

RESOLUTION 2018-112
APPOINTING ADMINISTRATIVE AGENT(S) FOR THE ADMINISTRATION OF
THE TOWNSHIP'S AFFORDABLE HOUSING PROGRAM

WHEREAS, on December 21, 2017 the Superior Court approved the Settlement Agreement (“Agreement”) between the Township of Florence (“Township”) and Fair Share Housing Center (“FSHC”), which included the Township’s preliminary compliance measures; and

WHEREAS, on April 24, 2018 the Planning Board of the Township of Florence (“Planning Board”) adopted the Township’s 2018 Third Round Housing Element and Fair Share Plan (“Plan”); and

WHEREAS, the Township Council endorsed the Plan on May 2, 2018 at a properly-noticed public meeting; and

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

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

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

WHEREAS, the UHAC requirement at N.J.A.C. 5:80-26.3(d) requiring 10% of all low- and moderate-income units to be set-aside for households earning less than 35% of

regional median income is superseded by the statutory requirement at N.J.S.A. 52:27D-329.1, and as reflected in paragraph 9 and 12 of the November 22, 2016 Settlement Agreement between the Township and Fair Share Housing Center (“FSHC”), which requires the Township to set aside at least 13% of its affordable units for very-low income households earning less than 30% of regional median income; and

WHEREAS, the Township has selected Piazza and Associates (hereinafter referred to as “Administrative Agent”) to be the Administrative Agent for the purposes of providing affordability control services for the inclusionary sites within the Township; and

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

(1) Affirmative Marketing

- (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of Florence Township and the provisions of N.J.A.C. 5:80-26.15;
- (b) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH, the Court, or another appropriate jurisdiction; and
- (c) Providing counseling or contracting to provide counseling services to very-low, low and moderate income applicants on subjects such as budgeting, credit issues, rental lease requirements, and landlord/tenant law.
- (d) As required by the November 22, 2016 Settlement Agreement between the Township and Fair Share Housing Center, and as further provided in the Affirmative Marketing Plan adopted by the Planning Board on April 24, 2018, the Administrative Agent shall provide notice to the following organizations of all available affordable housing units: Fair Share Housing Center, the New

Jersey State Conference of the NAACP, the Latino Action Network, the Southern Burlington County Branch of the NAACP, Willingboro NAACP, Moorestown Ecumenical Neighborhood Development (MEND), Lutheran Social Ministries (LSM) and the Burlington County Community Action Program (BCCAP). as part of its affirmative marketing strategy.

(2) Household Certification

- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a very-low, low- or moderate-income unit;
- (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form of rental certificates set forth in Appendix K of N.J.A.C. 5:80-26.1 et. seq.;
- (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- (f) Employing a random selection process as provided in the Affirmative Marketing Plan of Florence Township when referring households for certification to affordable units.

(3) Affordability Controls

- (a) Furnishing to attorneys or closing-agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

- (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Rental
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for rental; and
 - (b) Instituting and maintaining an effective means of communicating information to very-low, low- and moderate-income households regarding the availability of restricted units for re-rental.
- (6) Enforcement
- (a) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (b) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;

- (c) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (d) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - (f) Creating and publishing a written operating manual, as approved by the Courts, setting forth procedures for administering such affordability controls; and
 - (g) Providing annual reports to the Courts and Fair Share Housing Center, and posting the annual report on the Township's website by November 22nd of every year.
- (7) Records received, retained, retrieved, or transmitted under the terms of this contract may constitute public records of Florence Township as defined by N.J.S.A. 47:3-16, and are legal property of Florence Township. The Administrative Agent named in the contract with the Township must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.
- (8) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Florence in the County of Burlington, and the State of New Jersey that Piazza and Associates is hereby appointed by the Township Council of the Township of Florence as the Administrative Agent for the administration of the Township's affordable housing program.

I, **NANCY L. ERLSTON**, Clerk of the Township of Florence, County of Burlington, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution approved by Township Council at a meeting held on May 2, 2018.


Nancy L. Erlston, RMC
Township Clerk

