

2025 HOUSING ELEMENT AND FAIR SHARE PLAN

June 2025

**Hardyston Township
Sussex County, New Jersey**

Adopted by the Hardyston Land Use Board
June 24, 2025

Prepared By:

Carrine Piccolo-Kaufer, PP
Township Planner

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Contents

I.	INTRODUCTION.....	3
II.	DEMOGRAPHICS.....	9
III.	EXISTING HOUSING CONDITIONS.....	15
IV.	EMPLOYMENT DATA.....	19
IV.	PROJECTED FUTURE HOUSING STOCK.....	23
V.	AFFORDABLE HOUSING OBLIGATION.....	25
VII.	FAIR SHARE PLAN.....	32
	Present Need (Rehabilitation Share) Obligation	32
	Prior Round Obligation (1987-1999)	32
	Third Round & Gap Period (1999-2025)	33
	Fourth Round (2025-2035)	37
	Summary of Total Fair Share Obligation.....	40

APPENDIX A – Hardyston Township Resolution #16-25 Adopting 4th Round Obligation, 1/22/2025

APPENDIX B – Hardyston Township Declaratory Judgement Complaint, 1/24/2025

APPENDIX C – Hardyston Township Resolution #29-25 Authorizing Settlement Agreement with
NJBA, 4/9/2025

APPENDIX D- Hardyston Township Affordable Housing Ordinance, § 185-90.1. Very-low-, low- and
moderate-income housing, Last Update 5/10/2017

APPENDIX E – Hardyston Approved Spending Plan, October 2016

APPENDIX F – Hardyston Township For Sale & Rental Operating Manual, 2011

I. INTRODUCTION

Purpose

The following Housing Element and Fair Share plan has been prepared for the Township of Hardyston in order to address the Township's constitutional obligation to plan for affordable housing for low- and moderate-income households in accordance with the Fair Housing Act and the Municipal Land Use Law. This plan addresses the period from 2025-2035, known as the Fourth Round.

The plan will provide updated information on population, housing and development patterns since the 2008 Housing Element and Fair Share Plan and 2016 Amendment & Supplement were adopted, utilizing data from the 2020 US Census and 5-year estimates from the 2023 American Community Survey.

In addition, the Fair Share Plan will address the Township's 4th round affordable housing obligation in accordance with the process established by P.L. 2024 c. 2, while giving consideration to the prior round rules, Hardyston's 3rd Round Substantive Certification, and 2016 Declaratory Judgment granted by the Courts.

Municipal Summary

Hardyston Township is 32 square miles in size and has localized developed areas with less developed environmentally constrained outlying areas, especially in the west. The Township is bounded by several municipalities including Vernon Township, West Milford Township, Jefferson Township, Sparta Township, Borough of Ogdensburg, Lafayette Township, and Wantage Township. Moreover, Township itself surrounds the Borough of Hamburg and the Borough of Franklin.

The population of Hardyston Township has decreased from 8,213 in 2010 to 8,125 in 2020. This modest decrease followed years of significant population growth in the early 2000s, when the population increased by 25 percent from 6,171 to 8,213. The 2023 American Community Survey estimates the population to be 8,239. The 2020 median age in Hardyston Township was 47.7 years, which was slightly older than the Sussex County median age of 43.2 years. The average household size continues to shrink, with a median household size of 2.26 as of 2023.

The housing stock of the Township is predominantly single-family detached dwelling units of which a majority were built after 1980.

Hardyston Township is in affordable housing Region 1, a region that consists of Sussex, Bergen, Hudson and Passaic counties.

Affordable Housing History

In the case of Southern Burlington County NAACP v. the Township of Mount Laurel, (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that developing municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for the construction of low- and moderate-income housing in their communities. In its Mount Laurel decision, decided on January 20, 1983 (Mount Laurel II), the Supreme Court expanded the Mount Laurel doctrine by stating that this constitutional responsibility extended to all municipalities in New Jersey. The Court also established various remedies, including the “builder remedy” or court-imposed zoning, to ensure that municipalities addressed this obligation.

In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act in 1985 (Chapter 222, Laws Of New Jersey, 1985). The Fair Housing Act established a Council on Affordable Housing (COAH) as an administrative alternative to the courts. COAH was also given the responsibility of establishing various housing regions in the state, determining regional and municipal fair share affordable housing obligations and adopting regulations establishing the guidelines and approaches that municipalities may use in addressing their affordable housing need.

New Jersey municipalities, by and through the voluntary process known as Substantive Certification, would petition COAH to endorse and approve the municipal housing element and fair share plan component of a municipal master plan. The Substantive Certification process previously assured administrative protection to municipalities from legal challenges to their respective municipal housing elements and fair share plans for municipalities that chose to participate in the substantive certification process. The Substantive Certification process was organized into three separate rounds of compliance, known as First, Second and Third Round Substantive Certification, whereby municipalities would submit separate First, Second and Third Round Municipal Housing Elements and Fair Share Plans.

From 2005, COAH and the Substantive Certification process were in a constant state of flux. The Third Round Substantive Certification process and rules as set forth in N.J.A.C. 5:97-1, et seq were invalidated by the New Jersey Supreme Court, followed by numerous legal challenges and multiple revisions of the rules that were drafted by never adopted

On March 10, 2015, the New Jersey Supreme Court issued an order in response to previous legal action filed by the Fair Share Housing Center. The Supreme Court Order authorized the courts to hear and decide actions addressing municipal compliance with constitutional Mount Laurel obligations by municipalities that had previously sought the protection of the FHA through COAH. The Supreme Court Order effectively eliminated the substantive certification administrative process as overseen and enforced by COAH, through which Municipal Housing Elements and Fair Share Plans were previously endorsed and approved. The new process permitted municipalities to file a Declaratory Judgment Action during a 30-day window between June 8 and July 8, 2015. 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 region's low- and moderate-income households.

On January 18, 2017, the Supreme Court ruled 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.

Between 2015 and 2024, municipalities that elected to voluntarily comply with their constitutional obligation participated in mediation sessions, reached settlement agreements, adopted Housing Elements and Fair Share Reports, and most municipalities concluded the process with a judgement from the Court.

As a result of the inability of COAH to adopt rules and the subsequent court process, 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.

On March 20, 2024, Governor Murphy signed P.L. 2024 C. 2 into law. This sweeping legislation amended the Fair Housing Act (FHA) by abolishing COAH and creating a new process that involved the creation of an entity known as the Affordable Housing Dispute Resolution Program (the Program), which is overseen by a panel of judges. The Program has modified the

procedures for establishing municipal obligations and the approval of Housing Elements and Fair Share Plans. The process is now overseen at the trial court level and the DCA and the Administrative Office of the Courts (AOC) assist the Program and the trial courts with this process. In addition, the DCA has various responsibilities within the new law, including providing calculations of municipal present and prospective need and collecting monitoring information on affordable units and municipal trust funds.

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.

In addition, municipalities were required to adopt a binding resolution outlining their present and prospective fair share obligations by January 31, 2025, and prepare and file an updated Housing Element and Fair Share Plan by June 30, 2025.

History of Affordable Housing Compliance

For more than two decades, Hardyston Township has willingly and proactively participated in the affordable housing process in New Jersey.

Hardyston received Second Round Substantive Certification of its Municipal Housing Element and Fair Share Plan from COAH on November 7, 2001. The Township's obligation was addressed using a combination of existing group homes, a proposed group home, and rental bonuses.

Hardyston received Third Round Substantive Certification of its Municipal Housing Element and Fair Share Plan from COAH on May 14, 2009, prior to the invalidation of the rules set forth in N.J.A.C. 5:97-1, et. seq. by the NJ Supreme Court. The Township of Hardyston Municipal Housing Element and Fair Share Plan, adopted December 5, 2008, fully addressed the prior round obligation, rehab obligation, and growth share obligation as determined by the methodology adopted in the Third-Round rules set forth in N.J.A.C 5:97-1, et seq. The Township's Third Round obligation was addressed using a combination of proposed group homes, approved inclusionary developments, and a market-to-affordable program. In 2009, the Township entered in a Settlement Agreement with the Fair Share Housing Center regarding the Township's plan for very-low family housing, and the New Jersey Superior Court Appellate Division issued a

settlement order and consent order of dismissal, dismissing FSHC's objections to the Township's 2008 HEFSP. In 2015, Hardyston Township proactively participated in the judicial process outlined by the Supreme Court and filed a Declaratory Judgement Action with Judge Hansbury in April 2015. Through the court process the Township entered into a subsequent settlement agreement with the Fair Share Housing Center accepting their affordable housing obligation for the revised third round (1999-2025) and agreeing to the adoption of an amended Housing Element and Fair Share Plan and revised Spending Plan.

The Township adopted the 2016 Amendment & Supplement to the 2008 Housing Element and Fair Share Plan on March 24, 2016, and subsequently was granted Substantive Certification and a Judgment of Compliance and Repose on September 26, 2016.

Hardyston Township continues to participate in the affordable housing process in the new fourth round. The DCA calculated Hardyston Township's prospective need obligation as 674 (utilizing the 20% population cap). Using the process outlined by P.L. 2024 C. 2, the Township conducted a vacant land capacity analysis and adopted a binding resolution outlining their present and prospective fair share obligation on January 22, 2025.

The Township also filed a "Complaint for a Declaratory Relief" pursuant to Directive #14-24 on January 24, 2025.

The New Jersey Builders Association (NJBA) filed an objection to the Township's prospective need obligation adopted by the Township using the vacant land and capacity analysis. The Township entered into a Settlement Agreement with NJBA, as memorialized by Judge Hansbury's Decision and Order dated March 31, 2025, establishing a 4th Round prospective need obligation of 647 units.

Content of the Housing Element & Fair Share Plan

Pursuant to both the Fair Housing Act and the Municipal Land Use Law (MLUL), municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to provide for methods of achieving the goal of access to affordable housing to meet the municipality's low- and moderate-income housing needs. The statutory required contents of the housing element are:

- 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.
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the ten years, taking into account, 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; and
- 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.

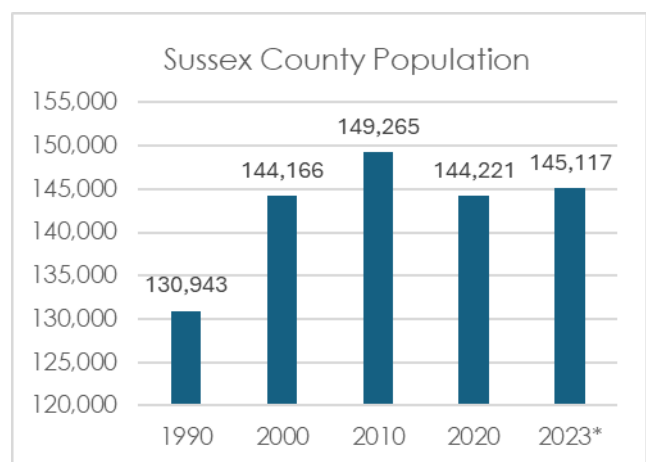
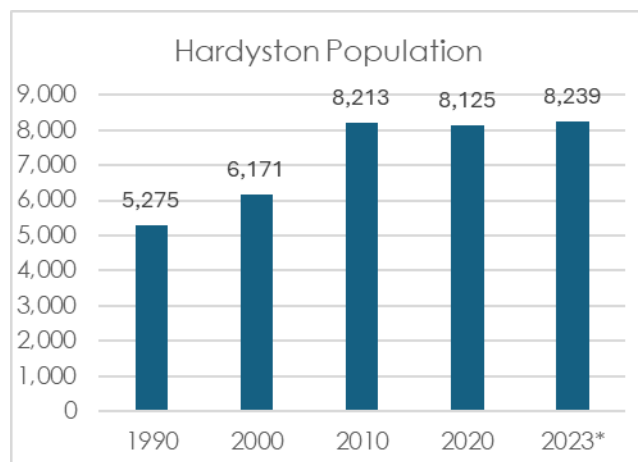
II. DEMOGRAPHICS

POPULATION

In 2020, the population of Hardyston Township was 8,125, a modest decrease of 1 percent from the 2010 population. Hardyston experienced significant population growth in the early 2000's prior to the 2008 economic recession. The large population growth is a result of the housing boom in the early 2000's and the development of a few large-scale residential and resort-oriented developments. Since then, the population has remained flat, with the 2023 American Community Survey estimating Hardyston's population to be 8,239. The population trends experienced in Hardyston Township, Sussex County and the State of New Jersey from 1930 through 2023 are shown below.

Populations Trends, 1930 to 2020									
Year	Hardyston Township			Sussex County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1930	947	-	-	27,830	-	-	4,041,334	-	-
1940	1,034	88	9.3	29,632	1,802	6.5	4,160,165	118,831	2.9
1950	1,279	245	23.7	34,423	4,791	16.2	4,835,329	675,164	16.2
1960	2,206	927	72.5	49,255	14,832	43.1	6,066,782	1,231,453	20.3
1970	3,499	1,293	58.6	77,528	28,273	57.4	7,171,112	1,104,330	18.2
1980	4,553	1,054	30.1	116,119	38,591	49.8	7,365,011	463,899	6.5
1990	5,275	722	15.9	130,943	14,824	12.8	7,730,188	365,177	5.0
2000	6,171	896	16.9	144,166	13,223	10.1	8,414,350	684,162	8.9
2010	8,213	2,042	33.1	149,265	5,099	3.5	8,791,894	377,544	4.5
2020	8,125	-88	-1	144,221	-5,044	-3.3	9,288,994	497,100	5.7
2023*	8,239	114	1.4	145,117	896	.6	9,267,014	-21,980	-.25

Data source: U.S. Census Bureau, Decennial Census and 2023: ACS 5-Year Estimates Data Profiles



POPULATION COMPOSITION BY AGE

The largest increases in the Township occurred in the 55 to 64 and 65 and over age cohorts, which experienced increases of 13.1 % and 60.6%, respectively. There was a decline in all other age cohorts with the exception of the 25 to 34 cohort.

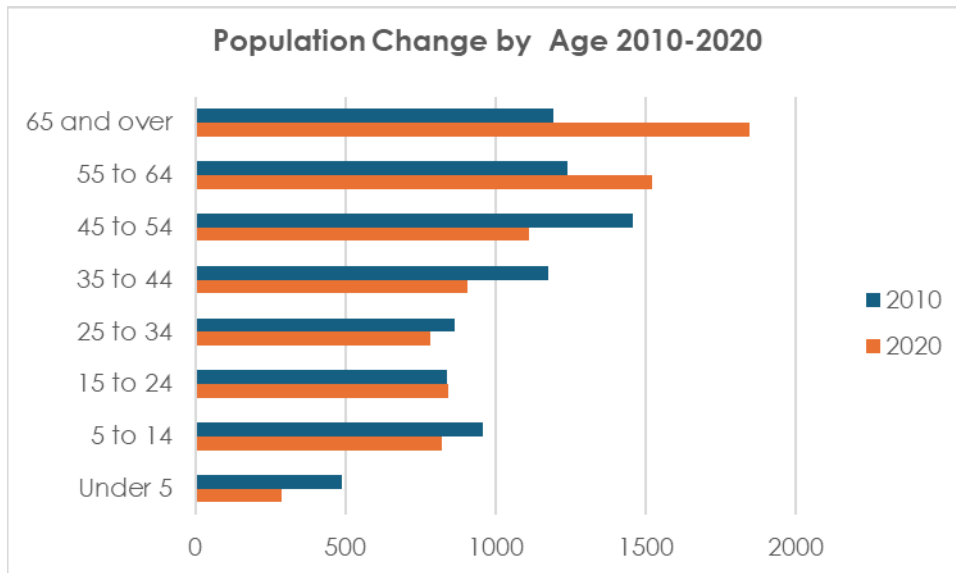
Population by Age 2010 and 2020, Hardyston Township						
	2010		2020		Change, 2010 to 2020	
Population	Number	Percent	Number	Percent	Number	Percent
Under 5	487	6.0	290	3.6	-197	-40.5
5 to 14	959	11.8	823	10.1	-136	-14.2
15 to 24	839	10.3	844	10.4	5	0.6
25 to 34	864	10.6	785	9.7	-79	-9.1
35 to 44	1,174	14.4	906	11.2	-268	-22.8
45 to 54	1456	17.9	1112	13.7	-344	-23.6
55 to 64	1240	15.3	1520	18.7	280	22.6
65 and over	1194	14.7	1845	22.7	651	54.5
Total	8,213	101.1	8,125	100.0	-88	-1.1

Population by Age, 2010 and 2020, Sussex County						
	2010		2020		Change, 2010 to 2020	
Population	Number	Percent	Number	Percent	Number	Percent
Under 5	7,963	5.5	6,447	4.5	-1,516	-19.0
5 to 14	20,571	14.3	15,707	10.9	-4,864	-23.6
15 to 24	18,528	12.8	16,964	11.8	-1,564	-8.4
25 to 34	14,178	9.8	16,265	11.3	2,087	14.7
35 to 44	21,480	14.9	16,288	11.3	-5,192	-24.2
45 to 54	27,845	19.3	20,921	14.5	-6,924	-24.9
55 to 64	20,850	14.5	24,827	17.2	3,977	19.1
65 and over	17,850	12.4	26,802	18.6	8,952	50.2
Total	149,265	103.4974	144,221	100	-5,044	-3.4

Data source: U.S. Census Bureau, Decennial Census 2010 & 2020

The County also saw significant increases in the 55 to 64 and 65 and over age cohorts, and a significant decrease in all other age cohorts except the 25 to 34 age cohorts. The median age of Hardyston Township in 2023 was 47.7 years, 3 years older than 2010 census. An analysis of age group characteristics provides insight regarding the actual changes in population. Available

data makes it clear that both Hardyston and the County are experiencing little to no growth and that the existing population is aging. Population trends indicate that younger singles and families are leaving for other places. This comparison is helpful to determine the impacts of these changes on housing needs, community facilities and services for the municipality and County overall.



Data source: U.S. Census Bureau, Decennial Census 2010 & 2020

HOUSEHOLDS

A household is defined as one or more persons, whether related or not, living together in a dwelling unit. In 2020, there were a total of 3,111 households in Hardyston Township. The average number of persons per household for the Township in 2020 was 2.5, slightly lower than the County's average of 2.57. Both the Township's and the County's largest percentage of households was two-person households (37 and 35 percent respectively)

HOUSEHOLD SIZE- Occupied Housing Units, 2020 Hardyston Township and Sussex County				
	Township	Percent	County	Percent
1-person household	789	25	12,451	23
2-person household	1,137	37	19,121	35
3-person household	413	13	9,526	18
4-person household	772	25	12,978	24
Average Household Size	2.5		2.57	

Family households are defined as two or more persons, living in the same household related by blood, marriage or adoption. The largest percentage of households was family households comprising 67 percent with the average family size being 3.08. Furthermore, the majority of the family households were married-couple families (84%) with 31 percent of them having children under the age of 18. Only 22 percent of households were one-person households with 12.2 percent being female and 9.8 percent being male. Non-family households are defined as a household that consists of a householder living alone or where the householder shares the home exclusively with people whom he/she is not related. These households only comprised 5 percent of the Township while other family households comprised 13.1 percent.

Household Size & Type, 2020		
	Total	Percent
	3,111	100
1-person household:	789	25.4
2 or more person household:	2,322	74.6
Family households:	2,076	66.7
Married-couple family:	1,747	56.2
With own children under 18 years	690	22.2
No own children under 18 years	1,057	34.0
Other family:	329	10.6
Male householder, no wife present:	31	1.0
With own children under 18 years	15	0.5
No own children under 18 years	16	0.5
Female householder, no husband present:	298	9.6
With own children under 18 years	119	3.8
No own children under 18 years	179	5.8
Non-family households:	246	7.9
Average Family Size	3.08	

Data source: U.S. Census Bureau, Decennial Census and 2020: ACS 5-Year Estimates Subject Tables S1101

INCOME

Hardyston Township had a higher median household income compared to the County and the State. As measured in the 2023 American Community Survey by the U.S. Census Bureau, the median income in Hardyston Township was \$119,103, \$8,318 more than the County and \$17,953

more than the State's median income. Approximately 38 percent of the households within the Township had a household income greater than \$150,000 per year.

Per Capita and Household Income 2023 Hardyston Township, Sussex County, New Jersey		
	2023 Per Capita	2023 Median Household
Hardyston Township	59,920	\$119,103
Sussex County	56,471	\$110,785
New Jersey	53,118	\$101,150

Data source: U.S. Census Bureau, 2023: ACS 5-Year Estimates Detailed tables

	Hardyston Township		Sussex County	
	Number	Percent	Number	Percent
Total households	3,631	100.0	57,328	100.0
Less than \$10,000	160	4.4%	1,833	2.7%
\$10,000 to \$14,999	69	1.9%	1,153	1.2%
\$15,000 to \$24,999	261	7.2%	3,157	3.9%
\$25,000 to \$34,999	192	5.3%	3,467	3.8%
\$35,000 to \$49,999	167	4.6%	5,196	6.2%
\$50,000 to \$74,999	345	9.5%	9,884	12.2%
\$75,000 to \$99,999	414	11.4%	9,480	13.0%
\$100,000 to \$149,999	643	17.7%	13,066	22.0%
\$150,000 to \$199,999	759	20.9%	4,662	14.3%
\$200,000 or more	625	17.2%	3,944	20.6%
Median household income	\$ 119,103		\$ 110,785	

Data source: U.S. Census Bureau, Decennial Census and 2023: ACS 5-Year Estimates Subject Tables

POVERTY STATUS

Of the 8,235 persons in Hardyston in 2023, 7.5 percent lived in poverty (an increase of 3.7% since 2014). Fourteen percent of those living in poverty are below the age of 18.

Poverty Status 2023 Hardyston Township and Sussex County				
	Hardyston Township		Sussex County	
		Percent		Percent
Total persons	8,235	100	143,936	100
Total persons below poverty level		7.5		5.4
Under 18		13.6		7.4

18 to 65		6		4.7
Over 65		6.7		5.9

HOUSEHOLD COSTS

The tables below show the expenditure for housing for those who own and rent in Hardyston Township. Approximately 67 percent of renters spend 30 percent or more of their household income on housing. Moreover, approximately 27 percent of owners spent 30 percent or more of their household income on housing. The general affordability standard used is that no more than 30 percent of gross income should be allocated for housing costs.

Selected Monthly Owner Costs as a Percentage of Household Income in Hardyston Township 2023		
	Number	Percent
Total owner-occupied housing units	2946	100
Less than 20 percent	1587	53.9
20 to 24 percent	360	12.2
25 to 29 percent	186	6.3
30 to 34 percent	117	4.0
35 percent or more	696	23.6
Not computed	0	

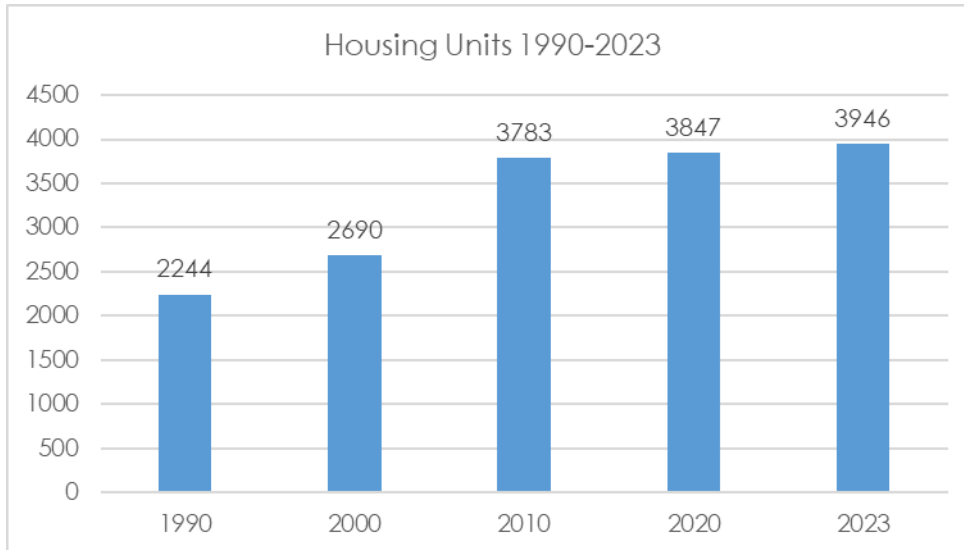
Gross Rent as a Percentage of Household Income Hardyston Township 2023		
	Number	Percent
Total renter-occupied housing units	620	100
Less than 15 percent	101	16.3
15 to 19 percent	47	7.6
20 to 24 percent	45	7.3
25 to 29 percent	12	1.9
30 to 34 percent	208	33.5
35 percent or more	207	33.4
Not computed	65	

Data source: U.S. Census Bureau, 2023: ACS 5-Year Estimates Data Profiles

III. EXISTING HOUSING CONDITIONS

HOUSING UNIT DATA

According to the 2023 American Community Survey, Hardyston Township had a total of 3,946 housing units. This is an increase of 1,702 units since 1990.



Of the 3,641 occupied housing units, 2,946 or 81.2 percent were owner occupied while 549 or 13.9 percent were renter-occupied. As result of the housing boom in the early 2000's, approximately 31% of the housing stock was built from 2000 to 2019. The Township has experienced additional growth since 2020, following the COVID-19 pandemic and the increased demand for housing.

HOUSING DATA Hardyston Township		
	Total	Percent
HOUSING UNITS		
Total Occupied Units	3631	100
TENURE		
Owner occupied	2,945	81.1
Renter occupied	685	18.9
YEAR STRUCTURE BUILT		
Built 2020 or later	0	0
Built 2010 to 2019	146	4
Built 2000 to 2009	1084	27.3
Built 1990 to 1999	612	21.8
Built 1980 to 1989	220	5.6

Built 1970 to 1979	567	14.4
Built 1960 to 1969	346	8.8
Built 1950 to 1959	537	13.6
Built 1940 to 1949	253	6.4
Built 1939 or earlier	181	4.6

Source: U.S. Census, 2023: ACS 5-Year Estimates Data Profiles, DP04

HOUSING TYPE AND SIZE

A majority of housing stock in Hardyston Township is single-family detached housing. In 2023, there were 2,182 single-family detached homes representing 55.3 percent of the housing stock. The second largest type, with 28 percent, was single-family attached. All multi-family housing represented approximately 16 percent of the housing stock within the Township.

The median number of rooms within housing structures in the Township was 6.1 with the largest percentage of structure (24.1%) having six rooms. Approximately 65 percent of the structures had six or more rooms while 35 percent had four or less rooms.

HOUSING TYPE AND SIZE Hardyston Township		
UNITS IN STRUCTURE		
Total	3946	100
1, detached	2182	55.3
1, attached	1108	28.1
2	116	2.9
3 or 4	80	2
5 to 9	253	6.4
10 to 19	162	4.1
20 or more	14	.4
Mobile home	0	0
Boat, RV, van, etc.	31	.8
ROOMS		
1 room	46	1.2
2 rooms	207	5.2
3 rooms	175	4.4
4 rooms	466	11.8
5 rooms	504	12.8
6 rooms	773	19.6
7 rooms	765	19.4
8 rooms	37	8.5
9 or more rooms	673	17.1
Median number of rooms	6.2	

Source: U.S. Census, 2023: ACS 5-Year Estimates Data Profiles, DP04

OCCUPANCY

According to the 2023 American Community Survey, out of the 3,946 units in Hardyston Township, 3,631 or 92 percent were occupied while 315 or 8 percent were vacant.

OCCUPANCY STATUS Hardyston Township		
	Total	Percent
Total	3,946	100
Occupied	3,631	92
Vacant	315	8

Source: U.S. Census, 2023: ACS 5-Year Estimates Data Profiles, DP04

HOUSING VALUES AND CONTRACT RENTS

Housing values for owner-occupied housing units in 2023 are listed in the table below along with the contract rents. 41.7 percent of the owner-occupied housing has a value that falls within \$300,000 to \$399,999. The second highest value range was \$200,000 to \$299,999 followed by housing values in the \$500,000 to \$999,999 range. The median value in Hardyston Township was 4332,300 and, of the owner-occupied units 1,065 or 36.2 percent have no mortgage. The median contract rent in Hardyston Township in 2023 was \$1,760. The largest group of renters (49%) paid rents greater than \$2,000.

VALUE FOR ALL OWNER-OCCUPIED HOUSING UNITS Hardyston Township		
	Total	Percent
Total	2,946	100
Less than \$50,000	73	2.5%
\$50,000- \$99,999	0	0%
\$100,000- \$149,999	57	1.9%
\$150,000- \$199,999	116	3.9%
\$200,000 to \$299,999	987	33.5%
\$300,000 to \$499,999	1,229	41.7%
\$500,000 to \$999,999	484	16.4%
\$1,000,000 or more	0	0%
Median value	\$ 332,300	
MORTGAGE STATUS		
Housing units with a mortgage, contract to purchase, or similar debt:	1,881	63.8%
Housing units without a mortgage	1,065	36.2%

Source: U.S. Census, 2023: ACS 5-Year Estimates Data Profiles, DP04

CONTRACT RENT Hardyston Township		
	Total	Percent
Total renter occupied units	620	100
Less than \$500	0	0
\$500-\$999	0	0
\$1,000-\$1,499	178	28.7
\$1,500-\$1,999	138	22.3
\$2,000- \$2,499	147	23.7
\$2,500-\$2,999	129	20.8
\$3,000 or more	28	4.5
Median Contract Rent	1,655	

Source: U.S. Census, 2023: ACS 5-Year Estimates Data Profiles, DP04

HOUSING CONDITIONS

The table below details the condition of housing within Hardyston Township based on heating fuel, plumbing facilities, kitchen facilities, telephone service and overcrowding. These factors are utilized in determining housing deficiency. According to the 2023 American Community Survey, Hardyston Township only had 26 units lacking in plumbing facilities and 32 lacking in complete kitchen facilities. Moreover, only 63 or 1.7 percent of the units had no telephone service. In addition, with 100 percent of the units having one or less occupant per room, overcrowding is not an issue in Hardyston Township.

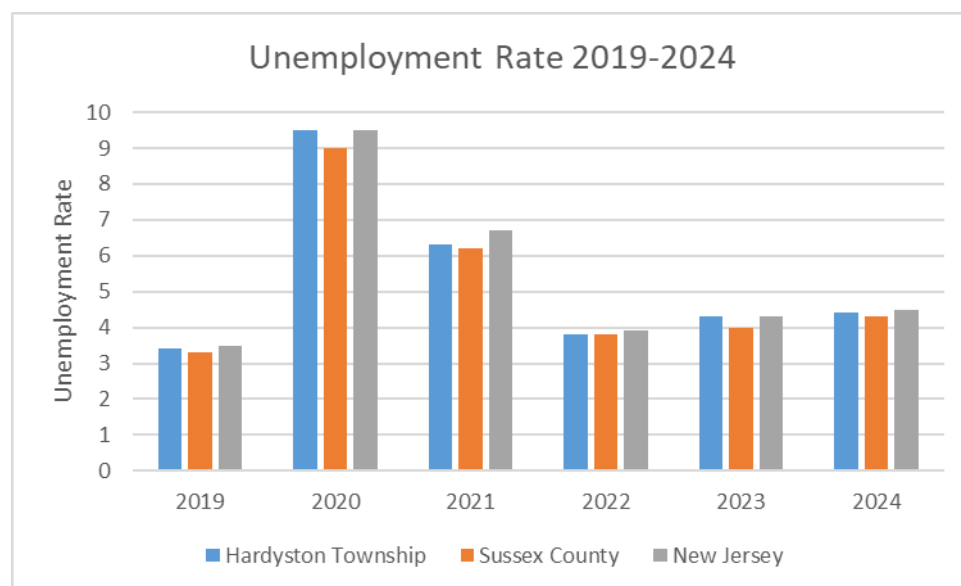
Housing Conditions Hardyston Township		
	Total	Percent
House Heating Fuel- Occupied housing units		
Total	3,631	100
Utility gas	1,778	49
Bottled, tank, or LP gas	243	6.7
Electricity	374	10.3
Fuel oil, kerosene, etc.	1,041	28.7
Coal or coke	0	0
Wood	118	3.2
Solar energy	0	0
Other fuel	46	1.3
No fuel used	31	.3
Occupants per Room-Occupied housing units		
Total	3,631	100
1.00 or less	3,574	98.4
1.01 to 1.50	57	1.6
1.51 or more	0	0
Facilities- Total units		

Total	3,631	100
Lacking complete plumbing facilities	24	.7
Lacking complete kitchen facilities	0	0
No Telephone Service	63	1.7

Source: U.S. Census, 2023: ACS 5-Year Estimates Data Profiles, DP04

IV. EMPLOYMENT DATA

The chart details the unemployment rate for Hardyston, Sussex County and the State from 2019 to 2024. The unemployment rate for Hardyston Township has been consistently lower than the lower than or equal to the State, and slighter higher than Sussex County. The unemployment rate in 2024 for Hardyston Township was 4.2 percent.



Source: New Jersey Department of Labor and Workforce Development, Office of Research and Information, Annual Labor Force Estimates: 2010-2024.

CLASS OF WORKER AND OCCUPATION

The majority of workers living in Hardyston Township were a part of the private wage and salary worker group (86.1%). The second largest category was government workers (10.2%) followed by those who were self –employed (3.1%). Those that worked within the private wage field were concentrated heavily in management /professional positions and sales and office occupations. These two categories of workers equaled 63.9 percent of employed residents within Hardyston Township (38% and 25.9% respectively).

Class of Worker, 2023 Hardyston Township		
	Number	Percent
Total	4,362	100
Private wage and salary worker	3,755	86.1
Government worker	447	10.2
Self-employed worker	134	3.1
Unpaid family worker	26	.6

Source: U.S. Census 2023: ACS 5-Year Estimates Subject Tables, S2406

Occupation, 2023 Hardyston Township		
	Number	Percent
Employed civilian population 16 years and over	4,362	100
Management, professional, and related occupations	1,657	38
Service occupations	671	15.4
Sales and office occupations	1,129	25.9
Natural resources, construction, and maintenance occupations	464	10.6
Production, transportation, and material moving occupations	441	10.1

Source: U.S. Census 2023: ACS 5-Year Estimates Subject Tables, S2406

COMMUTING TO WORK

According to the 2023 American Community Survey, the mean travel time to work for those who lived in Hardyston Township was approximately forty-one (41) minutes. Thirty percent traveled more than an hour to get to work while 12 percent traveled less than fifteen minutes. The largest proportion of workers commuted by automobile (76.8%). Of the percentage that traveled by automobile, an overwhelming 71 percent drove alone while only 5.8 percent carpoolled. Those who used public transportation only comprised 1.3 percent. The percentage of people who worked from home increased from 8% in 2014 to 19.9% in 2023. This dramatic increase is in large part due to an expansion of work from home policies for many employers as a result of the COVID-19 pandemic.

Travel Time to Work, 2023 Hardyston Township	
	Percent
Workers who did not work at home	100
Less than 10 minutes	6.5
10 to 14 minutes	5.2
15 to 19 minutes	9.3
20 to 24 minutes	12.8

25 to 29 minutes	3.6
30 to 34 minutes	4.9
35 to 39 minutes	4.2
40 to 44 minutes	4.3
45 to 59 minutes	19.4
60 to 89 minutes	23.7
90 or more minutes	6.2
Mean travel time to work (minutes)	41.4

Source: U.S. Census 2023; ACS 5-Year Estimates Detailed Tables, B08303

Means Of Commute, 2023 Hardyston Township	
	Percent
Workers 16 years and over	100
Car, truck, or van	
Drove alone	79.8
Carpooled	6.7
Public transportation	2.9
Walked	0.6
Other means	1.7
Worked at home	8.4

Covered Employment

There is currently very limited information available on actual job opportunities within municipalities. The Department of Labor collects information on covered employment, which is employment and wage data for private employees covered by unemployment insurance. The tables below provide a snapshot of private employers located within Hardyston Township. The first table reflects the number of jobs covered in private employment from 2019 through 2023. The second table reflects the disbursement of jobs by industry as per NAICS classification and salaries in 2023.

Private Wage Covered Employment: 2019-2023, Hardyston

Year	Number of Jobs	# Change	% Change
2019	1,349		
2020	709	-640	-47
2021	946	237	33
2022	1,069	123	13
2023	1,098	29	3

Source: New Jersey Department of Labor Quarterly Census of Employment and Wages

According to the New Jersey employment & wages annual municipality report by private sector (NAICS based), in 2023 the largest number of jobs were in the arts and entertainment industry followed by health/social services. While the highest annual wage could be found in the construction industry.

Private Employment and Wages 2023, Hardyston Township

Industry	Employment					Wages		
	March	June	Sept	Dec	Average	Total	Annual	Weekly
Utilities	.	.	.	.	.	.	.	.
Construction	35	43	36	38	38	\$2,135,541	\$56,822	\$1,093
Manufacturing	.	.	.	.	.	.	.	.
Wholesale Trade	.	.	.	.	.	.	.	.
Retail Trade	8	7	7	6	7	\$200,971	\$28,710	\$552
Transportation/Warehousing	.	.	.	.	.	.	.	.
Information	.	.	.	.	.	.	.	.
Finance/Insurance	.	.	.	.	.	.	.	.
Real Estate	.	.	.	.	.	.	.	.
Professional/Technical	.	.	.	.	.	.	.	.
Admin/Waste Remediation	.	.	.	.	.	.	.	.
Education	.	.	.	.	.	.	.	.
Health/Social	81	85	80	89	83	\$3,586,967	\$43,435	\$835
Arts/Entertainment	131	135	136	141	143	\$2,861,689	\$20,047	\$386
Accommodations/Food	.	.	.	.	.	.	.	.
Other Services	33	44	53	39	43	\$1,235,830	\$29,021	\$558
Unclassified	.	.	.	.	.	.	.	.
PRIVATE SECTOR TOTALS	954	1,228	1,142	1,047	1,098	\$45,667,428	\$41,576	\$800

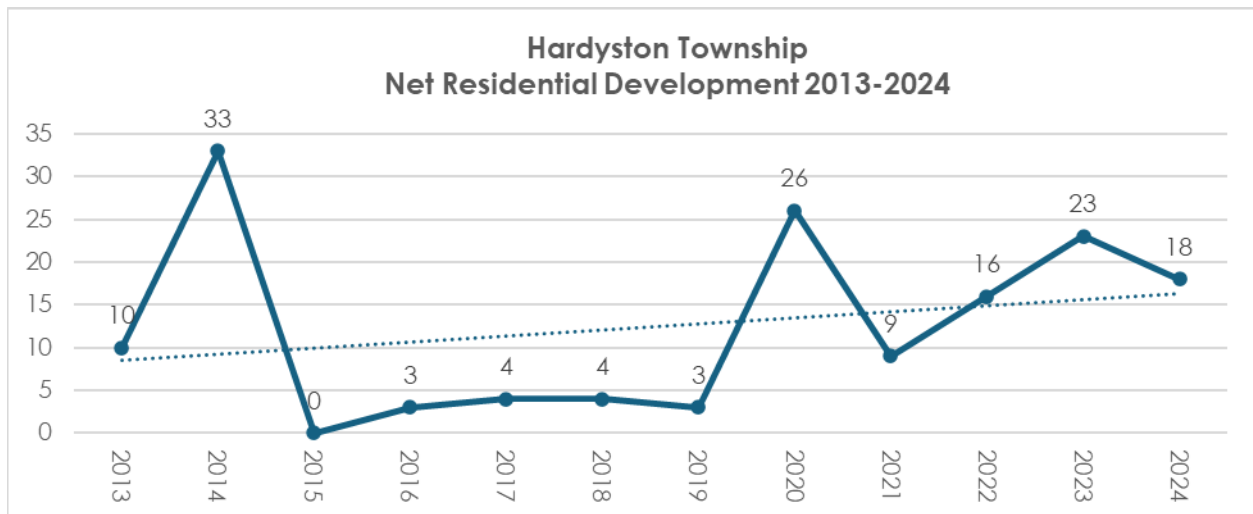
Source: New Jersey Department of Labor Quarterly Census of Employment and Wages, 2023.

IV. PROJECTED FUTURE HOUSING STOCK

The Municipal Land Use Law requires the Municipal Housing Element to consider future housing stock. In the previous 2008 Housing Element and Fair Share Plan, Hardyston Township relied upon the residential and non-residential growth projections for the period 2008-2018 prepared by the Council on Affordable Housing as part of the invalidated third-round growth share methodology.

Since the growth share methodology has been invalidated, municipalities must rely on other regional forecasts and projections as well as historical trends and actual growth data to project future growth.

Residential building permit data serves as an indicator of development trends. The chart below depicts the net change in residential development over the course of the last ten years. Housing growth has not returned to the level that existed prior to the recession, however increased housing demand since the COVID-19 pandemic has seen the resurrection of several previously approved residential developments. Projects that have been languishing for years have been completed or are nearing completion. This increase in new development has generated twenty-two additional affordable housing units.



The North Jersey Transportation Planning Authority (NJTPA) completes projections for population, households and employment for the New York/New Jersey metropolitan area every four years. The 2021 report provides projections for the period between 2015 and 2050. The 2021 report projects minimal change with an annualized percentage change of less than 1% for population, households, and employment.

Category	2015 Population	2050 (projected)	Annualized % Change 2015-2050	Overall Change %	Overall Change #
Population	7,952	8,381	0.2%	5%	429
Housholds	3,231	3,550	0.3%	10%	319
Employment	1,582	1,924	0.6%	22%	342

Source: NJTPA Municipal Forecasts, dated 9/13/2021

Given the lack of available developable land within approved sewer service areas and limited wastewater and water capacity it is anticipated any new residential development that would occur over the next ten years would likely be part of existing developments with approvals that incorporate affordable housing as part of the Township's inclusionary zoning practices and noted in the Township's 2008 Housing Element and Fair Share Plan and 2016 Amendment.

V. AFFORDABLE HOUSING OBLIGATION

Housing Element & Fair Share Plan Obligation

Hardyston Township is located in Hardyston Township's Affordable Housing Region 1, which encompasses Bergen, Hudson, Passaic and Sussex Counties. Low- and moderate-income housing is defined as housing that is affordable for households earning less than 50 percent of median income for low-income households and between 50 and 80 percent for moderate income households. Median household income is determined based on housing region.

The 2025 income limits were established by the New Jersey Housing Mortgage and Finance Agency as follows:

UHAC 2025 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE								
	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Median	\$89,100	\$101,800	\$114,500	\$127,200	\$137,400	\$147,600	\$157,800	\$168,000
Moderate (80%)	\$71,280	\$86,520	\$91,600	\$101,760	\$109,920	\$118,080	\$126,240	\$134,400
Low (50%)	\$44,550	\$50,900	\$57,250	\$63,600	\$68,700	\$73,800	\$78,900	\$84,000
Very Low (30%)	\$26,730	\$30,540	\$34,350	\$38,160	\$41,220	\$44,280	\$47,340	\$50,400

Hardyston Township's total obligation is as follows:

Hardyston Township Obligation	
Present Need (Rehabilitation Obligation)	22
Prior Round Obligation (1987-1999)	18
3 rd Round & Gap Period Obligation (1999-2025)	378
Fourth Round Obligation (2025-2035)	647
Total Obligation	1,065

Development Analysis – Addressing the Obligation

The following will examine the key factors affecting the future development potential of Hardyston Township and the ability for the Township to address the affordable housing obligation as detailed above. Hardyston Township is impacted by a number of significant environmental and regulatory constraints as well as limited public water and sewer infrastructure/capacity

Infrastructure

Sussex County Wastewater Management Plan – Sewer Service Areas

In July 2013, the Sussex Countywide Wastewater Management Plan (WMP) Map was approved by the Sussex County Freeholders and the New Jersey Department of Environmental Protection. The following map depicts the existing and future sewer service areas for the Township.

The existing and future sewer service area are serviced by the existing wastewater treatment facility (NJPDES Permit No. NJ0053350), located on Route 94 North in Hardyston Township. This facility serves Hamburg Borough, Franklin Borough, Hardyston Township (Hardyston Township MUA and the Walkkill Sewer Company, Vernon Township, the Borough of Sussex, Sparta Township, Wantage Township, SCMUA Sludge/Septage Recycle and leachate from the SCMUA Landfill.

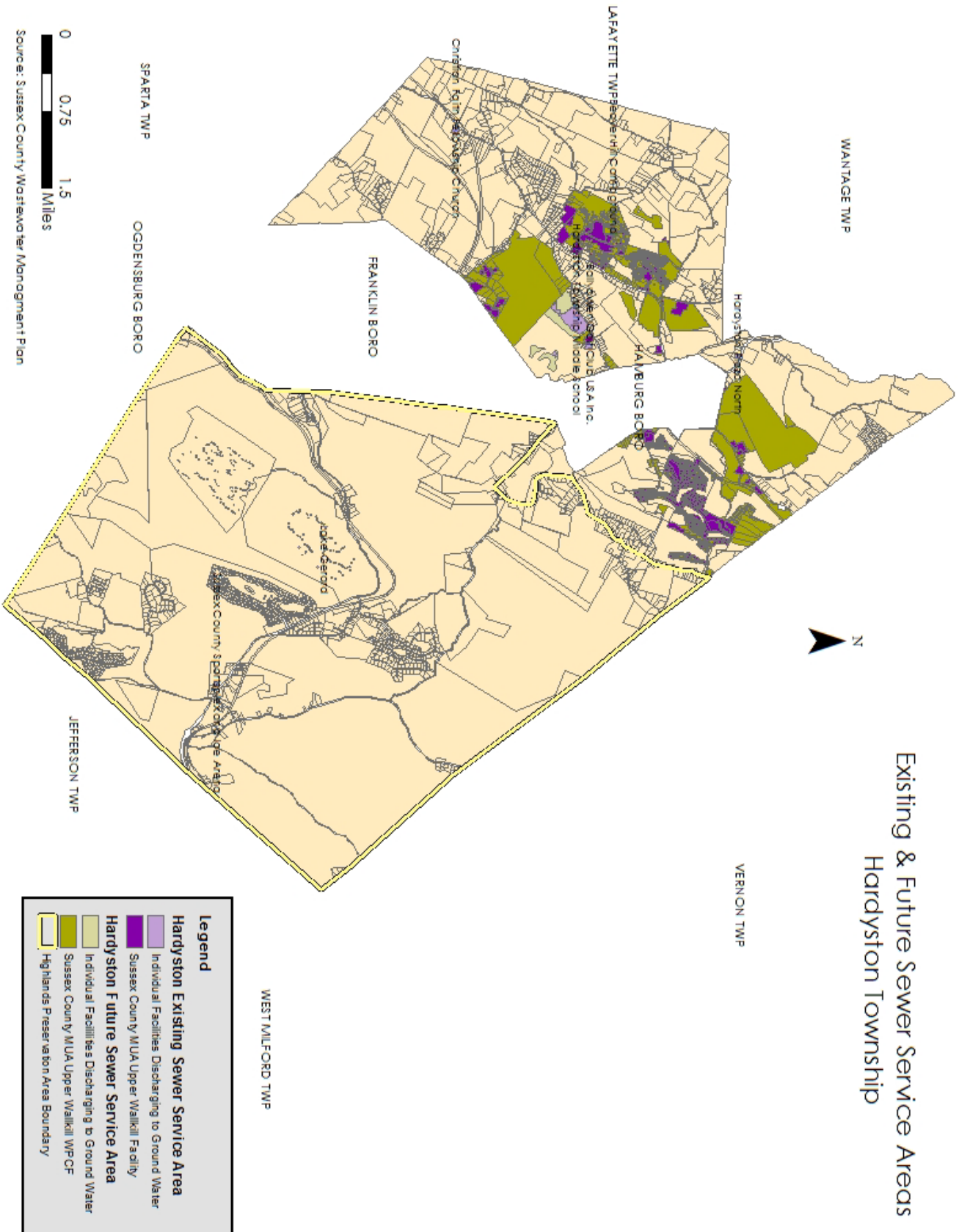
The current annual average flow for this facility is approximately 1,800,000 GPD. The permitted discharge from this facility to the Walkkill River is 3,265,000 GPD. This facility is owned and operated by the Sussex County Municipal Utilities Authority. The planning agencies for sewers in Hardyston Township are the Hardyston Township Municipal Utilities Authority and the Walkkill Sewer Company.

The total sewer allocation to Hardyston Township is 607,000 GPD of which 452,000 GPD is administered through the Hardyston Township MUA and 155,000 GPD is administered through the Wallkill Sewer Company. Sewer allocations in the Township are described as follows:

- Carlton/Walden Village & Ridgefield Commons – This residential and commercial development is located along Route 94 just south and abutting the Indian Field Development noted below. The Wallkill Sewer Company has reserved 155,000 gpd of sewer allocation for this sewer service area.
- Crystal Springs – This residential and commercial village center development is located along both sides Route 94 just north of Hamburg Borough municipal boundary. The Hardyston Township MUA has reserved 335,500 gpd of sewer allocation for this project.
- North Church Technical Center – This industrial development is located along North Church Road (County Route 631) just west of the Franklin Borough Municipal Boundary. Franklin Borough has reserved sewer allocation for this project.
- Wallkill Valley Regional High School – This regional high school is located at the intersection of Grumm Road (County Route 673) and Beaver Run Road. The Hardyston Township MUA has reserved 17,000 gpd of sewer allocation for this facility.
- Sussex County YMCA – This facility is located along Wits End Road abutting the Carlton/Walden Village/Ridgefield Commons Development. The Hardyston Township MUA has reserved 10,000 gpd of sewer allocation for this regional facility.
- Storage Solutions – A storage facility located adjacent to the SCMUA treatment facility. The Hardyston Township MUA has 350 gpd of sewer allocation.
- Uncommitted Allocation – 1,650 gpd. This available allocation represents approximately 7 additional residential units at an average flow of 226 gpd.

Of the committed allocation, 578,000 gpd (97% of the Township's total allocation) is committed and paid for by developers of three inclusionary projects, Crystal Springs, Indian Fields and Ridgefield Commons. Except for the 1,650 gallons of uncommitted gallonage, there is no additional capacity available. While there are a few undeveloped parcels in future sewer service areas on the Future Sewer Service Area Map these areas do not have existing allocation and are not zoned for residential development. Further details on the suitability of these sites is provide in the Fair Share Plan.

Existing & Future Sewer Service Areas Hardyston Township



Source: Sussex County Wastewater Management Plan

Furthermore, based on the recent update to the County Wastewater Management Plan and the NJDEP rules governing the expansion of sewer service areas it is not anticipated that additional future sewer service areas will be permitted.

Public Water Systems

There are several public community water systems in Hardyston Township. These include Lake Stockholm which is owned and operated by the Lake Stockholm Community Association, Lake Tamarack which is owned and operated by the Lake Tamarack Community Association, Summit Lake which is owned and operated by Aqua New Jersey, Crystal Springs Water System and Indian Field Water System which are both owned and operated by the Hardyston Township MUA and the Aqua New Jersey – Wallkill System which owns and operates the system serving Carlton/Walden Village/Ridgefield Commons. Each of these systems use groundwater wells as their source of water for each of these water systems. All other development within Hardyston Township is serviced by individual on-site wells.

The existing water allocation permits for each of these public water systems are as follows:

Indian Fields – monthly allocation 4.74 mgm / annual allocation 40.88 mgy

Crystal Springs – monthly allocation 21.59 mgm / annual allocation 215.18 mgy

Ridgefield Commons – monthly allocation 5 mgm / annual allocation 30 mgy

Newark Watershed Properties

A significant section of Southern Hardyston is owned by the Newark Watershed Conservation and Development Corporation (NWCDC). The lands owned by the NWCDC make up approximately 35,000 acres in the region in three counties and several municipalities. Of that, the land within Hardyston constitutes 4,274 acres. This land constitutes the main potable water supply for the City of Newark. These lands are under moratorium by the State and no development can occur on these lands at this time.

State Development and Redevelopment Plan

The State Planning Commission is currently undergoing the planning process for the final adoption of the updated State Development and Redevelopment Plan. The Draft SDRP was approved by the State Planning Commission in December 2024. The Office of Planning Advocacy is currently overseeing the Cross-Acceptance process by which municipalities determine their consistency with the Draft State Plan. It is anticipated that this process should be

completed by the end of summer 2025 and the State Development and Redevelopment Plan will be adopted by the end of 2025. Due to the ongoing nature of this process, this document is unable to provide a consistency determination.

In addition, the State Planning Areas were used as part of the land capacity analysis in determining municipal affordable housing obligations in the DCA's "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background Report". Land located in Planning Areas 1, 2, and designated centers were given a weighted factor of 1, while land in Planning Areas 4 and 5 outside of an approved sewer service area were given a factor of 0. This methodology relies on the requirements of the Fair Housing Act, Mount Laurel decisions and the stated objectives of the State Planning Act and the SDRP, that the designated growth areas, corridors and centers depicted on the State Plan Map are the areas in which future affordable housing obligations should be located and enforced. No portion of Hardyston Township is located in any such growth area, corridor or center under the SDRP despite the fact that the Township requested the Hardyston Township Village Center be a designated center. Therefore, Hardyston should bear the responsibility for the affordable housing obligation for which it has already planned or accommodated, and no more. All expert allocation models should use the lowest weighting factor for vacant land due to the fact that all the available vacant land in Hardyston is in Planning Areas 4 or 5 and not designated for growth.

Highlands

Hardyston Township is also a part of the Highlands Region. The New Jersey Highlands Region (Highlands Region) is an area of 859,358 acres located in the northwest part of the State and includes 88 municipalities and parts of seven Highlands counties – Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex, and Warren.

The Highlands Water Protection and Planning Act was enacted on August 10, 2004. The Act serves to protect, preserve and enhance water resources, open space and natural resources within the Highlands Region, limit development, which is incompatible with such preservation, and encourage appropriate development consistent with the State Plan. The latest Highlands Regional Master Plan was approved on July 17, 2008, by the Highlands Water Protection and Planning Council (Highlands Council).

As currently mapped, the eastern part of the Township is included in the Highlands Preservation Area – 12,557 acres or about 60% of the Township area, while the western part is part of the Highlands Planning Area – 8,254 acres or about 40% of the Township. Both designations affect

how development can and will occur in the Township since specific regulations vary depending on whether a site or municipality is within the Highlands Planning Area or the more restrictive Highlands Preservation Area.

Plan Conformance is required for the portions of the Township located in the Preservation Area and voluntary for the Planning Area. Hardyston Township has not opted into the RMP for the Planning Area and therefore is still subject to the SDRP and the planning objectives for Planning Areas 4 and 5.

Hardyston Township received Basic Plan Conformance on September 15, 2011, for the portion of the Township in the Preservation Area. Hardyston Township has provided through its land use regulations, sound land use, and long-range planning a realistic opportunity for a fair share of its region's present and prospective needs for housing for low- and moderate-income families as stated in the Highlands Regional Master Plan, Policy No. 607.

While the Preservation Area severely limits development by permitting one new residential unit for every 88 acres, the Planning Area has the effect of requiring more stringent reviews and requirements from additional State agencies including the NJDEP. Those restrictions apply regardless of whether a municipality has voluntarily conformed to the Highlands Regional Master Plan.

Multigenerational Family Continuity Evaluation

A previous amendment to the Fair Housing Act requires "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.52:329.20)." As of the date of this Housing Plan there have been no recommendations by the Multigenerational Family Housing Continuity Commission for which to provide an analysis.

VII. FAIR SHARE PLAN

The Fair Share Plan will include the following:

- Descriptions of any specific project(s) intended to provide for the total municipal fair share of affordable housing, which shall include rehabilitation programs, ECHO units, municipally sponsored construction projects, supportive and special needs housing, assisted living residences, market to affordable programs, accessory apartments, zoning for inclusionary development, municipally sponsored and 100 percent affordable programs, assisted living residences, affordable housing partnership programs, extension of expiring controls, and other innovative approaches.
- Descriptions of any bonuses
- Descriptions of any adjustments or waivers that are being requested regarding the fair share obligation

As outlined previously, Hardyston Township has a total obligation of 1,065 units; a Present Need obligation of 22 units, an 18-unit Prior Round (1987-1999) obligation, a 378 3rd Round Obligation, and a 647 Prospective Need Obligation. The following outlines the measures that the Township will enlist to meet its fair share obligation and constitutes the Township's Fair Share Plan.

Present Need (Rehabilitation Share) Obligation

Hardyston Township has a Present Need obligation of 22 units. Hardyston has previously met its rehab obligation through a joint affordable housing rehabilitation program that was funded through a regional Small Cities Grant. The Township will address its present need obligation through a municipal rehab program. The Township will dedicate funds from the development fee trust fund. In addition, the Township has \$67,907 in recaptured small cities funds. The Township will continue to identify and seek additional funding sources to complete any unfunded units.

Prior Round Obligation (1987-1999)

Hardyston Township received COAH 2nd round substantive certification in November of 2001. The 18-unit obligation from the 1987-1999 prior round is addressed through a combination of alternative living arrangement/supportive housing and rental bonuses. The Township has a total of 4 group homes with 14 bedrooms for 14 credits. The Township will apply 13 of those credits to

the prior round and seek 5 rental bonuses to address the balance of the obligation. Detailed information on each of the group homes was submitted as part of the 2008 HEFSP.

Third Round & Gap Period (1999-2025)

Hardyston had a 378 Third Round and Gap Period obligation. The Township utilized approved mechanisms to meet the Fair Share Obligation including:

- Market to Affordable Program Units
- Supportive and Special Needs Housing
- Inclusionary Zoning

Market to Affordable Housing Program

In a market to affordable program units are purchased at market rate prices and then sold or rented to low- and moderate-income households. The new affordable units must have 30 year deed restrictions and comply with the Uniform Housing Affordability Controls.

Hardyston Township met a portion of the Township's 3rd Round Obligation with twenty-five (25) market to affordable units. The Township committed trust fund monies to purchase structurally sound houses and then re-sell the units to income qualified households at the low to moderate income sales prices with 30-year deed restrictions. The money received from the sale of the units went back to the trust fund essentially establishing a revolving fund for the purchase of affordable units.

To date, the Township has created eight (8) moderate income units through the Market to Affordable Program. The current housing market, coupled with the difficulties in finding qualified purchasers for the existing market to affordable unit resales over the last 5 years, has temporarily paused further implementation.

Supportive and Special Needs Housing

Supportive and special needs housing is a compliance mechanism for addressing a municipality's fair share obligation. Supportive and special needs housing include group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services. The unit of credit for group home is based on the bedroom. The units are required to be affordable to low-income households, must serve populations that are 18 years of age or older.

Hardyston Township addressed a portion of the Township's 3 Round Obligation with fourteen (14) group home credits. The Township has completed 2 group homes since the certification of the 2008 HEFSP for a total of 5-bedroom credits. Those units were created with partnerships with SEED Corp. and Capitol Care Inc. The Township utilized municipal trust fund dollars to help subsidize the costs of the projects. The Township will partner with other supportive housing providers to create additional group home credits.

Inclusionary Zoning

Hardyston Township currently has six inclusionary development sites that have received prior land use approvals. Combined, the six inclusionary development sites will produce one-hundred-ninety (190) units of affordable housing. The following sites were included in the Township's plan to address the 3rd Round Obligation for the 1999-2025 time period:

- Crystal Springs Village Center
- Crystal Springs Grand Cascades Hotel
- Ridgefield Commons: Phases 5 -12
- Indian Fields: Phases IV & V
- Forest Knolls
- Emerald Estates – CJS

Crystal Springs Village Center

The Crystal Springs Village Center received preliminary site plan and minor subdivision approval in November 2007. Pursuant to the Township's Village Center ordinance and the developer's agreement, at least 143 affordable units shall be constructed as part of the Village Center Planned Development. To date, Crystal Springs Village Center has not been constructed. In, 2021 Hardyston declared the property an area in need of redevelopment to attract new interest in the development of the property. In August of 2024, the Township adopted a redevelopment plan that requires a minimum of 143 affordable rental units.

Crystal Springs Grand Cascades Lodge

The Crystal Springs Grand Cascades Lodge is located in the Crystal Springs Resort Development. As part of the conditions for development approval the owner and developer, Crystal Springs Builders, LLC, entered into a developer's agreement dated May 23, 2006 to provide for 8 units of

affordable housing which are to be located off-site within the Crystal Springs Development. A subsequent amendment to the developer's agreement requires the units to be constructed as part of the Village Center.

Ridgefield Commons/Mountain Ridge

Ridgefield Commons, owned by SMS Hardyston LLC, is a residential development located off of Route 94 in Hardyston Township. The property was by a new developer in 2012 after going into foreclosure and underwent a zone change to permit apartments rather than townhomes. The amended zoning resulted in a subdivision and site approval for Mountain Ridge in 2016 160 rental units, including twenty-four (24) affordable rental housing units in connection with the construction of the market rate units. To date the project has completed 14 affordable housing units.

Indian Fields Phases IV & V

Indian Fields Phases IV & V, are part of the larger Indian Fields residential development. Indian Fields is a residential and commercial development located along Route 94 just south of the intersection of Beaver Run Road (County Route 661) and Route 94. The proposed inclusionary development is located in the R-4 zone.

As part of the Indian Fields development, the developer submitted an application for an affordable housing plan for the construction of eight (8) affordable family units in Phases IV and V. Four units are to be located in Phase IV, and four units are to be located in Phase V. The affordable housing plan received Hardyston Township Planning Board approval on September 28, 2006. The project remains unbuilt. Renewed interest in the project may result in an amended approval that would be subject to a future 20% set-aside for affordable housing. Any additional affordable housing units would be applied to the Township's 3rd round unmet need.

Forest Knolls

Forest Knolls, owned by Peter Babalo and Andrea Zeibekis, is a proposed residential development located at the intersection of Franek Road and Route 94 in Hardyston Township, Block 72, Lots 5.01 and 21. The proposed inclusionary development is in the MIDD-5 zone. The development project received preliminary and final subdivision approval from the Township Planning Board on February 28, 2008. The project received approval to subdivide the above-mentioned parcels into 26 lots. As a condition of approval, the developer is required to enter into a developer's agreement with the Township to locate 3 units of affordable housing on one

of the lots. Currently, the developer has not entered into an approved developer's agreement but will be required to do so prior to construction. To date the project remains unbuilt.

Emerald Estates- CJS Investments

Emerald Estates, owned by CJS Investments, is a proposed residential development located on Wheatsworth Road in Hardyston Township, Block 63, Lots 26 and 27. The proposed inclusionary development is located in the MIDD-5 zone. The development project received preliminary and final subdivision approval from the Township Planning Board on September 27, 2007. The residential development will include twenty-nine (29) single family market rate lots, and one lot which will contain four affordable housing units. The developer entered into a developer's agreement with the Township on July 1, 2008, for the construction of four affordable housing units to be located at Block 63, Lot 26.01. The four affordable housing units were built and received certificates of occupancy in April 2025. The 4-unit rental property is managed by Pillar Care Continuum.

Horse Valley

Horse Valley, owned by Crystal Springs North, is a proposed residential development located off of Orts Road in Hardyston Township, Block 14, Lots 30.01, 30.03 and 31. The proposed inclusionary development is located in the MIDD-5 zone. The development project received preliminary and final subdivision approval from the Township Planning Board on June 23, 2011. The residential development is a twenty-three (23) lot subdivision that will include twenty-one (21) single family market rate lots and two (2) additional lots with five (5) affordable housing units. To date the project remains unbuilt.

Rental Bonuses

The Court in their March 2015 decision approved the allowance of bonus credits towards meeting the municipality's affordable housing obligation. Rental bonuses are awarded on a 2 for 1 basis for the construction of new rental units. However, the number of rental bonuses cannot exceed the number of rental units required as part of the municipal obligation. N.J.A.C 5:94 and 5:95 require that twenty-five (25) percent of the municipality's obligation be addressed through the creation of rental units. As such, rental bonuses are limited to twenty-five (25) percent of the municipality's obligation. Using this methodology, Hardyston's rental bonuses were calculated as follows:

Rental Projects	Units	Bonus
<i>Crystal Springs Village</i>	143	143
<i>Grand Cascades Lodge</i>	8	8
<i>Ridgefield Commons</i>	24	24
<i>Total</i>	175	175

Rental Obligation = Total Obligation (378)*.25

94.5 ≈ 95

Maximum permitted bonuses = 95

Vacant Land/Infrastructure Adjustment

Hardyston Township conducted a vacant land and infrastructure analysis as part of the 3rd round Fair Share Plan and sought a vacant land/infrastructure adjustment to its municipal obligation based on the findings. The Township sought a vacant land/infrastructure adjustment of 49 units. Utilizing sewer service areas, sewer allocation, zoning standards and septic density standards the Township estimated a realistic development potential of fifteen (15) additional affordable housing units resulting in an unmet need of thirty-four (34) units. Any unmet need was to be addressed through inclusionary zoning for future development projects resulting in five or more residential units.

Fourth Round (2025-2035)

The NJ Department of Community Affairs Affordable Housing Obligations for the 2025-2035 (Fourth Round) Methodology and Background Report calculated the Township's non-binding Round 4 gross Prospective Need Obligation as 1,622 units, before accounting for and/or applying the 1,000-unit cap and 20% population cap. After applying the 20% population cap, the prospective need obligation was reduced to 674 units.

The obligation calculated by the DCA is non-binding, and as such the Township's professionals conducted an analysis of the data used to calculate the Township's land capacity factor. Ultimately, the Township adopted Resolution #16-25 on January 22, 2025, calculating its Fourth Round Prospective Need Obligation as 548 units.

The New Jersey Builders Association filed an objection to the number set forth by the Township. After a settlement conference with Judge Hansbury, the Township entered into a Settlement Agreement with NJBA, as memorialized by Judge Hansbury's Decision and Order dated March 31, 2025, establishing a 4th Round prospective need obligation of 647 units.

Compliance Mechanisms

Inclusionary Zoning

Lam Development – Crystal Springs

The subject property known as Block 16.31, Lot 1, Block 16.32, Lots 1 and 2 and Block 16.33, Lot 1 received amended subdivision and site plan approval in August 2019. The subject property was previously included as part of the July 2, 2007, Affordable Housing Developer's Agreement with Crystal Springs Builders, LLC. Pursuant to that agreement the subject property was required to pay a developer's fee equal to 1% of the equalized assessed value for each market rate unit constructed. The amended subdivision and site plan approval was a substantial deviation from the original approvals that were included in the 2007 Developer's Agreements, requiring the approved development to be subject to the requirements of the Township's Low- and Moderate-Income Housing Ordinance. The approved project includes 48 residential units, requiring a set-aside of 10 affordable housing units. The 10 affordable units are to be applied to the unmet need from the Third Round.

Mixed Use Overlay Zone

The Township is proposing the adoption of a mixed-use overlay zone for commercially zoned properties along the Route 94 corridor allowing mixed-use and multi-family development to encourage the development of affordable housing at appropriate densities.

Durational Adjustment for Lack of Sewer & Water

The Township of Hardyston is seeking a durational adjustment for the 4th Round Prospective Need of 647 units due to insufficient sewer and/or water capacity.

According to NJAC 5:93-4.3, a municipality may seek a durational adjustment for the unmet portion of the realistic development potential. Given the fact that there was insufficient capacity to address the full Third Round Obligation, the Township is requesting a durational adjustment for the entirety of the 4th Prospective Need Obligation.

As has been previously stated, Hardyston Township has limited future development potential as a result of NJDEP and NJ Highlands restrictions on septic densities and sewer expansion through the wastewater management planning regulations and the Highlands Regional Master Plan.

As indicated previously, the Township's sewer service area and available sanitary sewer allocation is severely limited. Of the Township's 607,000-gallon allocation 97 percent is committed to existing, approved inclusionary projects located in the portion of the Township identified as suitable for higher density and mixed-use development.

In addition to the lack of sewer services and existing capacity, it is important to note that the Township of Hardyston does not control the available allocation. Hardyston's allocation is managed by an independent municipal utility authority.

Outside the sewer service area, Hardyston Township is served by individual sub-surface disposal systems (septic systems). The Sussex County Wastewater Management Plan (WMP) determines the number of new septic systems permitted under the NJDEP standards based on HUC-11 Watershed. Hardyston Township consists of three (3) HUC-11 watersheds; the Paulins Kill (above Stillwater Village), the Wallkill River (above road to Martins) and the Pochuk Creek. The NJDEP standards permit one new septic system for every 4.8 acres. Based on this standard, there is no suitable land outside the sewer service area to support the densities needed (6 dwelling units/acre) to construct additional affordable housing.

In the event that additional residential projects in the future receive approval for more than five (5) dwelling units, the Township will require the construction of affordable housing at a twenty (20) percent set-aside using the appropriate mechanisms and incentives.

In addition, the Township proposed the adoption of an overlay zone for commercial zoned properties along with the Route 94 corridor allowing mixed-use and multi-family development to encourage the development of affordable housing.

Summary of Total Fair Share Obligation

Hardyston Township Obligation	
Present Need (Rehab Share)	22
<i>Municipally Sponsored Program</i>	22
Total Obligation	0
2nd Round	18
<i>Alternative Living Arrangements</i>	-13
<i>Rental Bonus Credits</i>	-5
Total Obligation	0
3rd Round/Gap Period	378
<i>Crystal Springs Village</i>	-143
<i>Grand Cascades Lodge</i>	-8
<i>Ridgefield Commons</i>	-24
<i>Indian Fields</i>	-8
<i>Forest Knolls</i>	-3
<i>Emerald Estates</i>	-4
<i>Horse Valley</i>	-5
<i>Lam Development Crystal Springs</i>	-10
<i>Market to Affordable</i>	-25
<i>SEED Corp. Group Homes</i>	-1
<i>Capitol Care Group Homes</i>	-4
<i>Municipal Partnership Group Homes</i>	-9
<i>Rental Bonus</i>	-95
Total Remaining Obligation	39
Vacant Land/Infrastructure Adjustment	39
RDP	15
3rd Round Unmet Need	4
4th Round	647
Infrastructure Adjustment	-647
4th Round Unmet Need	647

APPENDIX A

HARDYSTON TOWNSHIP

RESOLUTION #16-25

RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, ADOPTING THE TOWNSHIP'S AFFORDABLE HOUSING PRESENT AND PROSPECTIVE NEED OBLIGATION FOR THE PERIOD OF JULY 1, 2025 THRU JULY 1, 2035 IN ACCORDANCE WITH P.L. 2024 C.2, AND RESERVING ALL RIGHTS

WHEREAS, the Township of Hardyston (hereinafter "Township") is Highlands Region municipality, where development is governed and restricted by the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. ("Highlands Act") and the Highlands "Regional Master Plan"; and

WHEREAS, approximately 12,603 acres of land in the Township is located within the Highlands "Preservation Area", and approximately 8,281 acres of land in the Township is located within the Highlands "Planning Area," as those terms are defined in the Highlands Act; and

WHEREAS, Highlands Region municipalities provide safe drinking water for approximately 70% of the residents of the State; and

WHEREAS, the Highlands Act and the Highlands Regional Master Plan place significant constraints on development throughout the Township, including with respect to affordable housing, for the purpose preserving the State's drinking water; and

WHEREAS, nonetheless, the Township has a demonstrated history of voluntary compliance with the Mount Laurel doctrine and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA"); and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), in July 2015, the Township filed a Declaratory Judgment Action in the Superior Court, Law Division, Sussex County under Docket No. SSX-L-000431-15 ("2015 Action") seeking, amongst other things, a judicial declaration that the Township's Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine"; and

WHEREAS, the Township's 2015 Action ultimately culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, issued by the Honorable Stephan C. Hansbury, P.J.S.C. on September 19, 2016, which entitles the Township to immunity and precludes Mount Laurel lawsuits and exclusionary zoning litigation, including builder's remedy lawsuits and constitutional compliance lawsuits, from being filed against the Township until after July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law, P.L. 2024, c.2, which among other things, amended various provisions of the FHA, abolished the Council on Affordable Housing ("COAH") and established the Affordable Housing Dispute Resolution Program ("Program"); and

WHEREAS, P.L. 2024, c.2, sets forth that Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 ("Fourth Round" or "Round Four"); and

WHEREAS, pursuant to P.L. 2024, c.2, the Township is located in Housing Region 1, which is comprised of Bergen, Hudson, Passaic and Sussex Counties; and

WHEREAS, the amendments to the FHA require the Department of Community Affairs ("DCA") to prepare and publish a report on the calculations of the regional need and each municipality's present and prospective need affordable housing obligations for the Fourth Round within seven months of March 20, 2024; and

WHEREAS, on October 18, 2024 the DCA published its report on the calculations with respect to Statewide regional need and municipal present and prospective need affordable housing obligations for the Fourth Round (the "DCA Report"); and

WHEREAS, pursuant to P.L. 2024, c.2, the DCA has calculated the total statewide prospective need obligation to be 84,698 units, which equates to a statewide new construction obligation of over 8,400 affordable units per year; and

WHEREAS, the DCA Report calculates the Township's non-binding Round 4 obligations as follows: 1) a Present Need or Rehabilitation obligation of 22; and 2) a gross Prospective Need or New Construction Obligation of 1,622, before accounting for and/or applying the 1,000-unit cap and 20% cap; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1e of the FHA, the calculations in the DCA Report are not binding on municipalities; and

WHEREAS, rather, pursuant to N.J.S.A. 52:27D-304.1 of the FHA, each municipality is required to determine its respective Fourth Round present and prospective need fair share obligations, and adopt a binding resolution describing the basis for the municipality's determination on or before January 31, 2025; and

WHEREAS, P.L. 2024, c.2, directs that each municipality shall determine its Fourth Round present and prospective need fair share obligations, with consideration of the calculations in the DCA Report, and in accordance with the formulas established in N.J.S.A. 52:27D-304.2 and -304.3 of the FHA using "necessary datasets that are updated to the greatest extent practicable"; and

WHEREAS, section 10 of P.L. 2024, c.2 amends N.J.S.A.13:20-23 of the Highlands Act, and expressly requires that the Highlands Regional Master Plan be taken

into account when determining the allocation of Fourth Round prospective need fair share obligations for Highlands Region municipalities; and

WHEREAS, section 7 of P.L. 2024, c.2 requires that a weighting factor of “0” must be applied to all property within the Highlands Preservation Area and conforming Highlands Planning Areas; and

WHEREAS, N.J.S.A. 52:27D-304.1f(2)(a) of the FHA provides that a municipality may “lower its prospective need obligation to the extent necessary to prevent establishing a prospective need obligation that requires the municipality to provide a realistic opportunity for more than 1,000 housing units, after the application of any excess credits, or to prevent a prospective need obligation that exceeds 20 percent of the total number of households in a municipality according to the most recent federal decennial census, not including any prior round obligation [;]” and

WHEREAS, N.J.S.A. 52:27D-304.1f(2)(a) of the FHA further provides that “[i]f a municipality is subject to both a 1,000 unit cap or 20 percent cap, it may apply whichever cap results in a lower prospective need obligation [;]” and

WHEREAS, both the DCA Report and the DCA’s “Fourth Round Calculation Workbook” which was released by the DCA at the time publication of the DCA Report, confirms that in calculating the Township’s non-binding Fourth Round Prospective Need Obligation, the DCA determined that the Township would be entitled to the benefit of either the 1,000 unit cap or 20 percent cap; and

WHEREAS, the DCA Report and the DCA’s “Fourth Round Calculation Workbook” further indicates that the DCA took into consideration the total number of existing residential households within the Township and determined that according to 2020 Federal Census data, the Township currently has 3,371 total households existing within the Township; and

WHEREAS, based upon above, according to the DCA Report, the DCA determined that the Township was entitled to apply 20% cap on its Fourth Round Prospective Need Obligation, and therefore the DCA determined that the Township is permitted to reduce its Fourth Round Prospective Need Obligation to “674” or 20% of the 3,371 total residential households existing within the Township; and

WHEREAS, assuming the DCA correctly calculated the land capacity, equalized non-residential valuation, income capacity and average allocation factors in arriving at the Township’s Prospective Need Obligation in the DCA Report, the DCA correctly determined that the Township is, at best, entitled to a reduced Fourth Round Prospective Need Obligation of 674, which equates to 20 percent of the 3,371 total existing households within the Township in accordance with N.J.S.A. 52:27D-304.1f(2)(a); and

WHEREAS, pursuant to Mount Laurel case law and COAH's prior round regulations, municipalities are permitted to reduce their Prospective Need Obligation by applying a 20 percent cap under these circumstances based on the recognition that the imposition of a large or onerous municipal housing obligation in a relatively short period of time may well cause a "sudden and radical transformation" of the municipality overnight see Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158, 280 (1983)("Mount Laurel II"); and

WHEREAS, nonetheless, the Township's Planner, Township Engineer and the Township's attorneys have reviewed the DCA Report along with the underlying data and data sets relied upon by the DCA in reaching its non-binding calculations for the Township, and have also carefully considered and analyzed the most up-to-date localized data pertaining to the Township, including amongst other verifiable data, local land use approvals, prior round sites currently zoned for inclusionary development, existing open space restrictions, environmental constraints and other site specific information, construction permits, and MOD-IV data maintained and on file with the Township with regard to the land capacity and equalized non-residential valuation allocation factors; and

WHEREAS, based upon same, Township is satisfied with the estimate and calculations set forth within the DCA Report with respect to the Township's Present Need Obligation of "22", and accepts same at this time, subject to the completion of a structural conditions survey or similar exterior conditions survey; and

WHEREAS, however, based upon the above analysis, the Township Planner and Township Engineer have further determined that the DCA's non-binding calculation with respect to both the Township's gross Prospective Need Obligation of "1,622" and the reduced Prospective Need Obligation or "674," based on the 20 percent cap, is/are incorrect and erroneous for multiple reasons; and

WHEREAS, in particular, the Township Planner and Township Engineer have confirmed that the DCA arrived at the Township's land capacity factor using incorrect assumptions and inaccurate data to erroneously determine that approximately 325.548 acres of land within the Township is "developable"; and

WHEREAS, using the most up-to-date localized verifiable data and information available to the Township, the Township Planner has determined that only 83.870 acres of land within the Township is "developable" after consideration is given to applicable land uses, preserved land/parkland and open space, existing third-round affordable housing sites currently zoned for inclusionary development, deed restrictions, stormwater control/drainage basins, environmental constraints and restrictions (including wetlands, wetland buffers, forest resource areas, groundwater recharge areas, and steep slopes), local land use approvals, construction permit data, and MOD-IV data, amongst other updated verifiable localized data and information; and

WHEREAS, the Township Planner and Township Engineer have further independently calculated the Township's Fourth Round Prospective Need affordable

housing obligation based on the formulas, criteria, methodology and datasets required by sections 6 and 7 of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.2 and -304.3), and have arrived at a Fourth Round Prospective Need Obligation that accurately reflects the most up-to-date pertinent factual data specific to the Township; and

WHEREAS, based upon the calculations and analysis performed by the Township Planner and Township Engineer, the Township has determined that its Fourth Round Prospective Need or New Construction Obligation is 548; and

WHEREAS, the Township Planner and Township Engineer have prepared a report setting forth this analysis, which includes a summary of all relevant factors, considerations and the basis for such conclusions, which is summarily incorporated by reference above and which such report is attached hereto as Exhibit "A"; and

WHEREAS, N.J.S.A. 52:27D-304.1f(1)(b) provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7 of P.L. 2024, c.2 ... [;]" and

WHEREAS, the Township's calculation of its Present Need and Prospective Need obligations is/are entitled to a "presumption of validity" because it complies with sections 6 and 7 of P.L. 2024, c.2; and

WHEREAS, the Township, however, specifically reserves the right to adjust its Present Need Obligation and/or Prospective Need Obligations, including for any of the foregoing adjustments: 1) a Structural Conditions Survey or similar exterior survey which accounts for a lower present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water); and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including, but not limited to the Highlands Regional Master Plan and its build out; and

WHEREAS, in addition to the foregoing, the Township specifically reserves all rights to revoke this Resolution and commitment to its Fourth Round affordable housing obligations herein, in the event of: (1) a successful challenge to P.L. 2024, c.2 as a result of the pending litigation entitled: Township of Montvale et al, v. State of New Jersey, et al., Docket No.: MER-L-1778-24; (2) any other successful challenge to P.L. 2024, c.2, or any directive or regulation adopted pursuant thereto; and/or (3) any subsequent legislative or regulatory enactment which alters or changes the deadlines, calculations, methodology and/or other requirements of P.L. 2024, c.2; and

WHEREAS, the Township further specifically reserves the right to take a position that its Fourth Round Present Need and/or Prospective Need Obligation(s) are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition, nothing in P.L. 2024, c. 2 requires or can require an increase in the Township's Fourth Round Present Need and/or Prospective Need Obligation(s) based on a successful downward challenge of any other municipality in the Region since the plain language and clear intent of P.L. 2024, c.2, is to establish, for example, unchallenged numbers by default as of March 1, 2025; and

WHEREAS, in light of the above, the Mayor and Township Council of the Township of Hardyston finds that it is in the best interest of the Township to declare its commitment to the above-listed Fourth Round obligations by resolution in accordance with P.L. 2024, c.2.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

1. All of the Whereas Clauses set forth above are hereby incorporated into the operative clauses of this Resolution by reference.

2. The Township hereby commits to a Fourth Round Present Need Obligation of "22" and a Fourth Round Prospective Need Obligation of "548" as described in this Resolution, and which such commitment to the Township's Fourth Round Affordable Housing Obligations be and is hereby subject to the Township's reservation of all rights it may have, as described in this Resolution or otherwise, to revoke, repeal, suspend, amend or modify this Resolution by further action of the Township, including but not limited to, the following:

- a) The right to adjust, modify, cancel, withdraw or revoke the Township's commitment to its Fourth Round Present Need and/or Prospective Need Obligation(s), and/or to otherwise revoke, repeal, suspend, amend, or modify this Resolution should additional information or evidence become available or discoverable to the Township in the future;
- b) The right to adjust the Township's Present Need Obligation based on the results of a structural conditions survey or similar exterior survey;
- c) The right to adjust the Township's Present Need and/or Prospective Need Obligation(s) based on lack of available vacant and developable land (vacant land adjustment), sewer and/or water (durational adjustment), and/or due to regional planning inputs, formulas or considerations, including, but not limited to the Highlands Regional Master Plan and its build out, or any combination of the above;
- d) The right to further adjust the Township's Present Need and/or Prospective Need Obligation(s), with such adjustment based upon and applied in accordance with applicable statutory "caps" and/or adjustments, as set forth in P.L. 2024, c. 2, Mount Laurel case law,

and/or as codified in COAH's prior round regulations, or any combination thereof;

- e) All rights to revoke this Resolution in the event of a successful legal challenge to P.L. 2024, c.2, a legislative change to P.L. 2024, c. 2, or any successful challenge to any directive or regulation adopted pursuant to P.L. 2024, c.2, or any change or amendment to such directives or regulations;
- f) All rights to take a position that the Township's Fourth Round Present Need and/or Prospective Need Obligation(s) are lower than described herein in the event that a third party challenges the calculations provided for or relied upon in this Resolution or the DCA Report; and/or
- g) All rights to take a position that the Township's Fourth Round Present Need and/or Prospective Need Obligation(s) is/are lower than described herein in the event a third party claims the Township's Fourth Round Present Need and/or Prospective Need Obligation(s) require an increase based on a reallocation or modification of the Regional present need and/or prospective need obligation(s) allegedly due from a successful reduction of the allocated present and prospective need obligations assigned to another municipality in the Region.

3. The Township's calculation of its Fourth Round Present Need and Prospective Need Obligations is/are entitled to a "presumption of validity" because the calculations comply with sections 6 and 7 of P.L. 2024, c.2.

4. In accordance with N.J.S.A. 52:27D-304.1, the Township hereby directs the Township's Land Use Board Attorney to file an action with the Affordable Housing Dispute Resolution Program along with this Resolution and to take all necessary and proper steps to address any challenges to same by any interested parties.


5. The Township further commits to adopt its housing element and fair share plan pursuant to N.J.S.A. 52:27D-304.1f(2) based on the determination of the Township's Fourth Round affordable housing obligations on or before June 30, 2025, and hereby further directs the Township Attorney, Township Land Use Board Attorney, Township Planner and Township Engineer to begin taking steps to prepare same.

6. A copy of this Resolution, along with filing date of the Township's action with the Program, shall be placed on the Township's website.

7. A copy of this Resolution shall remain on file in the Township Clerk's office and available for public inspection.

8. This Resolution shall take effect immediately, according to law.


Jane Bakalarczyk, Township Clerk


Brian Kaminski, Mayor

I hereby certify the above to be a true copy of the Resolution passed by the Hardyston Township Council at a duly convened meeting held on January 22, 2025.


Jane Bakalarczyk, Township Clerk

Exhibit A

Memorandum

To: Township of Hardyston Mayor and Council

Cc: Carrine Piccolo-Kaufer, P.P., Township Manager/Planner
Fred Semrau, Township Attorney
Thomas Molica, Township Land Use Board Attorney
Anne-Marie Wilhelm, Land Use Administrator

From: Michael Vreeland, Township Engineer 

Date: January 22, 2025

Re: Analysis and Response
Fourth Round Affordable Housing Obligations
Hardyston Township
Sussex County
Housing Region 1
VCEA# HDY-1000.001

With the passage of P.L.2024, c.2 on March 20 2024, the Council on Affordable Housing (COAH) was abolished. Each municipality within the State is now responsible for determining its present and prospective need affordable housing obligations. Obligations are to be determined in accordance with formulas established pursuant to sections 6 and 7 of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3). Municipalities must also adopt a binding resolution committing the municipality to its Fourth Round affordable housing obligations by January 31, 2025.

P.L. 2024, c. 2 further establishes that the Department of Community Affairs (“DCA”) is responsible to conduct a calculation of the regional and municipal present and prospective need obligations and prepare and publish a report. Each municipality may take into consideration the calculations in the DCA’s report when determining the municipality’s Fourth Round affordable housing obligations. However, P.L. 2024, c. 2 explicitly makes clear that the calculations and determinations set forth in the DCA’s report shall not be binding on each municipality.

OFFICE LOCATIONS

www.vancleefengineering.com

Hillsborough, NJ
908-359-8291

Mt. Arlington, NJ
862-284-1100

Phillipsburg, NJ
908-454-3080

Doylestown, PA
215-345-1876

Pottstown, PA
610-323-4040

Hamilton, NJ
609-689-1100

Toms River, NJ
732-573-0490

Freehold, NJ
732-303-8700

Bethlehem, PA
610-332-1772

In addition to the above, P.L. 2024, c. 2 also establishes the Affordable Housing Dispute Resolution Program (“Program”) and outlines new procedures for municipalities to achieve compliance with the Mount Laurel doctrine and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., (FHA) and obtain a “compliance certification”. Compliance certification entitles the participating municipality to immunity from Mount Laurel compliance suits and exclusionary zoning litigation (including builder’s remedy suits) for each successive 10 year affordable housing round.

The process for Fourth Round affordable housing compliance and the criteria, methodology and formulas each municipality must rely upon to determine its present and prospective need obligation are now set forth within N.J.S.A. 52:27D-304.1 thru 304.3 of the FHA. The March 8, 2018 unpublished decision of the Superior Court, Law Division, Mercer Count, In re Application of Municipality of Princeton (“Jacobson Decision”) is also to be referenced as to datasets and methodologies that are not explicitly addressed in N.J.S.A. 52:27D-304.3.

Both the Jacobson Decision and N.J.S.A. 52:27D-304.3a of the FHA explain that the datasets and information must be reliable and updated to the greatest extent practicable. For example, N.J.S.A. 52:27D-304.3a explicitly states: “[t]hese calculations of municipal present and prospective need shall use necessary datasets that are updated to the greatest extent practicable.” Likewise, the Jacobson Decision quotes Judge Serpentelli’s guiding principles in AMG with regarding to the fair share methodology:

Any reasonable methodology must have as its keystone three ingredients: reliable data, as few assumptions as possible, and an internal system of checks and balances. Reliable data refers to the best source available for the information needed and the rejection of data which is suspect. The need to make as few assumptions as possible refers to the desirability of avoiding subjectivity and avoiding any data which requires excessive mathematical extrapolation. An internal system of checks and balances refers to the effort to include all important concepts while not allowing any concept to have a disproportionate impact.

In accordance with the deadlines established in P.L. 2024, c. 2, the DCA prepared and published a report (Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background) on its calculation for regional needs and municipal obligations on October 18, 2024 (“DCA Report”).

DCA Figures

The following table summarizes Hardyston Township’s non-binding Present and Prospective Need, as sourced from the DCA report:

Present Need	Equalized Non-Residential Valuation Factor	Land Capacity Factor	Income Capacity Factor	Average Allocation Factor	Prospective Need	Capped Prospective Need
22	0.39%	16.44%	0.71%	5.85%	1622	674

DCA Analysis

The DCA Land Capacity Factor was computed by determining the total developable acreage utilizing available land use / land cover (LULC) data from the New Jersey Department of Environmental Protection, available MOD-IV Property Tax List data from the Division of Taxation in the Department of the Treasury, and DCA construction permit data. In an effort to identify and remove ineligible parcels, the DCA also manually reviewed approximately 22,000 vacant parcels.

The DCA has published the output from its Land Capacity Analysis and identified 100 parcels totaling ±325.548 acres within Hardyston Township.

Consistent with sections 6 and 7 of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3), on behalf of the Township we have considered the DCA Report, along with the underlying data and data sets relied upon by the DCA in reaching its non-binding calculations for the Township, and have further carefully considered and analyzed the most up-to-date localized data pertaining to the Township, including amongst other verifiable information, land use approvals, environmental constraints (including wetlands, wetland buffers, and steep slopes) and other site specific information, construction permits, and MOD-IV data maintained and on file with the Township, and conservation easements and other deed restrictions.

Based upon our analysis of the DCA Report, the data and data sets relied upon by the DCA and our analysis of the Township’s up-to-date localized verifiable data, we have determined that the DCA arrived at the Township’s land capacity factor using incorrect assumptions and outdated data and/or or incorrect or inaccurate data, including geospatial artifacts or anomalies.

This analysis has led us to conclude that the DCA erroneously included approximately 242 acres of land as part of the above-referenced 325.548 total acres. Accordingly, it is our professional opinion that the Township's land capacity allocation should be reduced to 83.870 acres.

Supplemental Analysis

As explained in the section immediately above, given characteristics of the source data sets and limitations of the DCA analysis work (which the DCA admits in the DCA Report to have inaccuracies and flaws), pursuant to N.J.S.A. 52:27D-304.3a and the Jacobson Decision, our office along with the Township Manager/Planner have further examined the published DCA Land Capacity Factor dataset based on up-to-date verifiable localized data.

In accordance with same, the following table identifies and summarizes the ineligible parcels included in the DCA's published Land Capacity Analysis GIS Composite Layer dataset that should not have been determined to be developable, along with the basis for our conclusion:

OBJECTID	Shape_Acres	Location	Characteristics
28798	1.578	182 North Church Rd B. 62, L. 18.16	Flex warehouse facility
28799	1.311	9 Park Drive B. 62, L. 18.05	Flex warehouse facility
28800	0.145	216 North Church Rd B. 62, L. 10	Geospatial artifact, North Church Gravel
28801	20.714	216 North Church Rd B. 62, L. 10	North Church Gravel
28802	0.074	105-137 Wheatsworth Rd B. 62, L. 24.01	Geospatial artifact, Ballyowen Golf Course
28803	1.201	216 North Church Rd B. 62, L. 10	Geospatial artifact, North Church Gravel
28804	0.291	105-137 Wheatsworth Rd B. 62, L. 24.01	Geospatial artifact, Ballyowen Golf Course
28805	97.497	216 North Church Rd B. 62, L. 10	North Church Gravel
28806	0.096	28 Bunn Rd B. 67, L. 2.02	Geospatial artifact
28810	2.437	149 Wheatsworth Rd B. 62, L. 33.04	Geospatial artifact, municipality building

28811	0.062	3437 Rt 94 B. 67, L. 16.03	Geospatial artifact
28812	0.135	3500 Rt 94 B. 63, L. 1.05	Geospatial artifact, SCMUA
28813	0.228	3500 Rt 94 B. 63, L. 1.05	Geospatial artifact, SCMUA
28817	0.094	B. 67.30, L. 1	Geospatial artifact
28825	1.149	20 Old Quarry Rd B. 17, L. 20	Geospatial artifact, conservation easements
28826	0.148	B. 67.29, L. 1	3 rd Rd Housing Element & Fair Share Plan
28827	0.069	B. 67.29, L. 1	3 rd Rd Housing Element & Fair Share Plan
28828	1.317	B. 67.29, L. 1	3 rd Rd Housing Element & Fair Share Plan
28829	1.383	B. 67.29, L. 1	3 rd Rd Housing Element & Fair Share Plan
28830	0.227	B. 67.29, L. 1	3 rd Rd Housing Element & Fair Share Plan
28831	0.444	B. 67.29, L. 1	3 rd Rd Housing Element & Fair Share Plan
28832	0.264	B. 67.29, L. 1	3 rd Rd Housing Element & Fair Share Plan, utilities
28833	1.129	B. 67.30, L. 1	Detention basin, drainage, wetlands
28834	0.655	B. 67.29, L. 1	3 rd Rd Housing Element & Fair Share Plan
28835	0.918	B. 67.30, L. 1	Detention basin, drainage, wetlands
28836	2.016	B. 17.02, L. 67 B. 17.03, L. 1.02	HOA common area
28838	0.273	4511 Rudetown Rd B. 16, L. 1.01	Geospatial artifact
28839	0.075	B. 17.02, L. 67	Geospatial artifact, HOA common area
28840	0.571	3610 Rt 94 B. 16, L. 8.01	Geospatial artifact, 3 rd Rd Housing Element & Fair Share Plan
28841	0.571	3605 Rt 94 B. 14, L. 24.01	Geospatial artifact, 3 rd Rd Housing Element & Fair Share Plan
28842	0.274	3610 Rt 94 B. 16, L. 8.01	Geospatial artifact, 3 rd Rd Housing Element & Fair Share Plan
28845	1.055	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28849	0.059	3610 Rt 94 B. 16, L. 6.01	Geospatial artifact, 3 rd Rd Housing Element & Fair Share Plan
28852	0.074	3610 Rt 94 B. 16, L. 6.01	Geospatial artifact, 3 rd Rd Housing Element & Fair Share Plan

28853	22.234	3610 Rt 94 B. 16, L. 6.01	3 rd Rd Housing Element & Fair Share Plan
28854	0.434	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28855	0.074	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28856	0.076	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28857	0.572	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28858	0.172	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28859	8.783	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28860	0.092	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28861	18.848	3605 Rt 94 B. 14, L. 24.01	Geospatial artifact, 3 rd Rd Housing Element & Fair Share Plan
28862	3.484	3660 Rt 94 B. 16, Lot 3.03	3 rd Rd Housing Element & Fair Share Plan
28863	2.681	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28864	0.113	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28865	0.103	3601 Rt 94 B. 14, L. 22.01	Quarry
28866	0.217	3601 Rt 94 B. 14, L. 22.01	Quarry
28867	0.455	3601 Rt 94 B. 14, L. 22.01	Quarry
28868	0.626	3601 Rt 94 B. 14, L. 22.01	Quarry
28869	0.178	3601 Rt 94 B. 14, L. 22.01	Quarry
28870	1.235	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28871	0.290	3601 Rt 94 B. 14, L. 22.01	Quarry

28872	0.163	3601 Rt 94 B. 14, L. 22.01	Quarry
28873	0.083	3601 Rt 94 B. 14, L. 22.01	Quarry
28874	0.175	3601 Rt 94 B. 14, L. 22.01	Quarry
28875	0.168	3601 Rt 94 B. 14, L. 22.01	Quarry
28876	0.240	3601 Rt 94 B. 14, L. 22.01	Quarry
28877	0.225	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28878	0.176	3601 Rt 94 B. 14, L. 22.01	Quarry
28879	0.114	3601 Rt 94 B. 14, L. 22.01	Quarry
28880	0.067	3601 Rt 94 B. 14, L. 22.01	Quarry
28881	2.935	90 Tarrington Rd B. 16.36, L. 1	Pembridge
28882	0.099	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28883	34.361	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28884	0.100	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28885	0.690	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28886	0.147	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28887	0.129	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28888	0.066	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28889	0.307	3601 Rt 94 B. 14, L. 22.01	Quarry
28890	0.178	3601 Rt 94 B. 14, L. 22.01	Quarry open space

28891	1.058	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28892	0.527	3601 Rt 94 B. 14, L. 22.01	Quarry
28893	0.075	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28894	0.073	3601 Rt 94 B. 14, L. 22.01	Quarry open space
28895	0.136	3601 Rt 94 B. 14, L. 22.01	Quarry
28896	0.185	3601 Rt 94 B. 14, L. 22.01	Quarry
Total	241.678		

Based on these findings, the land capacity acres for Hardyston Township should be reduced from ±325.548 acres to ±83.870 acres.

Using the formulas, criteria, methodology and datasets required by sections 6 and 7 of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.2 and 304.3), we have further arrived at the Township’s updated land capacity factor, which in turn results in the reduction in the Township’s average allocation factor and ultimately the Township’s Prospective Need Obligation.

The reduction in the Township’s developable acres from 325.548 acres to ±83.870 acres, results in a revision to Region 1’s land capacity from 1,980 acres to 1,738 acres. Taken together, this revises Hardyston Township’s Land Capacity Allocation Factor, as set forth in the DCA Report, from 16.44% to **4.83%**.

Holding the DCA’s calculated Equalized Non-Residential Valuation Factor and Income Capacity Factor consistent, this corrected Land Capacity Factor changes Hardyston Township’s Average Allocation Factor from 5.85%, as set forth in the DCA Report, to $((0.39+4.83+0.71) / 3) = \mathbf{1.97\%}$. This in turn, reduces the Township’s Prospective Need for the Fourth Round from the DCA’s non-binding gross Prospective Need calculation of 1,622 units (before consideration was given by the DCA to application of the 20 percent statutory cap) to **548** units.

This determination is of course subject to further adjustments and reductions as permitted in the FHA and regulations associated therewith, including adjustments for: lack of vacant developable land (“vacant land adjustment”); lack of available sewer or water infrastructure (“durational adjustment”); consideration of the Highlands Regional Master Plan inputs, formulas or its build out; or the application of any applicable statutory “caps” and/or other adjustments set forth in

P.L. 2024, c. 2, Mount Laurel case law, and/or as codified in COAH's prior round regulations, or any combination thereof.

Conclusion and Recommendations

The methodology used to identify and exclude parcel types listed in the analysis is consistent with the published DCA Fourth Round report. The data, data sources, methodology, criteria and formulas relied upon in completing this analysis and arriving at these opinions, including the calculation of the Township's Prospective Need Obligation, was performed in accordance with sections 6 and 7 of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3) and the Jacobson Decision. All opinions and conclusions set forth herein are within a reasonable degree of professional planning and engineering certainty. We reserve the right to amend and supplement our findings, opinions and conclusions should additional information be made available at a later date.

Please contact me should you have any questions.

APPENDIX B

VOIEL, CHAIT, COLLINS AND SCHNEIDER, P.C.
25 Lindsley Drive, Suite 200
Morristown, New Jersey 07960
Phone (973) 538-3800
Fax (973) 538-3002
Attorneys for Declaratory Plaintiff, Township of Hardyston
Attorney ID 019442000 (Molica)

**IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX,
STATE OF NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAKE DIVISION: SUSSEX COUNTY**

DOCKET NO.: SSX-L-0000

CIVIL ACTION

**AFFORDABLE HOUSING
PER DIRECTIVE 14-24**

**COMPLAINT FOR DECLARATORY
RELIEF PURSUANT TO DIRECTIVE 14-24**

Declaratory Plaintiff, the Township of Hardyston, County of Sussex, State of New Jersey (“Hardyston,” the “Township,” “Declaratory Plaintiff” or “Plaintiff”), a municipal corporation of the State of New Jersey, having its municipal office located at the Township of Hardyston Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey 07419, by way of the filing of this Complaint (the or this “Complaint”) in this Declaratory Judgment action (the or this “DJ Action” or “Action”), as authorized under Directive 14-24 of the New Jersey Administrative Office of the Courts, hereby alleges and avers as follows:

Background

1. Hardyston is a municipal corporation of the State of New Jersey.

2. The Township was created and organized under the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., (the “MLUL”) and other applicable laws, and it has, among other duties and obligations, an obligation to endorse the Township’s Housing Element and Fair Share Plan (the “HEFSP”) of the Township Master Plan, which will be adopted by the Township of Hardyston Land Use Board (the “Board”).

3. By and through the prosecution of this DJ Action and as set forth herein, Hardyston seeks the following relief regarding its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the Affordable Housing Alternative Dispute Resolution Program (the “Program”) pursuant to P.L. 2024, c.2 (the “Act”) and the Superior Court of New Jersey, Law Division (the “Court”), pursuant to Directive □ 14-24; (b) to have the Program and the Court approve the Township’s Present and Prospective affordable housing obligations as set forth in the Township’s binding January 22, 2025 Resolution □ 16-25 inclusive of the report entitled “Analysis and Response Fourth Round Affordable Obligations Hardyston Township,” as adopted by the Township Council on January 22, 2025, collectively attached hereto and filed in this DJ Action as **Exhibit 1** (the “Resolution” or “Exhibit 1”), and fully incorporated herein by reference; (c) to have the Program and the Court approve the Township’s HEFSP, to be adopted by the Board and endorsed by the Township Council, and to issue a conditional or unconditional “Compliance Certification” pursuant to the Act, or other such similar declaration in the Township’s favor; (d) to the extent it is not automatically granted pursuant to the Act, through the filing of this DJ Action and Resolution, to have the Program and the Court confirm Hardyston’s immunity from all exclusionary zoning litigation, including “builder remedy” lawsuits, during the pendency of the process outlined in the Act and for the duration of Fourth Round, i.e., through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may

be appropriate to ensure that the Township receive and obtain all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation, including and not limited to third parties that are not joined in this Action, such as intervening developers, affordable housing advocates (collectively and generally, the “Third Parties”).

COUNT I

ESTABLISHMENT OF JURISDICTION UNDER P.L.2024, C. 2

4. The Township repeats and realleges each and every allegation as set forth in the previous paragraphs of this Complaint as if set forth herein in full.

5. The Act substantially revises the New Jersey Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. (the “FHA”).

6. Among other things, the Act abolished the Council on Affordable Housing (“COAH”), and replaced it with seven (7) retired, on-recall Court judges, collectively designated as the Program. Furthermore, the Act authorized the Director of the Administrative Office of the Courts, (respectively, the “Director” and the “AOC”) to create a framework to process municipal applications for compliance certification(s).

7. On or about December 13, 2024, the Director issued Directive □ 14-24, which among other things, required municipalities seeking compliance certification to file an action in the form of a declaratory judgment complaint and Civil Case Information Statement in the County in which the municipality is located within forty eight (48) hours after the municipality’s adoption of a binding resolution as authorized under the Act and attach a copy of said binding resolution to the Complaint filed in a declaratory judgment action such as this DJ Action.

8. On January 22, 2025, the Township adopted the Resolution establishing its present and prospective affordable housing obligations within the statutory period required and set forth in the Act, and in accordance with the methodology and formula set forth in the Act. As set forth herein, a certified copy of the Resolution is attached to this Complaint and filed in this DJ Action as **Exhibit 1**, and is fully incorporated herein by reference.

9. As set forth herein, the Township has established the jurisdiction of the Program and the Court in regard to this DJ Action for a compliance certification.

☐ **HERE** ☐ **ORE**, Plaintiff seeks a Declaratory Judgment for the following relief:

- a. Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding Resolution attached as Exhibit 1 to this DJ Action and Complaint, or to adjust such determination(s) consistent with the Act and any and all other applicable laws;
- b. Declaring the present and prospective affordable housing obligations of the Township under the Act;
- c. Declaring the approval of the Township's HEFSP subsequent to its adoption by the Board and its endorsement by the Township Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing

obligations; (v) an adjustment based upon any ruling in litigation involving municipal affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act, the FHA, and/or applicable COAH regulations; (vii) any and all applicable adjustments permitted pursuant to the Highlands Act, P.L. 2004 c.120 (the “Highlands Act”);

- d. Declaring that the Township continues to have full immunity from exclusionary zoning and any and all other litigation related to its affordable housing obligations as established under the Program, brought by Third Parties or otherwise;
- e. Declaring and issuing compliance certification and full immunity from exclusionary zoning litigation and all other litigation related to the Township’s Fourth Round affordable housing obligation and HEFSP in accordance with the Act and Directive □ 14-24 to the Township for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act, applicable COAH regulations and any and all other applicable laws.

COUNT II

DETERMINATION OF THE PRESENT AND PROSPECTIVE NEED OF THE TOWNSHIP OF HARDYSTON

10. The Township repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

11. The Act adopted the methodology to calculate every municipality's present and prospective need affordable housing obligation for the Fourth Round (2025-2035) and beyond.

12. The Act directed the New Jersey Department of Community Affairs (the "DCA") to apply the methodology and to render a non-binding calculation of each municipality's present and prospective affordable housing obligations to be contained in a report to be issued not later than October 20, 2024.

13. The DCA issued its report on October 18, 2024 (the "DCA Report").

14. Pursuant to DCA Report, Hardyston's present and prospective affordable housing obligations are as follows:

PRESENT NEED (REHABILITATION OBLIGATION)	FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035) (1,000/20% POPULATION CAP)
22	674

15. Pursuant to the Act, a municipality desiring to participate in the Program is obligated to adopt a "binding resolution" determining its present and prospective affordable housing obligations to which it will commit based upon the methodology set forth in the Act.

16. Hardyston adopted such Resolution, a copy of which is attached hereto, made a part hereof as Exhibit 1 to this DJ Action and Complaint, and fully incorporated herein by reference.

17. The Resolution states that the Township's Present ("Rehabilitation") Need obligation is **22** and its Prospective Need obligation is **548**, without any further applying any

further adjustments that the Township may seek in accordance with applicable law and for which the Township accordingly reserves all rights.

18. Hardyston seeks the approval of and confirmation by the Program and the Court of the Present and Prospective affordable housing obligations as set forth in the Resolution made a part hereof as **Exhibit 1**, and any and all applicable adjustments of those obligations consistent with and available pursuant to the Act, the FHA, applicable COAH regulations, and other applicable laws.

19. Pursuant to the Resolution, the Township reserves all rights to amend its affordable housing obligations pursuant to events such as a successful legal challenge or legislative change(s) to the Act.

20. Pursuant to the Resolution, Hardyston specifically reserves the right to seek and obtain (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving municipal affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.

☐ **HERE** ☐ **ORE**, Plaintiff seeks a Declaratory Judgment for the following relief:

- a.** Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set

forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;

- b.** Declaring the present and prospective affordable housing obligations of Hardyston under the Act;
 - c.** Declaring the approval of Hardyston’s HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.
 - d.** Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
 - e.** Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive □ 14-24 to Hardyston for the period beginning July 1, 2025, and ending June 30, 2035; and
-

- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT III

HOUSING ELEMENT AND AIR SHARE PLAN

21. The Township repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

22. Pursuant to the Act, the HEFSP must be prepared, adopted by the Board, and endorsed by the Township on or before June 30, 2025.

23. Hardyston hereby commits for its professionals and associated staff to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court, and which HEFSP shall apply as appropriate, any and all applicable adjustments, including, without limitation, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.

☐ **HEREFORE**, Plaintiff seeks a Declaratory Judgment for the following relief:

- a. Declaring that Hardyston has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the Resolution attached as Exhibit 1 to this DJ Action, or to adjust such determinations consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of Hardyston under the Act;
- c. Declaring the approval of the HEFSP subsequent to its adoption by the Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.
- d. Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive ☐ 14-

24 to the Township for the period beginning July 1, 2025, and ending June 30, 2035; and

- f. Declaring such other relief that the program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT IV

CONFIRMATION OF IMMUNITY

24. The Township repeats and realleges each and every allegation set forth in the previous paragraphs of this declaratory judgment complaint as if set forth herein in full.

25. Pursuant to the Act, a municipality that complies with the deadlines in the Act for both determining present and prospective affordable housing obligations affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

26. The Township has fully complied with the deadline for the adoption and filing of its binding Resolution (and the filing of this DJ Action in accordance with Directive 14-24) not later than January 31, 2025, by adopting the Resolution on January 22, 2025 (a copy of which is attached hereto and filed in this DJ Action as Exhibit A-1, and fully incorporated herein by reference), and filing this DJ Action on January 24, 2025, and has committed to the adoption of its HEFSP on or before June 30, 2025.

WHEREFORE, Plaintiff seeks a Declaratory Judgment for the following relief:

- a. Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set

forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;

- b.** Declaring the present and prospective affordable housing obligations of Hardyston under the Act;
 - c.** Declaring the approval of Hardyston's HEFSP subsequent to its adoption by the Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.
 - d.** Declaring that Hardyston continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
 - e.** Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive □ 14-24 to Hardyston for the period beginning July 1, 2025, and ending June 30, 2035; and
-

- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

VOGEL, CHAIT, COLLINS AND
SCHNEIDER, P.C.
25 Lindsley Drive, Suite 200
Morristown, NJ 07960
Attorneys for Declaratory Plaintiff,
Township of Hardyston

By: /s/ Thomas J. Molica, Jr.

Dated: January 24, 2025

Thomas J. Molica, Jr., Esq.

CERTIFICATION PURSUANT TO R. 4:5-1

Thomas J. Molica, Jr., Esq., of full age, hereby certifies as follows:

1. I am a member of the Firm of Vogel, Chait, Collins and Schneider, P.C., attorneys for Declaratory Plaintiff, Township of Hardyston.
2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.
3. The within Complaint was filed and served (as applicable) within the time prescribed by the New Jersey Rules of Court and applicable law.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

VOGEL, CHAIT, COLLINS AND
SCHNEIDER, P.C.
25 Lindsley Drive, Suite 200
Morristown, NJ 07960
Attorneys for Declaratory Plaintiff,
Township of Hardyston

Dated: January 24, 2025

By: /s/ Thomas J. Molica, Jr.
Thomas J. Molica, Jr., Esq.

CERTIFICATION PURSUANT TO R. 1:38-7(b)

Thomas J. Molica, Jr., Esq., of full age, hereby certifies as follows:

1. I am a member of the firm of Vogel, Chait, Collins and Schneider, P.C., attorneys for Declaratory Plaintiff, Township of Hardyston.

2. 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 R. 1:38-7(b).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

VOGEL, CHAIT, COLLINS AND
SCHNEIDER, P.C.
25 Lindsley Drive, Suite 200
Morristown, NJ 07960
Attorneys for Declaratory Plaintiff,
Township of Hardyston

Dated: January 24, 2025

By: /s/ Thomas J. Molica, Jr.
Thomas J. Molica, Jr., Esq.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Thomas J. Molica, Jr., Esq., attorney for Declaratory Plaintiff, the Township of Hardyston, is designated as trial counsel in the above captioned matter.

VOGEL, CHAIT, COLLINS AND
SCHNEIDER, P.C.
25 Lindsley Drive, Suite 200
Morristown, NJ 07960
Attorneys for Declaratory Plaintiff
Township of Hardyston

Dated: January 24, 2025

By: /s/ Thomas J. Molica, Jr.
Thomas J. Molica, Jr.

EXHIBIT A-1

Township Resolution with Report dated January 22, 2025: EFILED AS EXHIBIT A-1

APPENDIX C

HARDYSTON TOWNSHIP

RESOLUTION #29-25

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF HARDYSTON
APPROVING A SETTLEMENT ORDER AND AGREEMENT
WITH NEW JERSEY BUILDER'S ASSOCIATION
IN THE MATTER DOCKETED IN THE
SUPERIOR COURT OF NEW JERSEY, LAW DIVISION AS SSX-L-54-25
AND AUTHORIZING APPROVAL OF THE MARCH 31, 2025 SETTLEMENT ORDER
ENTERED BY THE COURT AND THE NEGOTIATION AND
EXECUTION OF ANY FURTHER REQUIRED FORMS OF SETTLEMENT
AGREEMENT AND ANY AND ALL OTHER RELATED AND NECESSARY
DOCUMENTS, AND AUTHORIZING THE CONDUCTING AND PARTICIPATION IN
ANY AND ALL FURTHER HEARINGS OR PROCEEDINGS
NECESSARY TO IMPLEMENT THE TERMS OF THE SETTLEMENT ORDER
AND AGREEMENT**

DECIDED AND ADOPTED: APRIL 9, 2025

WHEREAS, in accordance with the *Mount Laurel* doctrine, the Township of Hardyston (the "Township" or "Hardyston") and all municipalities in the State of New Jersey have a constitutional obligation to create a realistic opportunity for producing a fair share of the regional present and prospective need for housing affordable to very low-, low-, and moderate-income families; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (the "Amended FHA"); and

WHEREAS, the Amended FHA requires the New Jersey Department of Community Affairs (the "DCA") to produce non-binding estimates of affordable housing need on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 (the “DCA Report”) wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Township’s Round 4 (2025-2035) affordable housing obligation(s) as follows: a Present Need or Rehabilitation Obligation of “22” and a Prospective Need or New Construction Obligation of “1622” (prior to the application of caps, credits or adjustments available to the Township); and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA specifically provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or biding court decisions” (N.J.S.A 52:27D-311 (m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, the Township reviewed the DCA calculations as set forth in the DCA Report of the Township’s affordable housing obligations and on January 22, 2025, the Township Council adopted Resolution #41-2025 (the “4th Round Commitment Resolution”), committing to a 4th Round Present Need Obligation of “22” and 4th Round Prospective Need Obligation of “548” (the “Township 4th Round Calculations”); and

WHEREAS, the 4th Round Commitment Resolution includes the basis for the Township 4th Round Calculations, as well as detailed report of the calculations which was annexed to and incorporated by reference therein; and

WHEREAS, In preparation for conducting its analysis and calculations, the Township professionals reviewed the DCA Report, calculations and underlying supporting data, and in addition, also reviewed the Township's up-to-date localized data, amongst other verifiable information, including recent land use approvals, updated environmental constraints (including wetlands, wetland buffers, steep slopes), conservation easements, deed restrictions and other site specific information, construction permits, and MOD-IV data maintained and on file with the Township, and ultimately determined that "...the DCA arrived at the Township's land capacity factor using incorrect assumptions and outdated data and/or incorrect or inaccurate data, including geospatial artifacts and anomalies,,,"; and

WHEREAS, accordingly, the Township excluded 241.678 acres from the Township's land capacity factor, and determined that only 83.870 acres is developable, reducing the Township's land capacity factor from 16.44 to 4.83, and therefore reducing the DCA allocation of prospective need as set forth in the DCA Report from 1622 to 548; and

WHEREAS, on January 23, 2025, the Township filed its declaratory judgment complaint (the "DJ Complaint") along with its 4th Round Commitment Resolution with the Affordable Housing Dispute Resolution Program ("Program") in accordance with L. 2024, c. 2 and Administrative Directive #14-24, "Civil – Affordable Housing Dispute Resolution Program – Implementation of L. 2024, c. 2" (Dec. 13, 2024); and

WHEREAS, on February 27, 2025 the New Jersey Builders Association (“NJBA”) filed a non-conforming Answer and non-conforming challenge to the Township’s calculation of its 4th Round Prospective Need Obligation, which relate solely to the Township’s 4th Round Prospective Need Obligation (the “NJBA Challenge”); and

WHEREAS, NJBA and the Township participated in settlement negotiations before the Hon. Stephan Hansbury, J.S.C. (ret.) on March 31, 2025, and agreed to settle the NJBA Challenge by establishing a 4th Round Prospective Need Obligation of 647 units (the “Township 4th Round Prospective Need Calculation”), as memorialized in the attached Decision and Order dated March 31, 2025, attached hereto as Exhibit A (the “Settlement Order”); and

WHEREAS, the Mayor and Council has reviewed the Settlement Order and the Township 4th Round Prospective Need Calculation and hereby approves same, and furthermore hereby authorizes Special Counsel to execute any and all documentation required in furtherance of the Settlement Order on behalf of the Township and the Mayor and Council, and further authorizes the Township Manager, Township Engineer, Township Planners, Township Mayor, Township Clerk, and any all such other individuals as may be necessary, to execute any and all such documentation, if required.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

1. Special Counsel for the Township is authorized to negotiate, finalize, and execute any and all documentation required in furtherance of the Settlement Order on behalf of the Township and the Mayor and Council, if required.

2. The Township Manager, Township Engineer, Township Planners, Township Mayor, Township Clerk, and any all such other individuals as may be necessary, is authorized to execute any and all documentation required in furtherance of the Settlement Order on behalf of the Township and the Mayor and Council, if required.

3. The Township Mayor and Council and/or the Township Land Use Board are authorized to conduct any hearings necessary to implement the Settlement Order.

4. The Township's 4th Round Housing Element and Fair Share Plan shall incorporate reference to the Settlement Order and include the Township 4th Round Prospective Need Calculation therein.

This Resolution shall take effect immediately.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Mayor and Council of the Township of Hardyston at its meeting of April 9, 2025.



JANE BAKALARCZYK, RMC/CMC
TOWNSHIP CLERK



HON. BRIAN KAMINSKI, MAYOR

APPENDIX D

§ 185-90.1. Very-low-, low- and moderate-income housing. [Amended 4-20-2004 by Ord. No. 2004-5; 12-30-2004 by Ord. No. 2004-12; 7-12-2005 by Ord. No. 2005-08; 8-15-2006 by Ord. No. 2006-14; 6-10-2008 by Ord. No. 2008-05; 6-9-2009 by Ord. No. 2009-08; 5-10-2017 by Ord. No. 2017-03]

A. Affordable housing requirements.

(1) Purpose.

- (a) This subsection is intended to assure that very-low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low-, low- and moderate-income households shall occupy these units. This subsection shall apply except where inconsistent with applicable law.
- (b) The Township of Hardyston Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the New Jersey Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. The Fair Share Plan has been endorsed by the Township Council of the Township of Hardyston. The Fair Share Plan describes the ways the Township of Hardyston shall address its fair share for very-low-, low-, and moderate-income housing as documented in the Housing Element.
- (c) This subsection implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1 et seq., as effective June 6, 1994,¹ and all COAH rules and regulations. These rules are pursuant to the Fair Housing Act of 1985 and the Township of Hardyston's constitutional obligation to provide for its fair share of very-low-, low-, and moderate-income housing under COAH regulations and the Township's Declaratory Judgment and Order of Repose dated September 26, 2016. All units provided by applicants shall meet all requirements needed for the Township to obtain credit under prior COAH rules and judicial decisions, including but not limited to Mt. Laurel IV.
- (d) The Township of Hardyston shall file monitoring reports in accordance with the agreement, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring shall be available to the public at the Township of Hardyston Municipal Building, Municipal Clerk's Office, 149 Wheatsworth Road, Hardyston, New Jersey.

(2) Definitions. The following terms, as used in this subsection, shall have the following meanings:

ACT — The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

ADAPTABLE — Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.²

ADMINISTRATIVE AGENT — The entity responsible for the administration of

1. Editor's Note: In accordance with N.J.S.A. 52:14B-5.1b, Chapter 93, Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning June 6, 1994, expired on 10-16-2016.

2. Editor's Note: See now N.J.A.C. 5:23-3.14(b).

affordable units in accordance with this subsection, N.J.A.C. 5:80-26.1 et seq., and any and all other applicable statutes and regulations of the State of New Jersey.

AFFIRMATIVE MARKETING — 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 — The average percentage of median income at which restricted units in an affordable housing development are affordable to very-low-, low- and moderate-income households.

AFFORDABLE — A sales price or rent within the means of a very-low-, low- or moderate-income household as defined in N.J.A.C. 5:97-9;³ 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 — A housing development, all or a portion of which consists of restricted units.

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

AFFORDABLE HOUSING PROGRAM(S) — Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4,⁴ and/or funded through an affordable housing trust fund.

AGE-RESTRICTED UNIT — 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% 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.

AGENCY — The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

ASSISTED LIVING RESIDENCE — 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 — A household that has been certified by an

3. Editor's Note: The provisions of N.J.A.C. 5:97 expired on 6-2-2015.

4. Editor's Note: The provisions of N.J.A.C. 5:97 expired on 6-2-2015.

administrative agent as a very-low-, low- or moderate-income household.

COAH — The Council on Affordable Housing, which is in, but not of, 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 — The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT — 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 — 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 — 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.

INCLUSIONARY DEVELOPMENT — A development containing both affordable units and market-rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

MAJOR SYSTEM — 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 — Housing not restricted to very-low-, low-, and moderate-income households that may sell or rent at any price.

MEDIAN INCOME — The median income by household size for the applicable county, as adopted annually by COAH.

MODERATE-INCOME HOUSEHOLD — A household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

MODERATE-INCOME UNIT — A restricted unit that is affordable to a moderate-income household.

NONEXEMPT SALE — 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.

RANDOM SELECTION PROCESS — 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 — The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by COAH's adopted Regional Income Limits published annually by COAH.

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

RENT — 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 — 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 UHORP or MONI.

UHAC — The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

VERY-LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 30% or less of the median household income.

VERY-LOW-INCOME UNIT — A restricted unit that is affordable to a very-low-income household.

WEATHERIZATION — 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.

- (3) Affordable housing programs. The Township has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

- (a) A market-to-affordable program.

[1] A market-to-affordable program is established to permit the purchase or subsidization of units through a written agreement with the property owner and sold or rented to very-low-, low-, and moderate-income households. Subject to the provisions of Subsection A(3)(a)[2][c] below, the market-to-affordable programs may produce very-low-, low- and moderate-income units. (The program may be limited to only very-low- or low-, or only moderate-income units as per the Fair Share Plan.)

[2] The following provisions shall apply to market-to-affordable programs:

- [a] At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
- [b] The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
- [c] The municipality will provide a minimum of \$25,000 per unit to subsidize each moderate-income unit and/or \$30,000 per unit to subsidize each low-income unit, with additional subsidy depending on the market prices or rents in a municipality.
- [d] The maximum number of creditable market-to-affordable units shall be equal to no more than 10 for-sale units and 10 rental units or a combined total of 10% of the fair share obligation, whichever is greater. (Additional units may be approved by COAH if the municipality demonstrates the successful completion of its initial market-to-affordable program.)

[3] The units shall comply with UHAC with the following exceptions:

- [a] Bedroom distribution [N.J.A.C. 5:80-26.3(b) and (c)];
- [b] Low-/moderate-income split [N.J.A.C. 5:80-26.3(a)]; and
- [c] Affordability average [N.J.A.C. 5:80-26.3(d) and (e)]; however:
 - [i] The maximum rent for a moderate-income unit shall be affordable to households earning no more than 57.5% of median income. The maximum rent for a low-income unit shall be affordable to households earning no more than 44% of median income; and the maximum rent for a very-low-income unit shall be affordable to households earning no more than 30% of median income.
 - [ii] The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70% of median income, and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40% of median income, and the maximum sales price for a very-low-income unit shall be affordable to households earning no more than 30% of median income.

(4) Inclusionary zoning.

- (a) Presumptive densities and set-asides. To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows:

- [1] Inclusionary zoning in existing or proposed sewer service areas outside of Planning Areas 1 or 2 permits residential development at a presumptive minimum gross density of four units per acre and a presumptive maximum affordable housing set-aside of 20% of the total number of units in the development;
 - [2] Inclusionary zoning outside of a sewer service area in Planning Areas 3, 4 and 5 permits a presumptive density increase of 40% over the existing zoning. The presumptive maximum affordable housing set-aside shall be 20% of the total number of units in the development; and
 - [3] Where an executed development agreement and/or a Planning Board approval resolution exists for affordable housing on a specific site or sites, list the sites below and identify the density and set-aside for each.
 - [a] Crystal Springs Village Center South: 13 units/acre; 25% set-aside.
 - [b] Ridgefield Commons: 2.7 units/acre; 11% set-aside.
 - [c] Indian Fields: 2.2 units/acre; 12.5% set-aside.
 - [d] Forest Knolls: 0.2 unit/acre; 13% set-aside.
 - [e] Emerald Estates/CJS Investments: 0.2 unit/acre; 12% set-aside.
 - [4] Additional incentives to subsidize the creation of affordable housing available to very-low-income households may be included in the zoning section of this subsection or specified in a developer's or redeveloper's agreement.
- (b) Phasing. In inclusionary developments, the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Very-Low-, Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

- (c) Design. In inclusionary developments, to the extent possible, very-low-, low- and moderate-income units shall be integrated with the market units.
- (d) Payments-in-lieu and off-site construction. The standards for the collection of payments in lieu of constructing affordable units or standards for constructing affordable units off-site shall be in accordance with N.J.A.C. 5:97-6.4,⁵ and/or other applicable laws, statutes or regulations.

- (e) Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- (5) New construction. The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide very-low-, low- and moderate-income housing units.
 - (a) Low/moderate split and bedroom distribution of affordable housing units:
 - [1] The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 - [2] In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
 - [3] Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - [a] The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total very-, low- and moderate-income units, if applicable;
 - [b] At least 30% of all very-low-, low-, and moderate-income units shall be two-bedroom units, if applicable;
 - [c] At least 20% of all very-low-, low-, and moderate-income units shall be three-bedroom units, if applicable; and
 - [d] The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
 - [4] Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted very-low-, low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
 - (b) Accessibility requirements:
 - [1] The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7⁶ and N.J.A.C. 5:97-3.14.⁷
 - [2] All restricted townhouse dwelling units and all restricted units in other

5. Editor's Note: The provisions of N.J.A.C. 5:97 expired on 6-2-2015.

6. Editor's Note: See now N.J.A.C. 5:23-3.14(b).

7. Editor's Note: The provisions of N.J.A.C. 5:97 expired on 6-2-2015.

multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- [a] An adaptable toilet and bathing facility on the first floor;
 - [b] An adaptable kitchen on the first floor;
 - [c] An interior accessible route of travel on the first floor;
 - [d] An interior accessible route of travel shall not be required between stories within an individual unit;
 - [e] An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door, on the first floor; and
- [3] An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7⁸ and N.J.A.C. 5:97-3.14,⁹ or evidence that the Township of Hardyston has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
- [a] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - [b] To this end, the builder of restricted units shall deposit funds within the Township of Hardyston's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - [c] The funds deposited under Subsection A(5)(b)[3][b] above shall be used by the Township of Hardyston for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - [d] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Hardyston.
 - [e] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of Hardyston's Affordable Housing Trust Fund in care of the Municipal Treasurer, who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and

8. Editor's Note: See now N.J.A.C. 5:23-3.14(b).

9. Editor's Note: The provisions of N.J.A.C. 5:97 expired on 6-2-2015.

appropriately earmarked.

- [f] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7¹⁰ and N.J.A.C. 5:97-3.14.¹¹

(c) Maximum rents and sales prices.

- [1] In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits previously established by COAH.
- [2] The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted very-low-, low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
- [3] The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for very-low-income, low-income and moderate-income units.
- [a] At least 10% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
- [4] The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% 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 very-low- and low-income ownership units must be available for at least two different prices for each bedroom type.
- [5] 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:
- [a] A studio shall be affordable to a one-person household;
- [b] A one-bedroom unit shall be affordable to a one-and-one-half-person household;
- [c] A two-bedroom unit shall be affordable to a three-person household;
- [d] A three-bedroom unit shall be affordable to a four-and-one-half-person

10. Editor's Note: See now N.J.A.C. 5:23-3.14(b).

11. Editor's Note: The provisions of N.J.A.C. 5:97 expired on 6-2-2015.

household; and

- [e] A four-bedroom unit shall be affordable to a six-person household.
- [6] 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:
 - [a] A studio shall be affordable to a one-person household;
 - [b] A one-bedroom unit shall be affordable to a one-and-one-half-person household; and
 - [c] A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- [7] 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% 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% 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.
- [8] The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% 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.
- [9] The price of owner-occupied very-low-, 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.
- [10] The rent 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 United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to very-low- and low-income housing tax credit regulations shall be indexed pursuant to the regulations governing very-low- and low-income housing tax credits.
- [11] 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.

(6) Affirmative marketing requirements.

- (a) The Township of Hardyston shall adopt by resolution an affirmative marketing plan, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 1 and covers the period of deed restriction.
- (c) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 1, comprised of Bergen, Sussex, Passaic, and Hudson Counties.
- (d) The administrative agent designated by the Township of Hardyston shall assure the affirmative marketing of all affordable units consistent with the affirmative marketing plan for the municipality.
- (e) In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to very-low-, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by Township of Hardyston.

(7) Occupancy standards.

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the administrative agent shall strive to:
 - [1] Provide an occupant for each bedroom;
 - [2] Provide children of different sexes with separate bedrooms; and
 - [3] Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal operating manual.

(8) Control periods for restricted ownership units and enforcement mechanisms.

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this subsection until the Township of Hardyston elects to release the unit from such requirements; however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
 - (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
 - (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
 - (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the requirements of this subsection, an amount equal to the difference between the unit's nonrestricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
 - (e) The affordability controls set forth in this subsection shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
 - (f) A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.
- (9) Price restrictions for restricted ownership units, homeowners' 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 may be amended and supplemented, including:
 - [1] The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
 - [2] The administrative agent 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 price 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 the addition of a bathroom.

(10) 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% of median-income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- (b) The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a very-low- or 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 homeowners' association fees, as applicable) does not exceed 33% of the household's certified monthly income.

(11) 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% 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).

(12) 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 subsection until the Township of Hardyston elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, 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, 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 Sussex. 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 subsection, 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.

(13) 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 5% 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 subsection.

(14) 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% of median income.
 - [2] Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 - [3] Moderate-income rental units shall be reserved for households with a gross household income less than 80% 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-, low- or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% 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% (40% 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% (40% 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 Subsection A(14)(b)[1] through [5] above with the administrative agent, who shall counsel the household on budgeting.

(15) Administration.

- (a) The position of Municipal Housing Liaison (MHL) for Township of Hardyston is established by this subsection. The Hardyston Township Council shall make the actual appointment of the MHL by means of a resolution.
- [1] The MHL must be either a full-time or part-time employee of Township of Hardyston.
 - [2] The person appointed as the MHL must be reported to COAH for approval. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
 - [3] The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Hardyston, including the following responsibilities, which may not be contracted out to the administrative agent:
 - [a] Serving as the municipality's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
 - [b] The implementation of the affirmative marketing plan and affordability controls;
 - [c] When applicable, supervising any contracting administrative agent;
 - [d] Monitoring the status of all restricted units in the Township of Hardyston's Fair Share Plan;
 - [e] Compiling, verifying and submitting annual reports as required by COAH;
 - [f] Coordinating meetings with affordable housing providers and administrative agents, as applicable; and

- [g] Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
 - (b) The Township of Hardyston shall designate by resolution of the Township Council of the Township of Hardyston one or more administrative agents to administer newly constructed affordable units in accordance with the Hardyston 2016 Judgment of Compliance, UHAC and applicable COAH rules.
 - (c) An operating manual shall be provided by the administrative agent(s), to be adopted by resolution of the governing body and subject to approval of COAH. The operating manuals shall be available for public inspection in the office of the Municipal Clerk and in the office(s) of the administrative agent(s).
 - (d) The administrative agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the operating manual, including those set forth in N.J.A.C. 5:80-26.14, 5:80-26.16, and 5:80-26.18 thereof, which include:
 - [1] Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - [2] Affirmative marketing household certification;
 - [3] Affordability controls;
 - [4] Records retention;
 - [5] Resale and re-rental;
 - [6] Processing requests from unit owners; and
 - [7] Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 - (e) The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (16) Enforcement of affordable housing regulations.
- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
 - (b) After providing written notice of a violation to an owner, developer or tenant of a very-low-, low- or moderate-income unit and advising the owner, developer or

tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

- [1] The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the court to have violated any provision of the regulations governing affordable housing units, the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - [a] A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - [b] In the case of an owner who has rented his or her very-low-, low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Hardyston Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - [c] In the case of an owner who has rented his or her very-low-, low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
 - [2] The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first-purchase money mortgage and shall constitute a lien against the very-low-, low-, or moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the very-low-, low-, or moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first-purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the first-purchase money mortgage lien and any prior liens upon the very-low-, low-, or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for and to the

extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

- (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the very-low-, low-, or 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.
 - (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first-purchase money mortgage and any prior liens, the municipality may acquire title to the very-low-, low-, or moderate-income unit by satisfying the first-purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first-purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the very-low-, low- or moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
 - (g) Failure of the very-low-, low-, or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the very-low-, low-, or moderate-income unit as permitted by the regulations governing affordable housing units.
 - (h) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions governing affordable housing units until such time as title is conveyed from the owner.
- (17) Appeals. Appeals from all decisions of an administrative agent designated pursuant to this subsection shall be filed in writing with a court of the State of New Jersey having competent jurisdiction over matters concerning affordable housing enforcement in the State of New Jersey.

B. Affordable housing development fees.

(1) Purpose.

- (a) In *Holmdel Builders Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- (b) Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2), and the Statewide Non-residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.
- (c) This subsection establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L. 2008, c. 46, Sections 8 and 32 through 38.¹² Fees collected pursuant to this subsection shall be used for the sole purpose of providing very-low-, low-, and moderate-income housing. This subsection shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.¹³

(2) Definitions. The following terms, as used in this subsection, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

COAH or THE COUNCIL — The New Jersey Council on Affordable Housing established under the Act, which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE — Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.¹⁴

EQUALIZED ASSESSED VALUE — The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property

12. Editor's Note: See, respectively, N.J.S.A. 52:27D-329.2 and N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

13. Editor's Note: The provisions of N.J.A.C. 5:97 expired on 6-2-2015.

14. Editor's Note: The provisions of N.J.A.C. 5:97 expired on 6-2-2015.

is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through N.J.S.A. 54:1-35c).

GREEN BUILDING STRATEGIES — Those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

(3) Residential development fees.

(a) Imposed fees.

- [1] Mandatory residential development fees shall be 1.5% of the equalized assessed value for residential development. These fees shall be required in conjunction with application for a building permit for all projects which do not require a land development application approval. All other land development projects will be subject to the incentive zoning and mandatory set-aside provisions of this chapter.
- [2] When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

(b) Eligible exactions, ineligible exactions and exemptions for residential development.

- [1] Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- [2] Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for

this purpose. The fee percentage shall be vested on the date that the building permit is issued.

- [3] Developers of residential structures demolished and replaced as a result of a natural disaster or fire shall be exempt from paying a development fee.

(c) Collection of fees.

- [1] The following procedures shall be followed with respect to the collection of development fees:

- [a] When a cash development fee is to be made in a sum determined by applying a percentage figure against the equalized assessed value of the land and improvements, the following rule shall apply: The value of the property shall be the equalized assessed value of each dwelling unit and the land at the time of project completion or, where feasible, completion of the unit in question.

- [b] The developer shall pay a minimum development fee of \$500 to the Township of Hardyston prior to the commencement of construction.

- [c] The developer shall pay the remaining fee to the Township of Hardyston at the issuance of a certificate of occupancy. At the issuance of the certificate of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the certificate of occupancy and the amount paid at the time of issuance of the building permit.

- [d] Payments shall be by certified check or bank money order to the Township of Hardyston and shall be deposited in a separate interest-bearing housing trust fund account established by this section.

- [2] A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by Hardyston Township. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

(4) Nonresidential development fees.

(a) Imposed fees.

- [1] Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.

- [2] Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
 - [3] Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.
- (b) Eligible exactions, ineligible exactions and exemptions for nonresidential development.
- [1] The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the 2.5% development fee, unless otherwise exempted below.
 - [2] The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - [3] Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.
 - [4] A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
 - [5] If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this subsection within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by Hardyston Township as a lien against the real property of the owner.
- (c) Collection procedures.
- [1] Upon the granting of a preliminary, final or other applicable approval for a nonresidential development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a

building permit.

- [2] For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- [3] The construction official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- [4] Within 90 days of receipt of that notice, the municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- [5] The construction official responsible for the issuance of a final certificate of occupancy shall notify the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- [6] Within 10 business days of a request for the scheduling of a final inspection, the municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- [7] Should Hardyston Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- [8] Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the building permit and that determined at the time of issuance of the certificate of occupancy. No certificate of occupancy shall be issued to the developer until all remaining developer fees have been paid in full.
- [9] Appeal of development fees.
 - [a] A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within

45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by Hardyston Township. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the New Jersey State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

(5) Affordable Housing Trust Fund.

- (a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- (b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - [1] Payments in lieu of on-site construction of affordable units;
 - [2] Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - [3] Rental income from municipally operated units;
 - [4] Repayments from affordable housing program loans;
 - [5] Recapture funds;
 - [6] Proceeds from the sale of affordable units; and
 - [7] Any other funds collected in connection with Hardyston Township's affordable housing program.
- (c) Within seven days from the opening of the trust fund account, Hardyston Township shall provide an escrow agreement between the municipality and the bank, to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).¹⁵
- (d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities.

(6) Use of funds.

- (a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address Hardyston Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable

15. Editor's Note: The provisions of N.J.A.C. 5:97 expired on 6-2-2015.

housing units and related costs, accessory apartment, market-to-affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 5:97-8.9¹⁶ and specified in the approved spending plan.

- (b) Funds shall not be expended to reimburse Hardyston Township for past housing activities.
- (c) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to very-low-, low-, and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
 - [1] Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
 - [2] Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 - [3] Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (d) Hardyston Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance.
- (e) No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and

16. Editor's Note: The provisions of N.J.A.C. 5:97 expired on 6-2-2015.

compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.

- (7) Monitoring. If applicable, Hardyston Township shall complete all monitoring forms included in monitoring requirements related to the: 1) collection of development fees from residential and nonresidential developers, 2) payments in lieu of constructing affordable units on site, 3) funds from the sale of units with extinguished controls, 4) barrier-free escrow funds, 5) rental income, 6) repayments from affordable housing program loans, and 7) any other funds collected in connection with Hardyston Township's housing program, as well as to the expenditure of revenues and implementation of the 2016 HEFSP as approved pursuant to the Hardyston 2016 Judgment of Compliance. All monitoring reports shall be completed on forms previously designed by COAH.
- (8) Ongoing collection of fees. The ability for Hardyston Township to impose, collect and expend development fees shall expire in accordance with Hardyston 2016 Judgment of Compliance, unless Hardyston Township has filed an amended Housing Element and Fair Share Plan with a court of competent jurisdiction, and has received a judgment approving same, together with concurrent or subsequent approval of any amended development fee ordinance. If Hardyston Township fails to renew its ability to impose and collect development fees prior to the expiration of the Hardyston 2016 Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). Hardyston Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of the Hardyston 2016 Judgment of Compliance, nor shall Hardyston Township retroactively impose a development fee on such a development. Hardyston Township shall not expend development fees after the expiration of its substantive certification or any renewal or extension thereof.

C. Incentive zoning and mandatory set-asides.

- (1) Applicability.
 - (a) The requirements contained in this subsection shall be applied in Hardyston Township to all zones except the Crystal Springs portion of the CR (VC) Zone District, which is subject to separate ordinance provisions and an affordable housing developer's agreement for an inclusionary development.
 - (b) Responsibility for constructing affordable housing units shall be as provided for under this subsection. Developers that have received final approvals prior to the effective date of this subsection shall be subject to the requirements of their final approvals and exempt from complying with the provisions of this subsection, unless the developer seeks a substantial change in approval, or the plan is abandoned, the approval lapses, or the period of protection pursuant to N.J.S.A. 40:55D-52 expires without extension. For developers that did not receive final

approvals prior to the effective date of this subsection, then the triggering mechanism for incentive zoning and mandatory set-aside responsibility shall be the issuance of a building permit for new construction that received municipal land use approvals after the adoption of this subsection.

(2) Affordable units required for residential developments.

- (a) Except for residential inclusionary developments which are otherwise required to have a set-aside of low- and moderate-income units, any applicant for a residential development in Hardyston Township that includes four or more residential lots and/or dwelling units shall be required to provide the number of affordable housing units equivalent to 20% of the total number of market-rate units (15% if rental affordable are committed) which will result from the proposed development, with any decimal amount rounded to the next highest whole number. The number of units permitted is based upon the density requirements of the zone district, including the incentive zoning affordable housing units allowed by this subsection.

- (b) As incentives to internally subsidize the required affordable housing units, a developer may utilize the following:

- [1] For residential developments constructing the incentive zoning affordable housing units on site, the developer may be permitted to an overall density increase of 40% over the existing zoning. The administration of any rental affordable units constructed on site will be the responsibility of the developer, unless an alternative arrangement is agreed upon between the developer and the Township. The affordable units may be built on a lot of 1/2 acre or more in size, and may be single-family, duplex, triplex or quadraplex units. The density increases granted for the construction of the affordable units on site, and the use of alternate structures and/or use types for the affordable units, shall not require a "c" or "d" variance.

- [2] For residential developments that make payments to the Township of Hardyston in lieu of constructing affordable units, the developer may build up to 1/2 of a market-rate unit for each full contribution toward an affordable unit's costs. The affordable units may be built on a lot of 1/2 acre or more in size, and may be single-family, duplex, triplex or quadraplex units. The density increases granted for the construction of the affordable units on site, and the use of alternate structures and/or use types for the affordable units, shall not require a "c" or "d" variance.

(3) Affordable units optional incentives for nonresidential and mixed-use (residential and commercial) developments.

- (a) At the option of the applicant for development, a nonresidential or mixed-use (residential and commercial) development shall be permitted in Hardyston Township and subject to the requirements of Subsection B, entitled "Affordable housing development fees."

- (b) An applicant for a mixed-use (residential and commercial development) in

Hardyston Township that elects these optional incentives shall provide an affordable unit for each 5,000 square feet of additional commercial square footage, subject to the following:

- [1] The commercial portion of the project shall be subject to the requirements of Subsection B, entitled "Affordable housing development fees."
 - [2] The residential portion of the development shall be required to provide the number of affordable housing units equivalent to one affordable for every four market residential units.
- (c) As incentives to internally subsidize the required affordable housing units in mixed-use developments, a developer may utilize the following:
- [1] Developers shall be permitted to increase the overall density of the residential units by 40% over the existing zoning.
 - [2] Developers shall be permitted to construct affordable residential units above or beside retail, office and mixed-use uses in order to satisfy the residential affordable housing obligation on site.
 - [3] Developers shall be permitted to demonstrate shared parking for mixed-use developments and, if demonstrated to be reasonable, reduce the parking for the affordable housing portion of the developments by 50%.
- (4) Low- and moderate-income split. Fifty percent of the affordable housing units required to be produced in accordance with Subsection C(2) and (3) hereinabove shall be available to low-income households, and 50% shall be available to moderate-income households, provided that any single remaining unit shall be available only to a low-income household. If only one affordable unit is required, it shall be a low-income unit, unless the Township Council authorizes it to be a moderate-income unit. Thirteen percent of the total affordable housing units shall be affordable to very-low-income households.
- (5) Compliance with COAH's rules and this subsection. All affordable housing units shall fully comply with all applicable substantive rules and policies of COAH, including, unless modified above, but not limited to, bedroom distribution, controls on affordability, household income qualification and eligibility, range of affordability, affirmative marketing and the construction phasing of the market-rate versus the affordable housing units. Thirteen percent of the total affordable housing units shall be affordable to very-low-income households.
- (6) Payments in lieu. Pursuant to N.J.S.A. 52:27D-329.2 and 52:27D-329, a developer of a site zoned for inclusionary development may pay a fee in lieu of building low- and moderate-income units. For any residential development which proposes four or more residential units, the developer shall be required to provide on-site production of affordable housing. For any fractional or partial obligation remaining after the production of the mandated affordable housing units, the developer shall investigate alternative options for the required units and/or partial unit under Subsection C(7). If, after thorough investigation to the satisfaction of the Township Council, none of the

options are available, the developer shall pay the pro-rata contribution for each new housing unit in an amount agreed to by the applicant and the Township of Hardyston.

(7) Alternative methods of compliance.

- (a) Except for major subdivision or site plan approvals involving four or more units or 10,000 square feet of commercial space which require on-site production of affordable housing units, and further provided the developer obtains, as a condition of approval, written permission from the Hardyston Township Council, the developer may choose to satisfy its affordable housing obligation calculated in accordance with Subsection C(2) and (3), in compliance with one or more of the following alternatives as permitted by COAH's substantive rules as set forth below:

- [1] On-site production of affordable housing units;
- [2] The purchase of an existing market-rate dwelling unit within the municipality and its conversion to an affordably priced and affordably deed-restricted unit;
- [3] The purchase of an existing market-rate dwelling unit within the municipality and its conversion to a supportive and special needs housing facility (i.e., group home); and/or
- [4] Participation in gut rehabilitation and/or buy-down/write-down or buy-down/rent-down programs; and/or
- [5] Payment in accordance with Subsection C(6), above.

- (b) The developer's plan for satisfying the affordable housing obligation created by the proposed development shall be submitted to the Township Planning Board or Zoning Board at the time the application for development is submitted for review and approval and shall be considered a condition for the application being determined "complete." The developer shall obtain written permission from the Township Council endorsing the developer's plan for satisfying the affordable housing obligation after the Council has received a recommendation from the Planning Board.

(8) Other design considerations.

- (a) More than one affordable unit may be on a building lot. Affordable single-family, duplex, triplex and quadraplex structures are hereby permitted in Hardyston Township.
- (b) The affordable housing structures shall be consistent in size and architectural features with the neighborhood or as approved by the Township Planning Board and/or Township Zoning Board of Adjustment.
- (c) Septic systems for the affordable housing units on the same lot (other than in the Hardyston Town Center, which shall be connected to the sewer system) may only share the leach field and shall be maintained with an annual maintenance fee from each unit. Each owner shall maintain other septic system components. Any septic system arrangement under this provision is subject to the Board of Health approval.

- (d) Affordable housing units must comply with the accessibility requirements of N.J.A.C. 5:94-3.14.¹⁷
- (9) Construction of affordable units. Residential units shall be constructed on a schedule in accordance with the COAH regulations as set forth below:

Percentage of Market-Rate Units Completed	Minimum Percentage of Very-Low-, Low- and Moderate-Income Units Completed
25	0
25 plus 1 unit	10
50	50
75	75
90	100

- (10) Housing permitted. Incentive zoning affordable housing is a permitted use in every residential and nonresidential zoning district, except industrial zone districts, to the extent that production of affordable housing units is mandated by this subsection.
- (11) Appeals. Developers subject to this inclusionary incentive zoning and mandatory set-aside subsection may appeal to the reviewing board pursuant to N.J.S.A. 40:55D-70c(1) hardship standards to demonstrate to the satisfaction of the Board that the increased density or intensity and/or reduced costs do not provide an appropriate level of compensation commensurate with the amount of affordable housing required. The reviewing board may grant relief, including, but not limited to, additional incentives or reductions in the affordable units required or any combination thereof deemed appropriate by the Board to eliminate the "hardship" and provide sufficient incentives.

17. In accordance with N.J.S.A. 52:14B-5.1b, Chapter 94, Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning December 20, 2004, expired on 9-11-2016.

APPENDIX E

2016
Hardyston Township
Affordable Housing Trust Fund
Spending Plan

October 2016

Hardyston Township
Sussex County, New Jersey

Prepared By:

Carrine Piccolo-Kaufer, AICP, PP
Township Planner

Hardyston Township

Affordable Housing Trust Fund Spending Plan

INTRODUCTION

Hardyston Township has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:96-1 et seq. and N.J.A.C. 5:97-1 et seq. and/or N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:94-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was adopted by the municipality on July 18, 2000 and amended on June 9, 2009. The ordinance establishes the Hardyston Township affordable housing trust fund for which this spending plan is prepared.

As of August 31, 2016, Hardyston Township collected \$3,005,933.64 in revenue, expended \$2,262,122.66, resulting in a balance of \$743,810.98. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of market to affordable units, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Sussex Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

Hardyston Township petitioned COAH for substantive certification on December 19, 2008 and received certification on May 14, 2009. COAH approved the Township Spending plan prepared as part of the 3rd round petition on May 14, 2009. As of the date of approval of the 2008 Spending Plan the Township's Trust Fund had a balance of \$1,996,331.31. From May 15, 2009 through August 31, 2016, Hardyston Township collected an additional \$333,965.24 in development fees, payments in lieu of construction, other funds, and/or interest. In addition the Township collected \$663,437.09 in revenue from the resale of Market to Affordable units. In addition From May 15, 2009 through August 31, 2016, Hardyston Township expended funds on affordable housing activities as detailed in section 4 of this spending plan.

The following spending plan is organized into six sections; which are as follows:

1. Revenues for Certification Period
2. Administrative Mechanisms to Collect and Distribute Funds
3. Description of Anticipated Use of Affordable Housing Funds
4. Expenditure Schedule
5. Excess or Shortfall of Funds

6. Barrier Free Escrow

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the 10 year period of substantive certification (2016-2026), Hardyston Township considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL)

Hardyston Township has not included payments in lieu in the projection of revenue for the period of third round substantive certification.

(c) Other funding sources:

Resale of the remaining 2 Market to Affordable Units

(d) Projected interest:

The projected interest earned will be calculated based on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

Projected Revenues-Housing Trust Fund - 2016-2026													
SOURCE OF FUNDS	Pre 9/1/16	9/1/16 - 12/31/16	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	Total
(a) Non-Residential Development Fees:													
1. Approved Development													
None													\$0
2. Development Pending Approval													
None													\$0
(b) Residential Development Fees													
1. Approved Development													
Crystal Springs			\$12,000	\$15,000	\$15,000	\$15,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$207,000
Brescia Farms		\$4,000	\$4,000	\$4,000.00	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000			\$60,000
Estell Manor			\$9,000	\$9,000.00	\$9,000	\$13,500	\$13,500	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$99,000
(c) Payments in Lieu													\$0
(d) Other Funds (Specify source(s))													
1. Market to Affordable Sales			\$228,000										\$228,000
Balance 8/31/2016 (including housing activity & interest)	\$743,811												
Subtotal		\$4,000	\$253,000	\$28,000	\$32,000	\$36,500	\$46,500	\$42,000	\$42,000	\$42,000	\$34,000	\$34,000	\$594,000
(e) Interest		\$420	\$16,461	\$17,439.23	\$18,143	\$18,946	\$19,969	\$20,893	\$21,817	\$22,741	\$23,489	\$24,237	\$204,557
Total		\$4,420	\$269,461	\$45,439.23	\$50,143	\$55,446	\$66,469	\$62,893	\$63,817	\$64,741	\$57,489	\$58,237	\$798,557

Hardyston Township projects a total of \$798,557.00 in revenue to be collected between August 31, 2016 and December 31, 2026. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Hardyston Township:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Hardyston Township's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

The Planning or Zoning Board Secretary will notify the Land Use office whenever a preliminary, final, or other applicable approval is granted for a development which is subject to a development or payment in lieu fee. When a request for a building permit is made, the Land Use office determines if the project is subject to the imposition of a fee.

The Land Use office will notify the Township Tax Assessor in order to calculate the approximate value of the project and set the fee based on the equalized assessed value for both residential and non-residential developments. Payments in lieu will be assessed at \$180,267 per unit of obligation in accordance with the Township's current Growth Share Ordinance. In the event a new inclusionary zoning ordinance is adopted and a new payment in lieu is established the new fee shall take precedent.

The balance of the development fee will be paid by the developer to the Township's municipal clerk at the issuance of the certificate of occupancy. The funds are then forwarded to the Township's Financial Officer for deposit in the affordable housing trust fund.

(b) Distribution of development fee revenues:

The Planning Board will adopt and forward a resolution to the Township's governing body recommending the expenditure of development fee/payment in lieu revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution.

The release of funds requires the adoption of the governing body's resolution in accordance with the COAH approved spending plan. Once a request is approved by resolution, the Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **New construction programs and projects (N.J.A.C. 5:97-8.7)**

Hardyston Township will dedicate \$270,000 to new construction programs (see detailed descriptions in Fair Share Plan) as follows:

New construction project(s):

- Group Home Project – Municipal Partnership: \$270,000

(b) **Municipally Sponsored Rehab Program (N.J.A.C. 5:97 – 8.7)**

Hardyston Township will dedicate \$270,000 to a rehab program at approximately \$20,000 per unit. (see detailed descriptions in Fair Share Plan) as follows:

(c) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Actual development fees through 8/31/16		\$2,132,644
Actual interest earned through 8/31/16	+	\$134,389
Development fees projected 2016-2026	+	\$594,000
Interest projected 2016-2026	+	\$204,557
Less housing activity expenditures through 8/31/16	-	\$1,874,506
Total	=	\$1,191,084
30 percent requirement	x 0.30 =	\$357,325
Less Affordability assistance expenditures through 8/31/2016	-	\$16,862
PROJECTED MINIMUM Affordability Assistance Requirement 2016 - 2026	=	\$340,463
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 2016-2026	÷ 3 =	\$113,488

(d) Projected minimum affordability assistance requirement:

Hardyston Township will dedicate \$ 340,463 from the affordable housing trust fund to render units more affordable, including \$113,488 to render units more affordable to households earning 30 percent or less of the median income by region, as follows:

Hardyston Township will offer the following affordability assistance programs;

1. Security Deposit Assistance – The Township will use a portion of the affordable housing trust fund as a revolving security deposit assistance fund. A loan from the fund will be received by an income eligible renter with good credit standing. The security deposit assistance will be in the form of a cash loan equal to the security deposit amount determined by the landlord, and paid to the landlord on behalf of the tenant.

At the termination of the lease, the landlord will return the portion of the security deposit it determines to the Township along with the interest earned. The tenant will repay any difference between the original security deposit amount and the portion returned by the landlord. Funds returned to the municipality will be placed in the affordable housing trust fund to be used for future security deposit assistance.

2. Housing Association Fee Assistance – Hardyston will use a portion of the affordable housing trust fund as a housing association fee assistance fund. A grant from the fund will be received by an income-eligible resident with good credit standing who occupies a low or moderate income unit. The amount of the grant will be determined based on the amount of the fees that exceed 28 percent of the resident's gross income for the time period the fees are charged. When the housing association fees are increased, the grant will be recalculated. Housing association fee assistance does not need to be repaid by the homeowner.
3. Down Payment Assistance – Hardyston will use a portion of the affordable housing trust fund as a down payment assistance fund. The Township will offer interest-free, payment free loans to income-eligible homebuyers with good credit standing who are purchasing low or moderate income units. The loan will be used to assist homebuyers in making their down payments. The homebuyer will not be required to payback the amount of the loan unless the home is sold or ownership is transferred, and no interest will accrue.
4. Affordability Assistance Subsidy to Developers of Inclusionary and 100% Affordable Developments – Hardyston will use a portion of the affordable housing trust fund to provide affordability assistance to very low income households by offering a subsidy to affordable housing developers to buy down the cost of low or moderate income rental units included in the municipal Fair Share Plan and deed restrict them as very-low income units.

Specifically, 13% of the low and moderate income rental units included in the Crystal Springs Village Center and Ridgefield Commons projects.

Administrative Expenses (N.J.A.C. 5:97-8.9)

Administrative Cost Allowance Projections		
Actual Development Fees thru 8/31/2016		\$2,132,644
Actual Interest Earned thru 8/31/16	+	\$134,389
Projected Development Fees 9/1/16-12/31/26	+	\$594,000
Projected Interest 9/1/2016 - 12/31/26	+	\$204,557
Actual Payments In Lieu	+	\$0
Total	=	\$3,065,590
20 % maximum expenditure	x .20 =	\$613,118
Less Admin Expenditures thru 8/31/16	-	\$387,616
Total	=	\$225,502

Hardyston Township projects that \$225,502 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

Hardyston Township will dedicate \$225,502 from the affordable housing trust fund to be used for administrative costs. The majority of the annual administrative expenditures will be for the administration of new construction programs and affordability assistance performed by the staff. Including, the completion of all monitoring requirements, the affirmative marketing of completed affordable units, application intake and placement of households and the research and acquisition of market to affordable units.

Additionally, the Township will utilize funds from the affordable housing trust fund to pay consulting fees and staff salaries related to the preparation and implementation of the Housing Element and Fair Share Plan.

4. EXPENDITURE SCHEDULE

Hardyston Township intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

Program	# of Units	Funds Expended and/or Dedicated	Projected Expenditure Schedule 2009- 2018											
		5/14/09-8/31/2016	8/31/16 - 12/31/16	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	Total
SEED Corp. Group Homes- Municipal Match Requirement	8	\$240,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$240,000
Municipal Partnership - Group Home Project	9	\$0	\$0	\$0	\$120,000		\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$270,000
Market to Affordable	8	\$1,634,006	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,634,006
Municipally Sponsored Rehab Program	31	\$0	\$0	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000	\$60,000	\$0	\$0	\$620,000
Total Programs	56	\$1,874,006	\$0	\$80,000	\$200,000	\$80,000	\$230,000	\$80,000	\$80,000	\$80,000	\$60,000	\$0	\$0	\$2,764,006
Affordability Assistance		\$16,863	\$0	\$34,000	\$34,000	\$34,000	\$34,000	\$34,000	\$34,000	\$34,000	\$34,000	\$34,000	\$34,500	\$340,500
Administration		\$375,416	\$25,000	\$25,000	\$35,000	\$25,000	\$25,000	\$21,000	\$22,000	\$22,000	\$20,000	\$15,000	\$15,000	\$225,000
Total		\$0	\$25,000	\$139,000	\$269,000	\$139,000	\$289,000	\$135,000	\$136,000	\$136,000	\$114,000	\$49,000	\$49,500	\$1,455,500

5. EXCESS OR SHORTFALL OF FUNDS

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to provide additional affordability assistance to very low, low, and moderate income households.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with Hardyston Township's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

Hardyston Township intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated September 2016.

Hardyston Township has a balance of \$743,810.98 as of August 31, 2016 and anticipates an additional \$798,557 in revenues before the expiration of substantive certification for a total of \$1,542,367.98. The municipality will dedicate \$ 620,000 towards a municipally sponsored rehab program that will provide 31 rehab units and \$270,000 towards multiple group home projects that will provide 9 affordable housing units. Hardyston will dedicate \$340,500 to render units more affordable, and \$225,000 for administrative costs. The municipality will dedicate any excess funds toward providing additional affordability assistance to very low, low, and moderate income households.

SPENDING PLAN SUMMARY	
Balance as of 8/31/2016	\$743,811
Projected REVENUE 9/1/2016-12/31/2026	
Development fees	+ \$366,000
Payments in lieu of construction	+ \$0
Other funds	+ \$228,000
Interest	+ \$204,557
TOTAL REVENUE	= \$1,542,368
EXPENDITURES	
Funds used for Rehabilitation	- \$620,000
Funds used for New Construction	
1. <i>Market to Affordable Program</i>	- \$0
2. <i>SEED Corp.- Group Homes</i>	- \$0
3. <i>Municipal Partnership - Group Homes</i>	- \$270,000
Affordability Assistance	- \$340,500
Administration	- \$225,000
Excess Funds for Additional Housing Activity	= \$86,868
1. <i>Additional Affordability Assistance</i>	- \$86,868
TOTAL PROJECTED EXPENDITURES	= \$1,542,368
REMAINING BALANCE	= \$0

APPENDIX F

THE TOWNSHIP OF HARDYSTON
OPERATING MANUAL FOR THE ADMINISTRATION
OF
AFFORDABLE FOR-SALE & RENTAL UNITS

Adopted: June 14, 2011

Table of Contents

INTRODUCTION	1
<i>What is Affordable Housing?</i>	<i>1</i>
<i>Who Qualifies for Affordable Housing?</i>	<i>2</i>
<i>Local Affordable Housing Programs and Opportunities.....</i>	<i>2</i>
<i>Other Affordable Housing Programs and Opportunities.....</i>	<i>3</i>
<i>Fair Housing and Equal Housing Opportunities.....</i>	<i>4</i>
<i>Overview of the Affordable Housing Administration Process</i>	<i>4</i>
<i>Overview of the Resale Process.....</i>	<i>5</i>
ROLES AND RESPONSIBILITIES.....	7
<i>Responsibilities of the Municipal Housing Liaison</i>	<i>7</i>
<i>Responsibilities of an Administrative Agent</i>	<i>8</i>
<i>Responsibilities of the Municipal Attorney</i>	<i>10</i>
<i>Responsibilities of Developers.....</i>	<i>11</i>
<i>Responsibilities of Landlords and Property Managers</i>	<i>11</i>
<i>Responsibilities of Owners of Rental Developments.....</i>	<i>11</i>
<i>Responsibilities of an Owner</i>	<i>12</i>
AFFIRMATIVE MARKETING	14
<i>Overview of the Requirements of an Affirmative Marketing Plan</i>	<i>14</i>
<i>Regional Preference</i>	<i>16</i>
<i>Implementation of the Affirmative Marketing Plan</i>	<i>16</i>
<i>Developer, Affordable Housing Sponsor, Landlord, Property Manager.....</i>	<i>16</i>
RANDOM SELECTION & APPLICANT POOL(S)	19
MATCHING HOUSEHOLDS TO AVAILABLE UNITS	20
APPLICATION FEES	22
HOUSEHOLD CERTIFICATION	22
<i>Procedure for Income-Eligibility Certification.....</i>	<i>22</i>
<i>The Real Estate Asset Limit</i>	<i>25</i>
<i>Income from Real Estate.....</i>	<i>25</i>
<i>Maximum Monthly Payments for For-Sale Units</i>	<i>27</i>
<i>Maximum Monthly Payments for Rental Units.....</i>	<i>27</i>
<i>Housing Counseling.....</i>	<i>28</i>
<i>The Applicant Interview.....</i>	<i>28</i>
<i>Records Documents Household Composition and Circumstances</i>	<i>29</i>
<i>Approving or Rejecting a Household.....</i>	<i>29</i>
<i>Dismissal of Applications</i>	<i>30</i>

<i>Appeals</i>	<i>31</i>
DETERMINING AFFORDABLE SALES & RENTAL PRICES	35
<i>Development Considerations and Compliance Issues</i>	<i>35</i>
<i>Determining Initial Rents.....</i>	<i>36</i>
<i>Additional Regulations for a Rental Development.....</i>	<i>36</i>
<i>Determining Rent Increases.....</i>	<i>37</i>
<i>Determining Maximum Initial Sales Price.....</i>	<i>37</i>
<i>Additional Regulations for an Ownership Development</i>	<i>37</i>
<i>Determining Resale Prices</i>	<i>38</i>
<i>Requests for Increases in Maximum Sales Price</i>	<i>38</i>
<i>Determining the Recapture Mortgage Amount.....</i>	<i>38</i>
WAIVERS AND EXEMPTIONS.....	39
<i>Hardship and Income Waivers</i>	<i>39</i>
<i>Exempt Transactions</i>	<i>40</i>
LOCAL AFFORDABILITY ASSISTANCE PROGRAMS.....	41
VIOLATIONS, DEFAULTS AND REMEDIES.....	42
MAINTENANCE OF RECORDS AND APPLICANT FILES	42
<i>Files To Be Maintained on Every Applicant.....</i>	<i>42</i>
<i>Files To Be Maintained on Every Unit</i>	<i>42</i>
<i>Files To Be Maintained on Every Project.....</i>	<i>43</i>
<i>Files To Be Maintained on the Applicant Pool.....</i>	<i>43</i>
<i>Monitoring</i>	<i>44</i>

APPENDIX

- A.** COAH Annual Illustrative Sale Prices By Housing Region
- B.** COAH Annual Illustrative Rents By Housing Region
- C.** HUD Monthly Utility Allowances
- D.** COAH Annual Regional Income Limits Chart
- E.** Affirmative Marketing Plan
- F.** List of HUD-Certified Housing Counseling Agencies
- G.** Resale Procedures for Owners Wishing to Sell an Affordable Unit

INTRODUCTION

This Operating Manual has been prepared to assist in the administration of for-sale and rental units in the Township of Hardyston Affordable Housing Program. It will serve as a guide to the program staff.

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures.

This manual explains the steps in the initial sale process, resale process, and rental process. It describes the eligibility requirements for participation in the program, record keeping and overall program administration.

Implementation of any procedure, even if it is not included in this Operating Manual, shall be in accordance with the Federal Fair Housing Act and Equal Opportunities laws¹, the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26.1 et seq.², the substantive rules of the Council on Affordable Housing N.J.A.C. 5:96³ and 5:97⁴ and the affordable housing regulations of the Township of Hardyston (hereafter referred to as the “Regulations”).



In accordance with the Federal Fair Housing Act and Equal Opportunities laws it is unlawful to discriminate against any person making application to buy or rent a home with regard to age, race, religion, national origin, sex, handicapped or familial status.

What is Affordable Housing?

Affordable housing, unlike market rate housing, has affordability controls limiting the price for at least 30 years. COAH considers housing “affordable” if the household pays approximately 28% or less of the household’s gross income on housing costs. Affordable housing is priced to be affordable to households earning up to 80% of the area median income for the region in which the affordable housing is located.

¹ <http://www.hud.gov/offices/fheo/FHILaws/index.cfm>

² <http://www.nj.gov/dca/affiliates/coah/regulations/uhac.html>

³ <http://www.nj.gov/dca/affiliates/coah/regulations/thirdroundregs/596.pdf>

⁴ <http://www.nj.gov/dca/affiliates/coah/regulations/thirdroundregs/597.pdf>

Who Qualifies for Affordable Housing?

In order to be eligible for affordable housing in New Jersey, a household's income must be below the income limit for the region in which the affordable housing is located, either for low or moderate levels. A moderate-income household is classified as earning between 50 percent and 80 percent of the area median income. A low-income household is classified as earning less than 50 percent of area median income. COAH has included a new category for very low-income households, which are classified as earning less than 30 percent of area median income.

The six COAH housing regions are as follows:

Regions	Counties
1	Bergen, Hudson, Passaic, Sussex
2	Essex, Morris, Union, Warren
3	Hunterdon, Middlesex, Somerset
4	Mercer, Monmouth, Ocean
5	Burlington, Camden, Gloucester
6	Atlantic, Cape May, Cumberland, Salem

The COAH Regional Income Limits Chart (Appendix B) provides information about income limits for each of COAH's six housing regions. Each region has different calculated median incomes, which are adjusted annually.

An applicant does not have to currently live in the region in which the applicant is interested in applying for an affordable unit. An applicant's income qualification is determined by the Region Income Limits for where the applicant wants to live.

Local Affordable Housing Programs and Opportunities

The following affordable housing programs and opportunities are available in the Township of Hardyston:

A Market to Affordable Program administered by the Township of Hardyston will provide subsidies for the purchase of 14 for sale affordable units and 7 very-low income family rental units. Units will be scattered throughout the Township and be based on the acquisition of existing market rate units.

The Following Inclusionary Developments are to be Constructed –

1. Crystal Springs Village Center South, located on the south side of Route 94, consists of 436 market rate units, 72 low-income rental affordable units and 71 moderate rental units
2. Ridgefield Commons, located off of Witts End Road, consists of 191 market rate units, 12 low-income for-sale units and 12 moderate for-sale units.

3. Indian Fields Phase IV & V, located along Route 94, south of the Beaver Run Road and Route 94 Intersection, consists of 56 market rate units, 4 low-income for-sale units and 4 moderate for-sale units.
4. Forest Knolls, located at the intersection of Route 94 and Franek Road, consists of 24 market rate units, 2 low income units and 1 moderate income unit.
5. Emerald Estates, located along Wheatsworth Road, consists of 26 market rate units, 2 low-income units and 2 moderate income units.

A copy of the Township of Hardyston Housing Element and Fair Share Plan is available at the Municipal Clerk's Office located at the Hardyston Township Municipal Complex, 149 Wheatsworth Road, Hardyston, NJ 07419.

Other Affordable Housing Programs and Opportunities

Affordable housing is administered by a wide variety of organizations and agencies. COAH does not administer affordable housing but links to affordable housing resources can be found on COAH's website at

<http://www.nj.gov/dca/affiliates/coah/resources/looking.html>.

Individuals interested in applying for affordable housing should contact the Municipal Housing Liaison in the municipality in which they are interested in living. Each municipality under COAH's jurisdiction has a Municipal Housing Liaison who is responsible for administering the municipality's affordable housing program. Some municipalities administer their own affordable housing and have their own application process. If not, the Municipal Housing Liaison can direct applicants to developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality. A list of Municipal Housing Liaisons can be found at <http://www.nj.gov/dca/affiliates/coah/resources/muniliaisns.pdf>.

The New Jersey Housing and Mortgage Finance Agency has established New Jersey's Housing Resource Center, an on-line, searchable database of affordable housing in the State. The Housing Resource Center provides a listing posted by developers, landlords, and municipalities of available affordable housing. Available units are listed with contact and application information. Look for the Housing Resource Center at www.njhousing.gov.

The New Jersey Guide to Affordable Housing, which can be found at <http://www.nj.gov/dca/codes/affdhousing/affdhsgguide/index2.shtml>, is a listing compiled by the New Jersey Department of Community Affairs Division of Codes and Standards. It lists all types of affordable housing by county. The housing units on the list have a variety of qualification requirements, including age-restricted housing and housing for the developmentally disabled.

Applicants who do not have access to the Internet should call 211 for assistance

Fair Housing and Equal Housing Opportunities

It is unlawful to discriminate against any person making application to buy or rent a home with regard to race, creed, color, national origin, ancestry, age, marital status, a sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments.

For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-866-405-3050 or <http://www.state.nj.us/lps/dcr/index.html>.

Overview of the Affordable Housing Administration Process

- The Municipal Housing Liaison serves as an initial point of contact for unsolicited calls to the municipality about affordable housing and where appropriate directs applicants to an Administrative Agent, who may be developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality.
- The Administrative Agent implements the municipality's Affirmative Marketing Plan.
- The Administrative Agent serves as the initial point of contact for all inquiries generated by the affirmative marketing efforts and sends out pre-applications to interested callers.
- The Administrative Agent, the developer or the affordable housing sponsor will accept these returned pre-applications for a specific period of time, to be specified during advertising. The Administrative Agent will pre-qualify applicants as soon as applications are received. Only preliminary income-eligible applications will be placed in the lottery. Applicants will be notified in writing of eligibility or non-eligibility in advance of the lottery.
- At the end of this pre-application time period, all applications will go to the Administrative Agent where these applications will be randomly selected, through a lottery, to create a pool of applicants. Separate applicant pools will be maintained for applicants interested in rental units and for-sale units.
- When a unit becomes available, the Administrative Agent will interview the applicant households and proceed with the income qualification process. Applicant households seeking for-sale units must obtain a mortgage pre-approval.
- The Administrative Agent must notify applicant households in writing of certification or denial within 20 days of the determination. Once all documents are filed and recorded, and returned to the Administrative Agent for inclusion in the file, the Administrative Agent will process a release of the original documents.
- Once certified, households are further screened to match household size to bedroom size

- Certified households that are approved for a rental affordable housing unit will sign a Disclosure Statement (UHAC Appendix K) and any other applicable documents, which are held in the applicant file. Applicants then make an appointment with the leasing agent. Applicant households seeking rental units proceed with a credit check, which is generally conducted by the developer, affordable housing sponsor or landlord. If approved, the applicant will sign the lease, pay the first month's rent and the security deposit and receive the keys.
- Certified households that are approved for a for-sale affordable housing unit will work with the Administrative Agent to secure a mortgage in a timely fashion and, where applicable, obtain homeownership counseling.
- The Administrative Agent will prepare a Deed, a Recapture Mortgage and Recapture Mortgage Note, and Disclosure Statement (UHAC Appendix J) and may attend the closing for each unit.
- The filing and recording of documents is the responsibility of the buyer's attorney, but the Administrative Agent may also elect to file the documents. Once all documents are filed and recorded, and returned to the Administrative Agent for inclusion in the file, the Administrative Agent will process a release of the original documents.
- The certified household moves into the affordable ownership or rental unit.

Overview of the Resale Process

When an Owner of a restricted for-sale unit wishes to sell, the sale must be processed through the Administrative Agent. At the initial date of purchase, the Owner makes a certification regarding his or her understanding of this requirement.

- Typically, the resale process begins when an Owner inquires about the maximum resale price (MRP) of their unit. At that time the Administrative Agent provides the Seller with a "Notice of Intent to Sell" form and the written "Resale Procedures for Owners Wishing to Sell an Affordable Unit".
- The Owner/Seller returns the completed "Notice of Intent to Sell" form to the Administrative Agent.
- The Administrative Agent reviews the unit and any eligible capital improvements, and calculates the MRP. The MRP is calculated by using COAH's Resale Price Calculator, which is based on COAH's Annual Regional Income Limits Chart.
- The Administrative Agent uses the current applicant pool, which is based on a previous affirmative marketing process, or affirmatively markets the unit and conducts random selection if there is no current applicant pool.
- .
- The first series of preliminarily eligible households (typically 5) from the existing applicant pool that match the bedroom size of the available unit are sent a

“Housing Opportunity Letter” and “Application for Certification” (including a list of required documentation) to complete.

- Interested households complete the application and generally contact the Administrative Agent for an interview. Interested eligible households are certified, and ineligible households are noticed in writing and removed from the applicant pool.
- Certified households must obtain a mortgage pre-approval based on the MRP. The first randomly selected interested certified household from the applicant pool is invited to view the unit and has a limited period of time in which to make an offer (three days is a recommended timeframe). A certified interested household makes an offer.
- The Owner/Seller and the certified interested household (now Buyer) execute a “Contract of Sale.” The Administrative Agent ensures that the Deed, Recapture Mortgage, Recapture Mortgage Note and Disclosure Statement (UHAC Appendix J) form are submitted as part of the closing package to the attorney responsible for the closing or other closing agent.
- The Administrative Agent generally attends the closing to ensure that all necessary documentation is executed and subsequently recorded in the County Clerk’s Office in the county in which the unit is located.
- Annually, the Administrative Agent shall send a mailing to the Owner of the affordable unit reminding them of the rights and requirements of owning an affordable unit.

ROLES AND RESPONSIBILITIES

Responsibilities of the Municipal Housing Liaison

The Municipal Housing Liaison is responsible for coordinating all the activities of the municipal government as it relates to the creation and administration of affordable housing units, in conjunction with the Municipal Attorney, where appropriate (see **Responsibilities of the Municipal Attorney**). The primary purpose of the Municipal Housing Liaison is to ensure that all affordable housing projects are established and administered according to the Regulations as outlined in an Operating Manual. The duties of the Municipal Housing Liaison include the following duties, and may include the responsibilities for providing administrative services as described in the next Section under, **Responsibilities of an Administrative Agent**.

Monitor the status of all restricted units in the municipality's Fair Share Plan. Regardless of any arrangements the municipality may have with one or more Administrative Agents, it is the Municipal Housing Liaison's responsibility to know the status of all restricted units in their community.

Serve as the municipality's primary point of contact for all inquiries from the State, Administrative Agents, developers, affordable housing sponsors, owners, property managers, and interested households. The Municipal Housing Liaison serves as the municipality's primary point of contact on affordable housing issues. Interested applicants should be provided with information on the types of affordable units within the municipality and, where applicable, the name of the Administrative Agent that manages the units and the contact information for the Administrative Agent.

Compile, verify and submit annual reporting. Administrative Agents are responsible for collecting much of the data that is ultimately included in an annual COAH monitoring report. However, it is the Municipal Housing Liaison's responsibility to collect and verify this data and consolidate it into the annual report to COAH. Any requests from COAH for additional information or corrections will be directed to the Municipal Housing Liaison.

Coordinate meetings with Administrative Agents and Developers/Affordable Housing Sponsors/Owners. When a new affordable unit or series of units is in the planning process, the Municipal Housing Liaison should coordinate a meeting between the Administrative Agent and the developer, affordable housing sponsor or owner. The developer, affordable housing sponsor or owner may serve as their own Administrative Agent, if they meet the applicable requirements and are approved by the municipality and COAH. The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all COAH-related local ordinances -- that have already been adopted by the municipality.

It is the responsibility of the Municipal Housing Liaison, in conjunction with the Municipal Attorney, to have the affordable housing provisions of any Master Deed and Public Offering reviewed for consistency with COAH and UHAC regulations, before they are recorded and submitted to DCA for approval.

Provide Administrative Services, unless those services are contracted out. The responsibilities for providing administrative services are described in the next Section under, **Responsibilities of an Administrative Agent.**

Responsibilities of an Administrative Agent

The primary responsibility of an Administrative Agent is to establish and enforce affordability controls and ensure that units in the Administrative Agent's portfolio are sold to eligible households. Administrative Agents must:

Secure written acknowledgement from all developers, affordable housing sponsors and owners that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Create and adhere to an Operating Manual. All Administrative Agents are required to follow the policies and procedures of an Operating Manual, as applicable to the scope of services they have been contracted to perform.

Implement the municipality's Affirmative Marketing Plan. The Administrative Agent, the developer, affordable housing sponsor or owner could be responsible for implementing the Affirmative Marketing Plan adopted by the municipality. At the first meeting with the Municipal Housing Liaison, Administrative Agent and the developer, affordable housing sponsor or owner, this responsibility should be discussed. Affirmative marketing includes conducting regional outreach and advertising for available affordable units. Advertising costs may also be delegated to the developer, but this must be established by ordinance and a condition of approval of the Planning Board or Zoning Board.

Accept applications from interested households. In response to marketing initiatives or by referral from the Municipal Housing Liaison, interested households will contact the Administrative Agent. The Administrative Agent will supply applicants with applications, provide additional information on available units and accept completed applications.

Conduct random selection of applicants for sale/resale or rental of restricted units. The Administrative Agent is responsible for conducting the random selection in accordance with the Affirmative Marketing Plan and any related local ordinances, and as described in the Operating Manual.

Create and maintain a pool of applicant households. This includes reaching out to households in the applicant pool to determine continued interest and/or changes in household size and income.

Determine eligibility of households. The task of collecting application materials and documentation from applicant households and analyzing it for eligibility is the responsibility of an Administrative Agent. A written determination on a household's eligibility must be provided within twenty (20) days of the Administrative Agent's determination of eligibility or non-eligibility. Whether or not the household is determined to be eligible for a unit, it is an Administrative Agent's responsibility to secure all information provided by the household in individual files and to maintain strict confidentiality of all information regarding that household. An Administrative Agent is required to ensure that all certified applicants execute a Disclosure Statement acknowledging the rights and requirements of owning an affordable unit, in the form of Appendix J of UHAC, as applicable.

Establish and maintain effective communication with owners, property managers, and landlords. Owners, property managers, and landlords of restricted units should be instructed and regularly reminded that the Administrative Agent is their primary point of contact. The Administrative Agent must immediately inform all owners, property managers, and landlords of any changes to the Administrative Agent's contact information or business hours. The Administrative Agent must create and distribute annual mailings to all Owners of affordable units reminding them of the rights and requirements of owning an affordable unit.

Property managers and landlords of rental units should be instructed to immediately contact the Administrative Agent:

- Immediately upon learning that an affordable rental unit will be vacated.
- For review and approval of annual rental increases.

Owners should be instructed to immediately contact the Administrative Agent in the following circumstances:

- If they are considering or have decided to sell their home.
- In the event they wish to refinance their mortgage or take out a home equity loan and, consequently, will be seeking a subordination of their mortgage.
- If they are seeking an increase in the sales price of their unit due to capital improvements.
- If they are seeking a Hardship Waiver to allow them to rent their unit.

Provide annual notification of maximum rents. Each year when COAH releases its low- and moderate-income limits, rental households must be notified of the new maximum rent that may be charged for their unit. The Administrative Agent's contact information must be included on such notification in case the tenant is being overcharged.

Send out annual mailings about restrictions. Administrative Agents must annually mail to all Owners of affordable housing units a reminder of their rights and responsibilities as Owners of an affordable unit.

Preserve affordability controls during the sale of restricted units. Immediately upon being notified of an Owner's intent to sell their property, an Administrative Agent should inform the Owner of the Owner's role in the marketing and sale of the home. An Administrative Agent is responsible for extinguishing the affordability controls with the Seller and re-establishing them with the Buyer. An Administrative Agent is responsible for providing closing attorneys/agents with the appropriate legal instruments.

Ensure cancellations of Recapture Mortgages are effectuated. It is the Administrative Agent's responsibility to ensure that Recapture Mortgages are cancelled at the conclusion of the control period when the Recapture Mortgage is satisfied. If the Recapture Mortgage is being cancelled due to a sale of the property during the control period, then the Administrative Agent may wish to cancel the original Recapture Mortgage only after the Recapture Mortgage with the new Owner has been recorded.

Ensure unit has Continuing Certificate of Occupancy at final transfer. To help ensure a healthy and safe living environment for all families, an Administrative Agent is responsible for obtaining an inspection or a certified statement from the local Building Inspector at the first sale after the expiration of the minimum affordability control period.

Serve as the custodian of all legal documents. An Administrative Agent is responsible for maintaining originals of all legal instruments for the units in their portfolio. Throughout the duration of a control period, an Administrative Agent must maintain a file containing its affordability control documents. This includes, but is not limited to, the recorded Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes and Disclosure Statement (Appendix J).

Serve as point of contact on all matters relating to affordability controls. It is recommended that the Administrative Agent develop a system to be notified by lenders when a unit is at risk of foreclosure. In the event of a foreclosure, the Administrative Agent should work with the foreclosing institution to ensure that the affordability controls are maintained. The Administrative Agent should seek the counsel of the municipality's attorney on legal matters that threaten the durability of the affordability controls.

Provide annual activity reports to Municipal Housing Liaison for use in the annual COAH monitoring report. An Administrative Agent is responsible for collecting the reporting data on each unit in the Administrative Agent's portfolio.

Maintain and distribute information on HUD-approved Housing Counseling Programs.

Responsibilities of the Municipal Attorney

The Municipal Attorney assists the municipality with developing, administering, and enforcing affordability controls, including but not limited to:

- Assisting the Municipal Housing Liaison with the review of the affordable housing provisions of any Master Deed and Public Offering for consistency with COAH and UHAC regulations, before they are recorded and submitted to DCA for approval.
- Providing all reasonable and necessary assistance in support of the Administrative Agent's efforts to ensure compliance with the housing affordability controls, including reviewing legal documents and legal actions required on foreclosures and violations.

Responsibilities of Developers

When a new affordable unit or series of units is in the planning process, the developer of affordable housing should contact the Municipal Housing Liaison, who shall coordinate a meeting with the Administrative Agent, where applicable, and the developer, affordable housing sponsor or owner.

The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all COAH-related local ordinances -- that have already been adopted by the municipality.

If provided for by ordinance and made a condition of the approval of the planning board or zoning board of adjustment, the developer may be responsible for the costs of advertising affordable units.

The Administrative Agent will secure from the developer written acknowledgement that a restricted unit cannot be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Responsibilities of Landlords and Property Managers

Landlords and property managers must place a notice in all rental properties annually informing residents of the rent increase for the year and the contact information for the Administrative Agent.

Responsibilities of Owners of Rental Developments

Open and direct communication between the Owners of rental developments, the Municipal Housing Liaison and the Administrative Agent is essential to ongoing administration of affordability controls. Although the Administrative Agent is required to serve as the primary point of contact with households, the Owner must provide the Municipal Housing Liaison and Administrative Agent with information on vacancies. Owners of rental developments are also responsible for working with the Administrative Agent.

Responsibilities of the Owner of an Affordable Unit

Owners should read annual mailings from the Administrative Agent, and cooperate with any and all requests for information from either the Municipal Housing Liaison or the Administrative Agent.

The Owner may sell the unit only to a household that has been approved in advance and in writing by the Administrative Agent. No sale of the unit shall be lawful unless approved in advance and in writing by the Administrative Agent. No sale shall be for a consideration greater than the maximum resale price, as determined by the Administrative Agent.

When an Owner wishes to sell an affordable unit, it is the Owner's responsibility to notify the Administrative Agent and to execute a "Notice of Intent to Sell". If a potential, certified Buyer makes an offer of the maximum resale price of an affordable unit, then the Owner is obligated to enter into a sales contract with that Buyer for the sale of that unit or withdraw the "Notice of Intent to Sell".

An Owner may not rent out the Owner's unit to any other person, not even to members of the Owner's family.

The Owner shall at all times maintain the unit as his or her principal place of residence, defined as residing at the unit at least 260 days out of each calendar year.

An Owner shall make no improvements to the unit that would affect its bedroom configuration or to increase the maximum permitted resale price, except for improvements approved in advance and in writing by the Administrative Agent.

The Owner shall pay all taxes and public assessments and assessments by the condominium association levied upon or assessed against the unit, or any part thereof, when they become due and before penalties accrue.

The Owner shall pay all charges of any utility authority when they become due and before penalties accrue.

The Owner shall not permit any lien, except those approved by the Administrative Agent, to attach and remain on the property for more than 60 days.

The Owner must have approval of the Administrative Agent if they wish to refinance their mortgage or take out a home equity loan and, consequently, will be seeking a subordination of their mortgage.

In the event that any first mortgagee or other creditor of an Owner of a low- and moderate-income unit exercises its contractual or legal remedies available in the event of default or nonpayment by the Owner of a low- and moderate-income unit, the Owner shall notify the Administrative Agent in writing within 10 days of such exercise by the first mortgagee or creditor and no later than 10 days after service of any summons and complaint.

An Owner shall notify the Administrative Agent within 10 days, in writing, of any default in the performance by the Owner of any obligation under either the master deed of the condominium association, including the failure to pay any lawful and proper assessment by the condominium association, or any mortgage or other lien against the low- and moderate-income unit, for which default is not cured within 60 days of the date upon which the default first occurs.

AFFIRMATIVE MARKETING

Overview of the Requirements of an Affirmative Marketing Plan

All affordable units are required to be affirmatively marketed using the Township of Hardyston's Affirmative Marketing Plan. An Affirmative Marketing Plan is a regional marketing strategy designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, or sexual orientation, disability, age, or number of children to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Plan are to target households who are least likely to apply for affordable housing, and to target households throughout the entire housing region in which the units are located.

The Township of Hardyston's Affirmative Marketing Plan can be found in Appendix E.

Every Affirmative Marketing Plan and any revisions thereto must be adopted by resolution of the governing body, referenced by ordinance and approved by COAH. A form to help municipalities set up an Affirmative Marketing Plan is available on COAH's website for Administrative Agents. It is recommended to include the approved Affirmative Marketing Plan in the Appendix rather than in the text of the Operating Manual so that if any revision is required to the Affirmative Marketing Plan, the manual will not need to be revised, only the insertion in the Appendix.

Every Affirmative Marketing Plan must include all of the following:

- Publication of at least one advertisement in a newspaper of general circulation within the housing region; and
- Broadcast of at least one advertisement by radio or television throughout the housing region.
- At least one additional regional marketing strategy such as a neighborhood newspaper, religious publication, organizational newsletter, advertisement(s) with major employer(s), or notification through community and regional organizations such as non-profit, religious and civic organizations.
- Publish information for all affordable housing units in the municipality on the New Jersey Housing Resource Center at www.njhousing.gov
- All costs of advertising affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by Township of Hardyston as required by ordinance and stipulated as a condition of planning board or zoning board approval.

For each affordable housing opportunity within the municipality, the Affirmative Marketing Plan must include the following information:

- The address of the project and development name, if any
- The number of units, including number of sale/rental units
- The price ranges of the sale units/rental units
- The name and contact information of the Municipal Housing Liaison, Administrative Agent, property manager or landlord
- A description of the Random Selection method that will be used to select applicants for affordable housing.
- Disclosure of required application fees, if any.

Advertisements must contain the following information for each affordable housing opportunity:

- The location of and directions to the units
- A range of prices for the housing units
- The bedroom size(s) of the units
- The maximum income permitted to qualify for the housing units
- The locations of applications for the housing units
- The business hours when interested households may obtain an application for a housing unit
- Application fees, if any
- Last date applications will be accepted
- Contact number of the Municipal Housing Liaison, Administrative Agent, or property manager, landlord
- A statement concerning the availability of credit, budget and/or homeownership counseling services
- A Statement concerning regional preference
- Statement “Visit www.njhousing.gov for more affordable housing opportunities”

Regional Preference

The Township of Hardyston has by ordinance provided that households that live or work in COAH Housing Region 1 comprised of the following counties Bergen, Hudson, Passaic, and Sussex shall be selected for an affordable housing unit before households from outside this region. Units that remain unoccupied after households who live or work in the region are exhausted, may be offered to the households outside the region.

Implementation of the Affirmative Marketing Plan

The Operating Manual must identify who will market the affordable units, the municipality or the Administrative Agent, and how frequently they will be marketed, depending on such factors as whether there will be advertising to create and maintain a central list of applicants or advertising shall be conducted for each project, or some combination thereof.

It is strongly recommended that detailed records on all marketing initiatives be maintained.

The affirmative marketing process for affordable units shall begin at least four months prior to expected occupancy. In implementing the marketing program, the municipality shall undertake all of the strategies outlined in the Township of Hardyston Affirmative Marketing Plan, unless an agreement is reached with the developer/affordable housing sponsor to conduct the advertising for the availability of affordable units. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all the units have been sold/rented. Applications for affordable housing shall be available in several locations in accordance with the Affirmative Marketing Plan. The time period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

An applicant pool will be maintained by the municipality for re-sales/re-rentals; separate lists will be maintained for rental properties and for-sale properties.

When a re-rental/re-sale affordable unit becomes available, the applicants will be selected from the applicant pool and, if necessary, the unit will be affirmatively marketed as described above.

The selection of applicants from the applicant pool is described in more detail in this manual under Random Selection & Applicant Pool(s).

Developer, Affordable Housing Sponsor, Landlord, Property Manager

In the event that, the developer, affordable housing sponsor, landlord or property manager is responsible for advertising the affordable housing in accordance with the municipality's adopted Affirmative Marketing Plan they shall be required prior to publication or broadcast, to submit to the Municipal Housing Liaison for approval draft

copies of all marketing materials. Proof of publication must be submitted, including a copy of the final advertisements with a copy of the paid bill. Public Service Announcements shall be submitted by the municipality.

Question: *How often should we advertise?*

Answer: Administrative Agents responsible for new developments, or newly hired Administrative Agents, must advertise initially to create an applicant pool. For new developments, advertising should begin four months prior to the anticipated occupancy of the units. Advertising should continue monthly until all units are sold or rented. Once all vacant units are filled with eligible households, the Administrative Agent can either close the applicant pool or keep it open. If the applicant pool has sufficient eligible households for approximately two years worth of turnover, COAH recommends that the applicant pool be closed and applications no longer be accepted. In this case, advertising does not need to be conducted until four months before the applicant pool is to be reopened. If the Administrative Agent wishes to keep the applicant pool open, they must conduct some form of advertising on a monthly basis. However, all the components of the Affirmative Marketing Plan do not need to be implemented every month. One strategy can be implemented each month on a rotating basis. The section on Random Selection provides more information on random selection and applicant pool maintenance to help determine how often advertising should be conducted.

Question: *My county doesn't have a library. How do I comply with the application availability rule?*

Answer: Only 11 of New Jersey's 21 counties have a county library (a list is included on COAH's website for Administrative Agents). If one or more of the counties in a housing region do not have county libraries, applications must be made available at the county administration building.

Question: *Our affordable housing development is very small. It is unnecessary for us to conduct monthly marketing initiatives and the number of applicants in our existing pool already exceeds the two-year rule of thumb. Is there any way for us to maintain compliance without conducting monthly outreach initiatives?*

Answer: COAH suggests that you attempt to partner with other municipalities in your housing region to help defray time and cost or close the applicant pool and do not accept applications until the applicant pool contains fewer applicants and affirmative marketing is implemented.

Question: *We have moderate-income units available, but not low-income units. Can we keep only the moderate portion of the applicant pool open?*

Answer: Yes. In fact, if you regularly have a type of unit that is hard to fill, you may tailor marketing initiatives to fill that type of unit. However, households that submit applications and are not interested or eligible for the targeted unit type must be notified that they will not be placed in the applicant pool until it is reopened for their unit type.

Question: *Are all developments required to conduct affirmative marketing, or just those with a certain number of units, for example, more than five units?*

Answer: All affordable units governed by UHAC are required to be affirmatively marketed. If it is burdensome for a small development to conduct its own affirmative marketing, the municipality and Administrative Agent(s) should consider conducting the affirmative marketing for all the units within the municipality at the municipal level, not at the development level. An alternative is to contract with an Administrative Agent who will do the affirmative marketing for your units as well as other units they manage.

RANDOM SELECTION & APPLICANT POOL(S)

Initial Randomization

Applicants are selected at random after applicants are pre-qualified based on preliminary income-eligibility, regardless of household size or desired number of bedrooms. The process is as follows:

After advertising is implemented, applications are accepted for 30 - 60 days as specified on the application and in the advertising materials.

To help analyze the impact and success of various marketing initiatives, the Administrative Agent will ask the applicants where they learned of the housing opportunity.

The Administrative Agent will pre-qualify applicants as soon as applications are received. The applicant will be notified in writing of eligibility or non-eligibility in advance of the lottery. Ineligible applicants will be given an opportunity to correct and/or update income and household information prior to the lottery.

At the end of the advertising period, only preliminary income-eligible applications are selected one-by-one through a lottery (unless fewer applications are received than the number of available units, then all eligible households will be placed in a unit).

Households are informed of the date, time and location of the lottery and invited to attend.

An applicant pool is created by listing applicants in the order selected.

Eligible households are matched to available units based upon the number of bedrooms needed (and any other special requirements, such as regional preference or the need for an accessible unit).

A municipal representative should also be invited to attend the lottery.

If there are sufficient names remaining in the pool to fill future resales, the applicant pool shall be closed.

Two years of turnover is a recommended standard.

When the applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new applicant pool will be added to the remaining list of applicants.

MATCHING HOUSEHOLDS TO AVAILABLE UNITS

In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to implement the following policies:

- Provide an occupant for each bedroom in a unit;
- Provide children of different sex with separate bedrooms;
- Prevent more than two persons from occupying a single bedroom;
- Require that all the bedrooms be used as bedrooms; and
- Require that a couple requesting a two-bedroom unit provide a doctor's note justifying such request.

The Administrative Agent cannot require an applicant household to take an affordable unit with a greater number of bedrooms, as long as overcrowding is not a factor.

A household can be eligible for more than one unit category, and should be placed in the applicant pool for all categories for which it is eligible.

Question: What happens if a moderate-income household “walks in” (when the applicant pool is closed and no affirmative marketing is being conducted) and I have a moderate unit available with no eligible moderate-income households in the applicant pool?

Answer: If the Administrative Agent notices that a specific unit type is hard to fill and few eligible households are in the applicant pool, the Administrative Agent should conduct ongoing affirmative marketing for that unit type to ensure a steady stream of certified households and keep the list open for that unit type. The walk-in can be added to the list.

Question: I am working with an applicant household that requires an accessible unit. Do they skip ahead on the list when an accessible unit becomes available?

Answer: UHAC does not provide any guidance on this situation. However, COAH suggests that the Administrative Agent consider an accessible unit a unit type, just as a unit is defined by bedroom size. Therefore, if the Administrative Agent is using the initial randomization model, the first household on the randomized list that requires an accessible unit should be selected when an accessible unit becomes available. If the Administrative Agent is using the randomization after certification model, all households of the appropriate size who are in need of an accessible unit, would be selected, and randomized.

Question: An applicant household has a daughter that has room and board at her college. Can they request a unit that is large enough for her to have a bedroom when she is at home?

Answer: Yes. If the household has a student away at college who is still claimed as a dependent and maintains the parents’ address as a legal address, the student should be counted in the household size.

Question: If an Owner of an affordable unit receives a bid on their home from the first household selected from random selection and this offer is for less than the maximum resale price (MRP), must the Seller accept this price or can they ask that the next household selected bid on the house in hopes of getting the maximum resale price?

Answer: The Seller of an affordable unit does not have to accept a bid that is less than the maximum resale price and may request that the next applicant household bid on their unit. However, if after a number of applicant households bid on the unit, the maximum resale price is not offered, the Seller could return to the highest bidding household or simply reject all offers and take the unit off the market. Sellers, however, should recognize that in some situations the resale market will not support holding out for maximum resale price, such as the condition of the unit or the unit in comparison to other units in the area.

Question: Do I have to place a one-person household in a two-bedroom unit if there is no one-bedroom units available or the applicant requests a two-bedroom unit?

Answer: A household should not be placed in a unit where there is more than one bedroom per household member. In order to deviate from these standards, the Administrative Agent must obtain written approval from COAH. If a development does not have any one-bedroom units, for example, the Administrative Agent should inform one-person households that they will not be offered a unit unless there are no eligible households with more than one person. The Administrative Agent should also refer one-bedroom households to other Administrative Agents within the municipality or region that offer one-bedroom units. The Administrative Agent must demonstrate that every effort has been made to find a household of the appropriate size and composition and that a hardship exists that would justify deviating from the established standard.

Question: I am working with an applicant household that consists of two parents and five children. This household is applying for a three-bedroom unit. Should this household only be offered a four-bedroom unit?

Answer: No. The administrator must strive to prevent more than two people from occupying one bedroom, as outlined in N.J.A.C. 5:80-26.4(c), but may not force a family to purchase or rent a larger unit as long as it does not violate municipal regulations for over-crowding.

APPLICATION FEES

There is no application fee for the purchase or rental of affordable housing units. However, applicants seeking to purchase a for-sale unit for which their monthly housing expense will exceed UHAC standards are required to attend home finance counseling. Any fees associated with housing counseling shall be paid by the applicant.

HOUSEHOLD CERTIFICATION

Before any household can purchase a restricted unit, the Administrative Agent must certify the household as eligible. Certification of a household involves the verification of two critical pieces of data: 1) Household size and composition, including gender; and 2) The total income and assets for all household members over 18 years of age. The certification process begins with the applicant completing an application in its entirety and providing the required backup documentation. Once eligibility documents and data have been collected, the Administrative Agent can begin the process of calculating the household's income.

Various properties utilize slightly different methods of calculating the income of applicants for affordable housing. Much depends on the particular program under which a property is operated. Outlined below is the most common set of requirements used in calculating income for households in New Jersey in UHAC; however, these requirements do not apply to programs which are regulated by the federal government.

Procedure for Income-Eligibility Certification

The Administrative Agent shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify their income. The applicant shall submit all required documentation within 15 days of receiving the request for documentation, unless circumstances prevent them from doing so in which case the Administrative Agent should be notified immediately of any need for additional time. Income verification documentation should include, but is not limited to the following for each and every member of a household who is 18 years of age or older:

- Four current consecutive pay stubs, including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- Copies of Federal and State income tax returns for each of the preceding three tax years - A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
- A letter or appropriate reporting form verifying monthly benefits such as
 - Social Security or SSI – Current award letter or computer printout letter
 - Unemployment – verification of Unemployment Benefits

- Welfare -TANF⁵ current award letter
- Disability - Worker's compensation letter
- Pension income (monthly or annually) – a pension letter.
- A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order or recent original letters from the court or education scholarship/stipends – current award letter.
- Current reports of savings and checking accounts (bank statements and passbooks) and income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds (In brokerage accounts – most recent statements and/or in certificate form – photocopy of certificates).
- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property, attach copies of all leases.

Administrative Agents typically use a spreadsheet or worksheet to help calculate an applicant's income. This summarizing document will also prove useful in the event there is an appeal or question by the applicant concerning the calculation or during COAH monitoring visits.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income. Restricted units constructed with Federal funds should consult the appropriate regulations, for example, HUD Section 42, to ensure compliance with applicable Federal regulations.

Income

1. Wages, salaries, tips, commissions
2. Alimony

⁵ TANF – Temporary Assistance for Needy Families

3. Regularly scheduled overtime
4. Pensions
5. Social security
6. Unemployment compensation (verify the remaining number of weeks they are eligible to receive)
7. TANF
8. Verified regular child support
9. Disability
10. Net income from business or real estate
11. Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
12. Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.
13. Rent from real estate is considered income
14. Any other forms of regular income reported to the Internal Revenue Service

Not Income

1. Rebates or credits received under low-income energy assistance programs
2. Food stamps
3. Payments received for foster care
4. Relocation assistance benefits
5. Income of live-in attendants
6. Scholarships
7. Student loans
8. Personal property such as automobiles
9. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
10. Part-time income of persons enrolled as full-time students

11. Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months.

Student Income

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household who is enrolled in a degree seeking program for 12 credit hours or more per semester; and part-time income is income earned on less than a 35-hour workweek.

The Real Estate Asset Limit

Except for federal programs, if an applicant's primary residence, which is to be sold upon purchase of an affordable unit, has no mortgage debt and is valued at or above the regional asset limit as published annually by COAH with COAH's Annual Regional Income Limits Chart, the household must be determined ineligible for certification.

However, if the applicant's existing monthly housing costs including taxes, homeowner insurance, and condominium or homeowner association fees exceed 38 percent of the household's eligible monthly income, the household will be exempt from the asset limit.

An applicant must provide a recent, Market Value Appraisal or Realtor Comparative Market Analysis, on the home they own unless the applicant has mortgage debt on the home or can demonstrate that the existing monthly housing costs exceed 38 percent of the household's eligible monthly income, in which case the applicant is exempt from the asset limit.

Before obtaining a professional appraisal, the applicant should review the property's tax appraisal and the current market value and compare it to the asset limit to avoid any unnecessary expense. For instance, if homes are commonly selling in the applicant's neighborhood for over \$250,000, it is unlikely that an appraisal will determine a value below the asset limit. The maximum asset limit for Region 1 in 2010, for example, is \$158,266.

Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage payments, real estate taxes, property owner insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Administrative Agent should determine the imputed interest from the value of the property. The Administrative Agent should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Based on

current money market rates, interest will be imputed on the determined value of the real estate.

Maximum Monthly Payments for For-Sale Units

The percentage of funds that a household can contribute toward housing expenses is limited. However, an applicant may qualify for an exception based on the household's current housing cost (see below). The Administrative Agent will strive to place an applicant in a unit with a monthly housing cost equal to or less than the applicant's current housing cost.

A certified household is not permitted to purchase a unit that would require more than 33 percent of the verified household income to pay principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable. However, at the discretion of the Administrative Agent, this limit can be exceeded if the applicant:

- Obtains a firm mortgage loan commitment at the higher level from a licensed financial institution, under terms consistent with the requirements of the New Jersey Home Ownership Security Act of 2002, N.J.S.A. 46:10B-22 et seq.; and
- Submits a certification from a non-profit counselor approved by HUD or the New Jersey Department of Banking and Insurance that the household has received counseling on the advisability of the loan transaction.

Maximum Monthly Payments for Rental Units

The percentage of funds that a household can contribute toward housing expenses is limited. However, an applicant may qualify for an exception based on the household's current housing cost (see below). The Administrative Agent will strive to place an applicant in a unit with a monthly housing cost equal to or less than the applicant's current housing cost.

UHAC states that a certified household is not permitted to lease a restricted rental unit that would require more than 35 percent of the verified household income (40 percent for age-restricted units) to pay rent and utilities. However, at the discretion of the Administrative Agent, this limit may be exceeded if:

- 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 the household's housing costs;
- 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;
- The household is currently in substandard or overcrowded living conditions;

- The household documents the existence of assets, with which the household proposes to supplement the rent payments; or
- 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; and
- The household receives budget counseling.

Housing Counseling

The Administrative Agent is responsible for providing housing counseling, or providing referrals for counseling, as a part of the Affirmative Marketing Plan and during the application process. Although housing counseling is recommended, a household is only required to attend counseling if their monthly housing expense exceeds UHAC standards. A HUD-approved housing counseling agency, or a counseling agency approved by the NJ Department of Banking and Insurance, meets UHAC's requirements for an experienced Housing Counseling Agency. If the Administrative Agent is not approved by HUD or by the NJ Department of Banking and Insurance, the Agent will make referrals to one of the HUD-approved housing counseling agencies in New Jersey. This counseling to low- and moderate-income housing applicants will focus on subjects such as budgeting, credit issues, and mortgage qualification, and is free of charge. A list of non-profit counselors approved by HUD and/or the New Jersey Department of Banking and Insurance is included on COAH's website and is available from the Administrative Agent.

The Applicant Interview

Ideally, the prospective applicant will be available to meet with the Administrative Agent to review the certification and random selection processes in detail and ask any questions they may have about the project or the process. However, scheduling time off from work may prove burdensome to the applicant. Applicants may also have mobility issues or special needs that also pose an obstacle to an interview. Therefore, the Administrative Agent is prepared to complete the certification process via telephone and mail. If an interview is to be conducted, the Administrative Agent will attempt to achieve the following objectives:

- Confirm and update all information provided on the application.
- Explain program requirements, procedures used to verify information, and penalties for providing false information. Ask the head of household, co-head, spouse and household members over age 18 to sign the Authorization for Release of Information forms and other verification requests.
- Review the applicant's identification and financial information and documentation, ask any questions to clarify information on the application, and obtain any additional information needed to verify the household's income.

- Make sure the applicant has reported all sources for earned and benefit income and assets (including assets disposed of for less than fair market value in the past two years). Require the applicant to give a written certification as to whether any household member did or did not dispose of any assets for less than fair market value during the past two years.
- Explain the requirement of obtaining a mortgage commitment in for-sale properties.

Records Documents Household Composition and Circumstances

The following are various records for documenting household information:

- Social Security records or cards. Either individual Social Security card or letter from Social Security Administration
- Adoption papers, or legal documents showing adoption in process
- Income tax return
- Birth Certificate or Passport
- Alien Registration Card

Approving or Rejecting a Household

Administrative Agents must notify applicant households of their eligibility within twenty (20) days of the Administrative Agent's determination.

Households with a verified total household income that exceeds 80 percent of the regional income limit for the appropriate family size are ineligible for purchase or rental of restricted units. A letter rejecting the household's application shall be mailed to the household.

Similarly, households with a verified total household income that is within the income limits, but too low to afford any of the units administered by the Administrative Agent shall be sent a letter rejecting the household's application, and/or referring them to housing counseling or the local Affordability Assistance Program.

Households with a verified total household income of less than 80 percent shall be issued a letter certifying eligibility. This certification is valid for 180 days. If the Administrative Agent is unable to place the household in a restricted unit at the conclusion of 180 days, an extension may be granted once the household's eligibility is verified.

Once the applicant is certified and matched to an available unit, the Administrative Agent must secure from the applicant a signed and notarized acknowledgement of their requirements and responsibilities in purchasing or renting a restricted unit. UHAC's Disclosure Statement (Appendix J) shall be forwarded to the applicants for sale units and

UHAC's Disclosure Statement (Appendix K) shall be forwarded to the applicants for rental units.

In addition to non-eligibility based on income, the Administrative Agent may deny a certification because of the household's failure or inability to document household composition, income, assets, sufficient funds for down payment, or any other required facts and information. A household may also be denied certification if the Administrative Agent determines that there was a willful or material misstatement of fact made by the applicant.

Dismissal of Applications

Applications can be dismissed for the following reasons:

1. The application is not signed or submitted on time.
2. The applicant commits fraud, or the application is not truthful or complete.
3. The applicant cannot or does not provide documentation to verify their income or other required information when due.
4. The household income does not meet the minimum or maximum income requirements for a particular property.
5. The applicant owns assets that exceed the Asset Limit.
6. The applicant fails to respond to any inquiry in a timely manner.
7. The applicant is non-cooperative or abusive with the staff, property manager, landlords or the Sellers of affordable units.
8. The applicant changes address or other contact information without informing the Administrative Agent in writing.
9. The applicant is unable to obtain suitable and legitimate financing for a sale unit or fails to verify attendance in a homebuyer credit counseling program when required to do so by the program rules.
10. The applicant does not respond to periodic update inquiry in a timely fashion.
11. The applicant fails to sign the Compliance Certification, Certificate for Applicant, Contract for Sale, Deed Restriction, or lease as may be required.
12. The applicant, once approved, fails to close on a sale or sign the lease in a timely manner.

Applicants will also be removed from all lists held by the Administrative Agent once they have been approved for an affordable unit. However, these applicants may re-apply for other opportunities in that municipality once they have occupied their unit.

Applicants who are dismissed must re-apply. A minimum time period of six months applies in most situations where the applicant has been withdrawn for fraud, poor credit, uncooperative behavior or other serious matters.

Applicants are not automatically removed from sales/rental lists if they do not respond to a Notice of Availability.

Applications may be held in abeyance for a period not to exceed 60 days if there is an error on the credit report, so that the applicant can correct the error and re-apply. Units will not be held open for that applicant. However, once the credit report is corrected, the applicant will be given a priority for the next opportunity at that property.

Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the Executive Director of the Council on Affordable Housing (COAH), 101 South Broad Street, P.O. Box 813, Trenton, New Jersey 08615. The Executive Director's written decision, which shall be made within 15 days of receipt of an appeal, shall be a final administrative action of COAH.

Question: *Is it a requirement of UHAC that Administrative Agents meet with applicants in person?*

Answer: Because an applicant interview could prove to be burdensome to many households it is not a pre-requisite to purchase or occupancy, although it is encouraged. Administrative Agents should be prepared to conduct the household certification via mail.

Question: *With households filing taxes through e-filing, we are having trouble getting copies of tax returns. How can we get copies of e-filed tax returns?*

Answer: According to the IRS website, transcripts of previously filed tax returns can be ordered by completing a [Form 4506-T](#) or calling (800) 829-1040 and following the prompts in the recorded message. There is no charge for the transcript and you should receive it in 10 business days from the time they receive your request. Tax return transcripts are generally available for the current and past three years.

Question: *How can child support payments that are made in cash be documented?*

Answer: If the applicant is depositing the cash child support payments into a bank account, a series of statements from that account should be used to establish a trend of payments. If not, a notarized statement from the former spouse should be obtained to document the income.

Question: *Is it a requirement that the Administrative Agent always obtain a written statement from the household's employer(s) confirming their income and job status?*

Answer: No. However, when evaluating overtime and other income trends, such as bonuses, working directly with the employer is typically much more efficient and reliable than simply evaluating pay stubs.

Question: *Are there any potential issues with selling to a separated family that has a divorce pending?*

Answer: Yes, until a divorce is finalized, a spouse can make claim on a residence purchased by the other spouse. Until a divorce is finalized, it is suggested that Administrative Agents place these types of cases on hold.

Question: *Are there any potential issues with renting to a separated family that has a divorce pending?*

Answer: Yes, until a divorce is finalized, a spouse can make claim on a residence rented by the other spouse. Until a divorce is finalized, it is suggested that Administrative Agents place these types of cases on hold.

Question: *How can income eligibility be established for someone that may have been out of work for two years, but had a job during the most recent tax year?*

Answer: As long as the applicant is currently employed, a series of consecutive pay stubs (at least 3 months) should be used to establish the income of an applicant in this or similar situations.

Question: *Can an applicant be required to attend and graduate from a Housing Counseling Program in order to purchase or rent a restricted unit?*

Answer: No. A household is only required to attend housing counseling if their monthly housing expense exceeds UHAC standards. Administrative Agents, however, are required to provide housing counseling or refer applicants to an approved Housing Counseling Program.

Question: *Can an applicant for a rental unit be rejected solely because they have Section 8 rental assistance?*

Answer: No. A household receiving Section 8 assistance cannot be rejected based on this status. Discrimination such as this is illegal.

Question: *Do households with Section 8 vouchers automatically qualify for affordable housing under UHAC?*

Answer: Yes, a Section 8 voucher is acceptable for income qualification, provided the applicant meets the criteria of the lending institution. The Administrative Agent must still collect income verification documentation to match the household to an appropriately priced unit.

Question: *Can an existing moderate-income tenant be moved to a low-income unit when they can substantiate that there has been a change in their income? If so, can they bypass the random selection process?*

Answer: Yes, an existing tenant household may re-apply for a low-income unit within the same project if they can prove a change in their circumstances. If qualified, the tenant would be added to the applicant pool. The tenant should also be referred to the local Affordability Assistance Program, if available.

Question: *Does the Administrative Agent need to impute the value of a household's stocks as an asset?*

Answer: Only dividends from stock count towards a household's income. IRS Form-1099 from the previous year should be requested from the applicant if it was not part of their initial application.

Question: *In order to overcome inadequate or poor credit, can an applicant have a cosigner on a mortgage or lease?*

Answer: No one outside the household, as certified by the Administrative Agent, may cosign or otherwise be party to any financing or legal instruments.

Question: *Is there a maximum cost for the credit check?*

Answer: No, but the credit check is included in application fees which may total no more than five percent of the monthly rent.

Question: *Does UHAC set a minimum income for eligibility for affordable housing?*

Answer: No, UHAC does not specify a minimum income for affordable housing units. However, an applicant household must be able to afford the unit and must not pay more than 33 percent for sale units or 35 percent for rental units of its monthly income (or 40 percent for age-restricted units), unless they meet the exemption criteria set forth in N.J.A.C. 5:80-26.7(b) or N.J.A.C. 5:80-26.13(b).

Question: *After I certify an applicant, how long is that certification valid?*

Answer: Pursuant to N.J.A.C. 5:80-26.16(b), an initial certification is valid for 180 days and may be extended for an additional 180 days once the household's eligibility is verified.

Question: *How do I document third-party assistance from a guarantor? For example, a relative is providing funds toward the applicant's purchase.*

Answer: In the case of a for-sale unit, third-party funds should be placed into an applicant's bank account or in escrow prior to closing. In the case of a rental unit, the applicant should demonstrate regular deposits from third party assistance, or a notarized letter from the third party documenting future assistance. The Administrative Agent must receive a copy of the policy regarding guarantors from the developer, affordable housing provider or owner, so as to assure the policy is applied consistently.

Question: *If an applicant for affordable housing has a “reverse mortgage”, how does an Administrative Agent count income from that mortgage?*

Answer: An applicant for affordable housing with a “reverse mortgage” would not be eligible for affordable housing unless that mortgage was satisfied or, at a minimum, a contract for sale of the market unit was in place. “Reverse mortgages” require that the mortgaged property remain the principal place of residence of the person taking the mortgage. Since this is also a requirement of affordable housing only one such residence can be owned or leased at any given time.

Question: *For the purpose of income-qualification, what is considered part-time income of full-time students?*

Answer: Under UHAC, part-time income of persons enrolled as fulltime students, who are reported as dependents to the IRS, is not included in income calculations for determining eligibility. COAH recommends stipulating in the Operating Manual the following criteria in applying this rule:

- A full-time student is a member of the household who is enrolled in a degree seeking program for 12 or more credit hours per semester; and
- Part-time income is income earned on less than a 35-hour workweek.

Please note that full-time income of full-time students is included in the income calculation.

DETERMINING AFFORDABLE SALES & RENTAL PRICES

To determine affordable sale prices and rents the Administrative Agent uses the COAH calculators located at <http://www.nj.gov/dca/affiliates/coah/resources/calculators.html>.

Development Considerations and Compliance Issues

There are several regulations that must be considered from the development perspective before the sales prices or rents of individual units can be calculated. These requirements should be discussed at the first meeting between the Municipal Housing Liaison, Administrative Agent and developer or affordable housing sponsor. The following is a summary of the requirements for ownership projects.

Bedroom Distribution. The standards on the distribution of unit sizes for affordable developments require that:

- The combined number of efficiency and one-bedroom units may be no greater than 20 percent of the total low- and moderate-income units;
- At least 30 percent of all low- and moderate-income units must be two-bedroom units;
- At least 20 percent of all low- and moderate-income units are three-bedroom units; and
- The remainder, if any, may be allocated at the discretion of the developer.

Age-restricted Units. Affordable age-restricted units are not held to these bedroom distribution standards. For affordable age-restricted units, the number of age-restricted low- and moderate-income bedrooms must be equal to or greater than the number of age-restricted units within the development. In other words, the average bedroom size in an age-restricted development must be equal to or greater than one bedroom per unit. For example, if the overall age-restricted development is 25 percent efficiencies, and 50 percent one-bedroom units, and 25 percent two-bedroom units, that equals an overall development bedroom size of exactly one bedroom per unit. An age-restricted development can meet this standard by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit, or any other combination that will equal a minimum of one bedroom per unit.

Pricing by Household Size. Initial sales prices and rents are based on targeted “model” household sizes for each size home as determined by the number of bedrooms. Initial sales prices and rents must adhere to the following rules. These maximum sales prices and rents are based on COAH’s Annual Regional Income Limits Chart at the time of occupancy:

- A studio shall be affordable to a one-person household;
- A one-bedroom unit shall be affordable to a one- and one-half person household;
- A two-bedroom unit shall be affordable to a three-person household;
- A three-bedroom unit shall be affordable to a four- and one-half person household; and
- A four-bedroom unit shall be affordable to a six-person household.

Size of Unit	Household Size Used to Determine Max Rent
Studio/Efficiency	1
1 Bedroom	1.5
2 Bedrooms	3
3 Bedrooms	4.5
4 Bedrooms	6

The above rules are only to be used for setting initial sales prices or rents. They are not guidelines for matching household sizes with unit sizes. The pricing of age-restricted units may not exceed affordability based on a two-person household.

Determining Initial Rents

To determine the initial rents the Administrative Agent uses the COAH calculators located at <http://www.nj.gov/dca/affiliates/coah/resources/calculators.html>.

Additional Regulations for a Rental Development

In addition to the regulations covered earlier in the Section **Development Considerations and Compliance Issues**, rental projects must also comply with the following regulations:

Split Between Low- and Moderate-income Rental Units. At least 50 percent (of the affordable units within each bedroom distribution (unit size) must be low-income units and at least 13% percent of the affordable units within each bedroom distribution must be affordable to households earning no more than 30 percent of the regional median income. The remainder of the affordable units must be affordable to moderate-income households.

Affordability Average. The average rent for all affordable units cannot exceed 52 percent of the regional median income. At least one rent for each bedroom type must be offered for both low-income and moderate-income units. Calculation of the affordability average is available on COAH's website.

Maximum Rent. The maximum rent of restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of the regional median income.

Determining Rent Increases

Annual rent increases are permitted in affordable units. Rent increases are permitted at the anniversary of tenancy according to COAH's Annual Regional Income Limits Chart, available on COAH's website. These increases must be filed with and approved by the Administrative Agent. Property managers or landlords who have charged less than the permissible increase may use the maximum allowable rent with the next tenant with permission of the Administrative Agent. The maximum allowable rent would be calculated by starting with the rent schedule approved as part of initial lease-up of the development, and calculating the annual COAH-approved increase from the initial lease-up year to the present. Rents may not be increased more than once a year, may not be increased by more than one COAH-approved increment at a time, and may not be increased at the time of new occupancy if this occurs less than one year from the last rental. No additional fees may be added to the approved rent without the express written approval of the Administrative Agent.

Determining Maximum Initial Sales Price

To determine the initial sales prices the Administrative Agent uses the COAH calculators located at <http://www.nj.gov/dca/affiliates/coah/resources/calculators.html>.

The maximum sales price for an ownership unit is determined by first calculating the amount that an appropriately sized household can afford for housing expenses at various income ranges. Several related expenses (homeowner insurance, private mortgage insurance (PMI), association fees and taxes) must then be subtracted from the household's maximum monthly contribution toward housing expenses to arrive at the maximum monthly mortgage payment. The calculated mortgage amount, a five percent down payment, and the current lending rate must be used to arrive at the maximum sales price.

Additional Regulations for an Ownership Development

In addition to the regulations in the previous Section entitled **Development Considerations and Compliance Issues**, ownership developments must also comply with the following regulations:

Division of Units: Low- and Moderate-income. In each affordable ownership development, at least 50 percent of all affordable units must be affordable to low-income households. The remaining affordable units must be affordable to moderate-income households.

Affordability Average. Each affordable development must achieve an affordability average of no more than 55 percent of the regional median income 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. Calculation of the affordability average is also available on COAH's website.

Maximum Initial Sales Price. The maximum initial sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of the regional median income.

Condominium/Homeowner Association Fees. Owners of affordable units and owners of market-rate units must be charged identical condominium or homeowner fees and/or special assessments.

Determining Resale Prices

Calculating the maximum resale price (MRP) for an ownership unit involves applying the annual percentage increase corresponding with each calendar year since the Seller bought the house. No increase is permitted during the balance of the calendar year immediately after the sale. A Resale Price Calculator has been created by COAH to assist Administrative Agents with this calculation and is available on COAH's website. By selecting the proper county and inputting the year the home was purchased, along with the price the current Owner paid for the home, the calculator will determine the MRP for the home. The spreadsheet also includes a calculation to determine the maximum amount a homeowner may refinance, which requires the approval of the Administrative Agent.

Requests for Increases in Maximum Sales Price

The Seller of an ownership unit may ask the Administrative Agent to increase the sales price of their home beyond the maximum sales price under limited circumstances. Only those improvements "that render the unit suitable for a larger household or that add an additional bathroom" can increase the calculated maximum sales price. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger households. Additionally, the purchase of a central air conditioning system installed subsequent to the initial sale and not included in the initial sales price may be made a condition of the resale provided the price, subject to a 10-year straight-line depreciation, for example, a 10 percent reduction in value each year since installation, may be approved by the Administrative Agent. In this instance, the approved value of the central air conditioning does not increase the resale price, but is listed as a separate item on the HUD 1 form. Options or upgrades purchased at the time of the initial sale are not considered part of the initial sales price and therefore do not affect the value or sales price at the time of resale. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale.

Determining the Recapture Mortgage Amount

The amount that the Mortgage Note recaptures is the difference between the fair market value and the restricted maximum sales price. Fair market value is based on either an appraisal of its unrestricted price or the unit's equalized assessed value of its unrestricted

price, at the time of each purchase. For example, if the restricted sales price of the unit is \$110,000 and the appraised unrestricted market value of the unit is \$200,000, the Recapture Mortgage Note would be for \$90,000. The Township of Hardyston has determined to use the appraised value to establish the amount of the Recapture Mortgage.

WAIVERS AND EXEMPTIONS⁶

Hardship and Income Waivers

An Owner may not rent out the Owner's unit to any other person, not even to members of the Owner's family. The Administrative Agent may grant a Hardship Waiver for the following extenuating circumstances:

- The Owner's employer is temporarily sending the Owner to a work place a great distance from the Owner's home.
- The Owner is called up for military service

An Owner of a low-income unit may request that the unit be sold to a household whose income exceeds the established income eligibility criteria for a low-income household by submitting a written request for an Income Waiver to the Administrative Agent. The Owner must demonstrate that this request is consistent with the following reasons for an Income Waiver:

- The Owner has made a good faith effort to sell the unit to a certified household for 90 days in accordance with procedures required by the Administrative Agent and no certified household has made a "reasonable" offer during the 90 day period. (A "reasonable" offer is any offer at or above the maximum sale price for a new unit at the original range of affordability at the time of the current sale)
- The Owner has demonstrated a willingness to consider price offers lower than the maximum allowable resale price, taking into account current market conditions and the marketability of the unit.
- The Owner has advertised the unit's availability in newspapers and other locations likely to be noticed by potential purchasers.

The Administrative Agent may grant an Income Waiver upon demonstration that the Owner has made a good faith effort to sell the unit and subject to COAH determining that there are an insufficient number of low-income purchasers in the market to permit prompt occupancy of the unit.

Upon receipt of a request for an Income Waiver,⁷ the municipality shall have first option to purchase the unit at the approved resale price and holding, renting or conveying it to a certified household. The municipality shall have 30 days in which to exercise this option.

⁶ Revised 4.24.08

The Administrative Agent shall approve or deny a Hardship Waiver in writing within 30 days of receipt all requested verification.

The Administrative Agent shall approve or deny an Income Waiver in writing within 10 days of receipt of all requested verification from the Owner and a determination by COAH that there are an insufficient number of low-income purchasers in the market to permit prompt occupancy of the units. The Income Waiver shall be provided to the Owner with a copy to the Buyer at the time of closing. The original shall be filed with the Deed. The Income Waiver is only valid for the designated resale transaction. All future resales will be in accordance with the Deed restrictions and sold to income eligible households for no more than the approved indexed resale price.

The approval of an Income Waiver for a particular resale does not guarantee receipt of the maximum resale price to the Owner.

If the Administrative Agent denies a Hardship Waiver or Income Waiver, the Owner may appeal the decision of the Administrative Agent within 30 days from the date of notification of the decision of the Administrative Agent (see **Appeals**). If a written request has not been received within 30 days following the household's receipt of notification, the denial will be final. Owners shall be required to produce documentation to support their claim.

Exempt Transactions

The following title transactions shall be deemed "non-sales" and the Administrative Agent shall provide the Owner receiving title with written confirmation of the exemption to those restrictions that determine occupancy of the unit.

- Transfer of ownership between former spouses ordered as a result of a judicial decrees of divorce or judicial decree of separation (but not including sales to third parties);
- Transfer of ownership between family members by will or intestate succession;
- Transfer of ownership through an Executor's Deed to a Class A beneficiary; and
- Transfer of ownership by Court Order.

An exempt transfer of ownership does not terminate the resale restrictions or existing liens on the property. All liens must be satisfied in full prior to subsequent resale and all subsequent resale prices must be calculated using the resale price index in compliance with the term of the affordable housing regulations.

The exempt transaction shall not be considered as a recorded transaction in calculating subsequent resale prices.

The Owner shall notify the Administrative Agent in writing of any proposed transaction that requires approval as an exempt transaction. The Owner shall supply the Administrative Agent with all necessary documentation to demonstrate that the transaction qualifies as an exemption as defined above. The Administrative Agent shall approve or deny in writing a request for a Certificate of Exemption within 15 days of the receipt of the request.

If the Administrative Agent denies the exemption, the Owner may appeal the decision of the Administrative Agent within 30 days from the date of notification of the decision of the Administrative Agent (see Appeals). If a written request has not been received within 30 days following the household's receipt of notification, the denial will be final. Owners shall be required to produce documentation to support their claim.

A Certificate of Exemption shall be filed with the Deed at the time of transfer of title.

LOCAL AFFORDABILITY ASSISTANCE PROGRAMS

For-Sale Units

Down Payment Assistance - The Hardyston Township Down Payment Assistance Program is designed to help low- and moderate-income households achieve the goal of homeownership. This program will provide a no interest, deferred payment loan to homebuyers of deed restricted affordable properties within Hardyston Township to use as a principal down payment. Funds are made available through the Affordable Housing Trust Fund of Hardyston Township.

Rental Units

Rental Assistance – The Hardyston Township Rental Assistance Program provides rental supplements from the affordable housing trust fund to income eligible renters with good credit standing who qualify for a low- or moderate-income rental units when only a unit in a higher income category is available (i.e.: placing a low-income household in a moderate-income unit, or placing a very-low income household in a low-income unit).

The amount of the rental supplement will be determined by Hardyston Township as the difference between the restricted rent set by the landlord and 35 percent of the renter's gross monthly income. The rental supplement will be paid directly to the landlord each month by Hardyston Township on behalf of the tenant.

Rental assistance does not need to be repaid by the tenant.

Additional information regarding the Township's Affordability Assistance Program can be found in the Hardyston Township Affordability Assistance Program Operating Manual.
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VIOLATIONS, DEFAULTS AND REMEDIES

In the event of a threatened breach of any of the regulations governing the affordable unit by an Owner, the Administrative Agent shall have all the remedies provided at law or equity, including the right to seek injunctive relief or specific performance, it being recognized by both parties that it will cause irreparable harm to the municipality, in light of the public policies set forth in the Fair Housing Act and the obligation for the provision of low- and moderate-income housing.

Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

MAINTENANCE OF RECORDS AND APPLICANT FILES

Pursuant to N.J.A.C. 5:80-26.14(a)8, N.J.A.C. 5:80-26.15(c) and N.J.A.C. 5:80-26.17 current records must be maintained by the Administrative Agent and outdated records must be given to the municipality for safe-keeping. A file must be created and maintained on each restricted unit for its control period.

Administrative Agents maintain detailed records on all marketing initiatives.

Files To Be Maintained on Every Applicant

The Administrative Agent will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

- Application Form.
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility.

Individual files will be maintained throughout the process

Files To Be Maintained on Every Unit

The Administrative Agent will maintain files on every unit for the length of the affordability controls.

The unit files for for-sale units will contain at a minimum:

- Base sales prices
- Identification as low- or moderate-income
- Description of number of bedrooms and physical layout
- Floor plan
- Original deed restriction
- Affordability control documents, including Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes, Disclosure Statement (Appendix J)
- Application materials, verifications and certifications of all present owners, pertinent correspondence, any documentation of home improvement, hardship or income waivers or other approvals granted by an AA, certificate of exemption

The unit file for rental units will contain at a minimum:

- Base rent
- Identification as low- or moderate-income
- Description of number of bedrooms and physical layout
- Floor plan
- Application materials, verifications and certifications of all present owners, pertinent correspondence
- Copy of lease
- Disclosure Statement (Appendix K)

Files To Be Maintained on Every Project

The Administrative Agent will maintain files on every project for the length of the affordability controls. The project file will contain at a minimum:

- Condominium Master Deed
- Condominium Public Offering
- Crediting Information
- Original deed restriction
- Affordability control documents, including Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes, Disclosure Statement (Appendix J)

Files To Be Maintained on the Applicant Pool

- Any changes to the applicant pool
- Any action taken with regard to the applicant pool
- Any activity that occurs that affects a particular applicant
- Current applications for all applicants whose status is active in the applicant pool
- The application, the initial rejection notice, the applicant's reply to the notice, a copy of the Administrative Agent's final response to the applicant, and all documentation of the reason the applicant's name was removed from the applicant pool.

Monitoring

A sample Deed must be submitted for each project. Additionally, the current annual monitoring information required to be maintained and reported annually to the Municipal Housing Liaison can be found on COAH's website at <http://www.nj.gov/dca/affiliates/coah/resources/muniliaisons.pdf>. The information required for each unit includes but is not limited to:

- Street Address
- Block/Lot/Qualifier/Unit Number
- Housing Type
- Income: Very Low/Low/Moderate
- Initial Sale Price or Rental Price
- % of affordability
- Bedroom Type
- Age-restricted
- Handicap accessible/adaptable
- Co #, date
- Effective date of affordability controls
- Length of affordability controls (yrs)
- Date Affordability controls removed
- 95/5 unit

Question: How long must the Administrative Agent keep files on applications for affordable housing units and certified Owners/tenants of affordable housing units?

Answer: Pursuant to N.J.A.C. 5:80-26.14(a)8, N.J.A.C. 5:80-26.15(c) and N.J.A.C. 5:80-26.17 current records must be maintained by the Administrative Agent and outdated records must be given to the municipality for safe-keeping. A file must be created and maintained on each restricted unit for its control period.

For-sale / Rental Housing Program Audit Checklist

<input type="checkbox"/>	UP-TO-DATE OPERATING MANUAL	Comments
<input type="checkbox"/>	Income Limits	
<input type="checkbox"/>	Sample Forms and Letters	
	AFFIRMATIVE MARKETING	
<input type="checkbox"/>	Copies of Display Ads	
<input type="checkbox"/>	Copies of PSA Requests	
<input type="checkbox"/>	Copies of Marketing Requests	
	RANDOM SELECTION	
<input type="checkbox"/>	Log of Applications Received	
<input type="checkbox"/>	Log of Random Selection Results	
<input type="checkbox"/>	Database of Referrals	
	MAINTENANCE OF RECORDS	
	Files To Be Maintained on Every Applicant	
<input type="checkbox"/>	Preliminary Application.	
<input type="checkbox"/>	Application Form.	
<input type="checkbox"/>	Income Verification, including spreadsheet to calculate applicant's income	
<input type="checkbox"/>	Tenant Information Form	
<input type="checkbox"/>	Letter of Certification of Eligibility or	
<input type="checkbox"/>	Letter of Determination of Ineligibility	
	Files To Be Maintained on Every For-Sale Unit	
<input type="checkbox"/>	Base sales prices	
<input type="checkbox"/>	Identification as low- or moderate-income	
<input type="checkbox"/>	Description of number of bedrooms and physical layout	
<input type="checkbox"/>	Floor plan	
<input type="checkbox"/>	Original deed restriction	
<input type="checkbox"/>	Affordability control documents, including Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes, Disclosure Statement (Appendix J)	
<input type="checkbox"/>	Application materials, verifications and certifications of all present owners, pertinent correspondence, any documentation of home improvement, hardship or income waivers or other approvals granted by an AA, certificate of exemption	
	Files To Be Maintained on Every Rental Unit	
<input type="checkbox"/>	Base rent	
<input type="checkbox"/>	Identification as low- or moderate-income	
<input type="checkbox"/>	Description of number of bedrooms and physical layout	
<input type="checkbox"/>	Floor plan	
<input type="checkbox"/>	Application materials, verifications and certifications of all present tenants, pertinent correspondence	

<input type="checkbox"/>	Copy of lease	
<input type="checkbox"/>	Disclosure Statement (Appendix K)	
	Files to Be Maintained on Every Project	
	Condominium Master Deed	
	Condominium Public Offering	
<input type="checkbox"/>	Crediting Information	
<input type="checkbox"/>	Original deed restriction (rental units only)	
<input type="checkbox"/>	Affordability control documents, including Declarations	
<input type="checkbox"/>	of Covenants, Conditions and Restrictions, Deed	
<input type="checkbox"/>	Restrictions, Deeds, Recapture Mortgages, Recapture	
	Mortgage Notes, Appendix J (rental units only)	
	MONITORING INFORMATION	
<input type="checkbox"/>	Complete Monitoring Reporting Forms	

APPENDIX A
COAH Annual Illustrative Sale Prices by Housing Region

Illustrative*
2010
Low and Moderate Income
Sales Prices for New Construction

Region 1 Bergen - Hudson - Passaic - Sussex

Median Income 1.5 person \$61,385
Median Income 3 person \$73,662
Median Income 4.5 person \$85,121

Size	Very Low Income (30%)	Low Income (40%)	Max. Low (50%)	Average (55%)	Max. Moderate (70%)
1 bedroom	\$41,435	\$55,247	\$69,058	\$75,964	\$96,682
2 bedroom	\$49,722	\$66,296	\$82,870	\$91,157	\$116,018
3 bedroom	\$57,457	\$76,609	\$95,761	\$105,337	\$134,065

NOTE: One bedroom housing is affordable to a 1.5 person household
 Two bedroom housing is affordable to a 3 person household
 Three bedroom housing is affordable to a 4.5 person household

*Illustrative Only: The prices will vary depending upon municipal tax rate, county equalization ratio, permanent interest rate and condominium association fee, if applicable.

Illustrative*
2010
Low and Moderate Income
Rents for New Construction and/or Reconstruction

Region 1 Bergen - Hudson - Passaic - Sussex

Median Income 1.5 person \$61,385

Median Income 3 person \$73,662

Median Income 4.5 person \$85,121

Low Income (30% Median)

Size	Gross Rent	Utility Allowance*	Net Rents
1 bedroom	\$460	\$132	\$328
2 bedroom	\$552	\$164	\$388
3 bedroom	\$638	\$195	\$443

Low Income (35% Median)

Size	Gross Rent	Utility Allowance*	Net Rents
1 bedroom	\$537	\$132	\$405
2 bedroom	\$645	\$164	\$481
3 bedroom	\$745	\$195	\$550

Low Income (46% Median)

Size	Gross Rent	Utility Allowance*	Net Rents
1 bedroom	\$706	\$132	\$574
2 bedroom	\$847	\$164	\$683
3 bedroom	\$979	\$195	\$784

Moderate Income (60% Median)

Size	Gross Rent	Utility Allowance*	Net Rents
1 bedroom	\$921	\$132	\$789
2 bedroom	\$1,105	\$164	\$941
3 bedroom	\$1,277	\$195	\$1,082

At least one rent shall be set for low-income units by bedroom size and at least one rent shall be set for moderate-income units by bedroom size. However, the rents must average no more than 52 percent of median income. At least 10 percent of all low- and moderate-income units shall be affordable to households earning no more than 35 percent of median income.

NOTE: One bedroom housing is affordable to a 1.5 person household
 Two bedroom housing is affordable to a 3 person household
 Three bedroom housing is affordable to a 4.5 person household

***Illustrative Only - Use the HUD Utility Allowances for the appropriate unit type**

Examples shown reflect electricity, water and gas heat, cooking and hot water for a low-rise unit type.

Allowance for Tenant-Furnished Utilities and Other Services

APPENDIX C U.S. Department of Housing and Urban Development Office of Public and Indian Housing

OMB Approval No. 2577-0169
(exp 9/30/2012)

Locality		Unit Type Single family detached					Effective
New Jersey Department of Community Affairs							07/23/2010
Utility or Service		Monthly Dollar Allowances					
		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Heating	a. Natural Gas	30	41	53	65	83	95
	b. Electric	50	70	90	110	140	160
	c. Bottle Gas	30	41	53	65	83	95
	d. Oil	52	73	94	115	147	168
Cooking	a. Natural Gas	12	14	16	18	21	23
	b. Electric	4	6	7	9	11	13
	c. Bottle Gas	12	14	16	18	21	23
Other Electricity		28	38	48	58	73	83
Air Conditioning		10	14	18	22	28	32
Water Heating	a. Natural Gas	13	18	23	28	36	41
	b. Electric	20	28	36	44	56	64
	c. Bottle Gas	13	18	23	28	36	41
	d. Oil	22	31	40	49	62	71
Water		19	27	34	42	54	61
Sewer		15	21	26	32	41	47
Trash Collection		18	18	18	18	18	18
Range/Microwave		17	17	17	17	17	17
Refrigerator		18	18	18	18	18	18
Other -- specify							

Actual Family Allowances To be used by the family to compute allowance.
Complete below for actual unit rented.

Name of Family

Address of Unit

Number of Bedrooms

Utility or Service per month cost

Heating

Cooking

Other Electric

Air Conditioning

Water Heating

Water

Sewer

Trash Collection

Range/Microwave

Refrigerator

Other

Total \$

Allowance for Tenant-Furnished Utilities and Other Services

APPENDIX C U.S. Department of Housing and Urban Development Office of Public and Indian Housing

OMB Approval No. 2577-0169
(exp 9/30/2012)

Locality		Unit Type Semi-detached				Effective 07/23/2010	
New Jersey Department of Community Affairs							
Utility or Service		Monthly Dollar Allowances					
		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Heating	a. Natural Gas	23	32	41	50	64	73
	b. Electric	39	54	69	85	108	124
	c. Bottle Gas	23	32	41	50	64	73
	d. Oil	40	56	73	89	113	129
Cooking	a. Natural Gas	12	14	16	18	21	23
	b. Electric	4	6	7	9	11	13
	c. Bottle Gas	12	14	16	18	21	23
Other Electricity		28	38	48	58	73	83
Air Conditioning		8	11	14	17	22	25
Water Heating	a. Natural Gas	13	18	23	28	36	41
	b. Electric	20	28	36	44	56	64
	c. Bottle Gas	13	18	23	28	36	41
	d. Oil	22	31	40	49	62	71
Water		19	27	34	42	54	61
Sewer		15	21	26	32	41	47
Trash Collection		18	18	18	18	18	18
Range/Microwave		17	17	17	17	17	17
Refrigerator		18	18	18	18	18	18
Other -- specify							

Actual Family Allowances To be used by the family to compute allowance.
Complete below for actual unit rented.

Name of Family

Address of Unit

Number of Bedrooms

Utility or Service per month cost

Heating

Cooking

Other Electric

Air Conditioning

Water Heating

Water

Sewer

Trash Collection

Range/Microwave

Refrigerator

Other

Total \$

Allowance for Tenant-Furnished Utilities and Other Services

APPENDIX C U.S. Department of Housing and Urban Development Office of Public and Indian Housing

OMB Approval No. 2577-0169
(exp 9/30/2012)

Locality		Unit Type Rowhouse/townhouse					Effective
New Jersey Department of Community Affairs							07/23/2010
Utility or Service		Monthly Dollar Allowances					
		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Heating	a. Natural Gas	16	23	29	36	46	52
	b. Electric	28	39	50	61	77	88
	c. Bottle Gas	16	23	29	36	46	52
	d. Oil	29	40	52	63	81	92
Cooking	a. Natural Gas	12	14	16	18	21	23
	b. Electric	4	6	7	9	11	13
	c. Bottle Gas	12	14	16	18	21	23
Other Electricity		28	38	48	58	73	83
Air Conditioning		6	8	10	12	15	18
Water Heating	a. Natural Gas	13	18	23	28	36	41
	b. Electric	20	28	36	44	56	64
	c. Bottle Gas	13	18	23	28	36	41
	d. Oil	22	31	40	49	62	71
Water		19	27	34	42	54	61
Sewer		15	21	26	32	41	47
Trash Collection		18	18	18	18	18	18
Range/Microwave		17	17	17	17	17	17
Refrigerator		18	18	18	18	18	18
Other -- specify							

Actual Family Allowances To be used by the family to compute allowance.
Complete below for actual unit rented.

Name of Family

Address of Unit

Number of Bedrooms

Utility or Service	per month cost
Heating	
Cooking	
Other Electric	
Air Conditioning	
Water Heating	
Water	
Sewer	
Trash Collection	
Range/Microwave	
Refrigerator	
Other	
Total	\$

Allowance for Tenant-Furnished Utilities and Other Services

APPENDIX C **U.S. Department of Housing and Urban Development** Office of Public and Indian Housing

OMB Approval No. 2577-0169
(exp 9/30/2012)

Locality		Unit Type Low-rise					Effective
New Jersey Department of Community Affairs							07/23/2010
Utility or Service		Monthly Dollar Allowances					
		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Heating	a. Natural Gas	16	23	29	36	46	52
	b. Electric	28	39	50	61	77	88
	c. Bottle Gas	16	23	29	36	46	52
	d. Oil	29	40	52	63	81	92
Cooking	a. Natural Gas	12	14	16	18	21	23
	b. Electric	4	6	7	9	11	13
	c. Bottle Gas	12	14	16	18	21	23
Other Electricity		28	38	48	58	73	83
Air Conditioning		6	8	10	12	15	18
Water Heating	a. Natural Gas	13	18	23	28	36	41
	b. Electric	20	28	36	44	56	64
	c. Bottle Gas	13	18	23	28	36	41
	d. Oil	22	31	40	49	62	71
Water		19	27	34	42	54	61
Sewer		15	21	26	32	41	47
Trash Collection		18	18	18	18	18	18
Range/Microwave		17	17	17	17	17	17
Refrigerator		18	18	18	18	18	18
Other -- specify							

Actual Family Allowances To be used by the family to compute allowance.
Complete below for actual unit rented.

Name of Family

Address of Unit

Number of Bedrooms

Utility or Service per month cost

Heating

Cooking

Other Electric

Air Conditioning

Water Heating

Water

Sewer

Trash Collection

Range/Microwave

Refrigerator

Other

Total \$

Allowance for Tenant-Furnished Utilities and Other Services

APPENDIX C **U.S. Department of Housing and Urban Development** Office of Public and Indian Housing

OMB Approval No. 2577-0169
(exp 9/30/2012)

Locality		Unit Type High rise with elevator					Effective
New Jersey Department of Community Affairs							07/23/2010
Utility or Service		Monthly Dollar Allowances					
		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Heating	a. Natural Gas	16	23	29	36	46	52
	b. Electric	28	39	50	61	77	88
	c. Bottle Gas	16	23	29	36	46	52
	d. Oil	29	40	52	63	81	92
Cooking	a. Natural Gas	12	14	16	18	21	23
	b. Electric	4	6	7	9	11	13
	c. Bottle Gas	12	14	16	18	21	23
Other Electricity		28	38	48	58	73	83
Air Conditioning		6	8	10	12	15	18
Water Heating	a. Natural Gas	13	18	23	28	36	41
	b. Electric	20	28	36	44	56	64
	c. Bottle Gas	13	18	23	28	36	41
	d. Oil	22	31	40	49	62	71
Water		19	27	34	42	54	61
Sewer		15	21	26	32	41	47
Trash Collection		18	18	18	18	18	18
Range/Microwave		17	17	17	17	17	17
Refrigerator		18	18	18	18	18	18
Other -- specify							

Actual Family Allowances To be used by the family to compute allowance.
Complete below for actual unit rented.

Name of Family

Address of Unit

Number of Bedrooms

Utility or Service per month cost

Heating

Cooking

Other Electric

Air Conditioning

Water Heating

Water

Sewer

Trash Collection

Range/Microwave

Refrigerator

Other

Total \$

Allowance for Tenant-Furnished Utilities and Other Services

APPENDIX C **U.S. Department of Housing and Urban Development** Office of Public and Indian Housing

OMB Approval No. 2577-0169
(exp 9/30/2012)

Locality		Unit Type Manufactured home					Effective
New Jersey Department of Community Affairs							07/23/2010
Utility or Service		Monthly Dollar Allowances					
		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Heating	a. Natural Gas	30	41	53	65	83	95
	b. Electric	50	70	90	110	140	160
	c. Bottle Gas	30	41	53	65	83	95
	d. Oil	52	73	94	115	147	168
Cooking	a. Natural Gas	12	14	16	18	21	23
	b. Electric	4	6	7	9	11	13
	c. Bottle Gas	12	14	16	18	21	23
Other Electricity		28	38	48	58	73	83
Air Conditioning		10	14	18	22	28	32
Water Heating	a. Natural Gas	13	18	23	28	36	41
	b. Electric	20	28	36	44	56	64
	c. Bottle Gas	13	18	23	28	36	41
	d. Oil	22	31	40	49	62	71
Water		19	27	34	42	54	61
Sewer		15	21	26	32	41	47
Trash Collection		18	18	18	18	18	18
Range/Microwave		17	17	17	17	17	17
Refrigerator		18	18	18	18	18	18
Other -- specify							

Actual Family Allowances To be used by the family to compute allowance.
Complete below for actual unit rented.

Name of Family

Address of Unit

Number of Bedrooms

Utility or Service per month cost

Heating

Cooking

Other Electric

Air Conditioning

Water Heating

Water

Sewer

Trash Collection

Range/Microwave

Refrigerator

Other

Total \$

APPENDIX D

COUNCIL ON AFFORDABLE HOUSING (COAH) 2010 REGIONAL INCOME LIMITS

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8 Person	Max. Increase**		Regional Asset Limit***
												Rents	Sales	
Region 1 Bergen, Hudson, Passaic and Sussex	<i>Median</i>	\$57,293	\$61,386	\$65,478	\$73,663	\$81,847	\$85,121	\$88,395	\$94,943	\$101,491	\$108,039	0.2%	1.55%	\$158,266
	<i>Moderate</i>	\$45,835	\$49,108	\$52,382	\$58,930	\$65,478	\$68,097	\$70,716	\$75,954	\$81,193	\$86,431			
	<i>Low</i>	\$28,647	\$30,693	\$32,739	\$36,831	\$40,924	\$42,561	\$44,198	\$47,472	\$50,745	\$54,019			
	<i>Very Low</i>	\$17,188	\$18,416	\$19,643	\$22,099	\$24,554	\$25,536	\$26,519	\$28,483	\$30,447	\$32,412			
Region 2 Essex, Morris, Union and Warren	<i>Median</i>	\$61,470	\$65,861	\$70,252	\$79,033	\$87,814	\$91,327	\$94,840	\$101,865	\$108,890	\$115,915	0.2%	0.34%	\$168,472
	<i>Moderate</i>	\$49,176	\$52,689	\$56,201	\$63,226	\$70,252	\$73,062	\$75,872	\$81,492	\$87,112	\$92,732			
	<i>Low</i>	\$30,735	\$32,930	\$35,126	\$39,517	\$43,907	\$45,664	\$47,420	\$50,932	\$54,445	\$57,958			
	<i>Very Low</i>	\$18,441	\$19,758	\$21,075	\$23,710	\$26,344	\$27,398	\$28,452	\$30,559	\$32,667	\$34,775			
Region 3 Hunterdon, Middlesex and Somerset	<i>Median</i>	\$71,400	\$76,500	\$81,600	\$91,800	\$102,000	\$106,080	\$110,160	\$118,320	\$126,480	\$134,640	0.2%	1.90%	\$194,224
	<i>Moderate</i>	\$57,120	\$61,200	\$65,280	\$73,440	\$81,600	\$84,864	\$88,128	\$94,656	\$101,184	\$107,712			
	<i>Low</i>	\$35,700	\$38,250	\$40,800	\$45,900	\$51,000	\$53,040	\$55,080	\$59,160	\$63,240	\$67,320			
	<i>Very Low</i>	\$21,420	\$22,950	\$24,480	\$27,540	\$30,600	\$31,824	\$33,048	\$35,496	\$37,944	\$40,392			
Region 4 Mercer, Monmouth and Ocean	<i>Median</i>	\$62,236	\$66,681	\$71,127	\$80,018	\$88,909	\$92,465	\$96,021	\$103,134	\$110,247	\$117,359	0.2%	0.75%	\$167,239
	<i>Moderate</i>	\$49,789	\$53,345	\$56,901	\$64,014	\$71,127	\$73,972	\$76,817	\$82,507	\$88,197	\$93,887			
	<i>Low</i>	\$31,118	\$33,341	\$35,563	\$40,009	\$44,454	\$46,232	\$48,011	\$51,567	\$55,123	\$58,680			
	<i>Very Low</i>	\$18,671	\$20,004	\$21,338	\$24,005	\$26,673	\$27,739	\$28,806	\$30,940	\$33,074	\$35,208			
Region 5 Burlington, Camden and Gloucester	<i>Median</i>	\$54,810	\$58,725	\$62,640	\$70,470	\$78,300	\$81,432	\$84,564	\$90,828	\$97,092	\$103,356	0.2%	0.64%	\$145,112
	<i>Moderate</i>	\$43,848	\$46,980	\$50,112	\$56,376	\$62,640	\$65,146	\$67,651	\$72,662	\$77,674	\$82,685			
	<i>Low</i>	\$27,405	\$29,363	\$31,320	\$35,235	\$39,150	\$40,716	\$42,282	\$45,414	\$48,546	\$51,678			
	<i>Very Low</i>	\$16,443	\$17,618	\$18,792	\$21,141	\$23,490	\$24,430	\$25,369	\$27,248	\$29,128	\$31,007			
Region 6 Atlantic, Cape May, Cumberland and Salem	<i>Median</i>	\$47,518	\$50,912	\$54,306	\$61,095	\$67,883	\$70,598	\$73,314	\$78,744	\$84,175	\$89,605	0.2%	0.92%	\$127,135
	<i>Moderate</i>	\$38,014	\$40,730	\$43,445	\$48,876	\$54,306	\$56,479	\$58,651	\$62,995	\$67,340	\$71,684			
	<i>Low</i>	\$23,759	\$25,456	\$27,153	\$30,547	\$33,941	\$35,299	\$36,657	\$39,372	\$42,087	\$44,803			
	<i>Very Low</i>	\$14,255	\$15,274	\$16,292	\$18,328	\$20,365	\$21,179	\$21,994	\$23,623	\$25,252	\$26,882			

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

*These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

**This column is used for calculating the pricing for resale and rent increases for units as per N.J.A.C. 5:97-9.3. However, low income tax credit developments may increase based on the low income tax credit regulations.

***The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in **(REGION 1)**

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number Carrine Piccolo – Kaufer 149 Wheatsworth Road, Hardyston, NJ 07419 P: (973) 823-7020 x. 9444 / F: (973) 823-7021 Email: cpiccolo@hardyston.com		1b. Development or Program Name, Address Market to Affordable Program	
1c. Number of Affordable Units: 21 Number of Rental Units: 7 Number of For-Sale Units: 14	1d. Price or Rental Range Sales Price- From \$125,000 To \$135,000 Rents – From \$328 To \$550	1e. State and Federal Funding Sources (if any) N/A	
1f. <input type="checkbox"/> Age Restricted <input checked="" type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: April 2011 Occupancy: August 2011		
1h. County Bergen, Hudson, Passaic, Sussex		1i. Census Tract(s): 3725, 3726	
1j. Managing/Sales Agent's Name, Address, Phone Number Carrine Piccolo – Kaufer 149 Wheatsworth Road, Hardyston, NJ 07419 P: (973) 823-7020 x. 9444 / F: (973) 823-7021 Email: cpiccolo@hardyston.com			
1k. Application Fees (if any): none			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

<p>2. Describe the random selection process that will be used once applications are received.</p> <p>The market to affordable program will use initial randomization to create an applicant pool and select applicants. Applicants are selected at random after applicants are pre-qualified based on preliminary income-eligibility, regardless of household size or desired number of bedrooms.</p> <p>The process is as follows:</p> <p>After advertising is implemented, applications are accepted for 30 days (or until there is a sufficient number of applicants to fill the available units). The Administrative Agent will pre-qualify applicants as soon as applications are received. The applicant will be notified in writing of eligibility or non-eligibility in advance of the lottery. Ineligible applicants will be given an opportunity to correct and/or update income and household information prior to the lottery.</p> <p>At the end of the advertising period, only preliminary income-eligible applications are selected one-by-one through a lottery (unless fewer applications are received than the number of available units, then all eligible households will be placed in a unit). Households are informed of the date, time and location of the lottery and invited to attend.</p> <p>An applicant pool is created by listing applicants in the order selected. If there are sufficient names remaining in the pool to fill future resales, the applicant pool shall be closed.</p> <p>When the applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new applicant pool will be added to the remaining list of applicants.</p>
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III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

☐ White (non-Hispanic) ☒ Black (non-Hispanic) ☒ Hispanic ☐ American Indian or Alaskan Native

☒ Asian or Pacific Islander ☐ Other group:

3b. **HOUSING RESOURCE CENTER** (www.njhousing.gov) A free, online listing of affordable housing

3c. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE COAH REGION 1			
Daily Newspaper			
X	Once a month	Star-Ledger	Northern and Central New Jersey
TARGETS PARTIAL COAH REGION 1			
Daily Newspaper			
<input type="checkbox"/>		Record, The	Bergen
<input type="checkbox"/>		Jersey Journal	Hudson
<input type="checkbox"/>		Herald News	Passaic
X	Once a month	New Jersey Herald	Sussex
TARGETS PARTIAL COAH REGION 1			
Non-Daily Newspaper			
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
<input type="checkbox"/>		Bayonne Community News	Hudson
<input type="checkbox"/>		Northern Valley Suburbanite	Northern Bergen
<input type="checkbox"/>		Teaneck Suburbanite	Teaneck, Bergen
<input type="checkbox"/>		Twin Boro News	Northern Bergen
<input type="checkbox"/>		Shopper News	Bergen
<input type="checkbox"/>		The Ramsey Reporter	Ramsey, Bergen
<input type="checkbox"/>		The Town Journal	Franklin Lakes, Bergen
<input type="checkbox"/>		The Village Gazette	Ridgewood, Bergen
<input type="checkbox"/>		Messenger	Garfield, Bergen
<input type="checkbox"/>		Observer	Hasbrouck Heights, Bergen
<input type="checkbox"/>		Weekly News	Hasbrouck Heights, Bergen

<input type="checkbox"/>		Hawthorne Press	Hawthorne, Passaic
<input type="checkbox"/>		Journal America	Passaic
<input type="checkbox"/>		Hoboken Reporter	Hoboken, Hudson
<input type="checkbox"/>		Hudson Current	Hudson
<input type="checkbox"/>		Jersey City Register	Hudson
<input type="checkbox"/>		The Shoppers' Friend	Sussex
<input type="checkbox"/>		The Commercial Leader	Lyndhurst, Bergen
<input type="checkbox"/>		North Bergen Register	Hudson
<input type="checkbox"/>		Secaucus Reporter	Secaucus, Hudson
<input type="checkbox"/>		Weehawken Reporter	Weehawken, Hudson
<input type="checkbox"/>		West New York/Union City Reporter	West New York/Union City, Hudson
<input type="checkbox"/>		Observer	Hudson
<input type="checkbox"/>		The Commercial Leader	Lyndhurst, Bergen
<input type="checkbox"/>		The Leader Free Press	Lyndhurst, Bergen
<input type="checkbox"/>		News Leader of Rutherford	Rutherford, Bergen
<input type="checkbox"/>		North Arlington Leader	North Arlington, Bergen
<input type="checkbox"/>		Our Town	Maywood, Bergen
<input type="checkbox"/>		The Ridgewood Times – Zone 2	Midland Park/Ridgewood, Bergen
<input type="checkbox"/>		The Villadom Times Midland Park	Midland Park/Ridgewood, Bergen
<input type="checkbox"/>		The Palisadian	Bergen
<input type="checkbox"/>		Aim Community News/Aim Action Ads	Passaic
<input type="checkbox"/>		Shoppers Guide to Sussex County	Sussex
<input type="checkbox"/>		Bergen News	Bergen
<input type="checkbox"/>		Press Journal	Palisades Park, Bergen
<input type="checkbox"/>		Korean Bergen News	Bergen
<input type="checkbox"/>		Sun Bulletin	Bergen
<input type="checkbox"/>		News Beacon	Paramus
<input type="checkbox"/>		Slovak Catholic Falcon	(Slovak/English) Passaic
<input type="checkbox"/>		Independence News	Passaic
<input type="checkbox"/>		Home and Store News	Bergen

<input type="checkbox"/>		Our Town	Northern Bergen
<input type="checkbox"/>		The Glen Rock Gazette	Glen Rock, Bergen
<input type="checkbox"/>		Ridgewood News	Ridgewood, Bergen
<input type="checkbox"/>		Suburban News	Northern Bergen
<input type="checkbox"/>		Town News	Northern Bergen
<input type="checkbox"/>		Wyckoff Suburban News	Wyckoff, Bergen
<input type="checkbox"/>		The South Bergenite	Southern Bergen
<input type="checkbox"/>		Secaucus Home News	Secaucus, Hudson
<input type="checkbox"/>		The Advertiser	Sussex
<input type="checkbox"/>		The Advertiser News	Sussex
<input type="checkbox"/>		Sparta Independent	Sparta, Sussex
<input type="checkbox"/>		Sussex County Chronicle	Sparta, Sussex
<input type="checkbox"/>		The Connection Newspaper	Southern Bergen
<input type="checkbox"/>		Jewish Community News	(Jewish) Bergen
<input type="checkbox"/>		Jewish Standard	(Jewish) Bergen
<input type="checkbox"/>		Avance	(Spanish) Hudson
<input type="checkbox"/>		Continental	(Spanish) Hudson
<input type="checkbox"/>		La Tribuna de North Jersey	(Spanish) Hudson
<input type="checkbox"/>		The Argus	West Paterson, Passaic
<input type="checkbox"/>		Suburban Life	Passaic
<input type="checkbox"/>		Today Newspaper	Passaic
<input type="checkbox"/>		Community Life	Northern Bergen
<input type="checkbox"/>		Wood Ridge Independent	Wood Ridge

TARGETS ENTIRE COAH REGION 1

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	NYC Metropolitan Area
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	NYC Metropolitan Area

<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	NYC Metropolitan Area
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	NYC Metropolitan Area
<input type="checkbox"/>		13 Wpix, Inc. (Tribune) Educational Broadcasting Corporation	NYC Metropolitan Area
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	NYC Metropolitan Area
<input type="checkbox"/>		31 WPXN-TV Paxon Communications License Company, Llc	NYC Metropolitan Area
<input type="checkbox"/>		41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	NYC Metropolitan Area, Spanish- language
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area, Spanish- language
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	New Jersey
<input type="checkbox"/>		62 WRNN-TV Wrnn License Company, Llc	Hudson Valley
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcating Corporation	Northern New Jersey, Various ethnic
<input type="checkbox"/>		66 WFME-TV Family Stations Of New Jersey, Inc.	Northern New Jersey, Christian
<input type="checkbox"/>		68 WFUT-TV Univision New York Llc	NYC Metropolitan Area, Spanish- language
TARGETS PARTIAL COAH REGION 1			
<input type="checkbox"/>		8 WTNH Wtnh Broadcasting, Inc. (LIN TV Corp.)	Bergen
<input type="checkbox"/>		49 WEDW Connecticut Public Broadcasting, Inc.	Bergen
<input type="checkbox"/>		17 WEBR-CA K Licensee, Inc.	Bergen, Hudson (Christian)
<input type="checkbox"/>		26 WNX-Y-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		32 WXNY-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		35 WNYX-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		39 WNYN-LP Island Broadcasting Company	Bergen, Hudson (Spanish)
<input type="checkbox"/>		21 WLIW Educational Broadcasting Corporation	Bergen, Hudson, Passaic
<input type="checkbox"/>		60 W60AI Ventana Television, Inc.	Bergen, Hudson, Passaic
<input type="checkbox"/>		6 WNYZ-LP Island Broadcasting Co.	Bergen, Sussex
<input type="checkbox"/>		22 WMBQ-CA Renard Communications Corp.	Hudson

<input type="checkbox"/>		34 WPXO-LP Paxson Communications License Company, Llc	Hudson
<input type="checkbox"/>		42 WKOB-LP Nave Communications, Llc	Hudson (Christian)
<input type="checkbox"/>		3 WBQM-LP Renard Communications Corp.	Hudson, Sussex
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	Hudson, Sussex
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Passaic, Sussex
<input type="checkbox"/>		36 W36AZ New Jersey Public Broadcasting Authority	Passaic, Sussex
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Sussex
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc.	Sussex
<input type="checkbox"/>		23 W23AZ Centenary College	Sussex
<input type="checkbox"/>		38 WSWB Mystic Television of Scranton Llc	Sussex
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Sussex
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed Tv Association	Sussex
<input type="checkbox"/>		49 W49BE New Jersey Public Broadcasting Authority	Sussex
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp	Sussex
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Sussex
<input type="checkbox"/>		64 WQPX Paxson Communications License Company, Llc (Ion Media Networks)	Sussex
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Sussex

	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL COAH REGION 1			
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson

<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson

<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 1			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
<input type="checkbox"/>		WCBS 880	
<input type="checkbox"/>		WBBR 1130	
FM			
X	Once a week for 1 month	WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WSKQ-FM 97.9	Spanish
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WBAI 99.5	
<input type="checkbox"/>		WHTZ 100.3	
<input type="checkbox"/>		WHUD 100.7	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	

<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WAXQ 104.3	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	
<input type="checkbox"/>		WBLS 107.5	
TARGETS PARTIAL COAH REGION 1			
AM			
<input type="checkbox"/>		WEEX 1230	Bergen
<input type="checkbox"/>		WKDM 1380	Bergen, Hudson (Chinese/ Mandarin)
<input type="checkbox"/>		WMCA 570	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WNYC 820	Bergen, Hudson, Passaic
<input type="checkbox"/>		WRKL 910	Bergen, Hudson, Passaic (Polish)
<input type="checkbox"/>		WPAT 930	Bergen, Hudson, Passaic (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WINS 1010	Bergen, Hudson, Passaic
<input type="checkbox"/>		WEPN 1050	Bergen, Hudson, Passaic
<input type="checkbox"/>		WVNJ 1160	Bergen, Hudson, Passaic
<input type="checkbox"/>		WLIB 1190	Bergen, Hudson, Passaic (Christian)
X	Once a week for one month	WADO 1280	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WWRV 1330	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WNSW 1430	Bergen, Hudson, Passaic (Portuguese)
X	Once a week for one month	WZRC 1480	Bergen, Hudson, Passaic (Chinese/Cantonese)
<input type="checkbox"/>		WQEW 1560	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRL 1600	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRU 1660	Bergen, Hudson, Passaic (Korean)
<input type="checkbox"/>		WMTR 1250	Passaic
<input type="checkbox"/>		WGHT 1500	Passaic
<input type="checkbox"/>		WNNJ 1360	Sussex
FM			
<input type="checkbox"/>		WSOU 89.5	Bergen, Hudson
<input type="checkbox"/>		WCAA 105.9	Bergen, Hudson (Latino)

<input type="checkbox"/>		WBGO 88.3	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFDU 89.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WKCR-FM 89.9	Bergen, Hudson, Passaic
<input type="checkbox"/>		WNYU-FM 89.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFUV 90.7	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFMU 91.1	Bergen, Hudson, Passaic
<input checked="" type="checkbox"/>	Once a week for one month	WNYE 91.5	Bergen, Hudson, Passaic
<input type="checkbox"/>		WRKS 98.7	Bergen, Hudson, Sussex
<input type="checkbox"/>		WRTN 93.5	Bergen, Hudson, Sussex
<input type="checkbox"/>		WHCR-FM 90.3	Bergen, Passaic
<input type="checkbox"/>		WPSC-FM 88.7	Passaic
<input type="checkbox"/>		WRHV 88.7	Passaic
<input type="checkbox"/>		WNJP 88.5	Sussex
<input type="checkbox"/>		WNTI 91.9	Sussex
<input type="checkbox"/>		WCTO 96.1	Sussex
<input checked="" type="checkbox"/>	Once a week for one month	WSUS 102.3	Sussex
<input type="checkbox"/>		WNNJ-FM 103.7	Sussex
<input type="checkbox"/>		WDHA -FM 105.5	Sussex
<input type="checkbox"/>		WHCY 106.3	Sussex
<input type="checkbox"/>		WWYY 107.1	Sussex

3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters)
(Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 1			
Bi-weekly			
<input type="checkbox"/>	Al Manassah		Arab-American
Monthly			
<input type="checkbox"/>	Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL COAH REGION 1			
Daily			
<input type="checkbox"/>	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic,	Portuguese-Language

			Union Counties	
Weekly				
<input type="checkbox"/>		Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>		La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>		Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>		Jewish Standard	Bergen, Passaic, Hudson Counties	Jewish community
<input type="checkbox"/>		El Especialito	Union City	Spanish-Language
<input type="checkbox"/>		El Nuevo	Hudson County	Spanish-Language
<input type="checkbox"/>		La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Greebrook, Linden, Lyndenhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	Spanish-Language
<input type="checkbox"/>		Su Guia	Bergen and Passaic	Spanish-Language
<input type="checkbox"/>		Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
<input type="checkbox"/>		Ukranian Weekly	New Jersey	Ukranian community
3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)				
DURATION & FREQUENCY OF OUTREACH		NAME OF EMPLOYER/COMPANY	LOCATION	
Hudson County				
X	Once during initial advertising unless insufficient # of applicants	United Parcel Service Inc. NY Corp	492 County Ave, Secaucus	
X	Once during initial advertising unless insufficient # of applicants	USPS	80 County Road, Jersey City	
X	Once during initial advertising unless insufficient # of applicants	Liz Claiborne Inc	1 Claiborne Ave, North Bergen	
X	Once during initial advertising unless insufficient # of applicants	Credit Suisse First Boston LLC	1 Pershing Plz Jersey City	
X	Once during initial advertising unless insufficient # of applicants	HealthCare Staffing and Consult	26 Journal Square, Jersey City	
X	Once during initial advertising unless insufficient # of applicants	Ritter Sysco Food Service	20 Theodore Conrad Dr. Jersey City	
X	Once during initial advertising unless insufficient # of applicants	Jersey City Medical Center Inc.	50 Grand St, Secaucus	

X	Once during initial advertising unless insufficient # of applicants	Marsh USA Inc.	121 River St, Hoboken
X	Once during initial advertising unless insufficient # of applicants	National Retail Systems Inc.	2820 16th St North Bergen
X	Once during initial advertising unless insufficient # of applicants	Community Corrections Corp	Lincoln Hwy Kearny
X	Once during initial advertising unless insufficient # of applicants	Marine Personnel & Provisioning Inc.	1200 Harbor Blvd Weehawken
X	Once during initial advertising unless insufficient # of applicants	Port Authority of NY and NJ	241 Erie St. Jersey City and 120 Academy St. Jersey City
X	Once during initial advertising unless insufficient # of applicants	Christ Hospital Health Service	176 Palisade Ave, Jersey City
X	Once during initial advertising unless insufficient # of applicants	Bayonne Hospital	29th Street and Ave E, Bayonne
X	Once during initial advertising unless insufficient # of applicants	Salson Logistics Inc.	2100 88th St.and 7373 West Side Ave, North Bergen, NJ
X	Once during initial advertising unless insufficient # of applicants	National Financial Service	1000 Plaza, Jersey City
X	Once during initial advertising unless insufficient # of applicants	Fleet NJ Company Development Corp.	10 Exchange Place, Jersey City
X	Once during initial advertising unless insufficient # of applicants	Maidenform Inc	154 Ave E, Bayonne
X	Once during initial advertising unless insufficient # of applicants	Lord Abbett & Company	90 Hudson City, Jersey City
X	Once during initial advertising unless insufficient # of applicants	Liberty Health Plan Inc.	50 Baldwin Ave Jersey City
X	Once during initial advertising unless insufficient # of applicants	Port Imperial Ferry Corp.	Pershing Rd Secaucus
X	Once during initial advertising unless insufficient # of applicants	Hudson News	1305 Paterson Plank Rd, North Bergen
X	Once during initial advertising unless insufficient # of applicants	Palisades General Hospital	7600 River Rd North Bergen, NJ
X	Once during initial advertising unless insufficient # of applicants	Equiserve Inc.	525 Washington Blvd Jersey city
X	Once during initial advertising unless insufficient # of applicants	Ciricorp Data Systems Incorporated	1919 Park Ave Secaucus
X	Once during initial advertising unless insufficient # of applicants	Meadowlands Hospital Medical Center	Meadowlands Pkwy Secaucus
X	Once during initial advertising unless insufficient # of applicants	Retailers & Manufacturers Dist Marking Serv.	50 Metro Way Secaucus
X	Once during initial	Dynamic Delivery Corp	125 Pennsylvania Ave Kearny, NJ

	advertising unless insufficient # of applicants		
X	Once during initial advertising unless insufficient # of applicants	Bowne Business Communications Inc.	215 County Ave Secaucus
X	Once during initial advertising unless insufficient # of applicants	North Hudson Community Action Corp.	5301 Broadway West New York 07093
X	Once during initial advertising unless insufficient # of applicants	Goya Foods Inc.	100 Seaview Dr. Secaucus
X	Once during initial advertising unless insufficient # of applicants	Cristi Cleaning Service	204 Paterson Plank Rd Union, NJ
Bergen County			
X	Once during initial advertising unless insufficient # of applicants	Hackensack University Medical Center	30 Prospect Ave, Hackensack, NJ 07601
X	Once during initial advertising unless insufficient # of applicants	Professional Employer Group Service	2050 Center Ave Ste 336 Fort Lee
X	Once during initial advertising unless insufficient # of applicants	County of Bergen, NJ	1 Bergen County Plaza Hackensack, NJ 07601
X	Once during initial advertising unless insufficient # of applicants	Society of the Valley Hospital	223 N Van Dien Ave Ridgewood
X	Once during initial advertising unless insufficient # of applicants	NJ Sports & Expo Authority	50 State Highway 120 East Rutherford
X	Once during initial advertising unless insufficient # of applicants	Merck-Medco Managed Care LLC	100 Parsons Pond Dr. Franklin Lakes 07417
X	Once during initial advertising unless insufficient # of applicants	Quest Diagnostics Incorporated	1 Malcolm Ave Teterboro ,NJ 07608
X	Once during initial advertising unless insufficient # of applicants	AT&T	15 E Midland Ave Paramus
X	Once during initial advertising unless insufficient # of applicants	Englewood Hospital and Medical Center	350 Engle St. Englewood
X	Once during initial advertising unless insufficient # of applicants	Aramark Svcs Management of NJ Inc	50 Route 120 East Rutherford
X	Once during initial advertising unless insufficient # of applicants	Holy Name Hospital	718 Teaneck Road Teaneck
X	Once during initial advertising unless insufficient # of applicants	Doherty Enterprises Inc	7 Pearl Ct Allendale
X	Once during initial advertising unless insufficient # of applicants	Bergen Regional Medical Center	230 East Ridgewood Ave Paramus
X	Once during initial advertising unless insufficient # of applicants	Inserra supermarkets, Inc.	20 Ridge Rd Mahwah
X	Once during initial advertising unless	Howmedica Osteonics Corp	59 Route 17 Allendale

	insufficient # of applicants		
X	Once during initial advertising unless insufficient # of applicants	Becton Dickinson & Company Corp	1 Becton Dr. Franklin Lakes
X	Once during initial advertising unless insufficient # of applicants	Pearson Education, Inc.	1 Lake St. Upper Saddle River
Passaic County			
X	Once during initial advertising unless insufficient # of applicants	D&E Pharmaceutical Co.	206 Macoprin Rd Bloomingdale, NJ 07403
X	Once during initial advertising unless insufficient # of applicants	Acme Markets	467 AllWood Rd Clifton, NJ 07012
X	Once during initial advertising unless insufficient # of applicants	St. Mary's Hospital	350 Boulevard Passaic, NJ 07055
X	Once during initial advertising unless insufficient # of applicants	Merry Maids	14 Riverside Square Mall, Bloomingdale, NJ 07403
X	Once during initial advertising unless insufficient # of applicants	Health Center at Bloomingdale	255 Union Ave Bloomingdale, NJ 07403
X	Once during initial advertising unless insufficient # of applicants	Sommers Plastic Product Co. Inc.	31 Styertowne Rd Clifton, NJ 07012
X	Once during initial advertising unless insufficient # of applicants	St. Joseph's Hospital	703 Main St. Paterson, NJ 07503
X	Once during initial advertising unless insufficient # of applicants	BAE Systems	164 Totowa Rd, Wayne, NJ 07470
X	Once during initial advertising unless insufficient # of applicants	Drake Bakeries Inc	75 Demarest Dr, Wayne, NJ 07470
X	Once during initial advertising unless insufficient # of applicants	Toys R Us National Headquarters	1 Geoffrey Way, Wayne, NJ 07470
X	Once during initial advertising unless insufficient # of applicants	GAF Materials Corporation	1361 Alps Rd, Wayne, NJ 07470
X	Once during initial advertising unless insufficient # of applicants	Valley National Bank Headquarters	1455 Valley Road Wayne, New Jersey 07470
Sussex County			
X	Once during initial advertising unless insufficient # of applicants	Selective Insurance	40 Wantage Ave, Branchville, NJ
X	Once during initial advertising unless insufficient # of applicants	Andover Subacute and Rehab Center	99 Mulford Rd Bldg 2, Andover, NJ
X	Once during initial advertising unless insufficient # of applicants	Mountain Creek Resorts	200 State Rt 94, Vernon, NJ
X	Once during initial advertising unless insufficient # of applicants	County of Sussex	One Spring Street, Newton, NJ 07860

X	Once during initial advertising unless insufficient # of applicants	Newton Memorial Hospital Inc.	175 High St, Newton, NJ
X	Once during initial advertising unless insufficient # of applicants	Vernon Township Board of Education	539 State Rt 515, Vernon, NJ
X	Once during initial advertising unless insufficient # of applicants	F.O. Phoenix (Econo-Pak)	1 Wiebel Plz, Sussex, NJ
X	Once during initial advertising unless insufficient # of applicants	Hopatcong Board of Education	2 Windsor Ave, Hopatcong, NJ
X	Once during initial advertising unless insufficient # of applicants	Saint Clare's Hospital	20 Walnut St, Sussex, NJ
X	Once during initial advertising unless insufficient # of applicants	Ames Rubber Corp	19 Ames Blvd, Hamburg, NJ
3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization		Outreach Area	Racial/Ethnic Identification of Readers/Audience
			Duration & Frequency of Outreach

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:	
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)	
	BUILDING
X	Sussex County Main Library
X	Hudson County Administration Building
X	Passaic County Administration Building
X	Bergen County Administration Building
	LOCATION
	125 Morris Turnpike, Newton, NJ 07860
	595 Newark Avenue, Jersey City, NJ 07306
	401 Grand Street, Paterson, NJ 07505 (973) 225-3632
	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)	
Hardyston Township Municipal Building, 149 Wheatsworth Rd, Hardyston, NJ 07419	
Carrine Piccolo-Kaufer, Administrative Agent	
4c. Sales/Rental Office for units (if applicable)	
N/A	

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's COAH substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI funding).

Carrine Piccolo-Kaufer

Name (Type or Print)

Planner/Hardyston Township

Title/Municipality

Signature

Date

APPENDIX F

List of HUD-Certified Housing Counseling Agencies

This listing is current as of 11/30/2010.

Agencies located in NEW JERSEY

Agency Name: CHECK- MATE, INC. Phone: 732-774-3100 Toll Free: Fax: 732-774-3220 Email: ernier@check-mateinc.org Address: 910 Fourth Avenue Asbury Park, New Jersey 07712 Counseling Services: - Mortgage Delinquency and Default Resolution Counseling - Rental Housing Counseling - Services for Homeless Counseling Languages: - English - Spanish Affiliation: Website: http://www.check-mateinc.org
Agency Name: INTERFAITH NEIGHBORS, INC. Phone: 732-775-0525 Toll Free: Fax: 732-775-5155 Email: info@interfaithneighbors.org Address: 810 Fourth Avenue Asbury Park, New Jersey 07712 Counseling Services: - Fair Housing Pre-Purchase Education Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling Languages: - English Affiliation: Website: www.interfaithneighbors.org
Agency Name: ATLANTIC HUMAN RESOURCES, INCORPORATED Phone: 609-348-4131-214 Toll Free: Fax: 609-345-5750 Email: mrjegsr@atlhmracs.com Address: 1 S New York Ave - Suite 303 Atlantic City, New Jersey 08401-8012 Counseling Services: - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops for Homeowners - Pre-purchase Counseling - Rental Housing Counseling Languages: - English - Spanish Affiliation: Website: http://n/a
Agency Name: JERSEY COUNSELING AND HOUSING DEVELOPMENT, IN Phone: 856-227-3683 Toll Free: Fax: 856-228-0662 Email: Jerseycou@aol.com Address: 29 S Black Horse Pike Blackwood, New Jersey 08012-2952 Counseling Services: - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Rental Housing Counseling Languages: - English - Spanish Affiliation: JERSEY COUNSELING AND HOUSING DEVELOPMENT, IN

Website: <http://n/a>

Agency Name: TRI-COUNTY COMMUNITY ACTION AGENCY

Phone: 856-451-6330-6679

Toll Free:

Fax: 856-451-3121

Email: cstringfield@tricitycaa.org

Address: 110 Cohansey St.

Bridgeton, New Jersey 08302

Counseling Services:

- Fair Housing Pre-Purchase Education Workshops
- Financial Management/Budget Counseling
- Home Improvement and Rehabilitation Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops
- Rental Housing Counseling
- Services for Homeless Counseling

Languages:

- English
- Spanish

Affiliation:

Website: <http://tricitycaa.org>

Agency Name: CCCS OF DELAWARE VALLEY

Phone: 215-563-5665-2

Toll Free: 800-969-2227

Fax: 215-563-7020

Email: customerservice@cccsdv.org

Address: 328 Market Street

Camden, New Jersey 08102

Counseling Services:

- Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops
- Rental Housing Counseling
- Services for Homeless Counseling

Languages:

- English

Affiliation: CCCS OF DELAWARE VALLEY, INC.

Website: www.cccsdv.org

Agency Name: JERSEY COUNSELING AND HOUSING DEVELOPMENT, IN

Phone: 856-541-1000

Toll Free:

Fax: 856-541-8836

Email: JerseyCou@aol.com

Address: 1844 S Broadway

Camden, New Jersey 08104-1334

Counseling Services:

- Fair Housing Pre-Purchase Education Workshops
- Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Rental Housing Counseling

Languages:

- English
- Spanish

Affiliation:

Website: <http://n/a>

Agency Name: NEIGHBORHOOD HOUSING SERVICES OF CAMDEN, INC

Phone: 856-541-0720

Toll Free:

Fax: 856-541-8440

Email: nhscamden@comcast.net

Address: 601-603 Clinton St

Camden, New Jersey 08103-1415

Counseling Services:

- Fair Housing Pre-Purchase Education Workshops
- Financial Management/Budget Counseling

- Home Improvement and Rehabilitation Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops

Languages: - English
 - Others
 - Spanish
 - Vietnamese

Affiliation:

Website: <http://www.nhscamden.org>

Agency Name: NEW JERSEY CITIZEN ACTION

Phone: 800-656-9637

Toll Free: 800-656-9637

Fax: 973-643-8100

Email: application@njcitizenaction.org

Address: One Port Center

Two Riverside Drive, Suite 632
 Camden, New Jersey 08103

Counseling Services: - Home Improvement and Rehabilitation Counseling
 - Mortgage Delinquency and Default Resolution Counseling
 - Pre-purchase Counseling
 - Pre-purchase Homebuyer Education Workshops
 - Predatory Lending Education Workshops

Languages: - English
 - Spanish

Affiliation: NEW JERSEY CITIZEN ACTION

Website: <http://www.njcitizenaction.org>

Agency Name: PARKSIDE BUSINESS AND COMMUNITY IN PARTNERSHIP, INC.

Phone: 856-964-0440

Toll Free:

Fax: 856-964-3664

Email: info@pbcip.org

Address: 1487 Kenwood Avenue

Camden, New Jersey 08103

Counseling Services: - Financial Management/Budget Counseling
 - Non-Delinquency Post Purchase Workshops for Homeowners
 - Pre-purchase Counseling
 - Pre-purchase Homebuyer Education Workshops

Languages: - English

Affiliation: NATIONAL COMMUNITY REINVESTMENT COALITION, INC.

Website: <http://www.pbcip.org/ownahome.html>

Agency Name: CCCS OF NEW JERSEY

Phone: 973-267-4324

Toll Free: 888-726-3260

Fax: 973-267-0484

Email: smarabotto@cccsnj.org

Address: 185 Ridgedale Avenue
 Cedar Knolls, New Jersey 07927

Counseling Services: - Financial Management/Budget Counseling
 - Mortgage Delinquency and Default Resolution Counseling
 - Non-Delinquency Post Purchase Workshops for Homeowners
 - Pre-purchase Counseling
 - Pre-purchase Homebuyer Education Workshops
 - Rental Housing Counseling

Languages: - English

Affiliation: NATIONAL FOUNDATION FOR CREDIT COUNSELING, INC.

Website: <http://www.cccsnj.org>

Agency Name: CCCS OF DELAWARE VALLEY

Phone: 215-563-5665-2

Toll Free: 800-989-2227

Fax: 215-563-7020

Email: customerservice@cccsvd.org

Address: One Cherry Hill Suite 215
 Cherry Hill, New Jersey 08002

Counseling Services: - Financial Management/Budget Counseling

- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Rental Housing Counseling
- Reverse Mortgage Counseling
- Services for Homeless Counseling

Languages: - Cantonese
- English
- Spanish

Affiliation: CCCS OF DELAWARE VALLEY, INC.

Website: <http://www.cccsdv.org>

Agency Name: HOUSING PARTNERSHIP FOR MORRIS COUNTY

Phone: 973-659-9222

Toll Free:

Fax: 973-659-9220

Email: contact@hpnj.us

Address: 2 E. Blackwell Street

Suite 12

Dover, New Jersey 07801

Counseling Services: - Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops

Languages: - English
- Spanish

Affiliation:

Website: <http://www.housingpartnershipnj.org>

Agency Name: TRI-CITY PEOPLES CORPORATION

Phone: 973-676-5506

Toll Free: 800-860-0566

Fax: 973-675-4493

Email: tcaldwell@tri-citypeoples.org

Address: 55 Washington Street

East Orange, New Jersey 07017

Counseling Services: - Fair Housing Pre-Purchase Education Workshops
- Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Rental Housing Counseling
- Services for Homeless Counseling

Languages: - English
- Portuguese
- Spanish

Affiliation:

Website: <http://www.tri-citypeoples.org>

Agency Name: AFFORDABLE HOUSING ALLIANCE OF NEW JERSEY

Phone: 732-389-2958

Toll Free:

Fax: 732-389-3163

Email: aha-homecounselor@housingall.org

Address: 59 Broad Street

Eatontown, New Jersey 07724

Counseling Services: - Mortgage Delinquency and Default Resolution Counseling
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Rental Housing Counseling

Languages: - English
- Spanish

Affiliation:

Website: www.housingall.org

Agency Name: MONEY MANAGEMENT INTERNATIONAL EGG HARBOR TOWNSHIP

Phone: 800-873-2227

Toll Free: 800-308-2227

Fax: 609-652-2226

Email: brian.coyle@moneymanagement.org

Address: 3073 English Creek Ave.

Egg Harbor Township, New Jersey 08234
Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Rental Housing Counseling
Languages: - English
Affiliation: MONEY MANAGEMENT INTERNATIONAL INC.
Website: <http://www.moneymangement.org>

Agency Name: BRAND NEW DAY
Phone: 908-282-0781
Toll Free:
Fax: 908-282-0788
Email: brandnewday@optonline.net
Address: 176 First Street
Elizabeth, New Jersey 07206
Counseling Services: - Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
Languages: - English
- Spanish
Affiliation: NEIGHBORHOOD REINVESTMENT CORPORATION
Website: <http://www.brandnewdaycdc.org>

Agency Name: URBAN LEAGUE OF UNION COUNTY
Phone: 908-351-7200
Toll Free:
Fax: 908-351-9906
Email: ulunioncty@aol.com
Address: 288 N. Broad Street
Elizabeth, New Jersey 07208-3789
Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Pre-purchase Counseling
- Rental Housing Counseling
- Services for Homeless Counseling
Languages: - Creole
- English
- Russian
- Spanish
Affiliation: NATIONAL URBAN LEAGUE
Website: <http://n/a>

Agency Name: URBAN LEAGUE FOR BERGEN COUNTY
Phone: 201-568-4988
Toll Free:
Fax: 201-568-4989
Email: ulbc@verizon.net
Address: 40 N. Van Brunt Street
Englewood, New Jersey 07631
Counseling Services: - Mortgage Delinquency and Default Resolution Counseling
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
Languages: - English
- Spanish
Affiliation: NATIONAL URBAN LEAGUE
Website: www.urbanleague4bc.org

Agency Name: GARDEN STATE CONSUMER CREDIT COUNSELING, INC / NOVADEBT
Phone: 866-472-4557
Toll Free: 866-472-4557
Fax: 732-409-6284
Email: education@novadebt.org
Address: 225 Willowbrook Road
Freehold, New Jersey 07728
Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners

- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
Languages: - English
Affiliation:
Website: www.novadebt.org

Agency Name: GARDEN STATE CONSUMER CREDIT COUNSELING, INC./NOVADEBT
Phone: 866-472-4557
Toll Free: 866-472-4557
Fax: 732-409-6284
Email: education@novadebt.org
Address: 225 Willowbrook Road
Freehold, New Jersey 07728
Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
Languages: - English
- Spanish
Affiliation: GARDEN STATE CONSUMER CREDIT COUNSELING, INC / NOVADEBT
Website: www.novadebt.org

Agency Name: GARDEN STATE CONSUMER CREDIT COUNSELING, INC./NOVADEBT - HPF AFFILIATE
Phone: 866-472-4557
Toll Free: 866-472-4557
Fax: 732-409-6284
Email: education@novadebt.org
Address: 225 Willowbrook Road
Freehold, New Jersey 07728
Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
Languages: - English
Affiliation: HOMEOWNERSHIP PRESERVATION FOUNDATION
Website: <http://www.novdebt.org>

Agency Name: FAIR HOUSING COUNCIL OF NORTHERN NEW JERSEY
Phone: 201-489-3552
Toll Free:
Fax: 201-489-8472
Email: fhcnnj1@optimum.net
Address: 131 Main Street
Suite140
Hackensack, New Jersey 07601-7140
Counseling Services: - Fair Housing Pre-Purchase Education Workshops
- Mortgage Delinquency and Default Resolution Counseling
- Pre-purchase Counseling
- Rental Housing Counseling
Languages: - English
- Spanish
Affiliation:
Website: <http://www.fhcnnj.org>

Agency Name: FAMILY GUIDANCE CENTER CORPORATION
Phone: 609-586-2574
Toll Free: 888-379-0604
Fax: 609-586-4759
Email: cccs@erols.com
Address: 1931 Nottingham Way
Hamilton, New Jersey 08619
Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Rental Housing Counseling
- Services for Homeless Counseling
Languages: - English
- Spanish
Affiliation:
Website: <http://www.cccscentralnj.com>

Agency Name: MERCER COUNTY HISPANIC ASSOCIATION

Phone: 609-587-8800

Toll Free:

Fax: 609-587-8836

Email: njmecha@hotmail.com

Address: 18 East 6th Ave.

Satellite Office: 821 S. Broad St.

Trenton, NJ 08607

Hamilton, New Jersey 08619

Counseling Services:

- Fair Housing Pre-Purchase Education Workshops
- Financial Management/Budget Counseling
- Home Improvement and Rehabilitation Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops
- Rental Housing Counseling
- Services for Homeless Counseling

Languages:

- English
- Farsi
- Spanish

Affiliation:

Website: www.njmecha.co.cc

Agency Name: NEW JERSEY CITIZEN ACTION

Phone: 800-656-9637

Toll Free: 800-656-9637

Fax: 973-643-8100

Email: application@njcitizenaction.org

Address: 75 Raritan Ave., Suite 200

Highland Park, New Jersey 08904

Counseling Services:

- Home Improvement and Rehabilitation Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops

Languages:

- English
- Spanish

Affiliation: NEW JERSEY CITIZEN ACTION

Website: http://www.njcitizenaction.org

Agency Name: HUDSON COUNTY HOUSING RESOURCE CENTER, INC.

Phone: 201-795-5615-205

Toll Free:

Fax: 201-795-2525

Email:

Address: 574 Newark Avenue

Jersey City, New Jersey 07306

Counseling Services:

- Rental Housing Counseling

Languages:

- English
- Portuguese
- Spanish

Affiliation:

Website: n/a

Agency Name: CONSUMER CREDIT AND BUDGET COUNSELING

Phone: 888-738-8233-203

Toll Free: 888-738-8233

Fax: 888-738-8234

Email: DEBTonator@cc-bc.com

Address: 299 S. Shore Road, Route 9 South

U.S. Route 9 South

Marmora, New Jersey 08223-0866

Counseling Services:

- Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Rental Housing Counseling

Languages:

- English
- Spanish

Affiliation:
Website: <http://www.cc-bc.com>

Agency Name: AFFORDABLE HOMES OF MILLVILLE ECUMENICAL
Phone: 856-293-0100

Toll Free:
Fax: 856-293-0101
Email: ahomeinc@juno.com

Address: 400 East Main St.
P.O. Box 241
Millville, New Jersey 08332

Counseling Services: - Fair Housing Pre-Purchase Education Workshops
- Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops
- Rental Housing Counseling

Languages: - English
- Spanish

Affiliation:
Website: <http://n/a>

Agency Name: URBAN LEAGUE OF MORRIS COUNTY
Phone: 973-539-2121

Toll Free:
Fax: 973-998-6520
Email: mdavis@ulmcnj.org

Address: 300 Madison Avenue, Suite A
Morristown, New Jersey 07960

Counseling Services: - Fair Housing Pre-Purchase Education Workshops
- Mortgage Delinquency and Default Resolution Counseling
- Rental Housing Counseling

Languages: - English
- Spanish

Affiliation: NATIONAL URBAN LEAGUE
Website: <http://www.ulmcnj.org>

Agency Name: PUERTO RICAN ACTION BOARD, INC. (HOUSING COALITION UNIT)
Phone: 732-249-9700

Toll Free:
Fax: 732-249-4121
Email: clawrence@prab.org

Address: 90 Jersey Ave
New Brunswick, New Jersey 08901

Counseling Services: - Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Rental Housing Counseling
- Services for Homeless Counseling

Languages: - English
- Spanish

Affiliation:
Website: <http://www.prab.org>

Agency Name: EPISCOPAL COMMUNITY DEVELOPMENT, INC
Phone: 973-710-1501

Toll Free:
Fax: 973-802-1003
Email: pat@ecdonline.org

Address: 620 Clinton Ave.
Newark, New Jersey 07108

Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops

Languages: - English
- Portuguese

- Spanish

Affiliation: STRUCTURED EMPLOYMENT ECONOMIC DEVELOPMENT CO

Website: <http://www.ecdonline.org>

Agency Name: LA CASA DE DON PEDRO

Phone: 973-485-0701-4601

Toll Free:

Fax: 973-485-7555

Email: aries@lacasank.org

Address: 75 Park Avenue

Newark, New Jersey 07104

Counseling Services: - Mortgage Delinquency and Default Resolution Counseling
- Rental Housing Counseling

Languages: - English
- Spanish

Affiliation:

Website: <http://www.lacasank.org>

Agency Name: NACA (NEIGHBORHOOD ASSISTANCE CORPORATION OF AMERICA) NEWARK, NJ

Phone: 973-679-2601

Toll Free: 888-297-5568

Fax:

Email: kcampbell@naca.com

Address: 60 Park Place

15th Floor

Newark, New Jersey 07102

Counseling Services: - Fair Housing Pre-Purchase Education Workshops
- Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops

Languages: - English
- Others
- Spanish

Affiliation: NACA (NEIGHBORHOOD ASSISTANCE CORPORATION OF AMERICA)

Website: <http://www.naca.com>

Agency Name: NEW COMMUNITY FEDERAL CREDIT UNION

Phone: 973-621-2363

Toll Free:

Fax: 973-621-5624

Email: mulu@newcommunity.org

Address: 274 South Orange Ave.

Newark, New Jersey 07103

Counseling Services: - Fair Housing Pre-Purchase Education Workshops
- Financial Management/Budget Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops

Languages: - Hindi

Affiliation: NATIONAL FEDERATION OF COMMUNITY DEVELOPMENT CREDIT UNIONS

Website: n/a

Agency Name: NEW JERSEY CITIZEN ACTION

Phone: 973-643-8800-234

Toll Free: 800-656-9637

Fax: 973-643-8100

Email: bonita@njcitizenaction.org

Address: 744 Broad Street, Suite 2080

Newark, New Jersey 07102

Counseling Services: - Mortgage Delinquency and Default Resolution Counseling
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops

Languages: - English
- Spanish

Affiliation:

Website: <http://www.njcitizenaction.org>

Agency Name: TRI-CITY PEOPLES CORPORATION

Phone: 973-676-5506

Toll Free: 800-201-4095

Fax: 973-675-4493

Email: tcaldwell@tri-citypeoples.org

Address: 675 S. 19th Street

Newark, New Jersey 07103

Counseling Services: - Rental Housing Counseling
- Services for Homeless Counseling

Languages: - English
- Spanish

Affiliation: TRI-CITY PEOPLES CORPORATION

Website: <http://www.tri-citypeoples.org>

Agency Name: NEW JERSEY CITIZEN ACTION

Phone: 800-656-9637

Toll Free: 800-656-9637

Fax: 973-643-8100

Email: application@njcitizenaction.org

Address: 128 Market St.

Passaic, New Jersey 07055-

Counseling Services: - Home Improvement and Rehabilitation Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops

Languages: - English
- Spanish

Affiliation: NEW JERSEY CITIZEN ACTION

Website: www.njcitizenaction.org

Agency Name: CATHOLIC FAMILY AND COMMUNITY SERVICES, A CATHOLIC CHARITIES AGENCY FOR THE DIOCESE OF PATERSON

Phone: 973-279-7100-20

Toll Free:

Fax: 973-523-1150

Email: aalonso@catholiccharities.org

Address: 24 DeGrasse Street

Paterson, New Jersey 07505

Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Rental Housing Counseling
- Services for Homeless Counseling

Languages: - English
- French
- Hindi
- Spanish
- Vietnamese

Affiliation: CATHOLIC CHARITIES USA

Website: <http://n/a>

Agency Name: HOUSING AUTHORITY OF THE CITY OF PATERSON

Phone: 973-345-5085

Toll Free:

Fax: 973-977-9085

Email: LVASQUEZ@PATERSONHA.ORG

Address: 60 Van Houten Street

Paterson, New Jersey 07509

Counseling Services: - Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops

Languages: - English
- Spanish

Affiliation:

Website: <http://patersonhousingauthority.com>

Agency Name: PATERSON TASK FORCE FOR COMMUNITY ACTION, INC

Phone: 973-279-2333-25

Toll Free:

Fax: 973-279-2334

Email: paterson.taskforce@verizon.net
Address: 9 Colt Street
Paterson, New Jersey 07505
Counseling Services: - Fair Housing Pre-Purchase Education Workshops
- Mortgage Delinquency and Default Resolution Counseling
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
Languages: - English
Affiliation:
Website: n/a

Agency Name: THE HOUSING AUTHORITY OF THE CITY OF PERTH AMBOY
Phone: 732-826-3110-631
Toll Free:
Fax: 732-826-3111
Email: eugenia@perthamboyha.org
Address: 881 Amboy Avenue
Perth Amboy, New Jersey 08862
Counseling Services: - Home Improvement and Rehabilitation Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
Languages: - English
- Others
- Spanish
Affiliation:
Website: <http://www.perthamboyha.org/>

Agency Name: FAITH, BRICKS & MORTAR, INC.
Phone: 908-756-5774-1
Toll Free:
Fax: 908-756-4413
Email: faithbricksandmortar@verizon.net
Address: 164 East Front Street - REAR-
Plainfield, New Jersey 07060
Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
Languages: - English
- Spanish
Affiliation:
Website: <http://n/a>

Agency Name: SOMERSET COUNTY COALITION ON AFFORDABLE HOUSING, INC.
Phone: 908-704-8901
Toll Free:
Fax: 908-704-9235
Email: sccoah@verizon.net
Address: 600 First Avenue
Suite 3
Raritan, New Jersey 08869
Counseling Services: - Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Rental Housing Counseling
Languages: - English
- Spanish
Affiliation:
Website: <http://www.sccoah.org>

Agency Name: CCCS OF DELAWARE VALLEY
Phone: 215-563-5665
Toll Free: 800-989-2227
Fax: 215-563-7020
Email: customerservice@cccsdv.org
Address: 203 E. Broadway
Suite 1020

Salem, New Jersey 08079
Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops
- Rental Housing Counseling
- Services for Homeless Counseling
Languages: - English
Affiliation: CCCS OF DELAWARE VALLEY, INC.
Website: n/a

Agency Name: FAITH FELLOWSHIP COMMUNITY DEVELOPMENT CORPORATION
Phone: 732-727-9500-1501
Toll Free:
Fax: 732-653-0208
Email: cbulluck@ffmwoc.org
Address: 2707 Main Street
Sayreville, New Jersey 08872
Counseling Services: - Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
Languages: - English
- Spanish
Affiliation:
Website: <http://www.ffcfdc.net>

Agency Name: MONEY MANAGEMENT INTERNATIONAL TINTON FALLS
Phone: 800-873-2227
Toll Free: 800-873-2227
Fax:
Email: brian.coyle@moneymanagement.org
Address: 106 Apple St., Suite 105
Tinton Falls, New Jersey 07724
Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Rental Housing Counseling
Languages: - English
Affiliation: MONEY MANAGEMENT INTERNATIONAL INC.
Website: <http://www.moneymanagement.org>

Agency Name: OCEAN COMMUNITY ECONOMIC ACTION NOW, INC. (O.C.E.A.N.)
Phone: 732-244-2351-22
Toll Free:
Fax: 732-557-4120
Email: pford@oceaninc.org
Address: 40 Washington Street
Toms River, New Jersey 08753
Counseling Services: - Mortgage Delinquency and Default Resolution Counseling
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Rental Housing Counseling
Languages: - English
Affiliation:
Website: <http://www.oceaninc.org>

Agency Name: AMERICAN CREDIT ALLIANCE, INC.
Phone: 609-393-5400
Toll Free: 800-332-8648
Fax: 215-428-6746
Email: info@501plan.org
Address: 26 South Warren Street
Trenton, New Jersey 08608-2108
Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners

- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
Languages: - English
- French
- Russian
- Spanish
Affiliation: AMERICAN CREDIT ALLIANCE
Website: <http://www.501plan.org>

Agency Name: ISLES, INCORPORATED
Phone: 609-341-4731
Toll Free:
Fax: 609-278-6463
Email: prose@isles.org
Address: 714 South Clinton Avenue
Trenton, New Jersey 08609
Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops
- Rental Housing Counseling
- Services for Homeless Counseling
Languages: - English
- Spanish
Affiliation:
Website: <http://www.isles.org>

Agency Name: MONEY MANAGEMENT INTERNATIONAL TURNERSVILLE
Phone: 800-873-2227
Toll Free: 800-873-2227
Fax: 856-935-3675
Email: brian.coyle@moneymanagement.org
Address: 860 Route 168, Ste. 104
Turnersville, New Jersey 08012
Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Rental Housing Counseling
Languages: - English
Affiliation: MONEY MANAGEMENT INTERNATIONAL INC.
Website: <http://www.moneymanagement.org>

Agency Name: SENIOR CITIZENS UNITED COMMUNITY SERVICES OF CAMDEN COUNTY, INC.
Phone: 856-456-1121-145
Toll Free:
Fax: 856-456-1076
Email: rmonou@scucs.org
Address: 146 Black Horse Pike
West Collingswood Hts, New Jersey 08059-2007
Counseling Services: - Home Improvement and Rehabilitation Counseling
Languages: - English
- Spanish
Affiliation:
Website: www.scucs.org

Agency Name: CCCS OF DELAWARE VALLEY, INC. - WESTAMPTON
Phone: 215-563-5665
Toll Free: 800-989-2227
Fax: 215-563-7020
Email: customerservice@cccsdv.org
Address: United Way of Burlington County
595 Rancocas Road
Westampton, New Jersey 08060
Counseling Services: - Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling

- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops
- Rental Housing Counseling
- Reverse Mortgage Counseling
- Services for Homeless Counseling

Languages: - English

Affiliation: CCCS OF DELAWARE VALLEY, INC.

Website: www.cccsdv.org

Agency Name: BURLINGTON COUNTY COMMUNITY ACTION PROGRAM

Phone: 609-835-4329-4015

Toll Free:

Fax: 609-835-9607

Email: kxavier@yahoo.com

Address: One Van Sciver Parkway

Willingboro, New Jersey 08046

Counseling Services:

- Fair Housing Pre-Purchase Education Workshops
- Financial Management/Budget Counseling
- Mortgage Delinquency and Default Resolution Counseling
- Non-Delinquency Post Purchase Workshops for Homeowners
- Pre-purchase Counseling
- Pre-purchase Homebuyer Education Workshops
- Predatory Lending Education Workshops
- Rental Housing Counseling
- Services for Homeless Counseling

Languages: - English

- Spanish

Affiliation:

Website: <http://www.bccap.org>

APPENDIX G
RESALE PROCEDURES FOR OWNERS WISHING TO SELL AN AFFORDABLE UNIT

[ADMINISTRATIVE AGENT Letterhead]

[DATE]

[Owner Name
Owner Address]

Dear [Owner Name]:

You requested information regarding the resale process for your Affordable Housing Unit. To begin the resale process you must first gather the information outlined on the enclosed “sellers checklist”. Once all this information is obtained, please call us at (973) 823-7020 to schedule an appointment to come into our office, [Administrative Agent].

1. At the appointment you will be required to provide us with the required information and sign an “intent to sell” document. We will provide you with the maximum resale price on your unit and other pertinent documentation that needs to be completed in regards to the sale of your unit.
2. Our office maintains a list of applicants that are qualified to purchase an affordable unit and those prospective buyers will all be notified that your unit is for sale. These buyers will be provided with information regarding your unit and your telephone number to call, schedule a time to view the unit and make an offer if interested.
3. All prospective buyers must be qualified and certified through our office. Applicants are qualified based on income and household size as determined by the income guidelines set by the NJ Council on Affordable Housing (COAH) and must be able to obtain a pre-approval from a lending institution.
4. Many times there are more qualified prospective buyers waiting to purchase a unit than there are units available. If this is the case, a random selection “lottery” may be required. If a lottery is held buyers are notified of the for-sale unit and provided a number of days to view the unit and make an offer, if interested, in the order they are selected in the lottery drawing.
5. When you have found an interested buyer who has been certified by this office you and the purchaser will sign a “purchase agreement” provided to you at the time you put your unit up for sale. The purchase agreement will contain the sales price of the unit and all items included in the sale. The buyer also will give you a “good faith” deposit check, usually for \$[amount], made payable to your attorney. Within 3 days of placing your unit on the market you must provide our office with your attorney’s name, address, phone and fax information. You should notify your attorney that you are selling your affordable housing unit.

6. After you sign the purchase agreement, you will need to send one copy to our office along with the attorney information form. Then you bring one copy and the good faith deposit check to the attorney. Shortly thereafter a contract of sale will be drawn up, signed by both the seller and the buyer and a tentative closing date will be scheduled. The contract will then go into attorney review for 3 to 5 days. Once the contract becomes finalized you need to send [Administrative Agent] a copy of the signed contract.

7. At the closing you will be charged a fee of **\$[amount]**. This fee covers the costs associated with the resale of your unit and is made payable to Hardyston Township.

8. In the event that your unit is not sold in a timely manner and all possibilities have been exhausted, including reducing the price, you may wish to place an advertisement in the newspaper. However, please remember that all prospective buyers must apply and be qualified through our office. Please keep in touch with our representative throughout the entire sale process.

Sincerely,

[Administrative Agent Representative]

SELLER'S CHECKLIST

The following is a checklist of information that must be provided to our office at the time you schedule an appointment to place your unit on the market.

Please bring copies of all documents, no originals.

- ☐ Copy of your deed.
- ☐ Copy of the HUD-1 Settlement Statement (also known as RESPA) – the document which indicates the sales price and an itemized list of the expenses associated with the closing when you purchased the affordable unit.
- ☐ Copy of the payment coupon or proof of what you pay for maintenance fees.
- ☐ Copy of your most current tax assessment statement received from the municipality.
- ☐ Copy of a current tax bill if you pay your own taxes and it is not included in the mortgage payment (quarterly or annually).
- ☐ Copy of your most recent mortgage statement indicating the amount you presently pay in taxes, if your taxes are included in the mortgage payment.
- ☐ Name, address, telephone number and fax number of your attorney if you have retained one already. You must retain an attorney within 3 business days of placing your unit on the market with our office. Your attorney must also tell you how the potential purchaser of your unit will need to make their good faith deposit check.
- ☐ A list of items included with the sale of the unit (e.g. washer, dryer, etc.) and a list of upgrades and features of your unit that you would wish to inform prospective buyers about. This information will be placed on a flyer and provided to prospective buyers. IF YOU PUT IN AN A/C UNIT (when one did not previously exist) and YOU HAVE PROOF (receipts), then you should bring this with you. We will explain the rule on air conditioning with you at the time you provide receipts.

If you have any questions or require additional information please contact us at (973) 823-7020.

SAMPLE PURCHASE AGREEMENT FOR RESALE OF AFFORDABLE UNIT

PURCHASE AGREEMENT

OWNER:
CO-OWNER:
UNIT ADDRESS:

CATEGORY:
of BDRMS:
DEVELOPMENT:

According to NJ Council on Affordable Housing (COAH), your affordable unit has a

MAXIMUM PERMITTED RESALE PRICE of: \$ _____

PURCHASE PRICE OF UNIT: \$ _____

Amount of Good Faith Deposit (Earnest Money): \$ _____

Price includes the following original or permanently installed appliances and/or extras: (These items should also be described in detail in the Contract of Sale)

____ Refrigerator ____ Washer ____ Dryer ____ Dishwasher
____ Window Treatment ____ Ceiling Fans Other: _____

Appliances and/or extras that are the owner's personal property and are not permanently installed may be sold separately at a price agreed upon by the buyer and seller. Purchaser may elect to buy or not buy "Extras." Seller cannot refuse an offer because purchaser does not want to buy/pay for "Extras."

Purchaser agrees to buy the Owner's personal property (not permanently affixed extras) as follows, in a separate transaction. These items are not to be financed in the mortgage or to show up on the Contract of Sale unless the cost of these items and the selling price is less than \$[INSERT MAXIMUM RESALE PRICE].

Item: _____	Agreed	Cost: _____

Item: _____	Agreed	Cost: _____

Item: _____	Agreed	Cost: _____

ALL UPGRADES/EXTRAS IN THE UNIT THAT ARE PERMANENTLY INSTALLED MUST BE INCLUDED IN THE MAXIMUM RESALE PRICE WITHOUT ANY ADDITIONAL COMPENSATION TO THE OWNER (UNLESS IN THE CASE OF A CAPITAL IMPROVEMENT).

CAPITAL IMPROVEMENTS FOR THIS UNIT: NONE

The Purchaser and Owner hereby agree to these proposed terms of sale of the property as described above. The Purchaser and Owner agree that the proposed terms may only be changed by agreement of both parties. The Purchaser and Owner each have three days from the date of approval to withdraw from this agreement for any reason, with no obligation to the other party.

Owner Signature

Date

Co-Owner Signature

Date

Purchaser Signature

Date

Co-Purchaser Signature

Date