

TOWNSHIP OF LUMBERTON

RESOLUTION NO. 2015-04-92

**RESOLUTION APPOINTING MUNICIPAL
ADMINISTRATIVE AGENT**

WHEREAS, pursuant to the Fair Housing Act (“FHA”), the New Jersey Council on Affordable Housing (“COAH”) granted final Substantive Certification of Lumberton Township’s twelve-year (1987 to 1993) cumulative second round Housing Element and Fair Share Plan (collectively the “Prior Round Compliance Plan”) on January 8, 1997 and a municipal Administrative Agent was thereafter appointed to administer Uniform Housing Affordability Controls (“UHAC”) as required by COAH’s rules and N.J.A.C. 5:80-26.14; and

WHEREAS, COAH thereafter granted the Township extended Substantive Certification of the Prior Round Compliance Plan on February 9, 2005 while COAH completed its third round rulemaking; and

WHEREAS, after COAH completed its initial third round rulemaking in 2005, the Planning Board adopted a Third Round Housing Element and Fair Share Plan (the “Third Round Compliance Plan”) on November 29, 2005 and the Township Committee petitioned COAH for third round Substantive Certification; and

WHEREAS, COAH’s initial third round rules, upon which the Township’s November 29, 2005 Third Round Compliance Plan was based, were thereafter invalidated by the Appellate Division of the Superior Court, whereupon COAH was directed to engage in new third round rulemaking; and

WHEREAS, when revised third round rulemaking was completed in 2008, the Planning Board adopted a revised Third Round Compliance Plan conforming to same on December 18, 2008 and petitioned COAH for third round Substantive Certification on December 31, 2008; and

WHEREAS, COAH has not granted third round Substantive Certification to date because COAH's revised third round rules were likewise invalidated by the Appellate Division, which decision was upheld by the New Jersey Supreme Court on September 26, 2013 which directed that COAH engage in new third round rulemaking within five (5) months of the date of the Court's decision; and

WHEREAS, the Municipal Administrative Agent that was previously appointed to administer the UHAC regulations has left the Township's employ and is necessary to appoint a new COAH-qualified Administrative Agent to perform this function for affordable housing projects that have not retained their own COAH-qualified Administrative Agent to perform these services; and

WHEREAS, pursuant to N.J.A.C. 5:80-26.14, 16 and 18, these services include but are not limited to the following:

- (1) Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of Lumberton Township 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 Lumberton Township 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; and
 - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement
 - (a) Securing 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 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 in performance of these administrative duties may constitute public records of Lumberton Township as defined by N.J.S.A. 47:3-16, and are legal property of Lumberton Township. The Administrative Agent named in this resolution must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.

The Township of Lumberton has identified the following as public records, 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
0112-0002	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
0125-0001	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, 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.

WHEREAS, all COAH qualified municipal Administrative Agents must take COAH

Training Courses as a condition to their appointment; and

WHEREAS, Catherine Borstad is the Secretary to the Lumberton Township Land Use Board, who is COAH qualified, has expressed a willingness to serve as the Township's Administrative Agent.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lumberton as follows:

A. Catherine Borstad, Secretary to the Lumberton Township Land Use Board, is hereby appointed as the Township's affordable housing Administrative Agent

CERTIFICATION

I, Stephanie Yurko, Municipal Clerk of the Township of Lumberton, hereby certify that the foregoing Resolution was adopted by the Township Committee of the Township of Lumberton at a regular meeting of the Township Committee held on April 28, 2015 at which a quorum was present.



Stephanie N. Yurko, RMC/CMR
Township of Lumberton

[SEAL]