days unless waived, in writing, by the Administrative Agent. In the event that a contract for the unit is executed within the ninety-day period set above and the prospective buyer is unable to close, the period during which the Administrative Agent shall have the exclusive right to market the unit is automatically extended for a period of 21 days from the date it is notified of the buyer's inability to close.
- B. In the event that no contract has been entered into for the unit at the end of a ninety-day period, the owner of the unit may seek approval from the Administrative Agent to sell the unit directly. If the Administrative Agent determines at that point not to purchase the unit, it shall authorize the applicant to sell the unit as set forth below. However, if the Administrative Agent, upon investigation of the circumstances, determines that the failure to enter into a contract was the result of negligence, absence of good-faith effort or lack of cooperation on the part of the seller, the Administrative Agent shall require the applicant to attempt to sell the unit for an additional ninety-day period.
 - (1) In the case of a very low-income unit, to a very low- or low-income buyer; or
 - (2) In the case of a low-income unit, to a low- or moderate-income buyer; or
 - (3) In the case of a moderate-income unit, to a buyer whose income does not exceed 120% of the median.
 - (4) Any subsequent sale shall be fully subject to the resale restrictions contained in these regulations. The deed to the above income purchaser shall specifically contain a deed restriction establishing that it is subject to all the affordability controls outlined in this chapter.

§ 44-20. Price Restrictions for Restricted Ownership Units, Homeowner Association

Fees and Resale Prices.

- A. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as amended, including but not limited to:
- (1) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
 - (2) The Administrative Agents shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - (3) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the very low, low and moderate-income unit owners and the market unit owners.
 - (4) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales prices for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or addition of a bathroom.

§ 44-21. Exempt sales.

- A. The following transactions shall be deemed nonsales for the purpose of this plan. The owner of the affordable unit shall be entitled to a statement of exemption from the Administrative Agent upon application.
- (1) Transfer of an affordable housing unit between husband and wife.
 - (2) Transfer of ownership of an affordable housing unit between former spouses as a result of a judicial decree, judgment or order of divorce, but not including sales to third parties.
 - (3) Transfer of ownership of an affordable housing unit as a result of inheritance.
 - (4) Transfer of ownership of an affordable housing unit through an order of the Superior Court.
- B. A grant of exemption shall not eliminate the resale control restriction set forth in these regulations. Any subsequent sale shall be subject to all of the terms of these regulations.

§ 44-22. Rental increases.

All re-rental transactions shall be administered by the Administrative Agent. The rents of affordable housing units may increase annually based on the percentage increase in median income for the Burlington County housing region as determined from the uncapped Section 8 income limits, published by HUD, or other recognized standard adopted by COAH that applies to the rental housing unit.

§ 44-23. Rental of low- and moderate-income sales unit.

No owner of an affordable housing unit may lease the unit to a tenant without prior written approval of the Administrative Agent. The owner may only lease the unit to a certified household for a period not to exceed one year upon a showing of hardship. Such approval shall not be granted except when justified by particular and unusual circumstances. An owner seeking such approval shall submit a written request to the Administrative Agent setting forth the particular circumstances of the case, including the reasons for the request to rent, the proposed duration of the tenancy and certification that the proposed tenant is a qualified low- or moderate-income household.

In the event that the Administrative Agent approves the request, it shall notify the owner of the unit. The owner shall rent the unit only to a qualified low- or moderate-income tenant for the period approved by the Administrative Agent at a rent affordable to a low- or moderate-income tenant, whichever is applicable.

§ 44-24. Conversion of rental units to sales units.

Rental units may be converted for sale as condominium, cooperative or fee simple units, but any sale of converted units shall continue to be restricted to persons meeting the income eligibility standards as set forth in § 44-14 unless COAH otherwise requires.

§ 44-25. Exemption from rent control ordinances.

All rental units, both market and affordable, shall not be subject to any rent control ordinance which may be adopted in the Township of Hainesport during the time period in which affordable housing price controls are effective.

§ 44-26. Duration of controls.

- A. Except as otherwise provided in these regulations, all units for sale or resale subject to the provisions of this chapter shall be subject to resale and rental controls for a period of 30 years from the date of acquisition of the unit by the initial purchaser or lessee. Each such restricted ownership unit must remain subject to resale and rental controls until the municipality elects to release the unit from such requirements after the expiration of the applicable minimum control period.
- B. The model restrictive covenant and mortgage lien referred to in N.J.A.C. 5:92, Controls of Affordability, shall be applied to each affordable sale unit.
- C. All lower-income dwelling units shall be covered by covenants to ensure that, in all initial sales and rentals, and in all subsequent resales and re-rentals, the units will continue to remain available and affordable to the lower-income households for which they were intended for the period specified in this Subsection in accordance with the requirements and standards established by COAH.

§ 44-27. Expiration of controls.

- A. The restrictive covenant governing the deeds of the low- and moderate-income units shall include an option permitting purchase of the affordable unit at the maximum allowable restricted sales price at the time of the first nonexempt sale after controls on affordability have been in effect on the unit for the period specified in this chapter. The option to buy shall be available to the Township of Hainesport, the New Jersey Department of Community Affairs (DCA), the New Jersey Housing and Mortgage Finance Agency (HMFA) or a qualified nonprofit organization as determined by COAH.
- B. All restrictive covenants governing low- and moderate-income units shall require the owner to notify the Administrative Agent by certified mail of any intent to sell the unit 90 days prior to entering into an agreement for the first nonexempt sale after controls have been in effect on the housing units for the period specified in this chapter.
- C. Upon receipt of such notice, the option to buy the unit at the maximum allowable restricted sales price shall be available for 90 days. The Administrative Agent shall notify the Township of Hainesport, DCA, HMFA and COAH that the unit is for sale. If the Township of Hainesport exercises this option, it may enter into a contract of sale. If the Township of Hainesport fails to exercise this option within 90 days, the first of the other entities giving notice to the seller of its intent to purchase during the ninety-day period shall be entitled to purchase the unit. If the option to purchase the unit at the maximum allowable restricted sales price is not exercised by a written intent to sell, the owner may proceed to sell the housing unit. If the owner does not sell the unit within one year of the date of the delivery of notice of intent to sell, the option to buy the unit shall be restored and the owner shall be required to submit a new notice of intent to sell 90 days prior to any future proposed date of sale.
- D. Any option to buy a housing unit at the maximum allowable restricted sales price shall be exercised by certified mail and shall be deemed exercised upon mailing.
 - (1) Township of Hainesport option.
 - (a) If the Township elects to purchase a low- or moderate-income unit pursuant to this chapter, it may:
 - [1] Convey or rent the housing unit to a low- or moderate-income purchaser or tenant at a price or rent not to exceed the maximum allowable restricted sales price or rental for a period of up to 30 years.
 - [2] Convey the unit at fair market value subject to the deposit of the price differential in a trust account devoted solely to the creation, rehabilitation or maintenance of low- and moderate-income housing. Price differential is defined as the difference between the restricted sales price and fair market value as determined at the date of a proposed

contract of sale after reasonable real estate broker fees have been paid. Money in the trust account may not be expended until a plan for its use is approved by the Township Committee and approved by COAH.

- (b) In the event that the Township of Hainesport purchases low-income housing units, the Township of Hainesport shall maintain them as low-income housing units.
 - (c) In the event that the Township of Hainesport elects to purchase low- or moderate-income housings and convey them at fair market value, the Township shall:
 - [1] Notify COAH of any proposed sale and resale price 90 days before closing.
 - [2] Notify COAH of the price differential.
 - [3] Deposit the price differential in a trust account devoted solely to the creation, rehabilitation or maintenance of low- and moderate-income housing; and
 - [4] Notify COAH by February 1 of each calendar year of the existing balance within this trust account.
 - (d) Money deposited in trust accounts may not be expended until the municipality submits and COAH approves a repayment housing plan. COAH may approve the repayment housing plan if it determines that it provides a realistic opportunity for the creation, rehabilitation or maintenance of low- and moderate-income housing.
 - (e) The Township of Hainesport shall have the right to determine that the most desirable means of promoting an adequate supply of low- and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower-income housing units sold within the municipality beyond the period required by this chapter. Such determination shall be made by resolution of the municipal governing body. The resolution shall specify the time period for which the repayment option shall not be applicable. During such period, no seller in the municipality may utilize the repayment option permitted by § 44-28E.
 - (f) If the Township of Hainesport exercises the option outlined above, it shall:
 - [1] Provide public notice in a newspaper of general circulation; and
 - [2] Notify the Administrative Agent of its governing body's action. It shall be the responsibility of the Administrative Agent to ensure that the deed restriction on all affected housing units reflects the extended period of controls.
- (2) State option. When the DCA or HMFA elects to purchase a low- or moderate-income unit pursuant to this section, it may:
- (a) Convey or rent the housing unit to a low- or moderate-income purchaser or tenant at a price or rent not to exceed the allowable

- restricted sales price or rental; or
- (b) Convey the unit at fair market value and utilize the price differential to subsidize the construction, rehabilitation or maintenance of low- and moderate-income housing within the appropriate housing region.
- (3) Nonprofit option. Nonprofit agencies that have been designated by COAH shall be eligible to purchase low- or moderate-income units pursuant to this section for the sole purpose of conveying or renting the housing unit to a low or moderate-income purchaser or tenant at a price or rent not to exceed the allowable restricted sales price or rental. Low-income units shall be made available to low-income purchasers or tenants, and the housing unit shall be regulated by the restrictive covenant and lien adopted by COAH. The term of the controls on affordability shall be the same as those required by this chapter.
- (4) Seller option. An eligible seller of a low- or moderate-income unit which has been controlled for the period established in this plan who has provided notice of an intent to sell may proceed with the sale if no eligible entity as outlined in § 44-23 exercises its option to purchase within 90 days.
- (a) The seller may elect to:
 - [1] Sell to a qualified low- and moderate-income household at the controlled unit sales price, provided that the unit is regulated by the restrictive covenant and lien adopted by the Agency for a period of up to 30 years; or
 - [2] Exercise the repayment option and sell to any purchaser at market price, provided that 95% of the price differential is paid to the Township at closing.
 - (b) If the sale will be to a qualified low- or moderate-income household, the Administrative Agent shall certify the income qualifications of the purchaser and shall ensure that the housing unit is regulated by the restrictive covenant and lien as required.
 - (c) The Administrative Agent shall examine any contract of sale containing a repayment option to determine if the proposed sale price bears a reasonable relationship to the housing unit's fair market value. In making this determination, the Administrative Agent may rely on comparable sales data or an appraisal. The Administrative Agent shall not approve any contract of sale where there is a determination that the sales price does not bear a reasonable relationship to fair market value. The Administrative Agent shall make a determination within 20 days of receipt of the contract of sale and shall calculate the repayment option payment.
 - (d) The Administrative Agent shall also adopt an appeal procedure by which a seller may submit written documentation requesting the Administrative Agent to recompute the repayment obligation if the seller believes an error has been made, or to reconsider a determination that a sales price does not bear a reasonable

relationship to a fair market value. A repayment obligation determination made as a result of an owner's appeal shall be a final administrative determination of the Municipal Housing Liaison.

- (e) The repayment shall occur at the date of closing and transfer of title for the first nonexempt transaction after the expiration of controls on affordability. Repayment proceeds shall be deposited in a trust account devoted solely to the creation, rehabilitation or maintenance of low- and moderate-income housing. Money deposited in trust accounts may not be expended until the Township develops and approves a plan for its use.
- (5) Continued application of options. When a housing unit has been maintained as a low- or moderate-income unit after controls have been in effect for the period specified in § 44-22, the restrictive covenant governing the housing units shall allow the Township, the state, nonprofit agencies and sellers of low- and moderate-income units to again exercise all the same options as provided in this chapter.

§ 44-28. Foreclosure.

- A. Any mortgage for a very-low, low- or moderate-income unit shall contain a provision requiring the holder of a mortgage on the property to inform the Administrative Agent of any time that the purchaser of a unit is 45 days or more in arrears on payment of his mortgage payments. The Administrative Agent shall further be notified by the mortgagee in the event of institution of foreclosure action. This notification provision does not apply to any mortgage which prohibits notice to a third party.
- B. The Township shall at all times have the right to intervene in any foreclosure action. In addition, the Township shall have the right to advance and pay all sums necessary to cure any arrears, to cure any other default or exercise any right of redemption or pay and satisfy any first mortgage or other lien so that the unit may be preserved and retained as low- and moderate-income unit. All sums advanced by the Township shall become a lien against the unit and shall have higher priority than any lien except that of a first mortgage and tax or other liens held by any government agencies.
- C. In the event of a foreclosure by a financial institution due to a violation of a mortgage agreement (whether first, second or additional) or the Township due to violation of its regulations governing affordable housing units, such foreclosure shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

§ 44-29. Second mortgage.

- A. No second mortgage shall be placed upon the property without the prior written approval of the Administrative Agent. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by an ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.6(b).
- B. The owner shall make a request in writing to the Administrative Agent. In determining whether to grant an approval for the second mortgage, the Administrative Agent shall consider the need for the second mortgage and the impact that the second mortgage shall have upon the ability of the Township to maintain this unit as a low- and moderate-income unit. Under no circumstances shall a foreclosure of a second mortgage constitute grounds for eliminating the resale controls provided for in this regulation. Prior written approval shall be denied by the Administrative Agent unless second mortgages are specifically authorized by COAH regulations and the application is consistent with those regulations.

§ 44-30. Sale of personal items.

Items of personal property which are not permanently affixed to the unit (e.g., refrigerator, freezer, washer, dryer) and which were not included when the affordable housing unit was purchased may be the subject of separate negotiations between the parties subsequent to the signing of the contract for the purchase of the house. Any agreed price for the purchase of any item or items of personal property shall be reasonable considering the original cost, nature, age and condition of the item. The price to be paid for items of personal property shall not be used as a mechanism to avoid or circumvent the limitations on the resale price of the unit itself. In no event shall the right to purchase the unit be conditioned upon the buyer's willingness to agree to purchase any item or items of personal properties of the seller.

§ 44-31. Certificate of occupancy.

- A. No certificate of occupancy for a low- or moderate-income unit shall be issued until the developer shall have submitted and have approved by the appropriate counsel for the Township a deed restriction encompassing all the provisions of these regulations.
- B. No certificate of occupancy shall be issued for the resale of a low- or moderate-income unit unless the Administrative Agent shall certify that the resale complies with the terms of these regulations.
- C. No low- or moderate-income unit may be occupied by an initial purchaser or

resale purchaser without a certificate of occupancy.

§ 44-32. Affirmative marketing.

This affirmative marketing section shall apply to all developments that contain very low, low- and moderate-income housing units. The affirmative marketing plan is a regional marketing strategy designed to attract income-eligible households of all majority and minority groups, regardless of sex, age or number of children (unless units are age restricted), for the purpose of buying or renting affordable housing units. The plan shall address the requirements of N.J.A.C. 5:93-11. In addition, the plan prohibits discrimination in the sale, rental, financing, etc., on the basis of race, color, sex, religion, handicap, age (except for designated age-restricted units), familial status/size or national origin. The Township of Hainesport is in the housing region consisting of Burlington, Camden and Gloucester Counties. The Township of Hainesport is located in Housing Region 5 of the State which includes Burlington, Camden and Gloucester Counties. The affirmative marketing plan is a continuing program and shall meet the following requirements:

- A. All newspaper articles, announcements and requests for applicants for low- and moderate-income housing shall appear in the following daily regional newspaper(s): the Burlington County Times, Camden Courier Post and the New Jersey Housing and Mortgage Finance Agency website.
- B. The initial advertising of affordable housing must take the form of at least one press release and one paid display advertisement in each of the above newspaper(s). At a minimum, the paid display advertisement shall include the following:
 - (1) Street address of units.
 - (2) Directions to housing units.
 - (3) Number of units currently available and anticipated dates of future available units.
 - (4) Number of bedrooms per unit.
 - (5) Size of units.
 - (6) Prices or rents of units.
 - (7) Income range for qualifying households.
 - (8) Location of applications.
 - (9) Applicable fees, if any.
 - (10) Telephone number and office hours for obtaining information and requesting applications at each location/
- C. Applications must be mailed to prospective applicants upon request.
- D. Public service announcements shall be made through the use of the following radio and/or cable television stations broadcasting throughout the region: WWJZ (640.0) Mount Holly Radio Co., WGLS (89.7) Rowan College of NJ and WDBK (91.5) Camden County College.

- E. Announcements, requests for applicants, press release and newspaper articles may be placed in the following neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within Burlington, Camden and Gloucester Counties as needed:
- (1) Burlington County Times.
 - (2) Trenton Times.
 - (3) Trentonian.
 - (3) Catholic Star Herald.
 - (4) South Jersey Central Record.
 - (5) South Jersey Times
 - (6) Courier Post.
- F. Affordable housing applications, brochures, signs and/or announcements regarding the availability of affordable housing units within Hainesport Township shall be forwarded to and posted at the following three large-scale employers within the region:
- (1) CVS Warehouse in Lumberton Township.
 - (2) Okidata in Mount Laurel (employers within commuting distance).
 - (3) Burlington County Government Service Offices, Mount Laurel and Mount Holly.
- G. The following is a listing of community and regional organizations in Burlington, Camden and Gloucester Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for affordable housing within the region:
- (1) Affordable Housing Coalition of Burlington County.
 - (2) Burlington County Community Action Program (BCCAP).
 - (3) Tri-County Community Action Agency.
 - (4) Camden County Council on Economic Opportunity.
- H. Affordable housing applications, brochures, announcements and/or posters will be forwarded to and posted at the following locations:
- (1) Developer's sales office.
 - (2) Municipal building.
 - (3) Burlington County Library.
 - (4) Camden County Library.
 - (5) Gloucester County Library.
- I. Quarterly informational circulars and applications shall be sent to each of the following agencies for publication in their journals and for circulating among their members:
- (1) Board of Realtors in Burlington County.
 - (2) Board of Realtors in Camden County.
 - (3) Board of Realtors in Gloucester County.

- J. Additional quarterly informational circulars and applications shall be sent to the following nonprofit, religious, governmental, fraternal, civic, community action agencies in Burlington, Camden and Gloucester Counties:
- (1) Moorestown Ecumenical Neighborhood Development, Inc. (MEND).
 - (2) Jersey Counseling and Housing Development, Inc.
 - (3) Lutheran Social Ministries of New Jersey.
 - (4) Mount Holly 2000.
 - (5) Fair Share Housing Center.
- K. The following is a description of the random selection method that will be used to select occupants of low- and moderate-income housing: After qualifications by a certain date, a lottery of random applications will be selected by number.
- L. Administration.
- (1) The Hainesport Township Affordable Housing Administrative Agent shall administer the affordable housing units. The Administrative Agent, on behalf of the Township, has the responsibility to oversee advertising, and to income qualify affordable households; to place eligible households in very low, low- and moderate-income units upon initial occupancy; to continue to qualify households for reoccupancy of units as they become vacant; and to enforce the terms of the deed restriction. This agency will provide or refer to appropriate counseling services to affordable housing applicants on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord-tenant law.
 - (2) In addition, Hainesport Township is designating the Municipal Liaison as a part-time housing officer to act as liaison between COAH, the municipality and its Administrative Agent. The Administrative Agent will be responsible for tracking the progress of affordable housing, fielding inquiries regarding affordable housing for the public and COAH, complying with COAH monitoring and reporting requirements as per N.J.A.C. 5:93-11.6 and 5:93-12.1. as may be amended and/or superseded
- M. All developers/owners of very low, low and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- N. A random selection method to select occupants of very low, low and moderate-income housing will be used by the Administrative Agent in conformance with N.J.A.C. 5:80-26.16(l). Households who live or work in Housing Region 5 of Burlington, Camden and Gloucester Counties may be given preference for the affordable housing units within the municipality. Applicants living outside the housing region shall have an equal opportunity for units after intraregional applicants have been processed. Hainesport Township intends to comply with N.J.A.C. 5:93-11.7.

- O. The affirmative marketing plan for new units shall commence 120 days before the issuance of either temporary or permanent certificates of occupancy. Affirmative marketing shall continue until all low- and moderate-income housing units are initially occupied. Affirmative marketing for existing units shall continue on an as-needed basis for as long as affordable units are deed restricted.

§ 44-33. Waiver.

- A. In the event of a special hardship or in the event that a minor technical modification of these regulations is necessary to effectively implement the policy of this chapter, the Administrative Agent may waive or modify those regulations relating to occupancy selection, sale or resale prices or income eligibility standards, provided that such waiver of modification is:
- (1) Consistent with the intent of these regulations and Chapter 104, Land Use.
 - (2) Does not violate COAH policy, regulations or statute.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

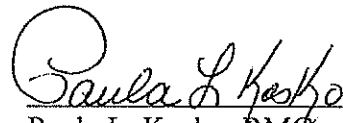
NOTICE OF PUBLIC HEARING

HAINESPORT TOWNSHIP ORDINANCE NO. 2018-12

AN ORDINANCE TO AMEND CHAPTER 44 OF THE CODE OF THE TOWNSHIP OF HAINESPORT ENTITLED "AFFORDABLE HOUSING"

The ordinance published herewith was introduced and passed upon first reading at a regular meeting of the Township Committee of the Township of Hainesport held on August 14, 2018. It will be further considered for final passage after a public hearing at the regular meeting to be held on September 11, 2018 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:00 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

Dated: August 14, 2018


Paula L. Kosko, RMC
Township Administrator/Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Costa			X			
Gilmore	X		X			
Schneider		X	X			
Fitzpatrick			X			
Masciocchi			X			

NOTICE OF FINAL PASSAGE

HAINESPORT TOWNSHIP
ORDINANCE NO. 2018-12

**AN ORDINANCE TO AMEND CHAPTER 44 OF THE CODE OF THE
TOWNSHIP OF HAINESPORT ENTITLED "AFFORDABLE HOUSING"**

Notice is hereby given that Ordinance 2018-12 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on September 11, 2018. Said Ordinance shall take effect in accordance with law.

ATTEST:

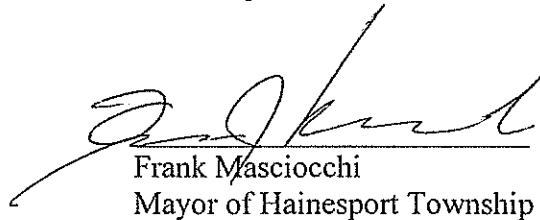
Dated: September 11, 2018



Paula L. Kosko
Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: 09.11.2018



Frank Masciocchi
Mayor of Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Costa			X			
Gilmore		X	X			
Schneider	X		X			
Fitzpatrick			X			
Masciocchi			X			

Introduced: August 14, 2018
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