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Architecture

Planning

Landscape Architecture

Fair Share Plan Appendices

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Hampton Borough, Hunterdon County, New Jersey

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June 2010



Fair Share Plan Appendices

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Appendix A.

Planning Board Resolution adopting the Housing Element and Fair Share Plan

Resolution 2010-05

**Planning Board Resolution Adopting the Housing Element and Fair Share Plan
Hampton Borough, Hunterdon County, New Jersey**

WHEREAS, the Planning Board of Hampton Borough Hunterdon County, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 in 1982 with the most recent Reexamination Report of the Master Plan in 2003; and

WHEREAS, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b (3); and

WHEREAS, N.J.A.C. 5:97-2.1(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

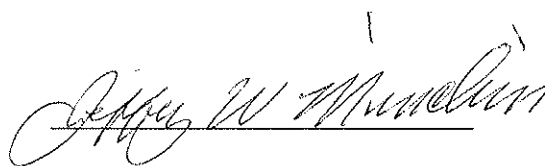
WHEREAS, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the total 1987-2018 fair share obligation of Hampton Borough; and

WHEREAS, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of Hampton Borough held a public hearing(s) on the Housing Element and Fair Share Plan on May 24, 2010; and

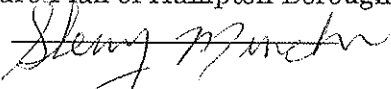
WHEREAS, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Hampton Borough's 1982 Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW THEREFORE BE IT RESOLVED by the Planning Board of Hampton Borough, Hunterdon County, State of New Jersey, that the Planning Board hereby adopts the May 2010 Housing Element and Fair Share Plan.



Chairman of Planning Board

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of Hampton Borough, Hunterdon County, on June 7, 2010



Planning Board Secretary

Appendix B.

Governing Body Resolution Endorsing the Housing Element and Fair Share Plan

**BOROUGH OF HAMPTON
HUNTERDON COUNTY, NEW JERSEY**

RESOLUTION No. 48-10

**RESOLUTION ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN AND
AUTHORIZING THE BOROUGH ATTORNEY TO SEEK TO VACATE THE 1991 FINAL
JUDGMENT ON COMPLIANCE**

WHEREAS, the Planning Board of Hampton Borough, Hunterdon County, State of New Jersey, adopted the Housing Element of the Master Plan on June 7, 2010; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on June 7, 2010; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the Borough is a party to a 1988 settlement agreement with Jacob and Sinclair Haberman entered into to resolve a builder's remedy lawsuit brought against the Borough by Jacob Haberman in 1981; and

WHEREAS, the settlement agreement set forth the terms and conditions for the development of property owned by Jacob Haberman known as Block 23, Lot 1 and Block 24, Lot 2; and

WHEREAS, the settlement agreement was part of a 1991 Final Judgment on Compliance which determined that the Borough complied with its constitutional obligation to provide realistic opportunities for the creation of low and moderate income housing; and

WHEREAS, Jacob Haberman never developed his property as provided for in the settlement agreement; and

WHEREAS, due to the passage of the Highlands Act and the adoption of the Highlands Regional Master Plan by the Highlands Council, the designation of the Musconetcong River as a Wild and Scenic River, the change in wastewater management rules, and other land use changes over the last two decades the development envisioned by the settlement agreement is no longer possible;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Hampton, Hunterdon County, State of New Jersey, hereby endorse the Housing Element and Fair Share Plan as adopted by the Hampton Borough Planning Board; and

BE IT FURTHER RESOLVED that the Governing Body of Hampton Borough, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this Housing

Element and Fair Share Plan to the Council on Affordable Housing for Substantive Certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Hampton Borough municipal clerk's office located at 1 Wells Avenue, during the hours of 8:30am to 4:00pm on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5; and

BE IT FURTHER RESOLVED that the Borough Attorney is authorized to petition the Superior Court of New Jersey to vacate the 1991 Final Judgment on Compliance and 1988 settlement agreement incorporated in that Judgment.



James Cregar, Council President



Cathy Drummond
Municipal Clerk

June 7, 2010

Date

Appendix C.

Workbook D

Summary of Adjusted Growth Share Projection Based On Land Capacity
(Introduction to Workbook D)

Municipality Code: **1013**

[Muni Code Lookup](#)

Municipality Name: **Hampton Borough**

This workbook is to be used for determining the projected Municipal Growth Share Obligation by comparing growth projected by COAH with actual growth based on certificates of occupancy that have been issued from 2004 through 2008 and the RMP build-out analysis conducted under Module 2 of the Highlands RMP conformance process. Data must be entered via the "tabs" found at the bottom of this spreadsheet which may also be accessed through the highlighted links found throughout the spreadsheet. This workbook consists of five worksheets that, when combined on this introduction page, provide a tool that allows the user to enter exclusions permitted by N.J.A.C. 5:97-2.4 to determine the projected Growth Share Obligation. COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules, Highlands Council build-out figures based on Mod 2 Reports and actual growth based on COs as published by the DCA Division of Codes and Standards in The Construction Reporter are imported automatically upon entry of the Municipal Code.

[Click Here to enter COAH and Highlands Council data](#)

Municipalities seeking to request a revision to the COAH-generated growth projections based on opting in to the Highlands RMP may do so by providing this comparative analysis of COAH and RMP build-out projections. After completing this analysis, the growth projections may be revised based on the Highlands RMP build-out analysis. Actual growth must first be determined using the Actual Growth worksheet. The RMP adjustment applies only to RMP capacity limitations that are applied to growth projected from 2009 through 2018.

[Click Here to Enter Actual Growth to Date](#)

[Click Here to Enter Permitted Exclusions](#)

[Click Here to View Detailed Results from Analysis](#)

Summary Of Worksheet Comparison

| | COAH Projected Growth Share | Growth Share Based on Highlands RMP |
|------------------------------|--|--|
| Residential Growth | 25 | 35 |
| Residential Exclusions | 0 | 0 |
| Net Residential Growth | 25 | 35 |
| Residential Growth Share | 5.00 | 7.00 |
| Non-Residential Growth | 303 | 4 |
| Non-Residential Exclusions | 0 | 0 |
| Net Non- Residential Growth | 303 | 4 |
| Non-Residential Growth Share | 18.94 | 0.26 |
| Total Growth Share | 24 | 7 |

The Highlands RMP analysis results in a revision to the COAH-generated growth projection. Hampton Borough may file this Workbook and use a Residential Growth Share of 7 plus a Non-residential Growth Share of 0.26 for a total Highlands Adjusted Growth Share Obligation of 7 affordable units

Growth Projection Adjustment - Actual Growth

Actual Growth 01/01/04 to 12/31/08

Municipality Name: Hampton Borough

Residential COs Issued

| | |
|--|----------|
| As Published by D C S | 25 |
| Per Municipal Records (if different) | 25 |
| Qualified Residential Demolitions | 0 |

Note: To **qualify** as an offsetting residential demolition, the unit must be the primary residence of the household for which the demolition permit has been issued, it had to be occupied by that owner for at least one year prior to the issuance of the demolition permit, it has to continue to be occupied by that household after the re-build and there can be no change in use associated with the property. (See [N.J.A.C. 5:97-2.5\(a\)1.v.](#)) A Certification Form must be completed and submitted for each qualifying demolition.

[Get Demolition Certification Form](#)

| Non-residential CO's by Use Group | Square Feet Added (COs Issued) As Published by D C S | Square Feet Added (COs Issued) per Municipal Records (if different) | Square Feet Lost Demolition Permits Issued) | Jobs Per 1,000 SF | Total Jobs |
|--------------------------------------|--|--|--|----------------------|-------------|
| B | 0 | 0 | | 2.8 | 0.00 |
| M | 0 | 0 | | 1.7 | 0.00 |
| F | 0 | 0 | | 1.2 | 0.00 |
| S | 42,000 | 4,200 | | 1.0 | 4.20 |
| H | 0 | 0 | | 1.6 | 0.00 |
| A1 | 0 | 0 | | 1.6 | 0.00 |
| A2 | 0 | 0 | | 3.2 | 0.00 |
| A3 | 0 | 0 | | 1.6 | 0.00 |
| A4 | 0 | 0 | | 3.4 | 0.00 |
| A5 | 0 | 0 | | 2.6 | 0.00 |
| E | 0 | 0 | | 0.0 | 0.00 |
| I | 0 | 0 | | 2.6 | 0.00 |
| R1 | 0 | 0 | | 1.7 | 0.00 |
| Total | 42,000 | 4,200 | 0 | | 4.20 |

[Return to Main Page \(Workbook D Intro\)](#)

[Proceed to COAH Data and RMP Module 2 Build-out Data](#)

[Proceed to Exclusions Tab](#)

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Hampton Borough

Prior Round Affordable Units NOT included in Inclusionary Developments Built Post 1/1/04

| Development Type | Number of COs Issued and/or Projected |
|---|---------------------------------------|
| Supportive/Special Needs Housing | |
| Accessory Apartments | |
| Municipally Sponsored and 100% Affordable | |
| Assisted Living | |
| Other | |
| Total | 0 |

Market and Affordable Units in Prior Round Inclusionary Development Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if affordable units are rentals)

| Development Name | Rentals? (Y/N) | Total Units | Market Units | Affordable Units | Market Units Excluded |
|------------------|----------------|-------------|--------------|------------------|-----------------------|
| | | 0 | | | 0 |
| | | 0 | | | 0 |
| | | 0 | | | 0 |
| | | 0 | | | 0 |
| | | 0 | | | 0 |
| Total | | 0 | 0 | 0 | 0 |

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

| Development Name | Affordable Units Provided | Permitted Jobs Exclusion |
|------------------|---------------------------|--------------------------|
| | | 0 |
| | | 0 |
| | | 0 |
| | | 0 |
| Total | 0 | 0 |

[Return to Main Page \(Workbook D Intro\)](#)

[Return to COAH Data and RMP Module 2 Build-out Data](#)

[Return to Actual Growth](#)

[View Detailed Results from Analysis](#)

COAH Growth Projections and Highlands Buildout Data

Must be used in all submissions

Municipality Name: **Hampton Borough**

The COAH columns have automatically been populated with growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. The Highlands RMP Build-out columns have automatically been populated with residential and non-residential build-out figures from the municipal build-out results with resource and utility constraints found in Table 4 of the RMP Module 2 report. Always check with the Highlands Council for updates. If figures have been updated, enter updated build-out results. Use the Tabs at the bottom of this page or the links within the page to toggle to the exclusions worksheet of this workbook. After entering all relevant exclusions, toggle back to the introduction page to view the growth share obligation that has been calculated based on each approach.

COAH Projections

From Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq.
Allocating Growth To Municipalities

| Residential | Non-Residential |
|-------------|-----------------|
| 25 | 303 |

Highlands RMP Buildout Analysis

From Module 2
Table 4 – Municipal Build-Out Results With Resource and Utility Constraints
Updated as of October 2, 2009

| | Preservation Area | Planning Area | Totals |
|--------------------------------|----------------------|---------------|--------|
| Residential units – Sewered | 0 | 0 | 0 |
| Septic System Yield | 3 | 7 | 10 |
| Total Residential Units | 3 | 7 | 10 |
| Non-Residential Jobs – Sewered | 0 | 0 | 0 |

Note: Always check with the Highlands Council for updated municipal Build-out numbers. Enter build-out figures in the appropriate boxes only if revised figures have been provided by the Highlands Council.

[Click Here to link to current Mod 2 Build-Out Reports](#)

[Proceed to Enter Prior Round Exclusions](#)
[Retrun to Enter Actual Growth](#)
[Return to Main Page \(Workbook D Intro\)](#)

Comparative Analysis Detail For Hampton Borough

The following chart applies the exclusions permitted pursuant to N.J.A.C 5:97-2.4 to both the COAH growth projections and the projected growth that results from the Highlands RMP build-out analysis plus actual growth for the period January 1, 2004 through December 31, 2008.

| | COAH | | Highlands | |
|--|-------------|------------------|-------------|------------------|
| | Residential | Non-Residential | Residential | Non-Residential |
| Projected Growth From COAH Appendix F(2) | 25 | 303 | | |
| Residential Exclusions per 5:97-2.4(a) from "Exclusions" tab COs for prior round affordable units built or projected to be built | | | | |
| Inclusionary Development | 0 | | 0 | |
| Supportive/Special Needs Housing | 0 | | 0 | |
| Accessory Apartments | 0 | | 0 | |
| Municipally Sponsored or 100% Affordable | 0 | | 0 | |
| Assisted Living | 0 | | 0 | |
| Other | 0 | | 0 | |
| Market Units in Prior Round Inclusionary development built post 1/1/04 | 0 | | 0 | |
| Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab | | | | |
| Affordable units | 0 | | 0 | |
| Associated Jobs | | 0 | | 0 |
| Net Growth Projection | 25 | 303 | 35 | 4 |
| Projected Growth Share (Residential divided by 5 and jobs divided by 16) | 5.00 | 18.94 | 7.00 | 0.26 |
| Total Projected Growth Share Obligation | | 24 | | 7 |
| | | Affordable Units | | Affordable Units |

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[Return to COAH Data and RMP Module 2 Build-out Data](#)
[Return to Actual Growth](#)
[Return to Exclusions](#)

Appendix D.
Highlands Council Waiver



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

Division of Watershed Management
P. O. Box 418
Trenton, New Jersey 08625-0418
Phone: (609) 984-0058
Fax: (609) 633-0750

LISA P. JACKSON
Commissioner

June 23, 2008

Honorable Robert Walton
Mayor, Hampton Borough
1 Wells Avenue
P. O. Box 418
Hampton, New Jersey 08827

RE: Block: 14; Lots 8 and 8.01

Dear Mayor Walton:

This letter is forwarded as a follow up to our meeting with the Highlands Council staff held on May 22, 2008 at the Highlands Council offices. I am also in receipt of additional information submitted by Mr. Richard P. Cushing on behalf of Hampton Borough.

The Borough of Hampton took ownership of the referenced property in 2001. The property was formerly used as a lumber yard. Shortly after the Borough took ownership, the Borough removed all of the buildings and impervious surfaces on the subject property and planted it in grass. On May 16, 2002 the Borough received subdivided approval for the property dividing it into two lots. However, the Borough did not file the deeds for the new lots until July 2005. Per information submitted by Mr. Cushing, the Borough was prevented from filing the deeds in a timely manner due to litigation with an adjacent property owner concerning access across the subject property. That litigation reached conclusion in December 2004, at which time the Borough had to apply for an extension of the May 16, 2002 minor subdivision approval. That extension was granted and the deeds were filed in July 2005.

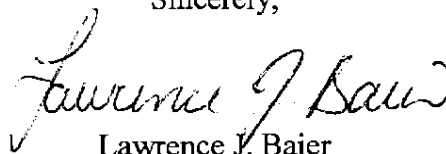
Per our meeting, the Borough intends to construct an ARC group home on lot 8.01 and a fire house on lot 8. Both lots are less than an acre in size. The Borough requests clarification as to whether each lot may be considered independently for the purposes of determining whether these projects meet the definition of "major Highlands development" per N.J.S.A. 13:20-3. I have consulted with the Attorney General's Office on this matter and have determined that the two lots, and the projects proposed thereon, may be considered independently based on the following:

In deciding whether activities are regulated by the Highlands Water Protection and Planning Act (N.J.S.A. 13:20), the Department typically relies on the date of enactment (August 10, 2004) as the operative date in determining whether certain conditions are met for the purposes of establishing regulatory jurisdiction, except where the Act clearly specifies a different date is to be used. In *Miller v. NJDEP* (Docket No. A-5404-04T5; October 25, 2006), the

Appellate Division of the Superior Court of New Jersey determined that lots have some reality at the time of subdivision approval. In this case the minor subdivision approval was granted on May 16, 2002, well before the Highlands Act was enacted. Further based on the information provided by Mr. Cushing, the Borough was barred or prevented from filing deeds for the created lots due to ongoing litigation with an adjacent property owner. At such time as that litigation was concluded, the Borough sought and received an extension of the May 16, 2002 minor subdivision approval and then perfected that 2002 subdivision through the filing of deeds. In light of these circumstances, the Department concludes that these lots had sufficient legal basis on August 10, 2004 to be considered independently when applying the definition of "major Highlands development" in determining whether the ARC group home or the firehouse are regulated pursuant to the Highlands Water Protection and Planning Act. Thus provided that each of these projects does not require any environmental land use or water permit from the Department and each project results in less than .25 of an acre of new impervious surface each project would not be subject to the regulatory program established by the Highlands Act. It is noted that because each lot is less than an acre in size, the ultimate disturbance threshold of the definition cannot be exceeded by either project as described.

Please do not hesitate to contact me at (609) 984-0058 should you have any question in this regard.

Sincerely,



Lawrence J. Baier
Director

C: Terry Pilawski, Manager, Bureau of Watershed Regulation
Eileen Swan, Executive Director, Highlands Water Protection and Planning Council
Richard P. Cushing, Gebhardt and Kiefer

Appendix E.

Municipally Sponsored Construction Pro Forma

PRO FORMA
Lumberyard Site

The Borough is proposing a 4 bedroom group home through the municipally sponsored construction program on Block 14, Lot 8.01. The property is a Borough-owned lot along Railroad Avenue and Skillman Street.

The Borough will donate the land to the group home provider. It is anticipated that the cost to construct the unit will be approximately \$145,903. This figure is based on the subsidy needed to create one affordable housing unit in Region 3, pursuant to *N.J.A.C. 5:97-6.4(c)3*. The Borough expects that operational funds will be received for the group home.

Hampton Borough anticipates that funding will come from one or more outside sources to reduce the cost of the program to the Borough. These sources include, but are not limited to, governmental sources such as the Federal Low Income Housing Tax Credits, New Jersey Balanced Housing funds, HUD funding, Federal Home Loan Bank Board financing, HMFA bond financing and Small Cities funds.

Appendix F.

Draft Accessory Apartment Ordinance

Ordinance ____
Draft Ordinance Creating the Accessory Apartment Program
Hampton Borough, Hunterdon County, New Jersey

Accessory Apartments.

1. Accessory apartments shall be permitted on all single-family detached residential lots.
2. The Borough shall provide a subsidy of \$20,000 to each property owner creating a moderate income accessory apartment and \$25,000 to each property owner creating a low income accessory apartment. Said subsidy shall be provided within 60 days of the date which the certificate of occupancy for the accessory apartment is issued and the deed restriction is in place.
3. Each accessory apartment unit shall be for rent.
4. Each accessory apartment shall, for a period of at least 10 years, be rented only for such rents as shall be affordable to individuals and families of low or moderate income, consistent with COAH's substantive rules (N.J.A.C. 5:97) and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26).
5. There shall be a recorded deed or declaration of covenants and restrictions applying to each accessory apartment, running with the land, consistent with COAH's substantive rules (N.J.A.C. 5:97) and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26).
6. No accessory apartment shall receive Board approval or a zoning permit unless the property owner demonstrates that the septic system is adequate to handle the increased loads occasioned by the additional occupancy of the property.
7. The accessory apartment may be located in and part of the principal dwelling, or in a garage, carriage house, barn or other accessory building.
8. No accessory apartment shall receive Board approval or zoning permit unless the property owner demonstrates that an adequate potable water supply is available.
9. There shall be no more than two accessory apartments per single-family dwelling on each lot.
10. The accessory apartment shall be in full compliance with all applicable health and construction codes prior to occupancy.
11. Each accessory apartment shall have living/sleeping space, cooking facilities, a kitchen sink and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two rooms, one of which shall be a full bathroom.
12. Each accessory apartment shall have a private entrance with direct access to the outdoors.
13. In the case of an accessory apartment created illegally or without proper permits which the property owner desires to legitimize as an accessory apartment under this chapter, all of the requirements of this chapter in addition to meeting COAH criteria shall apply.
14. The accessory apartment shall be affirmatively marketed to the housing region, consistent with COAH's substantive rules (N.J.A.C. 5:97) and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26)..

15. Adequate parking for the accessory apartment shall be provided in a manner which shall be compatible with the established neighborhood character.

Appendix G.
Draft Affordable Housing Ordinance

**BOROUGH OF HAMPTON
COUNTY OF HUNTERDON**

ORDINANCE NO. 10-_____

**AN ORDINANCE OF THE BOROUGH OF HAMPTON, COUNTY OF HUNTERDON AND
STATE OF NEW JERSEY AMENDING CHAPTER __ "AFFORDABLE HOUSING" OF THE
CODE OF THE BOROUGH OF HAMPTON TO ADDRESS THE REQUIREMENTS OF THE
COUNCIL ON AFFORDABLE HOUSING'S THRID ROUND RULES**

WHEREAS, the New Jersey Council on Affordable Housing ("COAH") has promulgated rules, set forth at N.J.A.C. 5:96 and 5:97, concerning the substantive and procedural requirements for obtaining third round substantive certification of the Borough's Housing Element and Fair Share Plan; and

WHEREAS, on (Insert Date), COAH granted the Borough's petition for third round substantive certification; and

WHEREAS, as part of its review and grant of the Borough's petition for substantive certification, COAH requires that the Borough's affordable housing ordinances be updated and brought into compliance with its current rules.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Hampton, County of Hunterdon and State of New Jersey, that the "Code of the Borough of Hampton" ("Code") is hereby amended as follows:

Section 1. Chapter __, entitled "Affordable Housing," Deleted and Replaced. Chapter __ "Affordable Housing" of the Code is hereby deleted in its entirety and replaced with a new Chapter __ "Affordable Housing," which shall read as follows:

**Chapter __
AFFORDABLE HOUSING**

**ARTICLE I
General Program Purposes, Procedures**

§ __-1. Affordable Housing Obligation.

- A. This section of the Borough Code sets forth regulations regarding the low and moderate income housing units in the Borough consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing for the period beginning June 2, 2008 with amendments through October 20, 2008", N.J.A.C. 5:97 et seq., the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq., and the Borough's constitutional obligation to provide a fair share of affordable housing for low and moderate

income households. In addition, this section applies requirements for very low income housing as established in P.L. 2008, c.46 (the "Roberts Bill").

- B. This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- C. The Hampton Borough Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Plan has also been endorsed by the Borough Council of the Borough of Hampton. The Fair Share Plan describes the ways the Borough shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- D. This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- E. The Borough shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, 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 prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Hampton Borough Municipal Building 1 Wells Avenue, Hampton, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey.

§ __-2. **Definitions.** As used herein the following terms shall have the following meanings:

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

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

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

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

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

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

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

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

“Affordable housing development” means a development included in the 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)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

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

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

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

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

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

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

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

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

"Fair Share Plan" means the plan that describes the mechanisms, strategies and the funding sources, if any, by which the Borough proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:97-3.

"Housing Element" means the portion of the Borough's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.A.C. 5:97-2.3 and establishes the Borough's fair share obligation.

“Inclusionary development” means 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 non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

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

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

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not

limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

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

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

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

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

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

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

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

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

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

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

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

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

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

§ __-3. New Construction. The following requirements shall apply to all new or planned developments that contain low- and moderate- income housing units.

A. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development:

| Maximum Percentage of Market-Rate Units <u>Completed</u> | Minimum Percentage of Low- and Moderate- Income <u>Units Completed</u> |
|--|--|
| 25 | 0 |
| 25+1 | 10 |
| 50 | 50 |
| 75 | 75 |
| 90 | 100 |

B. Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

C. 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*.

D. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

E. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

I. 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. Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very low income households.
4. 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 low- and moderate-income units;
 - (b) At least 30% of all low- and moderate-income units shall be two bedroom units;
 - (c) At least 20% of all low- and moderate-income units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
5. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted 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.

F. 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. 5:23-7 and N.J.A.C. 5:97-3.14.
2. All restricted townhouse dwelling units and all restricted units in other 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
- (f) 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. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Borough has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (1) 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.
 - (2) To this end, the builder of restricted units shall deposit funds within the Borough of Hampton's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (3) The funds deposited under paragraph (2) herein, shall be used by the Borough 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.
 - (4) 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 Borough of Hampton.
 - (5) 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 Borough of Hampton's affordable housing trust fund in care of the Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

(6) 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. 5:23-7 and N.J.A.C. 5:97-3.14.

G. 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 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 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 both low-income and moderate-income units.
 - (a) At least 13% 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 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 met:
 - (a) A studio or efficiency unit 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 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 met:
- (a) A studio or efficiency unit 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 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 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 low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.
- 11. 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.

§ __-4. Condominium and Homeowners Association Fees.

For any affordable housing unit that is part of a condominium association and/or homeowners association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market rate fee.

§ __-5. Reserved.

§ __-6. Reserved.

§ __-7. Reserved.

§ __-8. Reserved.

§ __-9. Reserved.

ARTICLE II

Affordable Unit Controls and Requirements

§ __-10. Purpose.

The requirements of this section apply to all developments that contain affordable housing units, including any currently unanticipated future developments that will provide low- and moderate- income housing units.

§ __-11. Affirmative Marketing.

- A. The Borough shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, 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 3 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 3, comprised of Hunterdon, Middlesex and Somerset Counties.
- D. The Administrative Agent designated by the Borough shall assure the affirmative marketing of all affordable units is 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 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 the Borough of Hampton.

§ __-12. 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 sex 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.

§ __-13. Selection of Occupants of Affordable Housing Units.

- A. The administrative agent shall use a random selection process to select occupants of low- and moderate- income housing.

- B. A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 *et seq.*

§ __-14. 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, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years.
- B. Rehabilitated owner-occupied single family housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- D. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- E. 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.

§ __-15. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

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:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- D. 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.

§ __-16. 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 low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

§ __-17. 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).

§ __-18. 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, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years.
- B. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. 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 Hunterdon. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

D. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:

1. Sublease or assignment of the lease of the unit;
2. Sale or other voluntary transfer of the ownership of the unit; or
3. The entry and enforcement of any judgment of foreclosure.

§ 19. 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 Ordinance.

§ 20. 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-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (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 (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

§ __-21. Conversions.

Each housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

§ __-22. Reserved.

§ __-23. Reserved.

§ __-24. Reserved.

ARTICLE III
Administration

§ __-25. Municipal Housing Liaison.

- A. The position of Municipal Housing Liaison for the Borough of Hampton is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Borough Council and be subject to the approval of COAH.
- B. The Municipal Housing Liaison must be either a full-time or part-time employee of the Borough of Hampton.
- C. The Municipal Housing Liaison must meet COAH's requirements for qualifications, including initial and periodic training.
- D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Hampton,

including the following responsibilities which may not be contracted out to the Administrative Agent:

1. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
2. The implementation of the Affirmative Marketing Plan and affordability controls.
3. When applicable, supervising any contracting Administrative Agent.
4. Monitoring the status of all restricted units in the Borough of Hampton's Fair Share Plan;
5. Compiling, verifying and submitting annual reports as required by COAH;
6. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
7. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.

§ __-26. Administrative Agent.

- A. The Borough shall designate by resolution of the Borough Council, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- B. 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).
- C. 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, 16 and 18 thereof, which includes:
 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;

2. Affirmative Marketing;
3. Household Certification;
4. Affordability Controls;
5. Records retention;
6. Resale and re-rental;
7. Processing requests from unit owners; and
8. Enforcement, although the ultimate responsibility for retaining controls on the units rests with the municipality.
9. The Administrative Agent shall, as delegated by the Borough Council, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

§ __-27. 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 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:
 - I. 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 \$500.00 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 low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Hampton 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 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 low- and 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 low- and 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's 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 low- and 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 low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- 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 low- and 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 low- and 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 low- and 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 low- and 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 of governing affordable housing units until such time as title is conveyed from the Owner.

§ —-28. **Appeals.** Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

Section 2. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any Court of competent jurisdiction that any such portion of this Ordinance is unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

Section 4. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Hampton, in the County of Hunterdon, State of New Jersey, held on (Insert Date). It will be further considered for final passage, after public hearing thereon, at a meeting of the Borough Council to be held in the meeting room of the Municipal Building, 1 Wells Ave, Hampton on (Insert Date) at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

Cathy Drummond, R.M.C., Clerk

Appendix H.
Draft Development Fee Ordinance

Ordinance ____
Draft Development Fee Ordinance
Hampton Borough, Hunterdon County, New Jersey

I. Purpose

- a) In Holmdel Builder's 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 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 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 non-residential development.
- c) This ordinance 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 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

2. Basic requirements

- a) This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- b) Hampton Borough shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. "Affordable housing development" means 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 percent affordable development.
 - ii. "COAH" or the "Council" means 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.

- iii. “Development fee” means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
 - iv. “Developer” means 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.
 - v. “Equalized assessed value” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
 - vi. “Green building strategies” means 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.
4. Residential Development fees
- a) Imposed fees
 - i. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent of the equalized assessed value for residential development provided no increased density is permitted.
 - ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-7od(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six percent 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 one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent 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
 - i. 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.

- ii. 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.
- iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

5. Non-residential Development fees

a) Imposed fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (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 non-residential development fee shall be zero.

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

- iii. Non-residential developments shall be exempt from the payment of non-residential 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.
- iv. A developer of a non-residential development exempted from the non-residential 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 non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Hampton Borough as a lien against the real property of the owner.

6. Collection procedures

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) For non-residential 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 non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential 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.
- c) 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.
- d) 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.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

- f) 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.
- g) Should Hampton Borough 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 (C.40:55D-8.6).

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 issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

- i) Appeal of development fees
 - 1) 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 Hampton Borough. 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, R.S.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.
 - 2) A developer may challenge non-residential 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 Hampton Borough. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.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.

7. 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 non-residential 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 ten percent (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 Hampton Borough's affordable housing program.
- c) Within seven days from the opening of the trust fund account, Hampton Borough shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.
- 8 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 the Hampton Borough'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 housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential 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 8.9 and specified in the approved spending plan.
- b) Funds shall not be expended to reimburse Hampton Borough for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to 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 percent or less of median income by region.

- i. 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.
 - ii. Affordability assistance to households earning 30 percent 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 percent or less of median income.
 - iii. 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) Hampton Borough 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, in accordance with N.J.A.C. 5:96-18.
 - e) No more than 20 percent 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 percent 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 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.
9. Monitoring
 - a) Hampton Borough shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Hampton Borough's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court. All monitoring reports shall be completed on forms designed by COAH.
 10. Ongoing collection of fees

- a) The ability for Hampton Borough to impose, collect and expend development fees shall expire with its judgment of compliance unless Hampton Borough has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Hampton Borough fails to renew its ability to impose and collect development fees prior to the expiration of 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 (C.52:27D-320). Hampton Borough shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Hampton Borough retroactively impose a development fee on such a development. Hampton Borough shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

Appendix I.

**Governing Body Resolution Requesting Review and
Approval of Development Fee Ordinance**

Resolution No. 50-10
Governing Body Resolution Requesting Approval of Draft Development Fee Ordinance
Hampton Borough, Hunterdon County, New Jersey

WHEREAS, the Governing Body of Hampton Borough, Hunterdon County will petition Superior Court for a Judgment of Repeal; and

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d);
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, Hampton Borough has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Governing Body of Hampton Borough, Hunterdon County requests that COAH review and approve Hampton Borough's development fee ordinance.



Cathy Drummond, RMC
Municipal Clerk


James Cregar, Council President

Date of Adoption: June 7, 2010

Appendix J.
Draft Escrow Agreement

**Draft Escrow Agreement for the Affordable Housing Trust Fund
Hampton Borough, Hunterdon County, New Jersey**

This Escrow Agreement made this ____ day of [month], [year], by and between the Council on Affordable Housing (COAH) and Hampton Borough and [insert name of bank] (the Bank).

WHEREAS, a municipality may impose, collect and spend development fees and establish an affordable housing trust fund that includes, development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Hampton Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq.; and

WHEREAS, on [insert date of approval] Superior Court approved the Hampton Borough Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and P.L.2008, c.46 (C. 52:27D-329.1 et al) and requiring that funds shall only be applied directly toward implementation of Hampton Borough's Court approved Fair Share Plan or Court Judgment of Compliance; and

WHEREAS, on [insert date] the governing body of Hampton Borough adopted Ordinance No. [insert number], the Development Fee Ordinance of Hampton Borough, amending the Municipal Code; and

WHEREAS, Superior Court has not yet approved a spending plan for Hampton Borough, Hampton Borough acknowledges that no expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Hampton Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. may occur prior to COAH's approval of a spending plan; and

WHEREAS, the Development Fee Ordinance requires an interest-bearing housing trust fund to be established for the purpose of receiving collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Hampton Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and provides that no money shall be expended from the

housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH and the conditions set out at N.J.A.C. 5:97-8.7-8.9; and

WHEREAS, COAH's approval of the Development Fee Ordinance further requires Hampton Borough, within seven days of opening the trust fund account authorized by the ordinance, to enter into an escrow agreement with COAH pursuant to N.J.A.C. 5:97-8.2(a) to enable COAH to monitor disbursement of collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Hampton Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and to direct the forfeiture of such funds after proper notice if their imposition, collection and/or expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:97-8.13(a), the spending plan approved by COAH, and P.L.2008, c.46 (C. 52:27D-329.1 et al); and

WHEREAS, the Development Fee Ordinance further provides that if COAH determines that the imposition, collection, and/or expenditure of development fees are not in conformance with the terms of the approved Development Fee Ordinance, approved spending plan, and P.L.2008, c.46 (C. 52:27D-329.1 et al), COAH may, after a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., revoke a Development Fee Ordinance approval and direct the transfer of funds including future collection of non-residential development fees to the New Jersey Affordable Housing Trust Fund.

NOW THEREFORE, COAH, Hampton Borough and the Bank agree as follows:

1. Designation of Escrow Agent

COAH and Hampton Borough hereby designate *[insert name of bank]* (the Bank) as their escrow agent, upon terms and conditions set forth herein, for the purpose of (a) receiving development fees, payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Hampton Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. collected by Hampton Borough, (b) holding such sums in the escrow account hereinafter described, and (c) disbursing the monies upon the direction of the Chief Financial Officer of Hampton Borough consistent with the spending plan approved by COAH.

2. Escrow Account

Hampton Borough shall deposit all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in

connection with Hampton Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. with the escrow agent and said escrow agent shall establish a separate, interest bearing account to be known as *[insert name of account]* (the Account) and shall deposit therein such initial funds, as well as all subsequent development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Hampton Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. received from Hampton Borough. At no time shall the escrow agent co-mingle the funds deposited in the Account with any other funds or accounts held or maintained by the escrow agent, nor shall the escrow agent at any time set off any amount on deposit in the Account against (a) any indebtedness owed to the escrow agent by Hampton Borough or any other party, (b) any other obligation owed to the escrow agent by Hampton Borough or any other party, or (c) any claim which the escrow agent may have against Hampton Borough or any other party.

3. Application of Amounts on Deposit

The funds in the Account shall only be used for eligible affordable housing activities of Hampton Borough as set forth in a spending plan approved by COAH. The Bank shall disburse funds in the Account upon the direction of the Chief Financial Officer of Hampton Borough, unless notified otherwise by COAH.

4. Cessation of Disbursements from Funds and Forfeiture of Funds to the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320)

COAH shall have the authority to halt disbursements by Hampton Borough from the Account upon written notice to the Bank and to direct all remaining funds to the New Jersey Affordable Housing Trust Fund. COAH shall have such authority if it determines, after notice to Hampton Borough, that the municipality is not in compliance with all conditions set out in N.J.A.C. 5:97-8.13(a), the Spending Plan and the Development Fee Ordinance. Upon receipt of written notice to cease disbursements from the Account, the Bank shall immediately halt disbursements by Hampton Borough until further written notice from COAH. The Bank shall allow the transfer of funds by COAH to the New Jersey Affordable Housing Trust Fund on behalf of Hampton Borough. COAH shall provide the Hampton Borough municipal clerk and chief financial officer with copies of all written notices.

In the event that any of the following conditions, as set out in N.J.A.C. 5:97-8.13(a) occur, COAH shall be authorized on behalf of Hampton Borough and consistent with its rules and P.L.2008, c.46 (C. 52:27D-329.1 et al), to transfer all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Hampton Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq., to the New Jersey Affordable Housing Trust Fund :

- a. Failure to meet deadlines for information required by Superior Court in its review of a Housing Element and Fair Share Plan, development fee ordinance or plan for spending fees;
 - b. Failure to address COAH's conditions for approval of a plan to spend development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Hampton Borough's affordable housing program within the deadlines imposed by COAH;
 - c. Failure to address Superior Court's conditions for Judgment of Repose within deadlines imposed by Superior Court;
 - d. Failure to submit accurate annual monitoring reports pursuant to N.J.A.C. 5:97-8.12(a) within the time limits imposed by COAH;
 - e. Failure to implement the Spending Plan and expend the funds within the time schedules specified in the Spending Plan, including the requirement to spend the remaining trust fund balance pursuant to N.J.A.C. 5:97-8.10(a)8 and collected fees pursuant to P.L.2008, c.46 (C.52:27D-329.2(8.d) & C.52:27D-329.3(9.b)) within four years;
 - f. Expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Hampton Borough's affordable housing program on activities not permitted by COAH;
 - g. Revocation of certification; or
 - h. Other good cause demonstrating that the revenues are not being used for the approved purpose.
5. Standard of Care; Indemnification

The Bank shall use reasonable care and due diligence in the performance of all of its duties hereunder. Hampton Borough shall indemnify COAH and hold it harmless from and against all liabilities, losses or damages incurred under COAH with respect to any action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.

6. Records and Accounts

The Bank shall keep accurate financial records and accounts of all transactions relating to the Account, including but not limited to all deposits to the Account, disbursements from the Account and interest earned on the Account which shall be made available for inspection by COAH and Hampton Borough, or their respective designees, at any reasonable time. Hampton Borough shall provide COAH with reports on a quarterly basis, which set forth the amount, date and description of all activity from the Account as well as other information COAH may require to monitor the Account.

7. Notices

All notices, certificates or other communications hereunder shall be delivered by hand or mailed by certified mail to the parties at the following addresses:

a. If to COAH: New Jersey Council on Affordable Housing
101 South Broad Street
PO Box 813
Trenton, NJ 08625-0813

b. If to Municipality: Municipal Clerk and Chief Financial Officer
[insert address]

c. If to Bank: [insert address]

Any of the parties may hereby designate different or additional addresses by notice in writing given to the other parties.

8. Further Assistance

The parties hereto shall authorize, execute, acknowledge and deliver such further resolutions, assurances and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights and interests granted hereunder.

9. Agreement Subject to the Fair Housing Act

This agreement is subject to the Fair Housing Act, P.L.2008, c.46 (C. 52:27D-329.1 et al) and the rules of COAH set forth at N.J.A.C. 5:97-8.1 et seq., and nothing contained herein shall be interpreted to limit or restrict in any way the discretion and authority vested in COAH by the Act or rules.

10. Amendments

This agreement may not be amended, supplemented or modified except by a written instrument executed by all the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date set forth above.

Date

[insert name], on behalf of Hampton Borough

Date

on behalf of the New Jersey Council
on Affordable Housing (COAH)

Date

[insert name], on behalf of *[insert name of bank]*

Appendix K.
Spending Plan



Clarke Caton Hintz

Architecture

Planning

Landscape Architecture

Spending Plan

Hampton Borough, Hunterdon County, New Jersey

100 Barrack Street
Trenton NJ 08608
clarkecatonhintz.com
Tel: 609 883 8383
Fax: 609 883 4044

John Clarke, FAIA
Philip Caton, FAICP
Carl Hintz, AICP, ASLA
John Hatch, AIA
George Hibbs, AIA
Brian Slaugh, AICP
Michael Sullivan, AICP

June 2010

INTRODUCTION

Hampton Borough, Hunterdon County has prepared a third round 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. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). The Borough does not have a COAH approved development fee ordinance; however, the Borough has included a development fee ordinance with its third round petition package.

As Hampton Borough has not yet collected revenue targeted for affordable housing, the Borough did not establish an affordable housing trust fund. Upon approval of the Borough's development fee ordinance and receipt of substantive certification, the Borough will establish an affordable housing trust fund with a tri-party escrow agreement. Once the account is established, all development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees shall be deposited in the separate interest-bearing affordable housing trust fund. 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.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, Hampton Borough considered the following:

(a) Development fees: \$54,000

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): \$0

Actual and committed payments in lieu (PIL) of construction from developers. The Borough does not anticipate any future payments in lieu of construction.

(c) Other funding sources: \$0

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, and proceeds from the sale of affordable units. Hampton Borough does not anticipate other sources of funds being collected during the third round period.

(d) Projected interest: \$480

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

Table 1. Projected Revenues (2010 – 2018)

| SOURCE OF FUNDS | PROJECTED REVENUES-HOUSING TRUST FUND - 2010 THROUGH 2018 | | | | | | | | | |
|--------------------------------------|---|-------|-------|-------|-------|-------|-------|-------|-------|----------|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Total |
| (a) Development fees: | | | | | | | | | | |
| 1. Approved Development | 0 | 6,750 | 6,750 | 6,750 | 6,750 | 6,750 | 6,750 | 6,750 | 6,750 | \$54,000 |
| 2. Development Pending Approval | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3. Projected Development | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| (b) Payments in Lieu of Construction | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| (c) Other Funds (Specify source(s)) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| (d) Interest | 0 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | \$480 |
| Total | 0 | 6,810 | 6,810 | 6,810 | 6,810 | 6,810 | 6,810 | 6,810 | 6,810 | \$54,480 |

Hampton Borough projects a total of \$54,480 in revenue to be collected between January 1, 2010 and December 31, 2018. 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 Hampton Borough:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Hampton Borough'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).

(b) Distribution of development fee revenues:

The Planning Board adopts and forwards a resolution to the governing body recommending the expenditure of development fee 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 the funds requires the adoption of the governing body resolution in accordance with the COAH-approved spending plan. Once a request is approved by resolution, the Chief 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) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

Hampton Borough will dedicate \$54,480 to the rehabilitation and new construction programs (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation(s): up to \$20,000

New construction project(s): \$ 7,240

The Borough will allocate \$7,240 to its accessory apartment program.

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

Table 2. Projected Minimum Affordability Assistance Requirement

| | | |
|---|----------|----------|
| Actual development fees through 12/31/2008 | | \$0 |
| Actual interest earned through 12/31/2008 | + | \$0 |
| Development fees projected 2010-2018 | + | \$54,000 |
| Interest projected 2010-2018 | + | \$480 |
| Less housing activity expenditures through 6/2/2008 | - | \$0 |
| Total | = | \$54,480 |
| 30 percent requirement | x 0.30 = | \$16,344 |
| Less Affordability assistance expenditures through 12/31/2008 | - | 0 |
| PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2009 through 12/31/2018 | = | \$16,344 |
| PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2009 through 12/31/2018 | ÷ 3 = | \$5,448 |

Hampton Borough will dedicate \$16,344 from the affordable housing trust fund to render units more affordable, including \$5,448 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

- a. Down-payment assistance
- b. Rental assistance
- c. Security deposit assistance
- d. Low interest loans
- e. Assistance with homeowners association or condominium fees and special assessment;
- f. Converting low-income units to very-low income units, etc.; and/or,
- g. Emergency repairs.

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

Hampton Borough projects that \$10,896 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:

Table 3. Projected Administrative Expenses (2010 to 2018)

| | | |
|--|----------|----------|
| Actual development fees through December 31, 2009 | | \$0 |
| Actual interest earned through December 31, 2009 | + | \$0 |
| Development fees (2010-2018) | + | \$54,000 |
| Interest projected (2010-2018) | + | \$480 |
| Less housing activity expenditures through Dec. 31, 2009 | - | \$0 |
| Total | = | \$54,480 |
| 20 percent maximum permitted administrative expenses | x 0.20 = | \$10,896 |
| Less administrative expenditures through December 31, 2004 | - | \$0 |
| Projected allowed administrative expenditures | = | \$10,896 |

4. EXPENDITURE SCHEDULE

Hampton Borough 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.

Table 4. Projected Expenditures (2010 to 2018)

| Program <i>[Individually list programs and projects e.g. Rehab, Accessory Apartments, for-sale and rental municipally sponsored, etc].</i> | Number of Units Projected | Funds Expended and/or Dedicated | PROJECTED EXPENDITURE SCHEDULE 2010 -2018 | | | | | | | | | |
|---|---------------------------|---------------------------------|---|-------|-------|-------|-------|-------|-------|-------|--------|----------|
| | | | 2005- 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
| <i>Rehabilitation Program</i> | 2 | | | 0 | 0 | 0 | 10k | 0 | 10k | 0 | 0 | \$20,000 |
| Accessory Apartment Program | 4 | | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7,240 | \$7,240 |
| | | | | | | | | | | | | |
| Total Programs | 6 | | | 0 | 0 | 0 | 10k | 0 | 10k | 0 | 7,240 | \$27,240 |
| Affordability Assistance | | | | 2,043 | 2,043 | 2,043 | 2,043 | 2,043 | 2,043 | 2,043 | 2,043 | \$16,344 |
| Administration | | | | 1,362 | 1,362 | 1,362 | 1,362 | 1,362 | 1,362 | 1,362 | 1,362 | \$10,896 |
| Total | | | | 3,405 | 3,405 | 3,405 | 13405 | 3,405 | 13405 | 3,405 | 10,645 | \$54,480 |

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Amended Third Round Housing Element and Fair Share Plan, the governing body of Hampton Borough will rely on outside funding sources outlined in the “A Guide to Affordable Housing Funding Sources,” dated October 2008, posted on COAH’s website in the event of a shortfall of funds for the rehabilitation program, the proposed group home on the Lumberyard Site, and the accessory apartment program. 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.

6. BARRIER FREE ESCROW

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

SUMMARY

Hampton Borough 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 May 2010.

Hampton Borough has a balance of \$0 as of December 31, 2009 and anticipates collecting \$54,480 in revenues before the expiration of substantive certification for a total of \$54,480. The municipality will dedicate \$27,240 towards its rehabilitation program and its accessory apartment program, \$16,344 to render units more affordable, and \$10,896 to administrative costs. In the event of a shortfall of funds, the Borough will rely on outside funding sources outlined in “A Guide to Affordable Housing Funding Sources”. The municipality will dedicate any excess funds toward affordability assistance.

Table 5. Spending Plan Summary

| SPENDING PLAN SUMMARY | | |
|--|---|------------|
| Balance as of December 31, 2009 | | \$0 |
| PROJECTED REVENUE 2010-2018 | | |
| Development fees | + | \$54,000 |
| Payments in lieu of construction | + | \$0 |
| Other funds | + | \$0 |
| Interest | + | \$480 |
| TOTAL REVENUE | | = \$54,480 |
| EXPENDITURES | | |
| Funds used for Rehabilitation | - | \$20,000 |
| Funds used for New Construction | | |
| i. Accessory Apartment Program | - | \$7,240 |
| Affordability Assistance | - | \$16,344 |
| Administration | - | \$10,896 |
| Excess Funds for Additional Housing Activity | = | \$0 |
| TOTAL PROJECTED EXPENDITURES | | = \$54,480 |
| REMAINING BALANCE | | = \$0 |

Appendix L.

Governing Body Resolution Requesting Review and Approval of Spending Plan

Resolution No. 49-10
Governing Body Resolution Requesting Approval of Spending Plan
Hampton Borough, Hunterdon County, New Jersey

WHEREAS, the Governing Body of Hampton Borough, Hunterdon County will petition Superior Court for a Judgment of Repose; and

WHEREAS, Hampton Borough will request approval from COAH of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds and/or proceeds from the sale of affordable units;

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

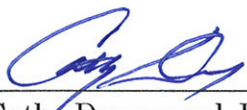
WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and

8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, Hampton Borough has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of Hampton Borough, Hunterdon County requests that COAH review and approve Hampton Borough's spending plan.



Cathy Drummond, RMC
Municipal Clerk



James Oregar, Council President

Date of Adoption: *June 7, 2010*

Appendix M.

Governing Body Resolution of Intent to Bond

Resolution No. 51-10
Governing Body Resolution of Intent to Bond In Case of Shortfall
Hampton Borough, Hunterdon County, New Jersey

WHEREAS, Hampton Borough, Hunterdon County, has petitioned the Superior Court with its adopted Third Round housing element and fair share plan for a Judgment of Repose; and

WHEREAS, Hampton Borough may be required to allocate funds for the rehabilitation, accessory apartment and municipally sponsored construction projects; and

WHEREAS, Hampton Borough anticipates that funding will come from the following sources to satisfy said obligation: sources including, but not limited to, the Borough's affordable housing trust fund – development fees and in-lieu payments; and governmental sources such as the Federal Low Income Housing Tax Credits, New Jersey Balanced Housing funds, HUD funding, Federal Home Loan Bank Board financing, HMFA bond financing, Small Cities funds, etc.; and


WHEREAS, in the event that the above funding sources prove inadequate to meet Hampton Borough's funding obligation, Hampton Borough shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the governing body of Hampton Borough, Hunterdon County, State of New Jersey, that the governing body does hereby agree to fund any shortfalls in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that said shortfall shall be funded by bonding if there are no other resources.



James Cregar, Council President

Attest: 

Cathy Drummond, RMC
Municipal Clerk

Date of Adoption: June 7, 2010

Appendix N.

Draft Housing Liaison Ordinance and Appointing Resolution

ORDINANCE NO. _____-_____
Draft Ordinance to Create the Position of Housing Liaison
Hampton Borough, Hunterdon County, New Jersey

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of Hampton Borough's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL HOUSING LIAISON – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Hampton Borough

ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Hampton Borough to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

Section 3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for Hampton Borough.
- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Hampton Borough, including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:
 - (1) Serving as Hampton Borough's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (2) Monitoring the status of all restricted units in Hampton Borough's Fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;

- (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
- (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Hampton Borough as described in F. below.

- D. Subject to approval by COAH, Hampton Borough may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of Hampton Borough, except for those responsibilities which may not be contracted out pursuant to subsection C above. If Hampton Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.

Section 4. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Adopted: _____

ATTEST:

APPROVED:

Cathy Drummond
Municipal Clerk

Kristine Peterson
Mayor

Resolution ____
Governing Body Resolution Appointing the Housing Liaison
Hampton Borough, Hunterdon County, New Jersey

WHEREAS, the Governing Body of Hampton Borough will petition the Superior Court for a Judgment of Repeal; and

WHEREAS, Hampton Borough's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., Hampton Borough is required to appoint a Municipal Housing Liaison for the administration of Hampton Borough's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, Hampton Borough has amended Chapter ____ entitled ____ to provide for the appointment of a Municipal Housing Liaison to administer Hampton Borough's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Hampton Borough in the County of Hunterdon, and the State of New Jersey that ____ is hereby appointed by the Governing Body of Hampton Borough as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Sections ____ of Hampton Borough's ____ Code.

Cathy Drummond
Municipal Clerk

Appendix O.

Draft Administrative Agent Contract & Appointing Resolution

**Draft Contract with Administrative Agent
Hampton Borough, Hunterdon County, New Jersey**

THIS AGREEMENT, entered into as of this the ____ day of _____, 20____,

BETWEEN Hampton Borough, a municipality and instrumentality of the State, having offices at 1 Wells Avenue, hereinafter called the "Municipality"; and

[insert name of administrative agent], having offices at [insert address], hereinafter called the "Administrative Agent."

WITNESSETH

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., hereinafter the "Act") the Municipality is implementing a program to provide affordable housing units to low- and moderate-income households desiring to live within the Municipality; and

WHEREAS, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code, the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low- and moderate-income units that are created under the Act are occupied by low- and moderate-income households for an appropriate period of time (the "Rules"); and

WHEREAS, Section 5:80-26.14 of the Rules provides that affordability controls may be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, the Municipality has selected [insert name of administrative agent] to be the Administrative Agent for the purposes of providing affordability control services for [select one of the following: all affordable housing within the municipality or specify development names or types], as included in this contract.

NOW THEREFORE, subject to approval by, the Municipality and the Administrative Agent hereby agree to the following terms and conditions:

Section 1. Term

This Agreement shall become effective as of the ____ day of _____, 20 ____, and shall have a term of [insert number] years, terminating at the close of business on the ____ day of _____, 20 ____, subject to the termination and renewal provisions set forth in Section 4, below.

Section 2. Applicability and Supersession

This Agreement shall define and govern all terms between the parties with respect to affordability controls for affordable housing units provided under the Act, and shall supersede all prior agreements or documents related thereto.

Section 3. Agency and Enforcement Delegation

The Municipality and the Administrative Agent acknowledge that under the Rules, the Administrative Agent is acting hereunder primarily as an agent of the Municipality. Anything herein to the contrary notwithstanding, however, the Municipality hereby delegates to the Administrative Agent, and the Administrative Agent hereby accepts, primary responsibility for enforcing substantive provisions of the Act and the Rules. The Municipality, however, shall retain the ultimate responsibility for ensuring effective compliance with the Rules and the Administrative Agent will come under the supervision of the Municipal Housing Liaison.

Section 4. Termination and Renewal

- (1) The Agreement may be terminated by either party, by giving [insert number] months advanced written notice to the other, to the address and in the form as set forth in Section 8, below, provided however, that no such termination may take effect unless and until an alternate Administrative Agent has been selected by the Municipality and approved by all required governmental authorities.
- (2) Unless terminated, this Agreement shall automatically be renewed for [insert number] successive terms of [insert number] years each.

Section 5. Assignment of Affordable Housing Units

For the term hereof, and without exception, this Agreement shall govern the provision of affordability control services for the following affordable housing units located within the Municipality that fall under the jurisdiction of the Act: Accessory apartment and rehabilitation programs.

Section 6. Responsibilities of the Administrative Agent

The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in the Rules, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

- (1) Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of Hampton Borough and the provisions of N.J.A.C. 5:80-26.15;

- (b) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH; and
 - (c) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (2) Household Certification
- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (f) Employing a random selection process as provided in the Affirmative Marketing Plan of Hampton Borough when referring households for certification to affordable units.
- (3) Affordability Controls
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and

- (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and rental
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing requests from unit owners
- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems;
 - (c) Notifying the Municipality of an owner's intent to sell a restricted unit; and
 - (d) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement
- (a) Securing annually from municipalities lists of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

- (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - (g) Providing annual reports to COAH as required.
- (7) Records received, retained, retrieved, or transmitted under the terms of this contract may constitute public records of Hampton Borough as defined by N.J.S.A. 47:3-16, and are legal property of Hampton Borough. The Administrative Agent named in this contract must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.

The Hampton Borough has identified the following as public records under this contract, subject to the above-cited provisions:

| | |
|-----------|---|
| 0120-0000 | Affordable Housing Project File |
| 0120-0001 | Affordable Housing Project File-Approved |
| 0120-0002 | Affordable Housing Project File-Denied/Withdrawn |
| 0120-0003 | Affordable Housing Project File-Referral List |
| 0112-0000 | Affordable Housing Application File-Individual |
| 0121-0002 | Affordable Housing Application File-Certification Denied or Expired |
| 0122-0000 | Affordable Housing Unit File |
| 0122-0001 | Affordable Housing Unit File-Mailing Notification of Responsibilities |
| 0123-0000 | Affordable Housing Unit Inventory |
| 0124-0000 | Affordable Housing Trust Fund and/or Regional Contribution Agreement (RCA) Bank Account |
| 0125-0000 | Enforcement File-Projects and Units |
| 0126-0000 | Monitoring Reports-Annual Submission |
| 0127-0000 | Operations Manual |

Although the State has used its best efforts to identify all records which qualify as public records under this contract, the State reserves the right to amend the above list from time to time as warranted.

- (8) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

Section 7. Responsibilities of The Municipality

The Municipality shall:

- (1) Provide to the Administrative Agent the name, title and telephone number of the municipal official designated as the Municipal Housing Liaison to the Administrative Agent on all matters related to this Agreement;

- (2) Ensure that applicable local ordinances are not in conflict with, and enable efficient implementation of, the Rules and the provisions of this Agreement;
- (3) Monitor the status of all restricted units in the Municipality's Fair Share Plan;
- (4) Compile, verify, and submit annual reports as required by COAH;
- (5) Coordinate meetings with affordable housing providers and Administrative Agents, as applicable;
- (6) Develop an Affirmative Marketing Plan and distribute to the Administrative Agent;
- (7) Ensure that all restricted units are identified as affordable within the tax assessor's office and any Municipal Utility Authority (MUA). The municipality and MUA shall promptly notify the Administrative Agent of a change in billing address, payment delinquency of two billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units; and
- (8) Provide all reasonable and necessary assistance to the Administrative Agent in support of efforts to enforce provisions of the Act, the Rules, deed covenants, mortgages, court decisions or other authorities governing the affordability control services to be provided under the Agreement.

Section 8. Notices

All notices and other written communications between the Municipality and the Administrative Agent shall be to the addresses and personnel specified below:

if to the Municipality:

Attn: _____

if to the Administrative Agent:

Attn: _____

Section 9. Non-Waiver of Conditions

The failure of either party to insist upon strict performance of any provision of this Agreement in any one or more instances shall not constitute a consent to waiver of or excuse for any other different or subsequent breach of the same or other provision, nor as a result shall either party relinquish any rights which it may have under this Agreement. No terms or provisions hereof shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the waiving party.

Section 10. Merger and Amendment

This written Agreement, together with its Exhibits, constitutes the sole agreement between the parties with respect to the matters covered therein, and no other written or oral communication exists which shall bind the parties with respect thereto, provided however that this Agreement may be modified by written amendments clearly identified as such and signed by both the Municipality and the Administrative Agent.

Section 11. Partial Invalidation of Agreement

Should any provision of this Agreement be deemed or held to be invalid, ineffective or unenforceable, under present or future laws, the remainder of the provisions shall remain in full force and effect.

IN WITNESS WHEREOF, the Municipality and the Administrative Agent have executed this Agreement in triplicate as of the date first above written.

THE MUNICIPALITY OF _____

BY _____

XXXXXXXXXXXXXX

Title

[insert name of Administrative Agent]

BY _____

XXXXXXXXXXXXXX

Title

ACKNOWLEDGEMENTS

On this the ____ day of _____, 20__ before me came _____ known and known to me to be the _____ of _____, the Municipality identified as such in the foregoing Agreement, who states that (s)he is duly authorized to execute said Agreement on behalf of said Municipality, and that (s)he has so executed the foregoing Agreement for the purposes stated therein.

NOTARY PUBLIC

On this the ___ day of __, 20__ before me came _____, known and known to me to be the _____ of , _____, the Administrative Agent identified as such in the foregoing Agreement, who states that (s)he has signed said Agreement on behalf of said Administrative Agent for the purposes stated therein.

NOTARY PUBLIC

Resolution ____
Governing Body Resolution Authorizing Administrative Agent Contract
Hampton Borough, Hunterdon County, New Jersey

WHEREAS, the Governing Body of Hampton Borough, Hunterdon County will petition Superior Court for a Judgment of Repose; and

WHEREAS, Hampton Borough’s Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH’s Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, the Mayor and Council of the Hampton Borough wish to enter into an agreement with [insert name of administrative agent] for the purpose of administering and enforcing the affordability controls and the Affirmative Marketing Plan of Hampton Borough, adopted by Resolution Number [insert number] on [insert date municipality adopted affirmative marketing plan], in accordance with the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et.seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et.seq.; and

WHEREAS, the agreement designates [insert name of administrative agent] as the Administrative Agent for Hampton Borough’s affordable housing program.

NOW THEREFORE BE IT RESOLVED, that subject to COAH’s approval of this agreement, the Mayor and Municipal Clerk are hereby authorized to sign this agreement dated [insert date]; and

BE IT FURTHER RESOLVED, Hampton Borough hereby designates the Municipal Housing Liaison as the liaison to [insert name of administrative agent]; and

BE IT FURTHER RESOLVED, this agreement is hereby attached to the original of this resolution.

Adopted: [insert date]

ATTEST: _____
Cathy Drummond, Municipal Clerk

APPROVED: _____
Kristine Peterson, Mayor