

**2017 Master Plan Revisions
Housing Element and Fair Share Plan
Township of Buena Vista
Atlantic County, New Jersey**

Adopted after a public hearing by Resolution No. 02-2017 of the
Buena Vista Township Land Use Board on October 19, 2017.

Endorsed by the Governing Body on November 20, 2017 by Resolution No. 224-2017.

Certified by the Pinelands Commission on November 27, 2017.

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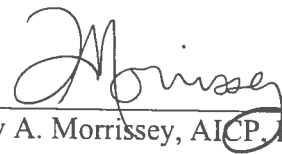
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TABLE OF CONTENTS

<i>EXECUTIVE SUMMARY</i>	4
<i>INTRODUCTION</i>	5
<i>Affordability Requirements</i>	7
<i>DEMOGRAPHIC ANALYSIS</i>	9
Housing:	14
Employment and Labor:	20
Income:	22
Consideration of Lands Appropriate for Affordable Housing	25
Availability of Existing and Proposed Infrastructure	25
Affordable Housing Obligation	25
Affordable Housing Plan	27
PRESENT NEED/REHABILITATION OBLIGATION (73 Units):	27
PRIOR ROUND OBLIGATION (19 Units):	28
<i>Prior Cycle Credits (1980-1986)</i>	28
<i>Existing Affordable Units (Post 1986)</i>	28
<i>Existing Affordable Housing Units</i>	30
<i>Bonus Provisions</i>	30
Affordable Housing Trust Fund	31
Cost Generation	31
Monitoring	31
Fair Share Ordinance And Affirmative Marketing	31
<i>CONCLUSION</i>	32
APPENDIX 1 – Rehabilitation Documentation – ACIA	34
APPENDIX 2 - Pafacom Supportive Housing Survey	35
APPENDIX 3 – Youth Consultation Services Supportive Housing Survey	36
APPENDIX 4 – Sciotti Properties Supportive Housing Survey	37
APPENDIX 5- Elwyn, NJ - Supportive Housing Survey	38
APPENDIX 6 - NEIGHBORHOOD STABILIZATION DEED RESTRICTIONS	39
APPENDIX 7 - AFFORDABLE HOUSING TRUST FUND ORDINANCE	40
APPENDIX 8 – FAIR SHARE ORDINANCE AND AFFIRMATIVE MARKETING	41

EXECUTIVE SUMMARY

This Housing Element and Fair Share Plan has been prepared for the Township of Buena Vista, Atlantic County, in accordance with the N.J. Fair Housing Act (hereinafter the “FHA”) at N.J.S.A. 52:27D-301 et. seq. Because the Supreme Court invalidated the most recent version of the regulations adopted by the New Jersey Council on Affordable Housing (“COAH”) on September 26, 2013 in In re Adoption of N.J.A.C. 5:96 & 5:97 by NJ Council on Affordable Housing, 215 N.J. 578 (2013), this Affordable Housing Plan comports with COAH’s rules at N.J.A.C. 5:91 et seq. and N.J.A.C. 5:93 et seq.

The Township had prepared and adopted a Round Three Housing Element and Fair Share Plan in February of 2009. The Council on Affordable Housing (COAH) had determined the Township’s petition as incomplete on July 22, 2010. The Township filed a Declaratory Judgment action in July of 2015 in accordance with the NJ Supreme Court’s March 10, 2015 decision. This plan has been prepared to address the Township’s current affordable housing obligation, including the prior round and the prospective need through 2025.

The Township is addressing its 73-unit indigenous need obligation through the Atlantic County Improvement Authority (ACIA) “Owner Occupied Housing Rehabilitation Program”. Since January of 2010, the ACIA has rehabilitated 12 units within the Township. The Township plans to continue to work with the ACIA to meet its indigenous need obligation. The Township will also establish its own revolving loan program using funds from the Affordable Housing Trust Fund.

The Township has addressed its prior round obligation of 19-units with scattered supportive housing. The Township has a total of 16-bedrooms in various supportive housing facilities. The Township has also utilized the Neighborhood Stabilization Program (NSP) to create family units. The Township plans to create two additional family units using the Affordable Housing Trust Fund as market-to-affordable units. This would satisfy the Township’s family unit obligation.

Any surplus credits from the Township’s existing supportive housing will be utilized for a future housing obligation. The Township does not have a prospective housing obligation.

INTRODUCTION

Every municipality in New Jersey has a constitutional obligation to provide a “realistic opportunity” to create its “fair share” of affordable housing. This obligation was established as a result of the Mount Laurel decisions decided by the Supreme Court of New Jersey and the adoption of the Fair Housing Act of 1985. In accordance with the Municipal Land Use Law, a municipality may not adopt a zoning ordinance unless it has adopted a Housing Element. (N.J.S.A. 40:55D-1 et. seq.). A Fair Share Plan addressing how the municipality will provide for affordable housing is an essential component of the Housing Element. Pursuant to N.J.S.A. 52:27D-310 the Housing Element is required to include the following:

- An inventory of the municipality’s housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
- A projection of the municipality’s housing stock, including the probable future construction of low and moderate income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends;
- An analysis of the municipality’s demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality’s present and prospective fair share of low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low and moderate income housing; and
- A consideration of the lands most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

COAH’s regulations at N.J.A.C. 5:93-5.1 require the Township’s Housing Element to “include the municipality’s strategy for addressing its present and prospective housing needs,” and the following information and documentation must be submitted with the Housing Element and Fair Share Plan:

- The minimum requirements of the Fair Housing Act, N.J.S.A. 52:27D-310 (listed above);
- An inventory of the municipality’s housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;

- A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the six years subsequent to the adoption of the housing element, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- An analysis of the municipality's demographic characteristics, including, but not limited to, household size, income level and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing;
- A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;
- A map of all sites designated by the municipality for the production of low and moderate income housing and a listing of each site that includes its owner, acreage, lot and block;
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the designated sites;
- Copies of necessary applications for amendments to, or consistency determinations regarding, applicable area wide water quality management plans (including wastewater management plans).
- A copy of the most recently adopted municipal master plan and where required, the immediately preceding, adopted master plan;
- For each designated site, a copy of the New Jersey Freshwater Wetlands maps where available. When such maps are not available, municipalities shall provide appropriate copies of the National Wetlands Inventory maps provided by the U.S. Fish and Wildlife Service;
- A copy of appropriate United States Geological Survey Topographic Quadrangles for designated sites; and
- Any other documentation pertaining to the review of the municipal housing element as may be required by the Council.

Pursuant to N.J.A.C. 5:93-5.15(c), if a municipality intends to collect development fees, it shall prepare a plan to spend development fees that includes the following:

- A projection of revenues anticipated from imposing fees on development, based on historic development activity;
- A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
- A description of the anticipated use of all development fees;
- A schedule for the creation or rehabilitation of housing units;
- If the municipality envisions being responsible for public sector or non-profit construction of housing, a pro-forma statement of the anticipated costs and revenues associated with the development; and
- The manner through which the municipality will address any expected or unexpected shortfall if the anticipated.

Affordability Requirements

Affordable housing is defined under N.J.'s Fair Housing Act as a dwelling, either for sale or rent that is within the financial means of households of low or moderate income as income is measured within each housing region. The Township of Buena Vista is in COAH's Region 6, which includes Atlantic, Cape May, Cumberland and Salem counties. Moderate-income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. As required by the amended FHA (Roberts bill), COAH has also included a very low-income category, which is defined as households earning 30% or less of the regional median income.

Through the Uniform Housing Affordability Controls (hereinafter "UHAC") at N.J.A.C. 5:80-26.3(d) and (e), COAH requires that the maximum rent for a qualified unit be affordable to households that earn no more than 60% of the median income for the region. The average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable to households that earn no more than 70% of the median income. The average sale price must be affordable to a household that earns no more than 55% of the median income.

The regional median income is defined by COAH using the federal Department of Housing and Urban Development (“HUD”) income limits on an annual basis. In the spring of each year HUD releases updated regional income limits which COAH reallocates to its regions. It is from these income limits that the rents and sale prices for affordable units are derived. These figures are updated annually and are available from COAH.

DEMOGRAPHIC ANALYSIS

The Township of Buena Vista is bordered to the northwest by Franklin Township and Monroe Township in Gloucester County; to the west by Buena Borough in Atlantic County; to the southwest by the City of Vineland and Maurice River Township in Cumberland County; to the south by Weymouth Township in Atlantic County; to the east by the Township of Hamilton in Atlantic County; and to the north by the Borough of Folsom in Atlantic County. The Township is approximately 3.4 square miles (excluding waterways) and its primary land use is single-family residential. Ninety-percent (90%) of Buena Vista’s land area is located within the Pinelands Protection Area.

Population:

The following tables portray the population and housing change in the Township, Atlantic County, and the State. Between 1990 and 2000, the Township’s population decreased by 3%. From 2000 through 2010 the Township saw a modest turn around with a population growth of 1.8%. Compared to Atlantic County’s population increase of 22.4% over the same 20 year period and the State’s population growth of 13.7% for the same time period, Buena Vista would be characterized as a slow growth area. The Township’s slow growth is further shown with a modest 6.4% increase of occupied housing units from 2000-2010. The total growth over 20 years is insignificant, especially given the size of the Township.

Table 1 Population Trends			
	Township of Buena Vista	Atlantic County	New Jersey
1990	7,655	224,327	7,730,188
2000	7,436	252,552	8,414,350
2010	7,570	274,549	8,791,894
1990 to 2010	-1.1%	22.4%	13.7%
1990 to 2000	-2.9%	12.6%	8.9%
2000 to 2010	1.8%	8.7%	4.5%
Source: US Census Data			

Table 2 Housing Trends			
	Township of Buena Vista	Atlantic County	New Jersey
1990	2,727	106,877	3,075,310
2000	2,827	114,090	3,310,275
2010	3,008	126,647	3,553,562
1990 to 2010	10.3%	18.5%	15.6%
1990 to 2000	3.7%	6.7%	7.6%
2000 to 2010	6.4%	11.0%	7.3%
Source: US Census Data			

The largest growth over the past ten years took place in the 45-54 population cohort with a corresponding decline in the 35-44 population cohort. This is reflective in the increasing median age for the Township, now at 42.1 years. Looking at the Population Change chart it is clear that the 25-34 age-cohort has aged in place as the higher cohorts over the past 20-years with similar total population levels every 10 years in the corresponding increased population cohort.

The Township's population is 51.3% female, consistent with the County and State. The ethnicity of the Township includes a higher percentage of Caucasians and less of other ethnic groups than the County and the State. The Township also has a higher median age than the County and the State, at 42.1 years. (See Table 4)

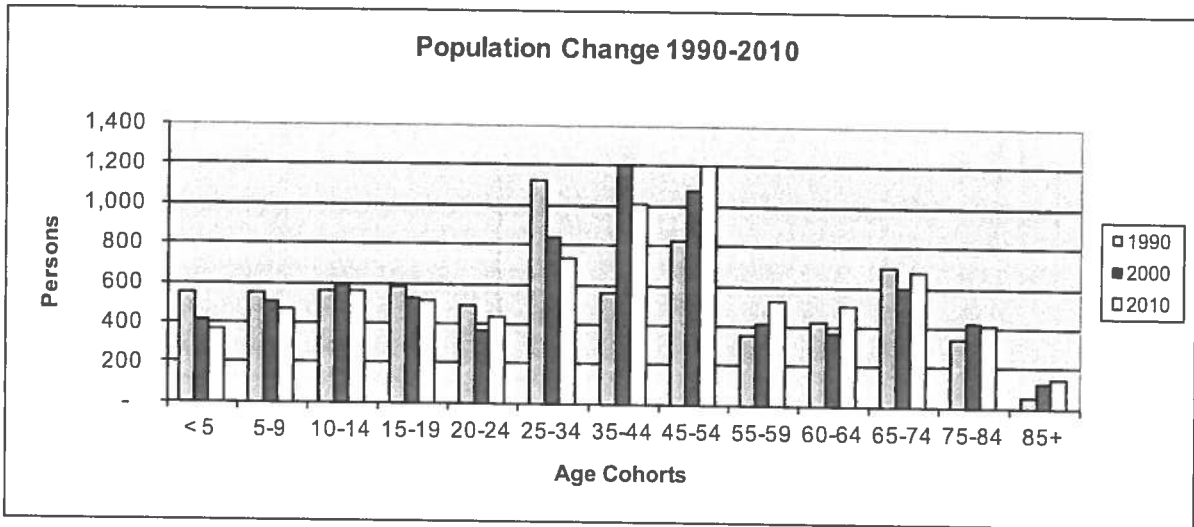


Table 3
1990 - 2010 Population Profiles or Cohorts - Buena Vista

Age	Population					
	Persons			Population Change		
	1990	2000	2010	1990 to 2000	2000 to 2010	1990 to 2010
< 5	547	409	366	-25.2%	-10.5%	-33.1%
5-9	545	505	465	-7.3%	-7.9%	-14.7%
10-14	559	590	563	5.5%	-4.6%	0.0%
15-19	589	525	512	-10.9%	-2.5%	-13.1%
20-24	494	361	430	-26.9%	19.1%	-13.0%
25-34	1,130	842	740	-25.5%	-12.1%	-34.5%
35-44	563	1,206	1,006	114.2%	-16.6%	78.7%
45-54	829	1,081	1,210	30.4%	11.9%	46.0%
55-59	359	417	529	16.2%	26.9%	47.4%
60-64	419	362	507	-13.6%	40.1%	21.0%
65-74	701	594	674	-15.3%	13.5%	-3.9%
75-84	349	424	418	21.5%	-1.4%	19.8%
85+	60	120	150	100.0%	25.0%	150.0%
18+	5,648	5,598	5,840	-0.9%	4.3%	3.4%
62+	1,378	1,338	1,552	-2.9%	16.0%	12.6%
65+	1,110	1,138	1,242	2.5%	9.1%	11.9%
Median Age	34.7	39.0	42.1	12.4%	7.9%	21.3%
Source: US Census Data						

Table 4						
2010 Population by Categories						
	Buena Vista		Atlantic County		New Jersey	
	Persons	%	Persons	%	Persons	%
Total	7,570	100%	274,549	100%	8,791,894	100%
Sex						
F	3,883	51.3%	141,374	51.5%	4,512,294	51.5%
M	3,687	48.7%	133,175	48.5%	4,279,600	48.5%
Race						
White	5,918	78.2%	179,655	65.4%	6,029,248	72.6%
Black or African American	1,018	13.4%	44,138	16.1%	1,204,826	13.6%
Asian	80	1.1%	20,595	7.5%	725,726	5.7%
American Indian and Alaska Native	35	0.5%	1,050	0.4%	29,026	5.6%
Native Hawaiian and Other Pacific Islander	3	0.0%	92	0.0%	3,043	5.6%
Other	312	4.1%	20,218	7.4%	559,722	2.5%
Two or More Races	204	2.7%	8,890	3.2%	240,303	2.5%
Hispanic or Latino	869	11.5%	46,241	16.8%	1,555,144	13.3%
Age						
25-64	3,992	52.7%	146,270	53.3%	4,773,459	53.9%
65+	1,242	16.4%	38,902	14.2%	1,185,993	13.2%
Median Age	42.1	n/a	39.9	n/a	39	n/a
Persons Per Household	2.71	n/a	2.61	n/a	2.68	n/a
Source: US Census Data						

Housing:

The primary unit in the Township is single-family detached at 75%. The Township does have a large percent of its total housing units as mobile homes, at 14% of its total units. There are at total of 2,426 owner occupied units and 360 rental units in the Township. The average household size is 2.71 persons per unit. The total housing units in the Township as of the 2010 Census was 3,008, an 6.4% increase from 2000. From 2010 through 2014 a total of 25 new residential certificates of occupancies were issued in the Township based on reporting data to the Department of Community Affairs.

	Township of Buena Vista	Atlantic County	New Jersey
1990	2,727	106,877	3,075,310
2000	2,827	114,090	3,310,275
2010	3,008	126,647	3,553,562
1990 to 2010	10.3%	18.5%	15.6%
1990 to 2000	3.7%	6.7%	7.6%
2000 to 2010	6.4%	11.0%	7.3%

Source: US Census Data

Year Round Housing Units			Owner-occupied		Rental	
Occupied	Vacant	Total	No.	%	No.	%
2,786	222	3,008	2,426	87.1%	360	12.9%

Source: U.S. Census Bureau, 2010 Census

Of the total occupied housing units in the Township, 73% are family households and 27% are non-family households. Of the total 2,019 family households, over 76% consist of married couples. The average number of persons per household is 2.71.

Table 7 Summary of Household Characteristics - Buena Vista 2010		
	No. of Persons	% of Total
Family Households	2,019	72.47%
Non-Family Households	767	27.53%
Non-Family Households		
Male	268	34.94%
Female	364	47.46%
Family Households		
Married Couple	1,549	76.72%
Single Male	145	7.18%
Single Female	325	16.10%
Total Households	2,786	100%
Persons Per Household	2.71	N/A
Source: U.S. Census Bureau, 2010 Census		

The bulk of the Township's housing stock was built during in the 1970's. A review of the 2009-2013 American Community Survey 5-Year Estimates indicated that the Township's housing stock is well maintained. An estimated one and one-half-percent (1.5%) of all occupied units were lacking complete plumbing and/or kitchen facilities. Less than one-half a percent (0.5%) of all occupied housing units lacked a source of fuel. Units that were reported with overcrowded conditions (1.01 persons or more per room) consisted of 01.1% of the total occupied housing stock.

Housing Units by Number of Units in Structure, Township of Buena Vista		
Number of Units	Units	Percent of Total
1-unit, Detached	2,433	74.63%
1-unit, Attached	106	3.25%
2 units	171	5.25%
3 or 4 units	65	1.99%
5 to 9 units	-	0.00%
10 to 19 units	-	0.00%
20 or more units	16	0.49%
Mobile Home	469	14.39%
Other	-	0.00%
Total	3,260	
Source: American Community Survey 5 Year Estimates 2009-2013		

According to Census reporting, 14.39% of the total housing stock consists of mobile homes. There are four (4) mobile home parks in the Township:

- Buena Family Manor – Block 3001, Lot 1
Constructed in 1950
- Motter’s Trail – Block 6002, Lot 17
Constructed in 1960
- Alpine Village – Block 6720, Lots 3 & 7
Constructed in 1975
- Cranberry Run – Block 5501, Lot 6
Constructed in 1977

Table 9		
Housing Units by Age		
Year Built	Units	Percent of Total
2010 or later	13	0.40%
2000 to 2009	226	6.93%
1990 to 1999	458	14.05%
1980 to 1989	273	8.37%
1970 to 1979	713	21.87%
1960 to 1969	412	12.64%
1950 to 1959	627	19.23%
1940 to 1949	222	6.81%
1939 or earlier	316	9.69%
Total	3,260	
Source: American Community Survey 5 Year Estimates 2009-2013		

Table 10 presents a breakdown of the Township’s housing stock by number of rooms. The Township has a greater percentage of six-plus room units, with the median number of rooms in the Township at 5.9 per unit. Over 50% of the Township’s housing stock consists of 3-bedroom homes.

Table 10		
Occupied Housing Units by Number of Rooms		
Rooms	Housing Units	Percent of Total Housing Units
1	-	0.0%
2	34	1.0%
3	164	5.0%
4	270	8.3%
5	756	23.2%
6	966	29.6%
7	373	11.4%
8	360	11.0%
9+	337	10.3%
Total	3,260	100.0%
Median Rooms	5.9	

Source: American Community Survey 5 Year Estimates 2009-2013

Table 11		
Occupied Housing Units by Number of Bedrooms		
Bedrooms	Housing Units	Percent of Total Housing Units
No Bedrooms	20	0.6%
1-Bedroom	117	3.6%
2-Bedrooms	721	22.1%
3- Bedrooms	1,737	53.3%
4-Bedrooms	423	13.0%
5 + Bedrooms	242	7.4%
Total	3,260	100.0%

Source: American Community Survey 5 Year Estimates 2009-2013

The Township has a median gross rent of \$1,252, higher than Atlantic County. The Township's median housing value of \$178,700 is considerably lower than the County with a median housing value of \$237,400. Only twenty-five percent (25%) of the housing stock is valued between \$200,000 and \$299,999.

Value	Housing Units	Percent of Total Housing Units
Less than \$50,000	196	8.2%
\$50,000 to \$99,999	301	12.6%
\$100,000 to \$149,999	274	11.5%
\$150,000 to \$199,999	702	29.4%
\$200,000 to \$299,999	611	25.6%
\$300,000 to \$499,999	200	8.4%
\$500,000 to \$999,999	103	4.3%
\$1,000,000 or more	-	0.0%
Total	2,387	100.0%
Median Housing Value	\$178,700	

Source: American Community Survey 5 Year Estimates 2009-2013

	Median Value Housing (owner-occupied)	Median Gross Rent	Median Household Income	Value Income Ratio	Rental Vacancy Rate
Township of Buena Vista	\$178,700	\$1,252	\$50,860	3.51	0.0%
Atlantic County	\$237,400	\$1,038	\$54,235	4.38	9.2%

Source: American Community Survey 5 Year Estimates 2009-2013

Employment and Labor:

According to the 2010 Census, 63% of the Township’s labor force is employed. Thirty-seven percent (37%) of the population age 16 and over are unemployed, or not considered part of the labor force. The majority of the employers in the Township are in the Educational Services, and Health Care and Social Assistance field or the Arts, Entertainment, and Recreation, and Manufacturing and Retail Trade fields.

Table 14		
BUENA VISTA EMPLOYMENT STATUS		
	Total	Percent of Population 16 Years and Over
Population 16 years and Over	6,254	100%
In Labor Force	3,939	62.98%
Civilian Labor Force	3,939	62.98%
Employed	3323	53.13%
Unemployed	616	9.85%
Armed Forces	0	0.00%
Not In Labor Force	2,315	37.02%
Source: American Community Survey 5 Year Estimates 2010-142013		

In Atlantic County, the South Jersey Transportation Planning Organization is responsible for preparing employment and population projections. The SJTPO estimates a 3.5% growth rate in year-round employment between 2015 and 2040 for the County. Municipal forecasts show Buena Vista as having a less than 1% year-round employment growth from 2015 through 2040. The low growth rate is reflective of the impacts from the economic recession and the conditions of the casino industry in Atlantic City. In essence, the report estimates a decline in regional employment until 2025 mostly attributable to the stabilization of the casino gaming industry. Subsequently the report assumes a return to a growth of employment until 2040. (SJTPO 2040 Demographic Forecast)

Table 15		
Employment by Industry, Civilian Employed population 16 years and over		
Occupation	No. Persons	% Buena Vista
Agriculture, Forestry, Fishing and Hunting, and Mining	105	3.16%
Construction	137	4.12%
Manufacturing	517	15.56%
Wholesale Trade	106	3.19%
Retail Trade	351	10.56%
Transportation and Warehousing, Utilities	230	6.92%
Information	32	0.96%
Finance and Insurance, and Real Estate and Rental and Leasing	159	4.78%
Professional, Scientific, and Management, and Administrative and Waste Management Services	312	9.39%
Educational Services, and Health Care and Social Assistance	796	23.95%
Arts, Entertainment, and Recreation, and Accommodation and Food Services	326	9.81%
Other Services, except Public Administration	161	4.85%
Public Administration	91	2.74%
Total	3,323	100%

Source: American Community Survey 5 Year Estimates 2010-2014

Table 16		
Employment by Occupation Civilian Employed population 16 years and over		
Occupation	No. Persons	% Buena Vista
Management, Business, Science, and Arts	1,086	32.68%
Service	562	16.91%
Sales and Office	763	22.96%
Natural Resources, Construction and Maintenance	253	7.61%
Production, Transportation & Material Moving	659	19.83%
Total	3,323	100%

Source: American Community Survey 5 Year Estimates 2010-2014

Income:

The income statistics found in Tables 17 through 20 indicate that Buena Vista Township has a lower median income than County and the State of New Jersey. Twenty-three-percent (23%) of the total households in the Township have a household income in the range of \$50,000 to \$74,999. The Township also has a higher percentage of persons and households below the poverty level than the County and State.

Table 17			
Income Levels			
	Township of Buena Vista		
	Households	Families	Non-Family
Median Income	\$51,856	\$61,618	\$27,925
Mean Income	\$65,186	\$79,866	\$33,739
Source: American Community Survey 5 Year Estimates 2010-2014			

Table 18		
Median Income for Households and Families		
	Households	Families
Township of Buena Vista	\$51,856	\$61,618
Atlantic County	\$54,392	\$66,360
New Jersey	\$72,062	\$87,999
Source: American Community Survey 5 Year Estimates 2010-2014		

Table 19		
Household Income		
	Buena Vista Households	(% of Total Households)
Total Households	2,987	n/a
Less than \$10,000	146	4.9%
10,000 - 14,999	245	8.2%
15,000 - 24,999	224	7.5%
25,000-34,999	285	9.5%
35,000 - 49,999	471	15.8%
50,000 - 74,999	696	23.3%
75,000 - 99,999	435	14.6%
100,000 - 149,999	245	8.2%
150,000 - 199,999	111	3.7%
200,000 +	129	4.3%
Source: American Community Survey 5 Year Estimates 2010-2014		

Table 20				
Percent Distribution Persons and Families below Poverty Level				
	All Persons Below Poverty Line	Persons Age 18+ Below the Poverty Line	Persons Age 65 + Below the Poverty Line	Families Below Poverty Line
Township of Buena Vista	17.4%	14.1%	17.7%	13.2%
Atlantic County	15.2%	13.0%	9.2%	11.9%
New Jersey	10.7%	9.3%	7.9%	8.1%
Source: American Community Survey 5 Year Estimates 2010-2014				

Council on Affordable Housing (COAH) regulations define low income households (those earning up to 50% of the moderate household income) and moderate income households (those earning from more than 50% to 80% of the moderate household income). The figures are adjusted for household size and the municipality's housing region.

A substantial number of the municipal households already meet the low- and moderate-income levels as determined by HUD. The Township's Median Household Income is \$51,856, which is less than the Moderate Income level for a 3-person household (\$52,545). The Township's Household Income Levels for its occupied housing units are shown above. Based upon the HUD Regional Income Limits, over forty percent (40%) of the existing households within the Township would fall into the very-low, low and moderate-income housing groups.

Buena Vista Township is part of Region Six, which includes Atlantic, Cape May, Cumberland and Salem Counties. The 2014 COAH Regional Income Limits for Region Six (based on household size) range from \$25,543 (one person) to \$48,166 (eight persons) for low income households. Income limits range from \$40,868 (one person) to \$77,066 (eight persons) for moderate income households. Median income for Region 6 in 2014 ranges from \$51,085 to \$96,332, the Township's median household income in 2014 estimates was reported at \$51,856.

	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household
Moderate Income(80% of Median)	\$ 40,868	\$ 46,707	\$ 52,545	\$ 58,383	\$ 63,054
Low Income (50% of Median)	\$ 25,543	\$ 29,192	\$ 32,841	\$ 36,490	\$ 39,409
Very Low Income (30% of Median)	\$ 15,326	\$ 17,515	\$ 19,704	\$ 21,894	\$ 23,645
Source:COAH 2014 Regional Income Limits					

FAIR SHARE PLAN

Consideration of Lands Appropriate for Affordable Housing

Consistent with smart growth principles, the Township has chosen to intersperse affordable housing throughout existing residential neighborhoods in the Township. N.J.S.A. 52:27D-310(f) requires the Township to identify sites owned or controlled by developers who have expressed a willingness to construct affordable housing. The Township is not aware of any developers interested in constructing affordable housing within the municipality.

Availability of Existing and Proposed Infrastructure

The Township is predominately located within the Pinelands areas and governed by the regulations of the Pinelands Comprehensive Management Plan. As such, the Township is limited to the areas where sewer infrastructure is permitted. The Township does have public sewer in limited areas in accordance with a Memorandum of Agreement between the Township, Buena Borough and the Pinelands Commission. The Township does not have public water, all service is provided through private wells.

Affordable Housing Obligation

The Township's affordable housing obligation includes the following:

PRESENT NEED (REHABILITATION) - 73 Units

The Rehabilitation obligation is defined as the number of deficient housing units occupied by low and moderate income households within the Township. This figure is calculated using indices such as overcrowding of units constructed prior to 1950, incomplete kitchen and plumbing facilities and the estimated number of low and moderate income households in the municipality. For the Township of Buena Vista COAH has calculated a rehabilitation obligation of 73 units.

PRIOR ROUND OBLIGATION – 19 Units

The prior round obligation is the municipality's 1987 through 1999 affordable housing obligation. (N.J.A.C. 5:97-1.4). This period corresponds with the first and second round of affordable housing compliance. As provided for in Appendix C of N.J.A.C. 5:97, the Township of Buena Vista's prior round obligation is 19 units.

PROSPECTIVE NEED – Zero (0) units

The prospective need obligation is the municipality's obligation through 2025 in accordance with estimates prepared by Fair Share Housing Center.

Affordable Housing Plan

PRESENT NEED/REHABILITATION OBLIGATION (73 Units):

The Atlantic County Improvement Authority (“ACIA”) has been responsible for administering a rehabilitation program throughout Atlantic County through their “Owner Occupied Housing Rehabilitation Program”. Since January of 2010, the ACIA in cooperation with the Township of Buena Vista has rehabilitated twelve (12) units within the Township. Documentation verifying that the rehabilitated units are qualified under COAH’s regulations are included as an Appendix to this Fair Share Plan.

The ACIA places liens on participating properties and recaptures funding upon re-sale. ACIA uses federal Community Development Block Grant (hereinafter “CDBG”) funds as well as prior rehabilitation funds paid back at the time of a home sale to operate a county-wide housing rehabilitation program for owner-occupied housing.

The remainder of the Township’s rehabilitation obligation of sixty-one (61) units will be handled partially through the continued participation in the County-wide program. The Township also proposes to adopt and implement a local rehabilitation program using the funds collected from their Development Fee Ordinance and Affordable Housing Trust Fund.

PRIOR ROUND OBLIGATION (19 Units):

The Township of Buena Vista has a prior round (1987-1999) affordable housing obligation of 19 units. COAH has established rules that address rental requirements, age-restricted housing limitations and rental bonuses as housing credits. Accordingly, the Township’s housing obligation shall have a minimum of 5 family units. The Township is also permitted to receive a rental bonus for rental units that meet the criteria under N.J.A.C. 5:93-5.15(d), up to a maximum of 5 bonus credits. The total affordable housing units shall be permitted to utilize a maximum of 4 age-restricted units. (N.J.A.C. 5:93-5.14(a)3)

Township of Upper Affordable Housing Obligation	
Total Prior Round Obligation	19
Less Prior Cycle Credits	-0
Total Obligation	19
Rental Minimum – 25%	5
Age-Restricted Maximum – 25%	4
Maximum Rental Bonus – 25%	5

The Township proposes to satisfy the 19-unit prior round obligation through various mechanisms all of which will be discussed throughout this report. The following table summarizes the Township’s Fair Share Plan:

Prior Cycle Credits (1980-1986)

There are no existing affordable housing units in the Township that were occupied prior to 1986. Therefore, there are no prior cycle credits to be taken at this time.

Existing Affordable Units (Post 1986)

TOWNSHIP OF BUENA VISTA AFFORDABLE HOUSING UNITS				
	Address	Units/Credits	Very Low Income	Bonus
<u>Alternative Living Arrangements</u>				
Pafacom Inc.	4328 Post Road	4	4	4
Youth Consultation Service Inc.	4706 Landis Avenue	4	4	1
Scioto Properties	650 Tuckahoe Road	5	5	
Elwyn New Jersey, NJ Non-Profit	106 Nineteenth Street	3	3	
Totals		16	16	5

- **Supportive and Special Needs Housing¹**

In the Township there are several supportive and special needs facilities, or Group Homes. These properties would yield an affordable housing credit of 21, including rental bonuses where the controls on affordability are in effect for at least 30 years (N.J.A.C. 5:93-5.8(d)).

- December 1986 - Pafacom Inc.
4328 Post Road; Block 7101, Lot 31
4 Bedroom Group Home

The facility is licensed by the State of NJ. The required forms are included in the Appendix.

- November 1987 – Elwyn New Jersey
106 Nineteenth Street; Block 8205, Lot 1
3-5 Bedroom Group Home

The Township has reached out to the property owner to complete the necessary paperwork. The facility is licensed by the State of NJ and is expected to qualify for credits. The required forms are included in the Appendix.

- July 1994 – Pafacom Inc.
5648 Chestnut Avenue; Block 6001, Lot 15
4 Bedroom Group Home

The facility is licensed by the State of NJ. The required forms are included in the Appendix.

- 2013 – Scioto Properties
650 Tuckahoe Road; Block 6001, Lot 11
5 Bedroom Group Home

The Township has reached out to the property owner to complete the necessary paperwork. The facility is licensed by the State of NJ and is expected to qualify for credits. The required forms are included in the Appendix.

- November 2015 – Youth Consultation Services, Inc.
4706 Landis Avenue; Block 7601, Lot 29
4 Bedroom Group Home

The Township has reached out to the property owner to complete the necessary paperwork. The facility is licensed by the State of NJ and is expected to qualify for credits. The required forms are included in the Appendix.

(See group home documentation in the Appendix of the Fair Share Plan)

¹ This report only takes credit for four out of the five listed Group Homes. Since the Township meets their housing obligation, the fifth home is listed for reference purposes and potential surplus credits in future plans.

Existing Affordable Housing Units

TOWNSHIP OF BUENA VISTA AFFORDABLE HOUSING UNITS				
	Address	Units/Credits	Very Low Income	Bonus
Existing Units				
Neighborhood Stabilization Program	1015 Route 54	1		
Neighborhood Stabilization Program	130 Rockafellor Lane	1		
Neighborhood Stabilization Program	219 Meyner Lane	1		
Totals		3	0	0

- **Neighborhood Stabilization Program:**

The Township of Buena Vista participated in the Neighborhood Stabilization Program. Three (3) properties were funded and restricted through this program. The deed restrictions run for a period of thirty (30) years, allowing for them to be counted towards the Township’s affordable housing obligation. The properties are listed below:

- 2010 - 130 Rockefeller Lane; Block 1510, Lot 25
- 2011 – 1015 Route 54; Block 701, Lot 9
- 2011 – 219 Meyner Lane; Block 1504, Lot 12

The properties were bought from banks in a foreclosure process. Each unit was rehabilitated and occupied by a new family. The deed restrictions for each of these units is included in Appendix 6 of this report.

Bonus Provisions

In accordance with N.J.A.C. 5:93-5.15 the Township of Buena Vista intends to take bonus credits for up to 25% the rental units in this plan at the time they are completed and occupied. The Township is eligible for five rental bonus credits.

Affordable Housing Trust Fund

The Township of Buena Vista has adopted an affordable housing trust fund ordinance in accordance with COAH rules for the purposes of funding affordable housing activities. At the present time the fund is anticipated to assist with the Municipal Rehabilitation Program. The Township recognizes that is required to adopt a Spending Plan for review and approval prior to any funds being expended. The adopted Affordable Housing Trust Fund ordinance is attached as an Appendix to this report.

Cost Generation

The Township of Buena Vista will provide for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings for projects involving affordable housing. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance and Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) The Township shall comply with COAH's requirements for unnecessary cost generating requirements under N.J.A.C. 5:93-10.

Monitoring

The Township of Buena Vista shall complete COAH's annual monitoring reports for the Township's Affordable Housing Trust Fund and of the affordable housing units and programs.

Fair Share Ordinance And Affirmative Marketing

The Township of Buena Vista has prepared an Affirmative Marketing and Fair Share Ordinance in accordance with COAH's substantive rules, N.J.A.C. 5:93-9, and the UHAC at N.J.A.C. 5:80-26. The Township's Fair Share Ordinance will govern the administration of affordable units in the Township as well as regulating the occupancy of such units. The Fair Share Ordinance (see draft in Appendix) covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and sales prices, affirmative marketing, income qualification and the like. The costs of advertising and affirmative marketing of the affordable units

(including the contract with the Administrative Agent) shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township.

The affirmative marketing plan is 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 the affordable units located in the Township. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in Housing Region #6, consisting of Atlantic, Cape May, Cumberland and Salem counties.

The affirmative marketing plan includes regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with N.J.A.C. 5:80-26. All newly created affordable units will comply with the thirty-year affordability control required by UHAC, N.J.A.C. 5:80-26-5 and 5:80-26-11. This plan must be adhered to by all private, non-profit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. The costs of implementing the affirmative marketing plan (i.e., the costs of advertising the availability of affordable units, contract with the Administrative Agent, etc.) are the responsibilities of the developers of the affordable units. This requirement will be included in the Township's fair share ordinances and shall be a condition of any municipal development approval.

CONCLUSION

There are limited opportunities to create affordable housing in the Township given the lack of infrastructure and the regulations from the Pinelands Comprehensive Management Plan. The table that follows summarizes the Township's Housing Plan.

TOWNSHIP OF BUENA VISTA AFFORDABLE HOUSING UNITS

	Address	Existing Units/Credits	Very Low Income	Bonus	Information
<u>Rehabilitation</u>					
ACIA	Various	12			On-going Program - Unit Count is from 2010 through 2016
Subtotal Rehabilitation Units		12			
<u>Alternative Living Arrangements</u>					
Pafacom Inc.	4328 Post Road	4	4		4 Bous for Rental Units
Youth Consultation Service Inc.	4706 Landis Avenue	4	4		1 Bonus for Rental Units
Scioto Properties	650 Tuckahoe Road	5	5		
Elwyn New Jersey, NJ Non-Profit	106 Nineteenth Street	3	3		
<u>New Units</u>					
Neighborhood Stabalization Program	1015 Route 54	1			30 Year Deed Restriction
Neighborhood Stabalization Program	130 Rockafellor Lane	1			30 Year Deed Restriction
Neighborhood Stabalization Program	219 Meyner Lane	1			30 Year Deed Restriction
Subtotal New Units		19	16	5	

SUMMARY OF OBLIGATION AND CREDITS

Rehabilitation Obligation (Present Need)		73	
Rehabilitation Units Completed		12	
Total Rehabilitation Obligation Remaining		61	
Prior Round Obligation		19	
Prospective Need Obligation		-	
Subtotal New Unit Obligation		19	
Less Credits		24	
Total New Unit Obligation Remaining		(5)	

APPENDIX 1 – Rehabilitation Documentation – ACIA

HOUSING REHABILITATION MORTGAGESACTIVE FILES

NAME	ADDRESS	DATE OF MORTGAGE	EXPIRATION DATE OF MORTGAGE	REPAYMENT PERCENTAGE	REPAYMENT AMOUNT
Marian A. Adams	730 Jackson Road P. O. Box 172, Newtonville, NJ 08346	August 17, 1998	February 3, 2005	50%	\$5,043.50
Edward & Sarah Agnew	RD#1 Box 69, 3684 Oak Road Vineland, NJ 08360	September 19, 1995	September 19, 2001	100%	\$7,740.00
Edward & Sarah Agnew	RD#1 Box 69, 3684 Oak Road Vineland, NJ 08360	April 2, 1996	April 2, 2002	100%	\$3,450.00
Roscoe & Roasalie Bacon	507 Cedar Avenue Richland, NJ 08350	September 3, 2003	June 14, 2010	50%	\$2,500.00
Martha V. Baker	114 Bellwyn Avenue Collings Lakes, NJ 08094	February 16, 2001	April 18, 2007	50%	\$7,350.00
Beatrice Bergonzi Arthur & Jean Cavallero - Life Estate - Barbara Behrens (daughter)	469 Union Road f/k/a 43 Union Vineland, NJ 08360	December 6, 1995	December 6, 2001	50%	\$5,950.00
Luis & Laura Cintron	256 Lincoln Avenue Vineland, NJ 08360	August 14, 1995	August 14, 2001	50%	\$3,150.00
Luis & Laura Cintron	962 Harding Highway PO Box 585 Buena, NJ 08310	August 31, 2006	August 31, 2012	100%	\$850.00
Lue Hazel DeLee	962 Harding Highway PO Box 585 Buena, NJ 08310	September 6, 2006	September 6, 2012	100%	\$20,200.00
Sixto & Teresa Del Valle	659 Sixth Road Newtonville, NJ 08346	March 5, 2004	July 23, 2010	50%	\$2,500.00
Florine Dennis	406 Ruth Street Newtonville, NJ 08346	December 3, 1998	December 3, 2004	100%	\$10,280.00
Verna Dorsey	209 Colin Lane Collings Lakes, NJ 08094	June 18, 2001	November 28, 2007	50%	\$7,700.00
Jose A & Shirley M Gonzalez	126 Ranch Drive Buena, NJ 08310	January 2, 2007	January 29, 2013	50%	\$1,750.00
	217 Sherwood Drive Collings Lakes, NJ 08094	April 24, 2001	April 24, 2007	100%	\$14,725.00

HOUSING REHABILITATION MORTGAGES ACTIVE FILES

NAME	ADDRESS	DATE OF MORTGAGE	EXPIRATION DATE OF MORTGAGE	REPAYMENT PERCENTAGE	REPAYMENT AMOUNT
Margaret Graef	207 Route 54 Buena, NJ 08310	August 2, 2004	August 2, 2010	50%	\$378.00
Lillian Guilford (Barbara Guilford daughter)	459 Railroad Boulevard Box 301 Richland, NJ 08350	March 22, 1996	March 22, 2002	100%	\$9,500.00
Elbert & Geravia Hannah	214 Bernadette Lane Newtonville, NJ 08346	February 15, 1994	February 15, 2000	100%	\$1,100.00
James & Ruth Hollander (sold in 2006 for \$1.00 to Nathan Henderson)	120 W. Colton Lane Collings Lakes, NJ 08094	June 9, 1992	July 29, 1998	25%	\$825.75
James & Ruth Hollander (sold in 2006 for \$1.00 to Nathan Henderson)	120 W. Colton Lane Collings Lakes, NJ 08094	July 7, 1993	August 12, 1999	25%	\$2,239.00
Daisy Jenkins (Sold to Jason McKee in 2007)(Weichert Title handled closing)	811 Main Avenue PO Box 158 Richland, NJ 08350	March 23, 2004	May 7, 2010	50%	\$1,750.00
Daisy Jenkins (Sold to Jason McKee in 2007)(Weichert Title handled closing)	811 Main Avenue PO Box 158 Richland, NJ 08350	February 17, 2005	March 15, 2011	50%	\$1,187.50
Michael A. Julia, Sr.	202 Cains Mill Road Williamstown, NJ 08094	July 20, 2006	July 20, 2012	100%	
Sarah Koonce, David & Issac Milbourne	209 Greenbriar Avenue Richland, NJ 08350	August 15, 2005	August 19, 2011	50%	\$1,900.00
Robert & Kimberly LeGrady	234 Wayne Avenue Williamstown, NJ 08094	August 16, 2007	August 16, 2013	100%	\$4,000.00
Andrej & Nina Lenko	248 Lincoln Avenue PO Box 51 Vineland, NJ 08360	October 10, 1995	October 10, 2001	100%	\$5,100.00
Joseph B. Catling- Executrix	514 Cushman Avenue Collings Lakes, NJ 08094	February 16, 2001	May 30, 2007	50%	\$7,150.00
Stephanie Catling-Linn	410 Cains Mill Road Collings Lakes, NJ 08094	August 21, 2001	March 25, 2008	50%	\$5,900.00
Jill Lombardo					

HOUSING REHABILITATION MORTGAGES ACTIVE FILES

NAME	ADDRESS	DATE OF MORTGAGE	EXPIRATION DATE OF MORTGAGE	REPAYMENT PERCENTAGE	REPAYMENT AMOUNT
Louise Lindsey	795 Route 54 Williamstown, NJ 08094	June 18, 2012	June 18, 2018	100%	\$6,630.00
Louise Lindsey	795 Route 54 Williamstown, NJ 08094	November 21, 2011	November 21, 2017	100%	\$3,500.00
Louise Lindsey	795 Route 54 Williamstown, NJ 08094	December 8, 2011	December 8, 2017	100%	\$5,500.00
Lorraine Maltese	5502 Chestnut Avenue Vineland, NJ 08360	August 19, 1996	September 16, 2002	50%	\$5,250.00
Marion S. Miller-Bates	861 Jackson Road PO Box 159 Newtonville, NJ 08346	July 7, 2005	September 9, 2011	50%	\$2,724.50
Ruth Ann Miller	1029 Harding Highway Buena, NJ 08310	April 17, 2009	April 17, 2015	100%	\$3,795.00
John Musto (sold property in 1997) (Beacon Title did settlement)	50 Lincoln Ave. n/k/a 224 Lincoln Avenue Vineland, NJ 08360	February 8, 1993	February 8, 1999	100%	\$1,950.00
John Musto (sold property in 1997) (Beacon Title did settlement)	50 Lincoln Ave. n/k/a 224 Lincoln Avenue Vineland, NJ 08360	September 8, 1995	September 8, 2001	50%	\$4,525.00
John Musto (sold property in 1997) (Beacon Title did settlement)	50 Lincoln Ave. n/k/a 224 Lincoln Avenue Vineland, NJ 08360	October 4, 1995	October 4, 2001	50%	\$1,017.50
John Musto (sold property in 1997) (Beacon Title did settlement)	50 Lincoln Ave. n/k/a 224 Lincoln Avenue Vineland, NJ 08360	February 21, 1996	February 21, 2002	50%	\$635.00
Paula & Donald Parker	200 Cains Mill Road Williamstown, NJ 080904	March 2, 2006	March 2, 2012	100%	\$2,920.00
Pauline Philmlee	125 DeRosa Drive Buena, NJ 08310	May 5, 2005	September 13, 2011	50%	\$3,950.00
Charles & Janice Powers	106 Gardner Blvd Newtonville, NJ 08346	June 21, 2011	June 21, 2017	100%	\$1,150.00
Charles & Janice Powers	106 Gardner Blvd Newtonville, NJ 08346	July 18, 2011	July 18, 2017	100%	\$3,700.00

APPENDIX 2 - Pafacom Supportive Housing Survey

**Department of Community Affairs
Council on Affordable Housing
Supportive and Special Needs Housing Survey**

Municipality: _____ County: _____
 Sponsor: _____ Developer: _____
 Block: _____ Lot: _____ Street Address: _____
 Facility Name: _____

<p>Section 1. Type of Facility</p> <p><input type="checkbox"/> Licensed Group Home</p> <p><input type="checkbox"/> Transitional facility for the homeless (not eligible for credit as affordable housing after June 2, 2008)</p> <p><input type="checkbox"/> Residential health care facility (licensed by NJ Dept of Community Affairs or DHSS)</p> <p><input type="checkbox"/> Permanent supportive housing</p> <p><input type="checkbox"/> Supportive shared housing</p> <p><input type="checkbox"/> Other – Please Specify _____</p>	<p>Section 2. Sources and amount of funding committed to the project</p> <p><input type="checkbox"/> Capital Application Funding Unit \$ _____</p> <p><input type="checkbox"/> HMFA Special Needs Housing Trust \$ _____</p> <p><input type="checkbox"/> Balanced Housing – Amount \$ _____</p> <p><input type="checkbox"/> HUD – Amount \$ _____ Program _____</p> <p><input type="checkbox"/> Federal Home Loan Bank – Amount \$ _____</p> <p><input type="checkbox"/> Farmers Home Administration – Amount \$ _____</p> <p><input type="checkbox"/> Development fees – Amount \$ _____</p> <p><input type="checkbox"/> Bank financing – Amount \$ _____</p> <p><input type="checkbox"/> Other – Amount \$ _____ Program _____</p> <p><input type="checkbox"/> For proposed projects, please submit a pro forma</p> <p><input type="checkbox"/> Municipal resolution to commit funding, if applicable</p> <p><input type="checkbox"/> Award letter/financing commitment (proposed new construction projects only)</p>
<p>Section 3. For all facilities other than permanent supportive housing</p> <p>Total # of bedrooms reserved for</p> <p>Very low-income clients/households _____</p> <p>Low-income clients/households _____</p> <p>Moderate-income clients/households _____</p> <p>Market-income clients/households _____</p>	<p>Section 4. For permanent supportive housing</p> <p>Total # of units _____, including</p> <p># of very low-income units _____</p> <p># of low-income units _____</p> <p># of moderate-income units _____</p> <p># of market-income units _____</p>
<p>Section 5.</p> <p>Length of Controls _____ years</p> <p>Effective Date of Controls _____</p> <p>Expiration Date of Controls _____</p> <p>Average Length of Stay: _____ months (transitional facilities only)</p>	<p>Section 6.</p> <p><input type="checkbox"/> CO Date _____</p> <p>For licensed facilities, indicate licensing agency:</p> <p><input type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p><input type="checkbox"/> Other _____</p> <p>Initial License Date _____</p> <p>Current License Date _____</p>
<p>Section 7.</p> <p>Has the project received project-based rental assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No. Length of commitment _____ years</p> <p>Other operating subsidy sources: _____, Length of commitment _____ years</p> <p>Is the subsidy renewable? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Section 8. The following verification is attached</p> <p><input type="checkbox"/> Copy of deed restriction or mortgage and/or mortgage note with deed restriction (30-year minimum, HUD, FHA, FHLB, UHAC deed restriction, etc.)</p> <p><input type="checkbox"/> Copy of Capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum, no deed restriction required)</p>	
<p>Section 9.</p> <p>Residents 18 yrs or older? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Population Served (describe) _____</p> <p>Age-restricted? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Accessible (in accordance with NJ Barrier Free Subcode)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Section 10. Affirmative Marketing Strategy (check all that apply)</p> <p><input type="checkbox"/> DDD/DMHS/DHSS waiting list</p> <p><input type="checkbox"/> Affirmative Marketing Plan approved by the Council's Executive Director</p>	

CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: _____
 Project Administrator Date

Certified by: _____
 Municipal Housing Liaison Date



APPENDIX 3 – Youth Consultation Services Supportive Housing Survey

**Department of Community Affairs
Council on Affordable Housing
Supportive and Special Needs Housing Survey**

Municipality: _____ County: _____
 Sponsor: _____ Developer: _____
 Block: _____ Lot: _____ Street Address: _____
 Facility Name: _____

<p>Section 1. Type of Facility</p> <p><input type="checkbox"/> Licensed Group Home</p> <p><input type="checkbox"/> Transitional facility for the homeless (not eligible for credit as affordable housing after June 2, 2008)</p> <p><input type="checkbox"/> Residential health care facility (licensed by NJ Dept of Community Affairs or DHSS)</p> <p><input type="checkbox"/> Permanent supportive housing</p> <p><input type="checkbox"/> Supportive shared housing</p> <p><input type="checkbox"/> Other – Please Specify: _____</p>	<p>Section 2. Sources and amount of funding committed to the project</p> <p><input type="checkbox"/> Capital Application Funding Unit \$ _____</p> <p><input type="checkbox"/> HMFA Special Needs Housing Trust \$ _____</p> <p><input type="checkbox"/> Balanced Housing – Amount \$ _____</p> <p><input type="checkbox"/> HUD – Amount \$ _____ Program _____</p> <p><input type="checkbox"/> Federal Home Loan Bank – Amount \$ _____</p> <p><input type="checkbox"/> Farmers Home Administration – Amount \$ _____</p> <p><input type="checkbox"/> Development fees – Amount \$ _____</p> <p><input type="checkbox"/> Bank financing – Amount \$ _____</p> <p><input type="checkbox"/> Other – Amount \$ _____ Program _____</p> <p><input type="checkbox"/> For proposed projects, please submit a pro forma</p> <p><input type="checkbox"/> Municipal resolution to commit funding, if applicable</p> <p><input type="checkbox"/> Award letter/financing commitment (proposed new construction projects only)</p>
<p>Section 3. For all facilities other than permanent supportive housing</p> <p>Total # of bedrooms reserved for</p> <p>Very low-income clients/households _____</p> <p>Low-income clients/households _____</p> <p>Moderate-income clients/households _____</p> <p>Market-income clients/households _____</p>	<p>Section 4. For permanent supportive housing</p> <p>Total # of units _____, including</p> <p># of very low-income units _____</p> <p># of low-income units _____</p> <p># of moderate-income units _____</p> <p># of market-income units _____</p>
<p>Section 5.</p> <p>Length of Controls _____ years</p> <p>Effective Date of Controls: _____</p> <p>Expiration Date of Controls: _____</p> <p>Average Length of Stay: _____ months (transitional facilities only)</p>	<p>Section 6.</p> <p><input type="checkbox"/> CO Date _____</p> <p>For licensed facilities, indicate licensing agency</p> <p><input type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p><input type="checkbox"/> Other _____</p> <p>Initial License Date _____</p> <p>Current License Date _____</p>
<p>Section 7.</p> <p>Has the project received project-based rental assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No. Length of commitment _____ years</p> <p>Other operating subsidy sources: _____; Length of commitment _____ years</p> <p>Is the subsidy renewable? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Section 8. The following verification is attached</p> <p><input type="checkbox"/> Copy of deed restriction or mortgage and/or mortgage note with deed restriction (30-year minimum, HUD, FHA, FHLB, UHAC deed restriction, etc.)</p> <p><input type="checkbox"/> Copy of Capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum, no deed restriction required)</p>	
<p>Section 9.</p> <p>Residents 18 yrs or older? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Population Served (describe) _____</p> <p>Age-restricted? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Accessible (in accordance with NJ Barrier Free Subcode)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Section 10. Affirmative Marketing Strategy (check all that apply)</p> <p><input type="checkbox"/> DDD/DMHS/DHSS waiting list</p> <p><input type="checkbox"/> Affirmative Marketing Plan approved by the Council's executive Director</p>	

CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief

Certified by: _____
 Project Administrator Date

Certified by: _____
 Municipal Housing Liaison Date



APPENDIX 4 – Sciotti Properties Supportive Housing Survey

**Department of Community Affairs
Council on Affordable Housing
Supportive and Special Needs Housing Survey**

Municipality: _____ County: _____
 Sponsor: _____ Developer: _____
 Block: _____ Lot: _____ Street Address: _____
 Facility Name: _____

<p>Section 1. Type of Facility</p> <p><input type="checkbox"/> Licensed Group Home</p> <p><input type="checkbox"/> Transitional facility for the homeless (not eligible for credit as affordable housing after June 2, 2008)</p> <p><input type="checkbox"/> Residential health care facility (licensed by NJ Dept of Community Affairs or DHSS)</p> <p><input type="checkbox"/> Permanent supportive housing</p> <p><input type="checkbox"/> Supportive shared housing</p> <p><input type="checkbox"/> Other – Please Specify _____</p>	<p>Section 2. Sources and amount of funding committed to the project</p> <p><input type="checkbox"/> Capital Application Funding Unit \$ _____</p> <p><input type="checkbox"/> HMFA Special Needs Housing Trust \$ _____</p> <p><input type="checkbox"/> Balanced Housing – Amount \$ _____</p> <p><input type="checkbox"/> HUD – Amount \$ _____ Program _____</p> <p><input type="checkbox"/> Federal Home Loan Bank – Amount \$ _____</p> <p><input type="checkbox"/> Farmers Home Administration – Amount \$ _____</p> <p><input type="checkbox"/> Development fees – Amount \$ _____</p> <p><input type="checkbox"/> Bank financing – Amount \$ _____</p> <p><input type="checkbox"/> Other – Amount \$ _____ Program _____</p> <p><input type="checkbox"/> For proposed projects, please submit a pro forma</p> <p><input type="checkbox"/> Municipal resolution to commit funding if applicable</p> <p><input type="checkbox"/> Award letter/financing commitment (proposed new construction projects only)</p>
<p>Section 3. For all facilities other than permanent supportive housing:</p> <p>Total # of bedrooms reserved for</p> <p>Very low-income clients/households _____</p> <p>Low-income clients/households _____</p> <p>Moderate-income clients/households _____</p> <p>Market-income clients/households _____</p>	<p>Section 4. For permanent supportive housing</p> <p>Total # of units _____ including</p> <p># of very low-income units _____</p> <p># of low-income units _____</p> <p># of moderate-income units _____</p> <p># of market-income units _____</p>
<p>Section 5.</p> <p>Length of Controls _____ years</p> <p>Effective Date of Controls _____</p> <p>Expiration Date of Controls _____</p> <p>Average Length of Stay: _____ months (transitional facilities only)</p>	<p>Section 6:</p> <p><input type="checkbox"/> CO Date _____</p> <p>For licensed facilities, indicate licensing agency</p> <p><input type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p><input type="checkbox"/> Other _____</p> <p>Initial License Date _____</p> <p>Current License Date _____</p>
<p>Section 7.</p> <p>Has the project received project-based rental assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No. Length of commitment _____ years</p> <p>Other operating subsidy sources: _____ Length of commitment _____ years</p> <p>Is the subsidy renewable? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Section 8. The following verification is attached</p> <p><input type="checkbox"/> Copy of deed restriction or mortgage and/or mortgage note with deed restriction (30-year minimum, HUD, FHA, FHLB, UHAC deed restriction, etc)</p> <p><input type="checkbox"/> Copy of Capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum, no deed restriction required)</p>	
<p>Section 9.</p> <p>Residents 18 yrs or older? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Population Served (describe): _____</p> <p>Age-restricted? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Accessible (in accordance with NJ Barrier Free Subcode)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Section 10. Affirmative Marketing Strategy (check all that apply)</p> <p><input type="checkbox"/> DDD/DMHS/DHSS waiting list</p> <p><input type="checkbox"/> Affirmative Marketing Plan approved by the Council's Executive Director</p>	

CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief

Certified by: _____ Date _____
 Project Administrator

Certified by: _____ Date _____
 Municipal Housing Liaison



APPENDIX 5- Elwyn, NJ - Supportive Housing Survey

**Department of Community Affairs
Council on Affordable Housing
Supportive and Special Needs Housing Survey**

Municipality: _____ County: _____
 Sponsor: _____ Developer: _____
 Block: _____ Lot: _____ Street Address: _____
 Facility Name: _____

<p>Section 1. Type of Facility:</p> <p><input type="checkbox"/> Licensed Group Home</p> <p><input type="checkbox"/> Transitional facility for the homeless (not eligible for credit as affordable housing after June 2, 2008)</p> <p><input type="checkbox"/> Residential health care facility (licensed by NJ Dept. of Community Affairs or DHSS)</p> <p><input type="checkbox"/> Permanent supportive housing</p> <p><input type="checkbox"/> Supportive shared housing</p> <p><input type="checkbox"/> Other – Please Specify: _____</p>	<p>Section 2. Sources and amount of funding committed to the project:</p> <p><input type="checkbox"/> Capital Application Funding Unit \$ _____</p> <p><input type="checkbox"/> HMFA Special Needs Housing Trust \$ _____</p> <p><input type="checkbox"/> Balanced Housing – Amount \$ _____</p> <p><input type="checkbox"/> HUD – Amount \$ _____ Program _____</p> <p><input type="checkbox"/> Federal Home Loan Bank – Amount \$ _____</p> <p><input type="checkbox"/> Farmers Home Administration – Amount \$ _____</p> <p><input type="checkbox"/> Development fees – Amount \$ _____</p> <p><input type="checkbox"/> Bank financing – Amount \$ _____</p> <p><input type="checkbox"/> Other – Amount \$ _____ Program _____</p> <p><input type="checkbox"/> For proposed projects, please submit a pro forma</p> <p><input type="checkbox"/> Municipal resolution to commit funding, if applicable</p> <p><input type="checkbox"/> Award letter/financing commitment (proposed new construction projects only)</p>
<p>Section 3. For all facilities other than permanent supportive housing:</p> <p>Total # of bedrooms reserved for:</p> <p>Very low-income clients/households _____</p> <p>Low-income clients/households _____</p> <p>Moderate-income clients/households _____</p> <p>Market-income clients/households _____</p>	<p>Section 4. For permanent supportive housing:</p> <p>Total # of units _____, including:</p> <p># of very low-income units _____</p> <p># of low-income units _____</p> <p># of moderate-income units _____</p> <p># of market-income units _____</p>
<p>Section 5.</p> <p>Length of Controls: _____ years</p> <p>Effective Date of Controls: _____</p> <p>Expiration Date of Controls: _____</p> <p>Average Length of Stay: _____ months (transitional facilities only)</p>	<p>Section 6.</p> <p><input type="checkbox"/> CO Date: _____</p> <p>For licensed facilities, indicate licensing agency:</p> <p><input type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p><input type="checkbox"/> Other _____</p> <p>Initial License Date _____</p> <p>Current License Date _____</p>
<p>Section 7.</p> <p>Has the project received project-based rental assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No; Length of commitment: _____ years</p> <p>Other operating subsidy sources: _____; Length of commitment: _____ years</p> <p>Is the subsidy renewable? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Section 8. The following verification is attached:</p> <p><input type="checkbox"/> Copy of deed restriction or mortgage and/or mortgage note with deed restriction (30-year minimum, HUD, FHA, FHLB, UHAC deed restriction, etc.)</p> <p><input type="checkbox"/> Copy of Capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum, no deed restriction required)</p>	
<p>Section 9.</p> <p>Residents 18 yrs or older? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Population Served (describe): _____</p> <p>Age-restricted? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Accessible (in accordance with NJ Barrier Free Subcode)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Section 10. Affirmative Marketing Strategy (check all that apply):</p> <p><input type="checkbox"/> DDD/DMHS/DHSS waiting list</p> <p><input type="checkbox"/> Affirmative Marketing Plan approved by the Council's Executive Director</p>	

CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by _____
 Project Administrator _____ Date _____

Certified by _____
 Municipal Housing Liaison _____ Date _____



APPENDIX 6 - NEIGHBORHOOD STABILIZATION DEED RESTRICTIONS

1015 Route 54

130 Rockafellor Lane

219 Meyner Lane

ATLANTIC COUNTY, NJ
EDWARD P. McGETTIGAN, COUNTY CLERK
RCPT # 861776 RECD BY denise
VOL 13251
REC FEES 8.00
MARGINAL NOTATION 0.00
RECORDED 01/25/2011 01:16:20 PM
INST # 2011005178

**DEED OF EASEMENT AND RESTRICTIVE COVENANTS
HOME OWNERSHIP UNITS**

NEIGHBORHOOD STABILIZATION PROGRAM

THIS DEED OF EASEMENT AND RESTRICTIVE COVENANTS, (this "Deed") is made as of October 25 2010, by HOUSING PROGRAM DEVELOPMENT CORPORATION (the "Owner") to the State of New Jersey, Department of Community Affairs, Division of Housing and Community Resources ("DCA").

WITNESSETH:

Article I: Consideration

The Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed of Easement and Restrictive Covenants in consideration of the award of Neighborhood Stabilization Program ("NSP") funds to TOWNSHIP OF BUENA VISTA the NSP Funds] (the "Grantee"). pursuant to Grant Agreement #2009-02293-1730-00 by DCA under the authority of Title I of the Housing and Community Development Act of 1974, as amended, 24 CFR Part 570 of the regulations of the United States Department of Housing and Urban Development (HUD), as the same may be amended from time to time, Title III of Division B of the Housing and Economic Recovery Act of 2008 (P.L. 110289) as amended by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), and 73 FR 58330 (October 6, 2008), and 24 CFR Part 92 of the regulations of the United States Department of Housing and Urban Development (the HOME Investment Partnerships Program), as amended, (collectively, the "Authority").

Article II: Property Description

The Owner has utilized an allocation of NSP funds for the (state NSP eligible activity) rehabilitation of a residential property located at Tax Map Block No: 701, Lot No: 9, Street Address: 1015 Rt. 54, Buena Vista Township, New Jersey 08346, which is more specifically described in Schedule "A" and title to which has been recorded in favor of the Owner in the County Clerk or Register's Office of the County of Atlantic as Instrument #2010035010.

Article III: Occupancy and Use Restriction ("Affordability Controls").

This Deed of Easement and Restrictive Covenants shall run with the land to ensure that the "Affordability Controls" bind the Owner of the described premises and notify all future purchasers of the property that the property is encumbered with Affordability Controls.

The Owner represents, warrants, covenants and agrees that throughout the term of the Affordability Controls and in order to satisfy the requirements of 24 CFR 92 and the Authority, the NSP-Assisted Unit shall be used solely as affordable housing and shall meet the following requirements:

EXHIBIT "A"

LEGAL DESCRIPTION

File No.: 12070ST-01

ALL THAT CERTAIN tract or parcel of land and premises lying, being and situate in Buena Vista Township, Atlantic County, and State of New Jersey being more particularly described as follows:

BEING Block 701, Lot 9 as shown on the Tax Map of the Township of Buena Vista.

BEING premises No. 1015 Route 54.

BEING Block: 701, Lot: 9

A. The Property shall be used solely for the purpose of providing owner occupied dwelling units for households eligible for assistance pursuant to the New Jersey Department of Community Affairs, Neighborhood Stabilization Program, Operational Manual (Operational Manual) and the Authority, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for that unit in writing by the Administrative Agent, so long as any dwelling unit remains within its Affordability Period.

B. Sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no transfer of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent.

i. The seller of an NSP-Assisted Unit shall provide written notification of an intended sale to the Administrative agent. Such notification shall set forth the intended sales price, the gross income of the intended buyer and verification of the fact that such NSP-Assisted Unit will be the principal residence of the intended buyer.

C. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the Administrative Agent.

D. The Owner shall notify the Administrative Agent and the State of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.

E. The Owner shall notify the Administrative Agent and the State within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

F. Any purported transfer of title to the NSP-Assisted Unit that is not in strict conformance with the provisions set forth herein, shall be void and of no effect.

Article IV: Term of Deed

A. This Deed, and the term of restricted use specified herein (the "**Affordability Period**") apply to the NSP-Assisted Unit immediately upon recordation of this Deed and the Owner shall comply with the restrictive covenants herein not later than the first day on which the NSP-Assisted Unit is first occupied. This Deed shall terminate thirty (30) years following the date that the NSP-Assisted Unit is certified for occupancy. The Eligible Owner shall cooperate with the Grantee/Commissioner in executing and filing any documents necessary to effectuate such an extension.

B. Pursuant to 24 CFR, Part 92.252, as amended, and the Authority, this Declaration and the term of affordability shall remain in effect for not less than the Affordability Period described in section IV (a) above without regard to the term of any mortgage or other underlying encumbrance upon the subject property and without regard to any transfer of ownership.

Article V - Enforcement of Restrictions

A The Owner shall submit any other information, documents, or certifications requested by the Grantee or the State which the Grantee or the Grantee/State shall deem reasonably necessary to substantiate the Owner's continuing compliance with the provisions of the restrictions specified in this Declaration.

B The Owner hereby agrees that the representations and covenants set forth herein may be relied upon by the Grantee/State and all persons interested in compliance under 24 CFR Part 92 and other applicable regulations of the Authority.

C The Owner covenants that the Owner will not knowingly take or permit any action that would result in a violation of the requirements of 24 CFR Part 92, the Authority, and other applicable regulations of this Deed. Moreover, the Eligible Owner covenants to take any lawful action (including amendment of this Deed as may be necessary, in the opinion of the Grantee/State) to comply fully with all applicable rules, rulings, policies, procedures, regulations or other official statements promulgated or proposed and published by HUD from time to time pertaining to the Owner's obligations under 24 CFR Part 92 and the Authority.

D The Owner acknowledges that the primary purpose for requiring compliance by the Owner with the restrictions provided in this Deed is to assure compliance with 24 CFR Part 92, the Authority, and other applicable regulations, and by reason thereof, in consideration of NSP Funds provided by the State to the Grantee, hereby agrees and consents that the State or the Grantee or each of them, shall be entitled, for any breach of the provisions hereon, and in addition to all other remedies provided by law or in equity, to enforce specific performance by the Owner of its obligations under this Deed in a court of competent jurisdiction. The Owner hereby further specifically acknowledges that the beneficiaries of the Owner's obligations hereunder cannot be adequately compensated by monetary damages in the event of any default hereunder.

E For the term of this Deed, each and every contract, deed or other instrument hereafter executed conveying the NSP-Assisted Unit, shall expressly provide that such conveyance is subject to this Deed; provided, however, the covenants contained herein shall survive and be effective regardless of whether such contract, deed, or other instrument hereafter executed, conveying the NSP-Assisted Unit, provides that such conveyance is subject to this Declaration.

F The Owner agrees to take any and all actions reasonably required by the State to substantiate the Owner's compliance with the occupancy restrictions of 24 CER Part 92 and the Authority as now constituted or subsequently amended.

G This Deed shall be deemed a contract enforceable by the State, the Grantee, or both. In the event the Owner fails to satisfy the requirements of this Deed and legal costs are incurred by the State or the Grantee, such legal costs, including attorney fees and court costs (including costs of appeal), are the responsibility of, and may be recovered from the Owner.

Article VI - Miscellaneous

A Severability. The invalidity of any clause, part, or provision of this Deed shall not affect the validity of the remaining portions thereof.

B Notices. All notices to be given pursuant to this Deed shall be in writing and shall be deemed given when mailed by certified or registered mail, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate in writing. The State, the Grantee, and the Eligible Owner, may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

If to State:

Division of Housing
Department of Community Affairs
101 South Broad Street
P.O. Box 806
Trenton, New Jersey 08625-0806
(609) 984-7810
FAX: (609) 984-8454

With a copy to:

If to Eligible Owner: [Address]

Housing Program Development Co.
1301 W. Forest Grove Road
Vineland, NJ 08360

With a copy to: [Address]

If to Grantee: [Address]

Township of Buena
890 Harding Highway
P.O. Box 605
Buena, NJ 08310
With a copy to: [Address]

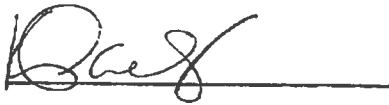
or to such other address or person as shall be designated from time to time by notice.

C Amendment. The Owner agrees to take all actions necessary to effect amendment of this Deed as may be necessary to comply with 24 CFR Part 92, the Authority, and any and all applicable rules, regulations, policies, procedures, rulings, or other official statements pertaining to the NSP assistance. The State and the Grantee, together with the Owner, may execute and record any amendment or modification to this Deed and such amendment or modification shall be binding on third-parties granted rights under this Deed.

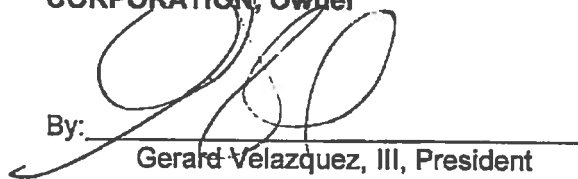
D **Governing Law.** This Deed shall be governed by the laws of the State of New Jersey and, where applicable, the laws of the United States of America.

IN WITNESS WHEREOF, the Eligible Owner hereto has executed this Declaration the day and year first written above.

Signed, Sealed and Delivered
in the presence of:



**HOUSING PROGRAM DEVELOPMENT
CORPORATION, Owner**


By: 
Gerard Velazquez, III, President

STATE OF NEW JERSEY)
COUNTY OF Cumberland) ss:

I CERTIFY that on October 25, 2010 **Gerard Velazquez, III**, who is the President of Housing Program Development Corporation personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this document; and
- (b) was the maker of this Deed; and
- (c) signed, sealed and delivered this Deed as his or her act and deed on behalf of the corporation.

Dated: 10/25/10


Notary Public
MONICA A. WEST
Notary Public of New Jersey
I.D. # 2354281
Commission Expires 1/8/2012

My Commission Expires: _____

Record and Return To:
Surety Title Corporation
1 E. Stow Road
Martinez, NJ 08053

12518ST
REC 1ST

ATLANTIC COUNTY, NJ; EDWARD P. McGETTIGAN, COUNTY CLERK
VOL 13188 RECORDED 08/27/2010 03:19:36 PM
REC FEES 80.00 MARGINAL NOTATION 0.00 RCPT# 832354
INST# 2010051430 RECD BY: yvette

**DEED OF EASEMENT AND RESTRICTIVE COVENANTS
HOME OWNERSHIP UNITS**

NEIGHBORHOOD STABILIZATION PROGRAM

THIS DEED OF EASEMENT AND RESTRICTIVE COVENANTS, (this "Deed") is made as of August 10, 2010, by HOUSING PROGRAM DEVELOPMENT CORPORATION (the "Owner") to the State of New Jersey, Department of Community Affairs, Division of Housing and Community Resources ("DCA").

WITNESSETH:

Article I: Consideration

The Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed of Easement and Restrictive Covenants in consideration of the award of Neighborhood Stabilization Program ("NSP") funds to **TOWNSHIP OF BUENA VISTA** the NSP Funds] (the "**Grantee**"). pursuant to Grant Agreement #**2009-02293-1730-00** by DCA under the authority of Title I of the Housing and Community Development Act of 1974, as amended, 24 CFR Part 570 of the regulations of the United States Department of Housing and Urban Development (HUD), as the same may be amended from time to time, Title III of Division B of the Housing and Economic Recovery Act of 2008 (P.L. 110289) as amended by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), and 73 FR 58330 (October 6, 2008), and 24 CFR Part 92 of the regulations of the United States Department of Housing and Urban Development (the HOME Investment Partnerships Program), as amended, (collectively, the "**Authority**").

Article II: Property Description

The Owner has utilized an allocation of NSP funds for the (state NSP eligible activity) rehabilitation of a residential property located at the Buena Vista Township Tax Map Block No: **1510**, Lot No: **25**, Street Address: **130 Rockefeller Lane, Newtonville, New Jersey 08346**, which is more specifically described in Schedule "A" and title to which has been recorded in favor of the Owner in the County Clerk or Register's Office of the County of Atlantic as Instrument #2010009411.

Article III: Occupancy and Use Restriction ("Affordability Controls").

This Deed of Easement and Restrictive Covenants shall run with the land to ensure that the "Affordability Controls" bind the Owner of the described premises and notify all future purchasers of the property that the property is encumbered with Affordability Controls.

The Owner represents, warrants, covenants and agrees that throughout the term of the Affordability Controls and in order to satisfy the requirements of 24 CFR 92 and the Authority, the NSP-Assisted Unit shall be used solely as affordable housing and shall meet the following requirements:

12518ST

A. The Property shall be used solely for the purpose of providing owner occupied dwelling units for households eligible for assistance pursuant to the New Jersey Department of Community Affairs, Neighborhood Stabilization Program, Operational Manual (Operational Manual) and the Authority, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for that unit in writing by the Administrative Agent, so long as any dwelling unit remains within its Affordability Period.

B. Sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no transfer of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent.

i. The seller of an NSP-Assisted Unit shall provide written notification of an intended sale to the Administrative agent. Such notification shall set forth the intended sales price, the gross income of the intended buyer and verification of the fact that such NSP-Assisted Unit will be the principal residence of the intended buyer.

C. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the Administrative Agent.

D. The Owner shall notify the Administrative Agent and the State of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.

E. The Owner shall notify the Administrative Agent and the State within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

F. Any purported transfer of title to the NSP-Assisted Unit that is not in strict conformance with the provisions set forth herein, shall be void and of no effect.

Article IV: Term of Deed

A. This Deed, and the term of restricted use specified herein (the "**Affordability Period**") apply to the NSP-Assisted Unit immediately upon recordation of this Deed and the Owner shall comply with the restrictive covenants herein not later than the first day on which the NSP-Assisted Unit is first occupied. This Deed shall terminate thirty (30) years following the date that the NSP-Assisted Unit is certified for occupancy. The Eligible Owner shall cooperate with the Grantee/Commissioner in executing and filing any documents necessary to effectuate such an extension.

B. Pursuant to 24 CFR, Part 92.252, as amended, and the Authority, this Declaration and the term of affordability shall remain in effect for not less than the Affordability Period described in section IV (a) above without regard to the term of any

mortgage or other underlying encumbrance upon the subject property and without regard to any transfer of ownership.

Article V - Enforcement of Restrictions

A The Owner shall submit any other information, documents, or certifications requested by the Grantee or the State which the Grantee or the Grantee/State shall deem reasonably necessary to substantiate the Owner's continuing compliance with the provisions of the restrictions specified in this Declaration.

B The Owner hereby agrees that the representations and covenants set forth herein may be relied upon by the Grantee/State and all persons interested in compliance under 24 CFR Part 92 and other applicable regulations of the Authority.

C The Owner covenants that the Owner will not knowingly take or permit any action that would result in a violation of the requirements of 24 CFR Part 92, the Authority, and other applicable regulations of this Deed. Moreover, the Eligible Owner covenants to take any lawful action (including amendment of this Deed as may be necessary, in the opinion of the Grantee/State) to comply fully with all applicable rules, rulings, policies, procedures, regulations or other official statements promulgated or proposed and published by HUD from time to time pertaining to the Owner's obligations under 24 CFR Part 92 and the Authority.

D The Owner acknowledges that the primary purpose for requiring compliance by the Owner with the restrictions provided in this Deed is to assure compliance with 24 CFR Part 92, the Authority, and other applicable regulations, and by reason thereof, in consideration of NSP Funds provided by the State to the Grantee, hereby agrees and consents that the State or the Grantee or each of them, shall be entitled, for any breach of the provisions hereon, and in addition to all other remedies provided by law or in equity, to enforce specific performance by the Owner of its obligations under this Deed in a court of competent jurisdiction. The Owner hereby further specifically acknowledges that the beneficiaries of the Owner's obligations hereunder cannot be adequately compensated by monetary damages in the event of any default hereunder.

E For the term of this Deed, each and every contract, deed or other instrument hereafter executed conveying the NSP-Assisted Unit, shall expressly provide that such conveyance is subject to this Deed; provided, however, the covenants contained herein shall survive and be effective regardless of whether such contract, deed, or other instrument hereafter executed, conveying the NSP-Assisted Unit, provides that such conveyance is subject to this Declaration.

F The Owner agrees to take any and all actions reasonably required by the State to substantiate the Owner's compliance with the occupancy restrictions of 24 CER Part 92 and the Authority as now constituted or subsequently amended.

G This Deed shall be deemed a contract enforceable by the State, the Grantee, or both. In the event the Owner fails to satisfy the requirements of this Deed and legal costs are incurred by the State or the Grantee, such legal costs, including attorney fees and court

costs (including costs of appeal), are the responsibility of, and may be recovered from the Owner.

Article VI - Miscellaneous

A Severability. The invalidity of any clause, part, or provision of this Deed shall not affect the validity of the remaining portions thereof.

B Notices. All notices to be given pursuant to this Deed shall be in writing and shall be deemed given when mailed by certified or registered mail, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate in writing. The State, the Grantee, and the Eligible Owner, may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

If to State:

Division of Housing
Department of Community Affairs
101 South Broad Street
P.O. Box 806
Trenton, New Jersey 08625-0806
(609) 984-7810
FAX: (609) 984-8454

With a copy to:

If to Eligible Owner: [Address]

Housing Program Development Co.
1301 W. Forest Grove Road
Vineland, NJ 08360

With a copy to: [Address]

If to Grantee: [Address]

Township of Buena
890 Harding Highway
P.O. Box 605
Buena, NJ 08310
With a copy to: [Address]

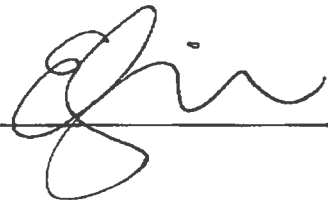
or to such other address or person as shall be designated from time to time by notice.

C **Amendment.** The Owner agrees to take all actions necessary to effect amendment of this Deed as may be necessary to comply with 24 CFR Part 92, the Authority, and any and all applicable rules, regulations, policies, procedures, rulings, or other official statements pertaining to the NSP assistance. The State and the Grantee, together with the Owner, may execute and record any amendment or modification to this Deed and such amendment or modification shall be binding on third-parties granted rights under this Deed.

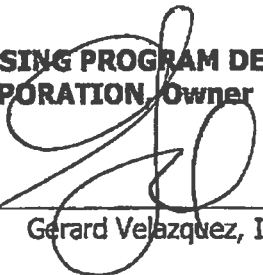
D **Governing Law.** This Deed shall be governed by the laws of the State of New Jersey and, where applicable, the laws of the United States of America.

IN WITNESS WHEREOF, the Eligible Owner hereto has executed this Declaration the day and year first written above.

Signed, Sealed and Delivered
in the presence of:



HOUSING PROGRAM DEVELOPMENT CORPORATION, Owner

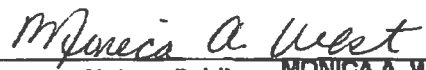
By: 
Gerard Velazquez, III, President

STATE OF NEW JERSEY)
) ss:
COUNTY OF ATLANTIC)

I CERTIFY that on August 10, 2010 **Gerard Velazquez, III**, who is the President of Housing Program Development Corporation personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this document; and
- (b) was the maker of this Deed; and
- (c) signed, sealed and delivered this Deed as his or her act and deed on behalf of the corporation.

Dated: 8/10/10


Notary Public **MONICA A. WEST**
Notary Public of New Jersey
I.D. # 2354281
Commission Expires 1/8/2012

Notary Public
My Commission Expires:

SCHEDULE A
Legal Description of NSP-Assisted Unit(s)



EXHIBIT "A"
LEGAL DESCRIPTION

File No: 12518ST-01

ALL THAT CERTAIN tract or parcel of land and premises lying, being and situate in Buena Vista Township, Atlantic County, and State of New Jersey being more particularly described as follows:

BEGINNING at the intersection of the Southwesterly line of Rockefeller Lane (50.00 feet wide) with the extended Northwesterly line of Gardner Boulevard (60.00 feet wide); thence

- (1) Along the Southwesterly line of Rockefeller Lane, South 37 degrees 30 minutes 00 seconds East, a distance of 80.00 feet to a point; thence
- (2) Southeastwardly, continuing along the Southwesterly line of Rockefeller Lane, curving to the right with a radius of 542.66 feet, an arc distance of 172.69 feet to a point; thence
- (3) Continuing along the Southwesterly line of Rockefeller Lane, South 19 degrees 16 minutes 00 seconds East, a distance of 137.09 feet to a point in the division line between Lots 25 and 26, Block 1510, Tax Map; thence
- (4) Along said division line, South 52 degrees 30 minutes 00 seconds West, a distance of 194.86 feet to a point common to Lots 25, 26 and 35, Block 1510, Tax Map; thence
- (5) Along the division line between Lots 25 and 35, North 37 degrees 30 minutes 00 seconds West, a distance of 380.00 feet to an angle point; thence
- (6) Continuing along said division line, South 52 degrees 30 minutes 00 seconds West, a distance of 35.00 feet to a point in the Northeasterly line of Johnson Lane (58.00 feet wide, unopened); thence
- (7) Along the Northeasterly line of Johnson Lane, North 37 degrees 30 minutes 00 seconds West, a distance of 157.50 feet to a point in the division line between Lots 22 and 23, Block 1510, Tax Map; thence
- (8) Along said division line, North 52 degrees 30 minutes 00 seconds East, a distance of 150.00 feet to a point common to Lots 10, 11, 22 and 23, Block 1510, Tax Map; thence
- (9) Along the division line between Lots 11 and 23 and continuing along the division line between Lots 12 and 24, South 37 degrees 30 minutes 00 seconds East, a distance of 157.20 feet to an angle point; thence
- (10) Continuing along said division line, North 52 degrees 30 minutes 00 seconds East, a distance of 150.00 feet to the point and place of **BEGINNING**.

BEING premises No. 130 Rockefeller Lane.

BEING Block: 1510, Lot: 25

BEING the same land and premises which became vested in Housing Program Development Corporation, by deed from JPMorgan Chase Bank, N.A., dated 1/22/2010, recorded 2/11/2010, in the Atlantic County Clerk/Register's Office in Instrument No. 2010009411.

**DEED OF EASEMENT AND RESTRICTIVE COVENANTS
HOME OWNERSHIP UNITS**

NEIGHBORHOOD STABILIZATION PROGRAM

THIS DEED OF EASEMENT AND RESTRICTIVE COVENANTS, (this "Deed") is made as of October 6, 2010, by **HOUSING PROGRAM DEVELOPMENT CORPORATION** (the "Owner") to the State of New Jersey, Department of Community Affairs, Division of Housing and Community Resources ("DCA").

WITNESSETH:

Article I: Consideration

The Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed of Easement and Restrictive Covenants in consideration of the award of Neighborhood Stabilization Program ("NSP") funds to **TOWNSHIP OF BUENA VISTA** the NSP Funds] (the "**Grantee**"). pursuant to Grant Agreement #**2009-02293-1730-00** by DCA under the authority of Title I of the Housing and Community Development Act of 1974, as amended, 24 CFR Part 570 of the regulations of the United States Department of Housing and Urban Development (HUD), as the same may be amended from time to time, Title III of Division B of the Housing and Economic Recovery Act of 2008 (P.L. 110289) as amended by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), and 73 FR 58330 (October 6, 2008), and 24 CFR Part 92 of the regulations of the United States Department of Housing and Urban Development (the HOME Investment Partnerships Program), as amended, (collectively, the "**Authority**").

Article II: Property Description

The Owner has utilized an allocation of NSP funds for the (state NSP eligible activity) rehabilitation of a residential property located at Tax Map Block No: **1504**, Lot No: **12**, Street Address: **219 Meyner Lane, Newtonville, Buena Vista Township, New Jersey 08346**, which is more specifically described in Schedule "A" and title to which has been recorded in favor of the Owner in the County Clerk or Register's Office of the County of Atlantic as Instrument #**2010048948**.

Article III: Occupancy and Use Restriction ("Affordability Controls").

This Deed of Easement and Restrictive Covenants shall run with the land to ensure that the "Affordability Controls" bind the Owner of the described premises and notify all future purchasers of the property that the property is encumbered with Affordability Controls.

The Owner represents, warrants, covenants and agrees that throughout the term of the Affordability Controls and in order to satisfy the requirements of 24 CFR 92 and the Authority, the NSP-Assisted Unit shall be used solely as affordable housing and shall meet the following requirements:

ATLANTIC COUNTY, NJ EDWARD P. MCGEHEE, COUNTY CLERK
VOL 13251 RECORDED 01/25/2011 01:16:20 PM
REC FEES 8.00 MARGINAL NOTATION 0.00 RPT# 861776
INST# 2011005176
RECD BY: denise



EXHIBIT "A"

LEGAL DESCRIPTION

File No: 12778ST-01

ALL THAT CERTAIN tract or parcel of land and premises lying, being and situate in Buena Vista Township, Atlantic County, and State of New Jersey being more particularly described as follows:

BEGINNING at a steel pin in the Westerly line of Meyner Lane (30 feet wide) 658.95 feet from the Northwestery line of Tenth Street as measured along the curved and tangent Westerly line of Mercer Lane and extending; thence

1. Northwardly, along the Westerly line of Meyner Lane, 75 feet to a steel pin; thence
2. Westwardly, along Lot 11, 150 feet to a steel pin in the Easterly line of Conrail; thence
3. Southwardly, along the Easterly line of Conrail, 75 feet to a steel pin; thence
4. Eastwardly, along Lot 13, 150 feet to the point of BEGINNING.

BEING premises No. 219 Meyner Lane.

BEING Block: 1304, Lot: 12

BEING the same land and premises which became vested in Wells Fargo Bank, N.A., as Indenture Trustee under the Indenture Relating to IMH Assets Corp., Collateralized Asset-Backed Bonds, Series 2004-6, by deed from Sheriff of Atlantic County, in the State of New Jersey, dated 5/26/2010, recorded 6/21/2010, in the Atlantic County Clerk/Register's Office (Instrument No. 2010037312).

A. The Property shall be used solely for the purpose of providing owner occupied dwelling units for households eligible for assistance pursuant to the New Jersey Department of Community Affairs, Neighborhood Stabilization Program, Operational Manual (Operational Manual) and the Authority, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for that unit in writing by the Administrative Agent, so long as any dwelling unit remains within its Affordability Period.

B. Sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no transfer of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent.

i. The seller of an NSP-Assisted Unit shall provide written notification of an intended sale to the Administrative agent. Such notification shall set forth the intended sales price, the gross income of the intended buyer and verification of the fact that such NSP-Assisted Unit will be the principal residence of the intended buyer.

C. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the Administrative Agent.

D. The Owner shall notify the Administrative Agent and the State of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.

E. The Owner shall notify the Administrative Agent and the State within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

F. Any purported transfer of title to the NSP-Assisted Unit that is not in strict conformance with the provisions set forth herein, shall be void and of no effect.

Article IV: Term of Deed

A. This Deed, and the term of restricted use specified herein (the "**Affordability Period**") apply to the NSP-Assisted Unit immediately upon recordation of this Deed and the Owner shall comply with the restrictive covenants herein not later than the first day on which the NSP-Assisted Unit is first occupied. This Deed shall terminate thirty (30) years following the date that the NSP-Assisted Unit is certified for occupancy. The Eligible Owner shall cooperate with the Grantee/Commissioner in executing and filing any documents necessary to effectuate such an extension.

B. Pursuant to 24 CFR, Part 92.252, as amended, and the Authority, this Declaration and the term of affordability shall remain in effect for not less than the Affordability Period described in section IV (a) above without regard to the term of any

mortgage or other underlying encumbrance upon the subject property and without regard to any transfer of ownership.

Article V - Enforcement of Restrictions

A The Owner shall submit any other information, documents, or certifications requested by the Grantee or the State which the Grantee or the Grantee/State shall deem reasonably necessary to substantiate the Owner's continuing compliance with the provisions of the restrictions specified in this Declaration.

B The Owner hereby agrees that the representations and covenants set forth herein may be relied upon by the Grantee/State and all persons interested in compliance under 24 CFR Part 92 and other applicable regulations of the Authority.

C The Owner covenants that the Owner will not knowingly take or permit any action that would result in a violation of the requirements of 24 CFR Part 92, the Authority, and other applicable regulations of this Deed. Moreover, the Eligible Owner covenants to take any lawful action (including amendment of this Deed as may be necessary, in the opinion of the Grantee/State) to comply fully with all applicable rules, rulings, policies, procedures, regulations or other official statements promulgated or proposed and published by HUD from time to time pertaining to the Owner's obligations under 24 CFR Part 92 and the Authority.

D The Owner acknowledges that the primary purpose for requiring compliance by the Owner with the restrictions provided in this Deed is to assure compliance with 24 CFR Part 92, the Authority, and other applicable regulations, and by reason thereof, in consideration of NSP Funds provided by the State to the Grantee, hereby agrees and consents that the State or the Grantee or each of them, shall be entitled, for any breach of the provisions hereon, and in addition to all other remedies provided by law or in equity, to enforce specific performance by the Owner of its obligations under this Deed in a court of competent jurisdiction. The Owner hereby further specifically acknowledges that the beneficiaries of the Owner's obligations hereunder cannot be adequately compensated by monetary damages in the event of any default hereunder.

E For the term of this Deed, each and every contract, deed or other instrument hereafter executed conveying the NSP-Assisted Unit, shall expressly provide that such conveyance is subject to this Deed; provided, however, the covenants contained herein shall survive and be effective regardless of whether such contract, deed, or other instrument hereafter executed, conveying the NSP-Assisted Unit, provides that such conveyance is subject to this Declaration.

F The Owner agrees to take any and all actions reasonably required by the State to substantiate the Owner's compliance with the occupancy restrictions of 24 CER Part 92 and the Authority as now constituted or subsequently amended.

G This Deed shall be deemed a contract enforceable by the State, the Grantee, or both. In the event the Owner fails to satisfy the requirements of this Deed and legal costs are incurred by the State or the Grantee, such legal costs, including attorney fees and court

costs (including costs of appeal), are the responsibility of, and may be recovered from the Owner.

Article VI - Miscellaneous

A Severability. The invalidity of any clause, part, or provision of this Deed shall not affect the validity of the remaining portions thereof.

B Notices. All notices to be given pursuant to this Deed shall be in writing and shall be deemed given when mailed by certified or registered mail, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate in writing. The State, the Grantee, and the Eligible Owner, may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

If to State:

Division of Housing
Department of Community Affairs
101 South Broad Street
P.O. Box 806
Trenton, New Jersey 08625-0806
(609) 984-7810
FAX: (609) 984-8454

With a copy to:

If to Eligible Owner: [Address]

Housing Program Development Co.
1301 W. Forest Grove Road
Vineland, NJ 08360

With a copy to: [Address]

If to Grantee: [Address]

Township of Buena
890 Harding Highway
P.O. Box 605
Buena, NJ 08310
With a copy to: [Address]

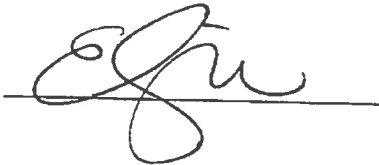
or to such other address or person as shall be designated from time to time by notice.

C **Amendment.** The Owner agrees to take all actions necessary to effect amendment of this Deed as may be necessary to comply with 24 CFR Part 92, the Authority, and any and all applicable rules, regulations, policies, procedures, rulings, or other official statements pertaining to the NSP assistance. The State and the Grantee, together with the Owner, may execute and record any amendment or modification to this Deed and such amendment or modification shall be binding on third-parties granted rights under this Deed.

D **Governing Law.** This Deed shall be governed by the laws of the State of New Jersey and, where applicable, the laws of the United States of America.

IN WITNESS WHEREOF, the Eligible Owner hereto has executed this Declaration the day and year first written above.

Signed, Sealed and Delivered
in the presence of:



**HOUSING PROGRAM DEVELOPMENT
CORPORATION, Owner**


By: 
Gerard Velazquez, III, President

STATE OF NEW JERSEY)
COUNTY OF Cumberland) ss:

I CERTIFY that on October 6, 2010 **Gerard Velazquez, III**, who is the President of Housing Program Development Corporation personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this document; and
- (b) was the maker of this Deed; and
- (c) signed, sealed and delivered this Deed as his or her act and deed on behalf of the corporation.

Dated: 10/6/10


Notary Public **MONICA A. WEST**
Notary Public of New Jersey
I.D. # 2354281
~~Commission Expires 1/9/2012~~
Notary Public
My Commission Expires:

APPENDIX 7 - AFFORDABLE HOUSING TRUST FUND ORDINANCE

ORDINANCE NO. 1-2012
**AN ORDINANCE AMENDING CHAPTER 49, DEVELOPMENT REGULATIONS,
OF THE CODE OF THE TOWNSHIP OF BUENA VISTA,
COUNTY OF ATLANTIC AND STATE OF NEW JERSEY
ESTABLISHING STANDARDS FOR THE COLLECTION, MAINTENANCE AND
EXPENDITURE OF DEVELOPMENT FEES TO PROVIDE AFFORDABLE HOUSING**

BE IT ORDAINED by the Township Committee of the Township of Buena Vista, County of Atlantic, State of New Jersey, as follows:

Chapter 49 of the Code of Buena Vista Township is amended by addition of the following new Section 49-14.1 Development Fees.

Section 49-14.1 Development Fees.

1. 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) Buena Vista Township 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 development involving four (4) or more dwelling units shall pay a fee of one and a half (1.5) 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-70d(5) (known as a “d” variance) has been permitted, developers shall be required to

pay a development fee of six (6) 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 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 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 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.
 - iii. 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.
 - iv. 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 Buena Vista Township 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 Buena Vista Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) The developer shall pay one hundred (100) percent of the calculated development fee amount prior to the municipal issuance of a final certificate of occupancy for the subject property.
- 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 Buena Vista Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, 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 Buena Vista Township. 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 Township Administrator 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 Buena Vista Township's affordable housing program.
- c) Within seven days from the opening of the trust fund account, Buena Vista Township 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 Buena Vista Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable 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 Buena Vista Township 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) Buena Vista Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, 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) Buena Vista Township 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 Buena Vista Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

10. Ongoing Collection of Fees

- a) The ability for Buena Vista Township to impose, collect and expend development fees shall expire with its substantive certification unless Buena Vista Township 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 Buena Vista Township fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, 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). Buena Vista Township 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 Buena Vista Township retroactively impose a development fee on such a development. Buena Vista Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BUENA VISTA

BY: 
PETER C. BYLONE - MAYOR

PASSED ON FIRST READING: FEBRUARY 6, 2012
PUBLICATION DATE: FEBRUARY 8, 2012
FINAL READING: FEBRUARY 27, 2012
PUBLICATION DATE: MARCH 7, 2012

ATTEST:


LINDA M. GONZALES - DEPUTY CLERK

I hereby certify the above to be a true copy of Ordinance No. 1 - 2012 adopted by the Township Committee at the Regular Meeting held on Monday, February 27, 2012.

LINDA M. GONZALES - DEPUTY CLERK

ATLANTIC COUNTY RECORD

Wednesday, March 7, 2012

**NOTICE
FINAL PASSAGE
BUENA VISTA TOWNSHIP
COUNTY OF ATLANTIC**

Notice is hereby given to the final passage on Ordinance No. 1-2012 at a regular meeting of the Township Committee of the Township of Buena Vista on Monday, February 27, 2012

Ordinance No 1-2012
An Ordinance of Buena Vista Township establishing standards for the collection, maintenance and expenditure of development fees to provide affordable housing

Linda Gonzalez, Deputy Clerk
March 7, 2012
pr fee \$7.22 #1579103

MAYOR

Peter Bylone

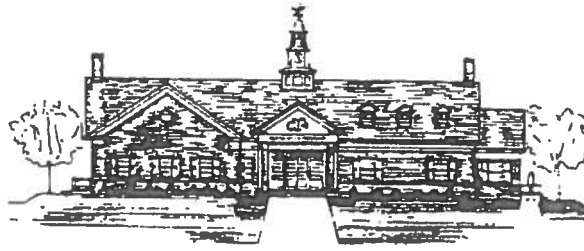
(856) 697-2100

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ADMINISTRATOR/CMFO

Dawn Gorman



TOWNSHIP COMMITTEE

Sue Barber

Chuck Chiarello

Richard Harlan

Teresa Kelly

BUENA VISTA TOWNSHIP

P.O. Box 605, 890 HARDING HIGHWAY
BUENA, NEW JERSEY 08310

NOTICE

FINAL PASSAGE
BUENA VISTA TOWNSHIP
COUNTY OF ATLANTIC

NOTICE IS HEREBY GIVEN TO THE FINAL PASSAGE ON ORDINANCE
NO. 1 - 2012 AT A REGULAR MEETING OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BUENA VISTA ON MONDAY, FEBRUARY 27, 2012

ORDINANCE NO. 1 - 2012
AN ORDINANCE OF BUENA VISTA TOWNSHIP ESTABLISHING STANDARDS FOR
THE COLLECTION, MAINTENANCE AND EXPENDITURE OF DEVELOPMENT FEES
TO PROVIDE AFFORDABLE HOUSING

Linda M. Gonzales
Deputy Clerk

DATED: February 28, 2012

(SEAL)

APPENDIX 8 – FAIR SHARE ORDINANCE AND AFFIRMATIVE MARKETING

ORDINANCE NO. 51-2017

AN ORDINANCE OF THE TOWNSHIP OF BUENA VISTA TO ADDRESS THE REQUIREMENTS OF THE DEPARTMENT OF COMMUNITY AFFAIRS (DEPARTMENT) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Township of Buena Vista (hereinafter referred to as "Township") has recently reached settlement with the Fair Share Housing Center and further on October 19, 2017, the Planning Board of Buena Vista Township has determined the Fair Share Housing Plan is consistent with the goals of the Master Plan; and,

WHEREAS, based upon same, the Township desires to amend, revise and supplement certain sections or portions of sections of Chapter 115 of the Township Code, entitled "Development Regulations", so that the Township Code is consistent with the Fair Share Housing Plan.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Buena Vista, County of Atlantic, State of New Jersey that the following sections of Chapter 115, entitled "Development Regulations" of the Code of the Township of Buena Vista, be amended, revised and supplemented, which shall read as follows:

CHAPTER 115-15.1 AFFORDABLE HOUSING

A. Purpose

- (1) 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.
- (2) The Township of Buena Vista 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 Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways the Township of Buena Vista shall address its fair share for low- and moderate-income housing as determined by the Department of Community Affairs (the Department) and documented in the Housing Element.
- (3) 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.
- (4) The Township of Buena Vista shall file monitoring reports with the Department 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 the Department in accordance with N.J.A.C. 5:96 shall be available to the public at the Township of Buena Vista Municipal Building, Municipal Clerk's Office, 890 Harding Highway, Township of Buena Vista, New Jersey, or from the Department at 101 South Broad Street, Trenton, New Jersey and on the Department's website, www.nj.gov/dca.

B. Definitions The following terms, as used in this section, 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 percent 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 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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

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

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

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

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

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

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

“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 percent or less of the median household income.

“LOW-INCOME UNIT” means a restricted unit that is affordable to a low-income household.

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

“MARKET-RATE UNITS” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

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

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

“MODERATE-INCOME UNIT” means a restricted unit that is affordable to a moderate-income household.

“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 percent of the regional median as defined by the Department’s adopted Regional Income Limits published annually by the Department.

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

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

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

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

“VERY LOW-INCOME HOUSEHOLD” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“VERY LOW-INCOME UNIT” means a restricted unit that is affordable to a very low-income household.

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

C. Inclusionary Zoning

(1) **Phasing.** In inclusionary developments the following schedule shall be followed:

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

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

(3) **Utilities.** Affordable units shall utilize the same type of heating source as market units within the affordable development.

D. New Construction

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

(1) **Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:**

a. 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.

b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.

c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

[i] The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

[ii] At least 30 percent of all low- and moderate-income units shall be two bedroom units;

[iii] At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

[iv] The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

d. 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.

(2) **Accessibility Requirements:**

- a. 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.
- b. 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:
 - [i] An adaptable toilet and bathing facility on the first floor;
 - [ii] An adaptable kitchen on the first floor;
 - [iii] An interior accessible route of travel on the first floor;
 - [iv] An interior accessible route of travel shall not be required between stories within an individual unit;
 - [v] 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
 - [vi] 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 Township of Buena Vista has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - a. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - b. To this end, the builder of restricted units shall deposit funds within the Township of Buena Vista's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - c. The funds deposited under paragraph (b) above shall be used by the Township of Buena Vista for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - d. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Buena Vista.
 - e. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of Buena Vista's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
 - f. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(3) Maximum Rents and Sales Prices

- a. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in THE DEPARTMENT, utilizing the regional income limits established by THE DEPARTMENT.
- b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
- d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units: in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- e. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - [i] A studio shall be affordable to a one-person household;

- [ii] A one-bedroom unit shall be affordable to a one and one-half person household;
 - [iii] A two-bedroom unit shall be affordable to a three-person household;
 - [iv] A three-bedroom unit shall be affordable to a four and one-half person household; and
 - [v] A four-bedroom unit shall be affordable to a six-person household.
- f. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
- [i] A studio shall be affordable to a one-person household;
 - [ii] A one-bedroom unit shall be affordable to a one and one-half person household; and
 - [iii] A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- j. The rent 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 nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
- k. **Utilities.** Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

E. Affirmative Marketing Requirements

- (1) The Township of Buena Vista shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Department, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (2) 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 the Department Housing Region 6 and covers the period of deed restriction.
- (3) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in the Department Housing Region 6 comprised of Atlantic, Cape May, Cumberland and Salem Counties.
- (4) The Administrative Agent designated by the Township of Buena Vista shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (5) 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.
- (6) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (7) 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 Township of Buena Vista.

F. Occupancy Standards

- (1) 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:
 - a. Provide an occupant for each bedroom;
 - b. Provide children of different sex with separate bedrooms; and
 - c. Prevent more than two persons from occupying a single bedroom.
- (2) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

G. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (1) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Township of Buena Vista elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (2) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (3) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (4) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (5) 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.
- (6) 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.

II. 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:

- (1) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (2) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (3) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (4) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

I. Buyer Income Eligibility

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

J. Limitations on indebtedness secured by ownership unit; subordination

- (1) 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.
- (2) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

K. Control Periods for Restricted Rental Units

- (1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Township of Buena Vista elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (2) 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 Atlantic. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (3) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit; or
 - c. The entry and enforcement of any judgment of foreclosure.

L. Price Restrictions for Rental Units; Leases

- (1) 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.
- (2) 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.
- (3) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

M. Tenant Income Eligibility

- (1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (2) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;

- d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. 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.
- (3) The applicant shall file documentation sufficient to establish the existence of the circumstances in (2) (a) through (e) above with the Administrative Agent, who shall counsel the household on budgeting.

N. Administration

- (1) The position of Municipal Housing Liaison (MHL) for the Township of Buena Vista is established by this ordinance. The Township of Buena Vista Council shall make the actual appointment of the MHL by means of a resolution.
 - a. The MHL must be either a full-time or part-time employee of the Township of Buena Vista.
 - b. The person appointed as the MHL must be reported to the Department.
 - c. The MHL must meet all the Department 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 Township of Buena Vista, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - [i] Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - [ii] The implementation of the Affirmative Marketing Plan and affordability controls.
 - [iii] When applicable, supervising any contracting Administrative Agent.
 - [iv] Monitoring the status of all restricted units in the Township of Buena Vista's Fair Share Plan;
 - [v] Compiling, verifying and submitting annual reports as required by the Department;
 - [vi] Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - [vii] Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Department.
- (2) The Township of Buena Vista shall designate by resolution of the Buena Vista Township Council, subject to the approval of the Department, 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.
- (3) 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 the Department. 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).
- (4) 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:
 - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Department;
 - b. Affirmative Marketing;
 - c. Household Certification;
 - d. Affordability Controls;
 - e. Records retention;
 - f. Resale and re-rental;
 - g. Processing requests from unit owners; and
 - h. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 - i. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

O. Enforcement of Affordable Housing Regulations

- (1) 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.

- (2) 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:
 - a. 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:
 - [i] A fine of not more than \$1,000.00 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;
 - [ii] 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 Township of Buena Vista's Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - [iii] 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.
 - b. 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.

- (8) 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.

P. Appeals

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

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.
2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance, except so far as the provisions or paragraphs so declared invalid shall be separable from the remainder or any portion thereof.
3. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BUENA VISTA

BY: _____
CHUCK CHIARELLO - MAYOR

PASSED ON FIRST READING ON: NOVEMBER 20, 2017

INTRODUCTION PUBLISHED ON: NOVEMBER 25, 2017

PASSED ON FINAL READING ON: DECEMBER 11, 2017

FINAL PUBLICATION ON: DECEMBER 16, 2017

ATTEST:

LISA A. TILTON - TOWNSHIP CLERK

I hereby certify the above to be a true copy of Ordinance No. 51-2017 adopted by the Township Committee at the Regular Meeting held on December 11, 2017.

LISA A. TILTON - TOWNSHIP CLERK

	Motion	Y	N	ABSENT	ABSTAIN
ARMATO	_____	_____	_____	_____	_____
KELLY	_____	_____	_____	_____	_____
MARTINELLI	_____	_____	_____	_____	_____
WILLIAMS	_____	_____	_____	_____	_____
CHIARELLO	_____	_____	_____	_____	_____