

Please take notice that the following Ordinance was adopted on first reading by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, at a meeting held on the 1st day of March 2018. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage after a public hearing to be held on the 5th day of April, 2018 at a meeting beginning at 7:00 PM at the Municipal Building located on the corner of County Road 519 and Oak Grove Road, Kingwood Township, New Jersey, at which time all interested parties will be heard.

ORDINANCE NO. 19 -07- 2018

AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON (MHL) BY AMENDING CHAPTER 83 FOR THE PURPOSE OF ADMINISTERING KINGWOOD TOWNSHIP'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT AND KINGWOOD TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the Township Committee of the Township of Kingwood, Hunterdon County and State of New Jersey that the following amendments be made to Chapter 83 of the Kingwood Township Code.

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of Kingwood Township'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:

MHL ADMINISTRATOR – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Kingwood Township.

ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Kingwood Township 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 MHL position and compensation; powers and duties.

- A. Establishment of position of MHL. There is hereby established the position of MHL for Kingwood Township.
- B. Subject to the approval of the Council on Affordable Housing (COAH), if there be one, or in the absence of COAH, the Court, the MHL shall be appointed by the Governing Body and may be a full or part time employee.
- C. The MHL shall be responsible for oversight and administration of the municipality's affordable housing program, including the following responsibilities which may not be contracted out:
 - (1) Serving as Kingwood Township'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 Kingwood Township's Fair Share Plan;

- (3) Compiling, verifying, and submitting periodic monitoring and reporting as required in accordance with COAH or the Court's requirements;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) Attending continuing education opportunities as offered or approved by COAH;
 - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Kingwood Township as described in F. below.
- D. Subject to approval by COAH or the Court, whichever the case may be, Kingwood Township 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 Kingwood Township affordable housing program, except for those responsibilities which may not be contracted out pursuant to subsection C above. If Kingwood Township contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the MHL shall supervise the contracting Administrative Agent.
- E. Compensation shall be fixed by the Governing Body at the time of the appointment of the MHL.
- F. Administrative powers and duties assigned to the MHL. The following powers and duties are hereby assigned to the Kingwood Township MHL, except to the extent that certain duties and responsibilities may be assigned to an Administrative Agent by the Township Committee.
- (1) Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Kingwood Township Affirmative Marketing Plan and the provisions of N.J.A.C. 5:80-26.15; and
 - (b) 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 the random selection process as provided in the Kingwood Township Affirmative Marketing Plan when referring households for certification to affordable units.
- (3) Affordability Controls
 - (a) Furnishing to attorneys or closing agent's 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 rental.
 - (5) Processing request 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; and
 - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
 - (6) Enforcement
 - (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
 - (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 or the Court, setting forth procedures for administering such affordability controls; and
 - (g) Providing reports to COAH or the Court, as required.
- (7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

Section 4. Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

Section 5. This ordinance may be renumbered for codification purposes.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

**TOWNSHIP COMMITTEE OF
TOWNSHIP OF KINGWOOD**

Richard Dodds, Mayor

ATTEST: April 5, 2018

**Cynthia L. Keller, RMC
Township Clerk**

Introduction: March 1, 2018

Publication:

Final Adoption:

Publication By Title Only:

| ROLL CALL VOTE | MOVED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|-----------------------|--------------|-----------------|------------|------------|----------------|---------------|
| T. Ciacciarelli | | | | | | |
| M. Synchron | | | | | | |
| R. Dodds | | | | | | |

I, Cynthia L. Keller, Clerk of the Township of Kingwood, County of Hunterdon and State of New Jersey do hereby certify the foregoing to be a true copy of Ordinance No. 19 - -2018 adopted by the Kingwood Township Committee on March 1, 2018.

**Cynthia L. Keller, RMC
Township Clerk**