

**IN THE MATTER OF THE APPLICATION OF THE
BOROUGH OF COLLINGSWOOD,
Docket No. CAM-L-2591-15 (N.J. Super. Law Div.)**

SETTLEMENT AGREEMENT

This Settlement Agreement (this "Agreement") is entered in this ____ day of June, 2016, by and between Fair Share Housing Center, a non-profit organization, with a business address of 510 Park Boulevard, Cherry Hill, New Jersey, 08002 ("FSHC") and the Borough of Collingswood (the "Borough"), a municipal corporation and body politic organized under the laws of the State of New Jersey, with offices located at 678 Haddon Avenue, Collingswood, New Jersey 08108.

WITNESSETH:

WHEREAS, on July 7, 2015, the Borough filed a Complaint for Declaratory Judgment in the Superior Court of New Jersey, Camden County, seeking, *inter alia*, a declaratory judgment verifying and confirming its full compliance with its constitutional affordable housing obligations and its protection and repose against exclusionary zoning litigation for a period of ten (10) years, which was captioned In the Matter of the Application of the Borough of Collingswood and assigned the docket number CAM-L-2591-15 (the "Action"); and

WHEREAS, FSHC is a Supreme Court-designated interested party in the Action in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) [hereinafter, "Mount Laurel IV"] and, through this Agreement, an Intervenor-Defendant in this proceeding; and

WHEREAS, the Borough and FSHC have engaged in settlement negotiations and, through that process, have agreed to settle the Action and to present this Agreement to the Court to review; and

WHEREAS, the Borough and FSHC recognize that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households;

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES, TERMS, AND CONDITIONS SET FORTH HEREIN, INTENDING TO BE LEGALLY BOUND HEREBY, THE BOROUGH AND FSHC AGREE AS FOLLOWS:

1. FSHC agrees that the Borough, through the adoption of the attached fair share plan, Exh. A, and the implementation of that plan and this agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 53:27D-301 et seq. for the Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and the Borough hereby agree that the Borough's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report ¹)	106
Prior Round Obligation (pursuant to <u>N.J.A.C. 5:93</u>)	0
Third Round Prospective Need (per Kinsey Report, as adjusted through this settlement agreement)	190

4. The Borough's efforts to meet its present need/rehabilitation share include the following:
 - a. The Borough has rehabilitated 11 homes since April 1, 2010. All of these homes had major systems replaced and expended more than \$10,000 in hard costs. The Camden County Community Development Program, Home Improvement Program, works in concert with the Borough. All monitoring forms are on file with COAH.
 - b. The Borough proposes to address the remaining Present Need obligation (rehabilitation) through its ongoing participation in the Camden County Community Development Program, Home Improvement Program. This is sufficient to satisfy the Borough's remaining rehabilitation obligation of 95 units.
5. The Borough has implemented or will implement the following mechanisms to address its Third Round prospective need of 190 units.

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, April 16, 2015, revised July 2015.

Although the Borough has a 190 unit prospective need obligation, a previously undertaken vacant land survey indicated that there were no sites over 0.5 acres that were vacant and developable. As result, the Borough has a realistic development potential (“RDP”) of 65 units and an unmet need of 125 units. The 65 unit RDP is seen below and further described in the Borough’s Housing Element and Fair Share Plan, attached hereto as Exhibit A:

NAME	NUMBER	TYPE
Transit Village	33	Family Rentals
Center for Family Services	2	Supportive Family Rentals
Collingswood Manor	10	Senior Medical Apartments
Bancroft Neurohealth	4	Group Home
BONUS	16	Rentals
TOTAL	65	

The unmet need of 125 (190 minus 65) units is addressed with two ordinances and four overlay sites that are detailed in the Fair Share Plan. One of the ordinances is an overlay requiring an affordable housing set-aside on all multi-family residential developments of five units or more, wherever located. The other ordinance establishes overlay zones called “Affordable Housing Overlay Zones.” These ordinances are attached hereto as Exhibits B and C.

These ordinances shall not be deemed an admission by the Borough that affordable housing set-asides constitute an inherently beneficial use for purposes of zoning variances.

As mentioned above, the mechanisms to meet unmet need are detailed further in the Fair Share Plan under Unmet Need Implementation.

6. The Borough agrees to require 13 percent of all units referenced in this plan to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements as follows:

All future residential development with a set-aside for affordable housing will have a requirement that 13 percent of the affordable units be very low income.

In addition, the following chart shows the existing and approved developments with very low income units:

NAME	NUMBER	BREAKDOWN
------	--------	-----------

Transit Village	33 Family	13 Low/16 Mod/4 Very Low
Center for Family Services	2 Family	2 Moderate
Collingswood Manor	10 Senior	10 Very Low
Bancroft Neurohealth	4 Bedrooms	4 Very Low
	49	

The Borough agrees to impose a minimum of 30-year affordability controls on all affordable units. All units that include 30-year affordability controls will receive one credit toward Prospective Need and may receive up to one bonus credit in accordance with the other terms of this Agreement.

7. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93 (i.e. one bonus credit per family rental unit and each qualified alternative living arrangement (ALA) pursuant to N.J.A.C. 5:93-5.8(d), up to the 25 percent rental obligation). The maximum number of permitted bonuses is capped at 25 percent of the Borough's realistic development potential.
8. The Borough agrees to rely on N.J.A.C. 5:93 for additional compliance mechanisms specifically described therein. For additional compliance mechanisms to address unmet need, the Borough agrees to rely on the additional unmet need mechanisms permitted pursuant to N.J.A.C. 5:93-4.2 and consistent with the terms of the Housing Element and Fair Share Plan and ordinances attached as Exhibits A, B, and C.
9. At least 50 percent of the units in each of the Third Round Prospective Need sites, including units fulfilling unmet need, shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
10. The Borough agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation. In addition, at least half of the units addressing the Third Round Prospective Need and at least half of the 25 percent rental obligation shall be addressed with units available to families.
11. The Borough further agrees to comply with the requirements of N.J.A.C. 5:80, including but not limited to, the marketing, bedroom distribution and affordability standards for the affordable housing units referenced herein and that are developed in accordance with ordinances to meet unmet need, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law.

12. The Borough represents that it has already adopted all ordinances necessary to implement this agreement or will do so within 45 days of court approval of this agreement.
13. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
14. The parties agree that if a court of competent jurisdiction in Camden County, or an administrative agency responsible for implementing the Fair Housing Act, calculates an obligation for the Borough for the period 1999-2025 that is lower by more than 20 percent of the total prospective Third Round need obligation established in this agreement, and if that calculation is memorialized in an unappealable final judgment, the Borough may seek to amend the judgment in this matter. Notwithstanding any such reduction, the Borough shall be obligated to implement the fair share plan attached hereto, including by leaving in place any site specific zone changes made or continued in connection with the plan approved pursuant to this settlement agreement, including those zoning changes directed at fulfillment of the unmet need; taking all steps necessary to support the development of any proposed 100 percent affordable developments and otherwise fulfilling fully the fair share obligations established herein. The reduction of the Borough's obligation below that established in this agreement does not provide a basis for seeking leave to amend this agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its prospective need for the Third Round, the Borough may carryover any resulting extra credits to future rounds.
15. The Borough reserves the right to prepare a spending plan and seek court approval for that spending plan if it deems necessary to do in the future. Exhibits A, B, and C to this agreement contain specific provisions as to development fees and payments in lieu of construction that may be collected by the Borough pursuant to the terms of this settlement. The parties to this agreement agree that the expenditures of funds contemplated under Exhibits A, B, and C constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the collection of those funds in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). If and when the Borough has collected funds in its trust fund, on the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
16. On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Borough agrees to update its inventory of all housing in COAH's/DCA's CTM system, using forms previously developed for this purpose by COAH or any other forms endorsed by FSHC.

17. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the 10-year period of protection provided in this agreement. The Borough agrees to comply with those provisions as follows:
- a. For the midpoint realistic opportunity review as of July 1, 2020 as required pursuant to N.J.S.A. 52:27D-313, the Borough will provide to Fair Share Housing Center, and other interested parties identified in this agreement, including all entities on the affirmative marketing list in this agreement and posted on the Borough's website, a status report as to its implementation of its Fair Share Plan and any comments as to whether any unbuilt sites continue to present a realistic opportunity and whether mechanisms to meet unmet need should be revised, with the opportunity for any interested party to submit comments and request a hearing before the court as to whether any sites no longer present a realistic opportunity and should be replaced.
 - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this agreement, the Borough will provide to Fair Share Housing Center and other interested parties identified in this agreement, including all entities on the affirmative marketing list in this agreement and posted on the Borough's website, a status report as to its satisfaction of its very low income requirements, including family low income requirements referenced herein, with the opportunity for any interested party to submit comments and request a hearing before the court as to whether the municipality has complied and whether any corrective actions should be taken.
18. A condition of this agreement is that FSHC shall be granted as part of any final judgment party status in this matter and shall be deemed to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading.
19. This settlement agreement must be approved by a court prior to going into effect through a fairness hearing process, as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing. FSHC agrees to not challenge the attached fair share plan in court during any fairness hearing in which it is reviewed. FSHC contends that the municipality should receive the "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA" in accordance with the Supreme Court's decision in In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 36 (2015). Although FSHC does not agree that the Borough is entitled to a Judgment of Compliance and Repose, FSHC agrees that it will not appeal any determination that the Borough is entitled to a Judgment of Compliance and Repose with immunity through July 2025.
20. If an appeal is filed of the Court's approval or rejection of the Settlement Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful at which point, the Parties reserve their right to rescind any action taken in anticipation of the trial

court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.

21. This settlement agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Camden County
22. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
23. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
24. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
25. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
26. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
27. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
28. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
29. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
30. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
31. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example,

transmittals of less than 50 pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon 10 days of notice as provided herein:

TO FSHC:

Kevin D. Walsh, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: kevinwalsh@fairsharehousing.org

TO THE BOROUGH:

Keith Hastings
Borough Administrator
678 Haddon Avenue
Collingswood, NJ 08108

With a copy to:
Joseph M. Nardi, III, Esq.
Brown & Connery, LLP
360 Haddon Avenue
Westmont, New Jersey 08108
(856) 854-8900
jnardi@brownconnery.com

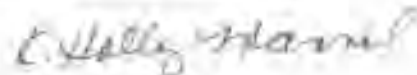
In the event any of the individuals identified above has a successor, the individual identified shall name the successor and notify all others identified of the successor.

IN WITNESS WHEREOF, the Borough and FSHC have caused this Agreement to be properly executed and attested to this ____ day of _____, 2016.

ATTEST:



Fair Share Housing Center

Attest: 

Borough of Collingswood

By: 

By: 

EXHIBIT A

Housing Element
and
Fair Share Plan

Collingswood Borough
Camden County

Adopted:

Housing Element

**Collingswood Borough
Camden County**

PLANNING BOARD

- Mary Ellen Ries
 - James Maley
 - Joan Leonard
 - John Kane
 - Francis Caputo
 - Diane Marini
 - Joseph Santomauro
 - Carol Vita
 - Ed Fox
 - Reed Orem
- Attorney: Michael Madden, Esq.
 - Engineer: Remington & Vernick
 - Secretary: Carol Sickler

COMMISSIONERS

- James Maley, Mayor
 - Joan Leonard
 - Michael Hall
- Attorney: Joseph Nardi, Esq.
 - Clerk: Holly Mannel
 - Administrator: Keith Hastings

License # 2575

It is certified that all copies of this document are in
conformance with the one signed and sealed by
Shirley M. Bishop, P.P.

Prepared by:
Shirley M. Bishop, P.P., LLC
100 Overlook Center, Floor 2
Princeton, NJ 08540
609-844-7720
shirleymbishop@aol.com

**COLLINGSWOOD BOROUGH/CAMDEN COUNTY
HOUSING ELEMENT**

TABLE OF CONTENTS

	<u>PAGE</u>
PREFACE	1
I. Inventory of Housing Stock.....	3
A. Age	3
B. Condition	3
C. Purchase and Rental Value	5
D. Occupancy Characteristics and Types	7
E. Units Affordable to Low/Moderate Income Households	7
II. Projection of Housing Stock.....	9
A. Building Permits	9
B. Future Construction of Low and Moderate Income Housing	9
III. Demographic Characteristics.....	9
A. Population	9
B. Household Size/Type.....	10
C. Income Level	12
D. Age.....	13
E. Marital Status.....	13
IV. Existing and Probable Future Employment Characteristics	15
V. Determination of Total Obligation for Rehabilitation and Prior Round.....	17
A. Rehabilitation Share.....	17
B. Prior Round Obligation.....	17
VI. Prospective Need Obligation	17

VII.	Analysis of Existing and Future Zoning to Accommodate Prospective Need	18
A.	Availability of Existing and Planned Infrastructure	18
B.	Anticipated Demand for Types of Uses Permitted by Zoning Based on Present and Anticipated Future Demographic Characteristics.....	18
C.	Anticipated Land Use Patterns	18
D.	Economic Development Policies	18
E.	Constraints on Development.....	19
	1. State and federal regulations	19
	2. Land ownership patterns.....	19
	3. Incompatible land uses	19
	4. Sites needing remediation.....	19
	5. Environmental constraints	19
	6. Existing or planned measures to address any constraints	19

**VI. COLLINGSWOOD BOROUGH/CAMDEN COUNTY
HOUSING ELEMENT**

LIST OF TABLES

<u>Table</u>	<u>Page</u>
1 Age of Housing Units	3
2 Persons Per Room.....	4
3 Plumbing Facilities	4
4 Kitchen Facilities	4
5 Owner-Occupied Housing Unit Values	5
6 Contract Rent Values	6
7 Tenure and Vacancy	7
8 2014 Low and Moderate Regional Incomes	8
9 Population	9
10 Population Characteristics	10
11 Household Profile 2010	11
12 Household Type and Relationship	11
13 Type of Housing Units by Structure	12
14 Household Income	13
15 Sex by Marital Status - Persons 15 Years and Over	14
16 Employment Status of Residents	15
17 Employment Status within Collingswood	15

COLLINGSWOOD BOROUGH
CAMDEN COUNTY

HOUSING ELEMENT

PREFACE

Collingswood was first settled in 1681 and incorporated as a borough in 1888. Collingswood's history dates to the early 1680s when Quaker colonists established their farmsteads on the banks of the Newtown Creek seeking religious freedom and a new life in America.

The borough is 1,190 acres in size and is considered a built up community. Collingswood is located in Camden County and is surrounded by the City of Camden, the Townships of Haddon, Cherry Hill and Pennsauken and the Borough of Oaklyn.

A municipality's Housing Element must be designed to achieve the goal of providing affordable housing to meet the total 1987-2025 affordable housing need comprised of the Prospective Need obligation, the Prior Round obligation and the Present Need or Rehabilitation Share. The regulations of the Council on Affordable Housing (COAH) and the Fair Housing Act delineate a municipality's strategy for addressing its present and prospective housing needs, and, as such, each municipality's Housing Element must contain the following:

1. 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;
2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the 10 years subsequent to the adoption of the housing element, taking into account, but not necessarily limited to, construction permits issued, approvals for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including, but not limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. 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;

6. 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;
7. 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;
8. The location and capacities of existing and proposed water and sewer lines and facilities relevant to the designated sites;
9. Copies of necessary applications for sewer service and water quality management plans submitted pursuant to Sections 201 and 208 of the Federal Clean Water Act, 33 U.S.C. §1251, et seq.;
10. A copy of the most recently adopted municipal master plan, and where required, the immediately preceding, adopted master plan;
11. For each designated site, a copy of the New Jersey Freshwater Wetlands map 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;
12. A copy of appropriate United States Geological Survey Topographic Quadrangles for designated sites; and
13. Any other documentation pertaining to the review of the municipal housing element as may be required.

I. INVENTORY OF HOUSING STOCK

A. Age

Approximately 78 percent of Collingswood's housing stock was built before 1960. Collingswood has a total housing stock of 6,859 units. The median year that a structure was built in Collingswood was 1941 according to the 2010 American Community Survey.

TABLE 1
Age of Housing Units

<u>Dates of Construction</u>	<u>Structures</u>	<u>Percent of Total</u>
1939 or earlier	3,352	49
1940 - 1949	999	15
1950 - 1959	1,010	15
1960 - 1969	682	10
1970 - 1979	353	5
1980 - 1989	233	3
1990 - 1999	98	1
2000 - 2004	49	1
2005 - 2010	83	1
TOTAL UNITS	6,859	100

Source: 2006-2010 American Community Survey 5-Year Estimates

Units built before 1960 and contain 1.01 or more persons per room are highly correlated with substandard housing indicators. This is an index utilized by COAH in determining the Rehabilitation Share. In Collingswood, 5,361 units or 78 percent of the housing stock was built before 1960 and there was significant overcrowding. This is generally an important indicator in calculating Collingswood's Rehabilitation Share and explains why Collingswood's Rehabilitation Share is 106 units.

B. Condition

Rehabilitation Share is the total deficient housing signaled by selected housing unit characteristics unique to each community. It is assumed that units so indicated will be prime candidates for rehabilitation. Characteristics indicating a need for rehabilitation are:

- (1) Persons per Room. 1.01 or more persons per room in housing units built before 1960. These are old units that are overcrowded.
- (2) Plumbing Facilities. Inadequate plumbing sufficient for rehabilitation is indicated by incomplete plumbing facilities, i.e., lack of hot and cold piped water, flush toilet or bathtub/shower.

- (3) Kitchen Facilities. Inadequate kitchen facilities signaling rehabilitation are indicated by the non –presence of kitchen facilities within the unit, or the non–presence of one of three components: a sink with piped water, a stove or a refrigerator.

These characteristics of deficient housing are nationally recognized indicators of housing inadequacy. Each one, properly identified and not double-counted or multiplied is enough to signal the call for unit rehabilitation. This is true not solely because the characteristic specified is itself debilitating but rather signals a unit that is either old or missing a basic component of normal housing services. These characteristics exist at the municipal level, are reported by the American Community Survey such that they can be isolated and not over counted, and individually indicate the need for structure rehabilitation.

The age of Collingswood’s housing stock has been presented in Table 1. Tables 2 through 4 address the other surrogates of deficient housing.

TABLE 2

Persons Per Room

Persons Per Room	Occupied	Owner Occupied	Renter Occupied
1.01 to 1.50	34	0	34
1.51 to 2.00	12	0	12
2.01 or more	0	0	0
TOTAL	46	0	46

Source: 2006-2010 American Community Survey 5-Year Estimates

TABLE 3

Plumbing Facilities

Complete plumbing facilities	6,811
Lacking complete plumbing facilities	48

Source: 2006-2010 American Community Survey 5-Year Estimates

TABLE 4

Kitchen Facilities

Complete kitchen facilities	6,674
Lacking complete kitchen facilities	185

Source: 2006-2010 American Community Survey 5-Year Estimates

Based on the above, it is determined that Collingswood has 106 housing units that are substandard and occupied by low and moderate income households.

C. Purchase and Rental Value

Approximately 72 percent of the owner-occupied housing units in Collingswood had values between \$175,000 and \$399,999. The median value was \$239,200.

TABLE 5

Owner-Occupied Housing
Unit Values

	<u>Units</u>	<u>Percent</u>
Less than \$24,999	21	1
\$25,000 - \$29,999	0	0
\$30,000 - \$34,999	0	0
\$35,000 - \$39,999	0	0
\$40,000 - \$49,999	0	0
\$50,000 - \$59,999	9	0
\$60,000 - \$69,999	9	0
\$70,000 - \$99,999	117	3
\$100,000 - \$124,999	184	5
\$125,000 - \$149,999	70	2
\$150,000 - \$174,999	272	8
\$175,000 - \$199,999	383	11
\$200,000 - \$249,999	790	23
\$250,000 - \$299,999	613	18
\$300,000 - \$399,999	649	19
\$400,000 - \$499,999	161	5
\$500,000 - \$749,999	57	2
\$750,000 - \$999,999	27	1
\$1,000,000 or more	8	0
TOTAL	3,370	100

Median Value \$239,200

Source: 2006-2010 American Community Survey 5-Year Estimates

Of the 3,067 rental units with cash rent in Collingswood, 1,836 had rents between \$750 and \$1,499 per month. The median contract rent was \$847 per month.

TABLE 6

Contract Rent Values

<u>With cash rent:</u>	
\$0 - \$ 99	24
\$100 - \$149	0
\$150 - \$199	46
\$200 - \$249	12
\$250 - \$299	63
\$300 - \$349	57
\$350 - \$399	46
\$400 - \$449	75
\$450 - \$499	0
\$500 - \$549	91
\$550 - \$599	146
\$600 - \$649	264
\$650 - \$699	124
\$700 - \$749	115
\$750 - \$999	1,111
\$1,000 - \$1,249	525
\$1,250 - \$1,499	200
\$1,500 - \$1,999	87
\$2,000 - or more	81
Total	3,067
No cash rent	58
Median contract rent	\$847

Source: 2006-2010 American Community Survey 5-Year Estimates

D. Occupancy Characteristics and Types

Fifty-three percent of the housing in Collingswood is owner occupied. Approximately 47 percent of the housing stock is rental.

TABLE 7
Tenure and Vacancy

	Housing Units
Total Occupied	6,299
Occupied:	
Owner Occupied	3,331
Renter Occupied	2,968
Vacant:	523
For rent	296
For sale only	107
Rented or sold, not occupied	29
For seasonal, recreational, or occasional use	4
Other vacant	87

Note: Total housing units do not match between tables due to varied data sources

Source: 2010 Census of Population and Housing

E. Units Affordable to Low and Moderate Income Households

Units are affordable to low and moderate income households if the maximum sales price or rent is set within a specified formula as per the Uniform Housing Affordability Controls (UHAC) regulations, N.J.A.C. 5:80-26.1 et seq. A moderate income household is a household whose gross family income is more than 50 percent of median income, but less than 80 percent of median income for households of the same size within the housing region. A low income household is a household whose gross family income is equal to or less than 50 percent of median gross household income for a household of the same size within the housing region for Collingswood. Collingswood is in Region 5, which encompasses Burlington, Camden and Gloucester counties.

Using 2014 regional income limits adopted by COAH, a four person Camden County median household income is estimated at \$81,500. A moderate income four person household would earn a maximum of \$65,200 (80 percent of regional median) and a four person low income household would earn a maximum of \$40,750 (50 percent of regional median).

Income levels for one, two, three and four person households as of 2014 are given below:

TABLE 8

2014 Low and Moderate Regional Incomes

Income	1 person	2 persons	3 persons	4 persons
Median	\$57,050	\$65,200	\$73,350	\$81,500
Moderate	\$45,640	\$52,160	\$58,680	\$65,200
Low	\$28,525	\$32,600	\$36,675	\$40,750

Source: COAH, 2014 Income Limits

Based on the qualifying formula in N.J.A.C. 5:80-26, the monthly cost of shelter which includes mortgage (principal and interest), taxes, insurance and homeowners or condominium association fees, may not exceed 28 percent of gross monthly household income based on a five percent down payment. In addition, moderate income sales units must be available for at least three different prices and low income sales units available for at least two different prices. The maximum sales prices must now be affordable to households earning no more than 70 percent of median income. The sales prices must average 55 percent of median income.

Under COAH regulations, rents including utilities, may not exceed 30 percent of gross monthly income. The average rent must now be affordable to households earning 52 percent of median income. The maximum rents must be affordable to households earning no more than 60 percent of median income. In averaging 52 percent, one rent may be established for a low income unit and one rent for a moderate income unit for each bedroom distribution. In addition, 10 percent of all new restricted rental units must be affordable to households earning no more than 35 percent of median income. The utility allowance must be consistent with the utility allowance approved by HUD and utilized in New Jersey.

Collingswood currently has two low and moderate income housing units that qualify for COAH credit. The Center for Family Services (CFS) is the owner of the two homes that opened as permanent supportive housing in 2012. In addition, Collingswood has 10 Medicaid Waiver, very low income Assisted Living units and four very low income bedrooms at Bancroft Neurohealth.

II. PROJECTION OF HOUSING STOCK

A. Building Permits

According to the New Jersey Department of Labor, Residential Building Permits Issued, (2000-2009), there were only five building permits issued in Collingswood during that period. From 2010 through 2015, the New Jersey Department of Community Affairs Construction Reporter stated that there were 110 residential building permits issued of which six were for single family units and 104 were for multi-family units.

B. Future Construction of Low and Moderate Income Housing

Collingswood will address the future construction of low and moderate income housing in the Fair Share Plan.

III. DEMOGRAPHIC CHARACTERISTICS

A. Population

The population in Collingswood decreased by approximately three percent between 2000 and 2010. Table 9 illustrates the figures.

TABLE 9

Population

Year	Population
2000	14,326
2010	13,926

Note: Total population does not match between tables due to varied data sources

Sources: 2000 and 2010 Census of Population and Housing

TABLE 10

Population Characteristics

SELECTED POPULATION CHARACTERISTICS

The majority of Collingswood residents or 52 percent are between the ages of 21 and 54 years. Interestingly, 1,880 residents or 13 percent of the population are 65 or older.

	<u>Number</u>	<u>Percentage</u>
<u>TOTAL POPULATION</u>	13,926	100
<u>SEX</u>		
Male	6,640	.48
Female	7,286	.52
<u>AGE</u>		
	<u>Male</u>	<u>Female</u>
Under 5 years	454	417
5 to 14 years	720	652
15 to 19 years	370	360
20 to 24 years	418	430
25 to 44 years	2,127	2,176
45 to 54 years	1,036	1,090
55 to 59 years	454	525
60 to 64 years	336	481
65 to 74 years	397	499
75 to 84 years	205	355
85 years and over	123	301

Note: Total population does not match between tables due to varied data sources

Source: 2010 Census of Population and Housing

B. Household Size and Type

A household profile of Collingswood shows that there were 6,299 households with a total household population of 13,865 in 2010. The average number of persons per household was 2.20

TABLE 11**Household Profile 2010**

	<u>Total Number</u>
Households	6,299
Population of households	13,865
Persons per household	2.20

Source: 2010 Census of Population and Housing

TABLE 12**Household Type and Relationship**

In family households:	10,204
householder:	3,343
Male	2,079
Female	1,264
Spouse	2,320
child:	3,826
Natural born/adopt	3,465
step	150
grandchild	211
other relatives	122
non-relatives	304
In non-family households:	3,661
householders living alone	2,329
householders not living alone	627
Non-relatives	705
In group quarters:	61
Institutionalized population	59
Non-institutionalized population	2

Source: 2010 Census of Population and Housing

TABLE 13

Type of Housing Units by Structure

Units in Structure	Total Units
1, detached	2,387
1, attached	1,192
2	740
3 or 4	591
5 to 9	174
10 to 19	297
20 to 49	282
50 or more	1,187
Mobile home or trailer	0
Other	9
TOTAL	6,859

Note: Total housing units do not match between tables due to varied data sources

Source: 2006-2010 American Community Survey 5-Year Estimates

C. Income Level

Approximately, 33 percent of the households in Collingswood earn between \$50,000 and \$99,999 according to the 2010 American Community Survey.

TABLE 14
Household Income

<u>Household Income</u>	<u>Number</u>	<u>Percent</u>
\$0 –9,999	352	.07
\$10,000-\$14,999	436	.06
\$15,000-\$19,999	319	.06
\$20,000-\$24,999	315	.06
\$25,000-\$29,999	285	.07
\$30,000-\$34,999	255	.08
\$35,000-\$39,999	239	.06
\$40,000-\$44,999	300	.06
\$45,000-\$49,999	214	.05
\$50,000-\$59,999	599	.10
\$60,000-\$99,999	1,673	.23
\$100,000-\$149,999	882	.07
\$150,000-\$199,999	356	.02
\$200,000 or more	270	.01
TOTAL	6,495	100

Median Household Income \$58,769

Note: Total households do not match between tables due to varied data sources

Source: 2006-2010 American Community Survey 5-Year Estimates

D. Age

The age of the Collingswood population has been discussed under Section III, Demographic Characteristics, A. Population.

E. Marital Status

In 2010, there were more women than men over the age of 15 years in Collingswood. There were more females that never married. Of those widowed, 76 percent were females.

TABLE 15**Sex by Marital Status - Persons 15 Years and over**

Marital Status	Total	Male	Female
Total	11,803	5,415	6,388
Never Married	4,787	2,302	2,485
Now Married	4,458	2,286	2,172
Widowed	900	215	685
Divorced	1,658	612	1,046

Note: Total population does not match between tables due to varied data sources

Source: 2006-2010 American Community Survey 5-Year Estimates

IV. EXISTING AND PROBABLE FUTURE EMPLOYMENT CHARACTERISTICS

Of the 7,830 Collingswood residents employed in the civilian labor force, 57 percent are in educational, health and social service occupations or agriculture, construction, manufacturing, wholesale trade, retail trade, transportation fields.

TABLE 16**Occupation****Employed Persons 16 Years and Over**

	Male	Female	Total
Finance, insurance, real estate	206	419	625
Agriculture, construction, manufacturing, wholesale trade, retail trade, transportation	1,442	833	2,275
Information	68	157	225
Arts, entertainment, recreation, accommodation and food services	440	185	625
Professional, scientific and technical services	675	577	1,252
Educational, health and social services	706	1,462	2,168
Public administration	232	102	334
Other services	52	274	326
Total	3,821	4,009	7,830

Note: Total population does not match between tables due to varied data sources

Source: 2006-2010 American Community Survey 5-Year Estimates

According to the New Jersey State Data Center, Collingswood had a covered employment number of 2,562 in 2014.

TABLE 17
Covered Employment Status in Collingswood- 2014

	Avg. Units	Annual Avg. Units
Construction	38	249
Manufacturing		
Wholesale trade	16	88
Retail trade	44	227
Transportation and warehousing	4	28
Information	3	30
Finance and insurance	16	115
Real estate and rental and leasing	12	53
Professional and technical services	57	396
Management of companies and enterprises		
Administrative and waste services		
Educational services		
Health care and social assistance	26	370
Arts, entertainment, and recreation		
Accommodation and food services	15	190
Other services except public administration	33	147
Unclassified entities	20	24
PRIVATE SECTOR MUNICIPALITY TOTAL	304	2,700
LOCAL GOVT MUNICIPALITY TOTAL	10	446

Source: New Jersey Employment and Wages: 2014 Annual Report

According to Collingswood, the employment situation is mixed. The restaurants, with one or two exceptions, are doing well. Merchants with income streams from sources other than sale of store inventory are doing reasonably well, but stores which are their proprietor's sole source of income are struggling somewhat. That is the trend. The largest employer in Collingswood is Catelli Brothers Lamb and Veal and they have expanded their facility and increased employees.

V. TOTAL OBLIGATION FOR REHABILITATION AND PRIOR ROUND

A. REHABILITATION SHARE

Collingswood has a 106 unit rehabilitation obligation.

B. PRIOR ROUND OBLIGATION

Collingswood had a zero unit obligation for the Prior Round.

VI. PROSPECTIVE NEED OBLIGATION

Collingswood Borough has a 190 Prospective Need Obligation that is comprised of a 65 unit realistic development potential (RDP) and a 125 unit unmet need.

VII. ANALYSIS OF EXISTING AND FUTURE ZONING TO ACCOMMODATE PROSPECTIVE NEED

Collingswood is proposing a Transit Oriented Development around the PATCO Train Station. Collingswood believes that the redevelopment, proposed overlay zoning and proposed inclusionary zoning ordinance will address the Prospective Need obligation.

A. Availability of Existing and Planned Infrastructure

As a fully developed community, Collingswood is served by an existing system of public utilities. Potable water is provided by seven wells serving two treatment plants with a combined capacity to treat up to five mpg. Sanitary wastes from the borough are carried by a local sewer system to the Camden County Municipal Utilities Authority (CCMUA) pump station. There is sufficient sewer capacity.

Residential water demand is significantly high and leaves a relatively small amount of the existing water allocation available for commercial and industrial uses.

B. Anticipated Demand for Types of Uses Permitted by Zoning Based on Present and Anticipated Future Demographic Characteristics

Collingswood is a built-up community that is addressing future demand by redevelopment. Collingswood turned a former lumberyard into a two phase project. The condominium phase is complete with 65 residential units, 12 commercial uses and a parking garage. The second phase, also complete, contains 104 apartment units with one office use and one commercial use. Finally, Collingswood is providing for redevelopment based on its location, its attraction as a “hip” community that is being touted as New Jersey’s Manayunk and the renaissance of its Central Business District, Haddon Avenue.

C. Anticipated Land Use Patterns

Collingswood is considering land assembly to remove inappropriate land uses while consolidating land into developable parcels. Collingswood is also considering zoning and land use regulations for the development of highway-oriented commercial and industrial uses.

D. Economic Development Policies

Collingswood is promoting economic development by reviewing appropriate parking and amenities to support the Haddon Avenue commercial area. However, the Circle redevelopment diminished much of the useable land. The borough is also discussing a program for a themed improvement to the stores and shops in downtown Collingswood including façade improvement and signage.

E. Constraints on Development

1. State and federal regulations: Collingswood is not in the Pinelands Area or CAFRA and there are no known constraints.
2. Land ownership patterns: The borough is 1,190 acres in size and contains a total of 4,580 land parcels that, based on ownership patterns, comprise some 2,800 properties. The uses that comprise these properties are residential, commercial, institutional, etc. Approximately 53 percent of the housing stock is owner-occupied while approximately 47 percent is renter occupied.
3. Incompatible land uses: As with all older communities, the evolution of Collingswood has led to mixed and incompatible land uses. The extension of regional arterial roads has prompted obsolete commercial uses along these corridors. Finally, there are conversions of original, single-family, owner-occupied housing into multi-family housing.
4. Sites needing remediation: There are no known sites needing remediation.
5. Environmental constraints: The Route 130 corridor is a critical area that is subject to flooding due to the inadequacies of the storm drainage system.
6. Existing or planned measures to address any constraints: When the Route 130 improvements to the Collingswood Circle are undertaken, it is expected that there will be a plan to promote the detention of storm water that will slow down the rate of runoff flowing into the state drainage system.

FAIR SHARE PLAN

Collingswood Borough
Camden County

I. PREFACE

A municipality's affordable housing obligation is cumulative, and includes affordable housing need for the period 1987 to 2025. The affordable housing obligation consists of three components:

- Present Need/Rehabilitation Share (2000)
- Prior Round Obligation (1987-1999)
- Prospective Need Obligation (1999-2025)

A municipality's Present Need/Rehabilitation Share is a measure of old, crowded, deficient housing that is occupied by low- and moderate-income households. Rehabilitation Share numbers from each prior round are replaced with the latest round number because the numbers are updated with each decennial census.

A municipality may receive credit for rehabilitation of low- and moderate-income deficient housing units completed after April 1, 2010 provided the units were rehabilitated up to the applicable code standard, the capital cost spent on rehabilitating a unit was at least \$10,000 and the units have the appropriate controls on affordability to ensure the unit remains affordable during the required period of time.

Rehabilitation credits cannot exceed the Present Need/Rehabilitation Share and can only be credited against the rehabilitation component, not the new construction component.

The prior round obligation is the municipal new construction obligation from 1987 to 1999. All municipalities must use these updated figures. Credits, reductions, and adjustments may be applied against the Prior Round Obligation (1987-1999) for affordable housing activity undertaken from 1980 to 1999.

II. REHABILITATION SHARE

The purpose of a rehabilitation program is to renovate deficient housing units. Deficient housing units are defined as units 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. Upon rehabilitation, the housing deficiencies must be corrected and the unit must comply with the applicable code standard.

Collingswood's Rehabilitation Share is 106 Units.

- A. According to Collingswood Borough there were 73 homes rehabilitated after April 1, 2000. However, only 11 of those rehabilitations occurred after April 1, 2010. All of the homes had major systems replaced and expended more than \$10,000 in hard costs. The Camden County Community Development Program, Home Improvement Program, works in concert with the Borough. All monitoring forms are on file with COAH.
- B. All rehabilitated units have life liens in Collingswood. All units contained income eligible households. The rehabilitated units were below code and raised to code and there was at least one major system repaired for the units receiving credit.

III. PRIOR ROUND OBLIGATION

Fair Share Housing Center (FSHC) has determined that Collingswood's Prior Round Obligation is zero.

IV. PROSPECTIVE NEED OBLIGATION

The Fair Share Plan includes the projects and strategies to address an affordable housing obligation and any municipal ordinance in draft form that a municipality is required to adopt as a requirement of a Judgment of Compliance and Repose. The Fair Share Plan is based upon the municipal fair share obligation agreed upon by Collingswood and FSHC. The planning board adopts the Fair Share Plan and it is endorsed by the governing body prior to the petition for a Judgment of Compliance and Repose. The proposed implementing ordinances may be adopted prior to a Judgment of Compliance and Repose but in any event must be adopted no later than 45 days after the Court grants a Judgment of Compliance and Repose.

The Fair Share Plan consists of a proposal on how a municipality intends to provide for its affordable housing obligation.

COAH has a number of different provisions regulating the development of affordable housing. The options available to meet the 1999-2025 fair share obligation include:

- Municipal zoning
 - Zoning for inclusionary developments
 - Redevelopment districts/sites
- Municipally sponsored new construction and 100 percent affordable developments
- Alternative living arrangements
 - Permanent supportive housing
 - Group homes
 - Congregate housing
 - Residential health care facilities
 - Transitional Housing
- Accessory apartments
- Market to Affordable program
- Municipally sponsored rental program
- Assisted living residences
- Extension of affordable units with expiring controls
- Age-restricted housing
- Rental housing with bonus credits
- Very low-income housing with bonus credit

FSHC and Collingswood have agreed to a Prospective Need Obligation of 190 units of which 65 is the realistic development potential (RDP) and 125 is unmet need.

FSHC originally gave Collingswood a 271-unit Prospective Need Obligation. A previously undertaken vacant land survey indicated that there were no sites over 0.5 acres that were vacant and developable. As result, that number was subsequently reduced to 190 units with a 65-unit RDP and an unmet need of 125 units. The updated vacant land survey and zoning map are attached as Exhibit A.

A. RDP IMPLEMENTATION

With a 65-unit RDP, Collingswood has a 16-unit rental obligation and may receive 16 rental bonuses. In addition, Collingswood may age-restrict 16 units.

The following is a chart of the 65 unit RDP.

NAME	NUMBER	TYPE
Transit Village	33	Family Rentals
Center for Family Services	2	Supportive Family Rentals
Collingswood Manor	10	Senior Medical Apartments
Bancroft Neurohealth	4	Group Home
BONUS	16	Rentals
TOTAL	65	

1. Collingswood Station Transit Village – Collingswood will utilize inclusionary development within the Collingswood Transit Oriented Development (TOD), (Block 180, Lot 1, Block 65, Lot 10, Block 66, Lots 1 and 4) Collingswood Transit Village Redevelopment Area, to produce 33 units that will satisfy a portion of its Third Round Obligation. Four of the units will be designated for very low income family households. All property within the Collingswood Station Transit Village has been designated “an area in need of redevelopment” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. In 2003, the NJDOT designated Collingswood as a Transit Village. As you are aware, P.L. 2008, c. 46 (aka A500) requires developers of transit village areas, financed in whole or part with State funds, to reserve at least 20 percent of the residential units constructed for low- and moderate-income households, with affordability controls which meet COAH requirements.

The Collingswood Station Transit Village is approximately 9.1 acres, 7.6 acres of which are owned by the Delaware River Port Authority (DRPA). Current uses of the DRPA-owned property are the PATCO Station and a parking lot. The remaining land in the redevelopment area consists of several commercial, retail and office uses. The station is located one block south of the intersection of Haddon Avenue (County Route 561) and Billson Avenue in the heart of Collingswood.

2. Center for Family Services

Collingswood has two deed restricted supportive rental houses (Block 133.01, Lots 30 and 32) that are owned and operated by the Center for Family Services (CFS). Opened in 2011, there is an executed Agreement between CFS and Collingswood and deed restrictions. Permanent Supportive Housing is eligible for credit. A copy of the two deed restrictions is in Exhibit B.

3. Collingswood Manor

Collingswood Manor is an assisted living facility that is owned and operated by United Methodist Communities. There are 10 apartments containing Medicaid Waiver clients. As the credit is by the bedroom, the 10 apartments qualify for credit. A copy of the Assisted Living Survey is in Exhibit C.

4. Bancroft Neurohealth

Bancroft Neurohealth is a four bedroom group home with all four bedrooms fully occupied. Located at 905 Stokes Avenue, the facility was opened in 2012. A copy of the Alternative Living Arrangement (ALA) Survey is in Exhibit D.

B. UNMET NEED IMPLEMENTATION

Collingswood has an unmet need of 125 units. Unmet need is addressed with techniques that would provide opportunities for affordable housing.

Collingswood is proposing overlay zoning on four sites containing five or more units and requiring a 15 percent set-aside. In addition, the Borough will enact an inclusionary zoning ordinance. The following sites will be the focus of overlay zoning:

1. Block 38, Lots 12, 12.01, 12.02, 12.03 (Tax Map 3 and Proposed Zoning Attached as Exhibit E)

This site contains 0.81 acres on four lots with two owners. The present uses are non-conforming with pre-existing uses (auto repair shop and two houses) that can not expand. The site has retail across the street and residential uses on the same side of Haddon Avenue. Access is from both Haddon Avenue and Maple Avenue. The POD, SF-D3 zoning does not permit multi-family uses. An overlay ordinance will be prepared that will yield a density of 10 du/acre or eight units with one affordable unit.

2. Block 60, Lots 2, 3, 4, 5, 5.01, 5.02 (Tax Map 7 and Proposed Zoning Attached as Exhibit E)

This site contains a total of 0.62 acres on six lots with four owners. The present uses are underutilized (one house in foreclosure and two retail uses) or vacant with residential uses on the back of the site and offices and retail on Haddon Avenue. Access is on Haddon Avenue. The POD zoning does not permit multi-family uses. An overlay ordinance will be prepared that will yield a density of 16 du/acre or 10 units with two affordable units.

3. Block 97, Lots 4.02, 5, 5.01, 5.02, 8 (Tax Map 8 and Proposed Zoning Attached as Exhibit E)

This site contains a total of 1.27 acres with four of the lots having one owner. The present uses are non-conforming with two convenient stores and garages for rent in the rear. Some are vacant. Access is on Haddon Avenue. There are residential uses in the back of the property and retail uses on Haddon Avenue. The CBD zoning does permit residential as an accessory use. An overlay ordinance will be prepared that will yield a density of 14 du/acre or 18 units with three affordable units.

4. Block 63, Lots 1, 1.01, 2, 3, 6.01, 6.07 (Tax Map 7 and Proposed Zoning Attached as Exhibit E)

This site is located in the POD zone and is known as the Penguin Cleaners site. The present zoning does not permit multi-family housing. The site contains twin single family homes, a dry cleaning establishment and commercial uses. The site consists of six lots

with four owners. Access is from Haddon Avenue. An overlay ordinance will be prepared that will yield a density of 13.91 du/acre or 12 units of which two would be affordable.

5. Inclusionary Zoning Ordinance

Collingswood will enact an inclusionary zoning ordinance (Exhibit F) that is contained in the Affordable Housing Ordinance that will provide for the following:

- Any rental or for sale multi-family development of five or more units and a density of eight du/acre or greater in the Borough will be required to set aside a minimum of 15 percent of the total number of units as Affordable Housing Units. Where this requirement results in a fraction of a unit, the fraction shall be rounded to the nearest whole unit. Fractions of less than one half (1/2) shall be rounded off to the lower whole unit and fractions of greater than one half (1/2) shall be rounded off to the higher whole unit.
- In inclusionary developments, low and moderate-income units shall be integrated with the market units. However, for developments of up to 20 units, not otherwise identified in this plan, the Borough may, in its sole discretion, permit payments-in-lieu of constructing affordable units or the construction of affordable units off-site, in accordance with N.J.A.C. 5:97-6.4. For a development of 21-30 units, not otherwise identified in this plan, the Borough may, in its sole discretion, permit up to 50 percent of the required set aside to be met through payments-in-lieu of constructing affordable units or the construction of affordable units off-site, in accordance with N.J.A.C. 5:97-6.4, provided that Collingswood identifies how the off-site units will be provided on a one-for-one basis at the time of the final site plan approval for the inclusionary development and provides notice of and information regarding the provision of the off-site units to FSHC within 10 days before the site plan approval is heard. Developments of 31 units or more must provide the units on site with no off-site options.

C. **IMPLEMENTATION**

Affordable housing units are to be built in accordance with the following schedule:

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

1. The design of inclusionary and mixed-use developments providing affordable housing is to be consistent with the general policies and implementation mechanisms regarding design in the State Development and Redevelopment Plan.

To the extent feasible, developers are to fully integrate the low- and moderate-income units with the market units. In addition, affordable units are to utilize the same heating source as market-rate units within the inclusionary development and have access to all community amenities available to market-rate units that are subsidized in whole by association fees. Finally, the first floor of all townhouse dwelling units and all other multi-story dwelling units must comply with N.J.A.C. 5:97-3.14.

2. For additional compliance mechanisms, the Borough will rely on N.J.A.C. 5:93 and on N.J.A.C. 5:93-42 for additional unmet need mechanisms.
3. Thirteen percent of the Borough's Prospective Need will be met through very low income housing, of which half will be family units, with a lookback at least once every three years.

The following is the breakdown of the current calculations for the Prospective Need Obligation:

NAME	NUMBER	BREAKDOWN
Transit Village	33 Family	13 Low/16 Mod/4 Very Low
Center for Family Services	2 Family	2 Moderate
Collingswood Manor	10 Senior	10 Very Low
Bancroft Neurohealth	4 Bedrooms	4 Very Low
	49	

4. An Affordable Housing Ordinance that will replace the existing Affordable Housing Ordinance is attached as Exhibit G.
5. An Affirmative Marketing Plan is attached as Exhibit H. The Administrative Agent will be named once a developer files an application.
6. A Resolution designating the Municipal Housing Liaison is attached as Exhibit I.
7. Collingswood has an already adopted development fee ordinance that is attached as Exhibit J. A Spending Plan will be prepared once Collingswood imposes and collects any non-residential development fees and/or payments-in-lieu. In the event that Collingswood imposes and collects payments-in-lieu and/or non-residential development fees, all payments-in-lieu received through the inclusionary zoning ordinance shall be expended for affordable units conforming to a compliance mechanism

recognized in N.J.A.C. 5:93 and all non-residential fees shall be expended for eligible affordable housing activity within four years of the deposit of the payments-in-lieu in the Borough's Affordable Housing Trust Fund, and such expenditure shall be deemed a commitment of funds pursuant to N.J.S.A. 52:27D-329.3..

EXHIBIT A

R **V**
ROBINSON & VERNIE ENGINES
2021 NEWPORT AVENUE, N.J. 07033
TEL: 908-296-1400 FAX: 908-296-1401
WWW: WWW.RVEM.COM

A

DATE OF COMPLETION

SYNOPSIS OF THE

FOR THE COMMISSIONER

REUTERS AG **2105512003**

TO WHOM IT MAY COME

КОНОВЫХ ИЛИ ОБЩЕОБЩЕОБРАЗОВАТЕЛЬНЫХ

ZOOLOG DESIGNATIONS

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COLLINGSWOOD VACANT LAND INVENTORY

BLOCK NO. LOT NO.	ACREAGE	OWNER'S NAME & SITE LOCATION	STATUS
1 2	Vacant Land IRR .0000	Camden County Park Commission Park Boulevard & Whitman Avenue Cherry Hill, NJ 08002 S Park Drive	Too Small
1.04 2	Vacant Land 131 x 230 IRR .0000	State of New Jersey DOT 1035 Parkway Avenue Trenton, NJ 08625 Haddon Avenue	Part of Traffic Island
10 4.02	Vacant Land 5 x 120 .0138	Unknown Owner 678 Haddon Avenue Collingswood, NJ 08108 Haddon Avenue	Too Small
19.03 11	Vacant Land 10 x 125 .0287	Borough of Collingswood 678 Haddon Avenue Collingswood, NJ 08108 East Knight Avenue	Too Small
19.03 55	Vacant Land 182 x 102 IRR .0000	Cordamore, Inc. 7512 No. Crescent Boulevard Pennsauken, NJ 08110-1526 S Park Drive	Too Small
19.07 3.01	Vacant Land 100 x 125 .2870	Boro of Collingswood 678 Haddon Avenue Collingswood, NJ 08108-3704 Rear of 417 Taten Avenue	Too Small
19.07 9.08	Vacant Land 54 x 50 IRR .0000	Borough of Collingswood 678 Haddon Avenue Collingswood, NJ 08108 King Avenue - Rear Alley	Too Small
19.07 9.11	Vacant Land 29 x 50 .0333	Unknown Owner 678 Haddon Avenue Collingswood, NJ 08108 Center Street - Rear Alley	Too Small
19.07 40	Vacant Land 125 x 125 IRR .0000	Boro of Collingswood 678 Haddon Avenue Collingswood, NJ 08108-3704 Rear Cedar Avenue	Too Small
30.02 48	Vacant Land 40 x 102 .0937	Borough of Collingswood 678 Haddon Avenue Collingswood, NJ 08108 740 Maple Avenue	Too Small
43 8	Vacant Land IRR .0000	Boro of Collingswood 678 Haddon Avenue Collingswood, NJ 08108-3704 Rear of Conger Avenue	Too Small

BLOCK NO. LOT NO.	ACREAGE	OWNER'S NAME & SITE LOCATION	STATUS
44 17	Vacant Land 250 x 17 .0976	Boro of Collingswood 678 Haddon Avenue Collingswood, NJ 08108-3704 Rear Conger Avenue	Too Small
58 1	Vacant Land 51.34 x 98.03 IRR .0000	Boro of Collingswood 678 Haddon Avenue Collingswood, NJ 08108-3704 Woodlawn Avenue - Triangle	Too Small
61 1.03	Vacant Land 55 x 86 IRR .0000	Bible Presbyterian Church Haddon & Cuthbert Boulevard Collingswood, NJ 08108 Haddon & Cuthbert Road	Too Small
63 6.06	Vacant Land 40 x 10 IRR .0000	Boro of Collingswood 678 Haddon Avenue Collingswood, NJ 08108-3704 Rear Conard Avenue	Too Small
* 67 15 67 13 66 1 65 10	9 Acres	Delaware River Port Authority Bridge Plaza Camden, NJ 08102 Bilson Avenue	Redeveloped as TOD
92 1.08	Vacant Land 1 x 96 .0022	Unknown Owner 678 Haddon Avenue Collingswood, NJ 08108 South Atlantic Avenue	Too Small
92 4	Vacant Land 50 x 175 .2009	Tatem Shields Post 17 American Legion 620 Atl Collingswood, NJ 08108 618 S Atlantic Avenue	Too Small
94 20	Vacant Land 50 x 71 .0815	Borough of Collingswood 678 Haddon Avenue Collingswood, NJ 08108-3712 24 Irvin Avenue	Too Small
)
104 1.05	Vacant Land 5 x 40 .0046	Boro of Collingswood Haddon Avenue Collingswood, NJ 08108-1005 Rear 704 Lees Avenue-Sewer	Too Small
116 1.01	Vacant Land 3 x 120 .0083	Embury Methodist Episcopal Church 140 Haddon Avenue Collingswood, NJ 08108 Side of 140 Haddon Avenue	Too Small
126 3	Vacant Land 195 x 312	State of New Jersey 1035 Parkway Avenue	Collingswood Circle Project

BLOCK NO. LOT NO.	ACREAGE	OWNER'S NAME & SITE LOCATION	STATUS
	1.3967	Trenton, NJ 08625 White Horse Pike	
126 4.01	Vacant Land 26 x 277 IRR .0000	State of New Jersey Trenton, NJ 00000 Dwight Avenue	Collingswood Circle Project
126 5	Vacant Land 50 x 312 .3581	State of New Jersey DOT 1035 Parkway Avenue Trenton, NJ 08625 121 White Horse Pike	Collingswood Circle Project
126 6	Vacant Land 277.78 x 118 .7525	State of New Jersey DOT 1035 Parkway Avenue Trenton, NJ 08625 White Horse Pike	Collingswood Circle Project
127 3.04	Vacant Land 10 x 159 IRR .0000	Boro of Collingswood 678 Haddon Avenue Collingswood, NJ 08108-3704 Richey Avenue	Too Small
128 14	Vacant Land 29.72 x 170 .1160	Borough of Collingswood 678 Haddon Avenue Collingswood, NJ 08108 102 Richey Avenue	Too Small
128.01 40	Vacant Land 95 x 96 IRR .0000	Borough of Collingswood 678 Haddon Avenue Collingswood, NJ 08108 150 Richey Avenue	Too Small
131 1	Vacant Land IRR .0000	Borough of Collingswood 678 Haddon Avenue Collingswood, NJ 08108 1 White Horse Pike	Too Small
141 2	Vacant Land 120 x 230 .6336	Scottish Rites Bodies 315 White Horse Pike W Collingswood, NJ 08107-1455 309 White Horse Pike	Historic Application
141 2.01	Vacant Land 90 x 230 .4752	Scottish Rites Bodies 315 White Horse Pike W Collingswood, NJ 08107-1455 Magill Avenue White Horse Pike	Historic Application
149 1	Vacant Land Compost Facility IRR .0000	Boro of Collingswood 578 Haddon Avenue Collingswood, NJ 08108-1443 1035 Harrison Avenue	Too Small
153 2	Vacant Land 50 x IRR .0000	Boro of Collingswood 678 Haddon Avenue Collingswood, NJ 08108-3704 Rear Comly Avenue	Too Small

BLOCK NO. LOT NO.	ACREAGE	OWNER'S NAME & SITE LOCATION	STATUS
190 1	Vacant Land IRR .0000	Camden County Park Commission Park Boulevard & Whitman Avenue Cherry Hill, NJ 08002 Newton Avenue	Too Small

Block No. Lot No.	Property Address	Property Owner	Acreage	Status
1.07 14	E. Browning Rd	Devedjian, Samuel S. 201 E. Browning Road Collingswood, NJ 08108	IRR 158 x 135	Too Small
6 2.04	E. Franklin Ave	Galiazzi, Anthony J & Marie 20 East Franklin Ave Collingswood, NJ 08108	.1537	Too Small
10 4.01	Haddon Ave	O'Brien Thomas J & Margaret 415 Haddon Ave Collingswood, NJ 08108	.0413	Too Small
11 3	Haddon Ave	Gaspar, Marsha R 429 Haddon Ave Collingswood, NJ 08108	.1377	Too Small
12 4	E. Zane Ave	McFarland, Kelly 18 E Zane Ave Collingswood, NJ 08108	.1074	Too Small
18 1	206 Crestmont Ter	Vermandel, Stan & Beth Ann 206 Crestmont Terrace Collingswood, NJ 08108	.1578	Too Small
18 10	Crestmont Ter	Benesch, David D & Patricia 222 Crestmont Ter Collingswood, NJ 08108	.1148	Too Small
19.01 5	E. Madison Ave	Calamito, Marco 210 E Madison Ave Collingswood, NJ 08108	.1148	Too Small
19.01 20.01	E. Madison Ave	Kichula, Bernard 244 E. Madison Ave Collingswood, NJ 08108	.1435	Too Small
19.04 55.02	Woodlawn Ter	Collingswood Associates LP 101 Eisenhower Parkway Roseland, NJ 07068	IRR 210 x 152	Too Small
19.07 9	Rear Center St	Wachstein Ian & Zeldner Mic 454 Center Street Collingswood, NJ 08108	.0826	Too Small
19.07 9.12	Rear 482 King Ave	Leo, Rocco J. & Anita C 1810 Fireside Lane Cherry Hill, NJ 08003	.0207	Too Small
19.07 9.16	Rear 464 Center St	Fangi, Brett 464 Center Street Collingswood, NJ 08108	.0207	Too Small
19.08 69	415 S. Park Drive	Lam, Sanh Moc & Hue My 1 Crestmont Lane Collingswood, NJ 08108	.3191	Floodplain

Block No. Lot No.	Property Address	Property Owner	Acreage	Status
19.08 69.01	S. Park Drive	Lam, Sanh Moc & Hue My 1 Crestmont Lane Collingswood, NJ 08108	IRR 82 x 139	Floodplain
19.13 2.01	128 E. Summerfield Ave	Levandowski, Helen E. / Life 128 E. Summerfield Ave Collingswood, NJ 08108	.0871	Too Small
19.14 2	Hillcrest Ave	Hurley, Bernard & Gwendolen 500 S. Vineyard Blvd. Collingswood, NJ 08108	IRR 50 x 138	Too Small
19.17 18.01	351 Highland Ave	Wagner, Jr. Walter J. & Annet 349 Highland Ave Collingswood, NJ 08108	IRR 95 x 151	Too Small
20 13.01	Harvard Ave	Moxon, Robert W. & Karen A. 131 Harvard Ave. Collingswood, NJ 08108	.0861	Too Small
30 36	E. Collings Ave	Newsome, Pave 206 Lincoln Ave Collingswood, NJ 08108	IRR 26 x 67 x 62.5	Too Small
38 8.01	Maple Ave	Cartwright Jr., Albert S. & Ma 844 Maple Ave Collingswood, NJ 08108	.0344	Too Small
40 4	Lawnside Ave	Bui, Thuong 145 Lawnside Ave. Collingswood, NJ 08108	.1093	Too Small
41 19	118 Lawnside Ave	Denber, L Gail 118 Lawnside Ave Collingswood, NJ 08108	IRR 90 x 142	Too Small
49 3.03	Laurel Ave	Lemayski, Jr., John R. 603 Lincoln Ave. Collingswood, NJ 08108	.0775	Too Small
56 27.04	RR Lawnside Ave	Criaris, Paula A. 182 Lawnside Ave Collingswood, NJ 08108	IRR 30 x 91.81	Too Small
61.01 9.05	Cuthbert Rd	Latella, Kathleen A & John 20 E. Cuthbert Rd Westmont, NJ 08108	IRR 22 x 25	Too Small
62 2.01	1032 Haddon Ave	Gem One llc 100 W 18 th Street New York, NY 10011	.0682	Too Small
63 6	W. Linden Ave	Public Serv Elec & Gas Co 80 Park Place ATTN: T-6B Newark, NJ 07102	IRR 150	Electric Substation
68 1	111 W Cuthbert Rd	Cuthbert Park LLC P.O. Box 130 Collingswood, NJ 08108	.1791	Too Small

Block No. Lot No.	Property Address	Property Owner	Acreage	Status
70 9.01	Park Ave	Kuzma, Jr. John & Eleanor M 947 Park Ave Collingswood, NJ 08108	.0803	Too Small
72 2.11	1120 Park Ave	McCoy, Mitchell & Therosa 1122 Park Ave Collingswood, NJ 08108	.1148	Too Small
81 2.06	Stokes Ave	Boddorff, Craig H. & Michelle 1112 Stokes Ave Collingswood, NJ 08108	.2009	Too Small
85 37.01	Merrick Ave	Flynn, Edward & Marcella M. 735 Merrick Ave Collingswood, NJ 08108	.0574	Too Small
90 12	Lakeview Dr	Curry, Neal & Virginia O. 223 Lakeview Dr Collingswood, NJ 08108	.1808	Too Small
93 10.01	Rear Atlantic Ave	McCreary, Margaret M. 728 Atlantic Ave Collingswood, NJ 08108	.0918	Too Small
110 15.04	Gorman Ave	Harvey, John J. 33 Gorman Ave Collingswood, NJ 08108	IRR 27 x 136	Too Small
116 10	10 W Narberth Ter	Leher, Mindy 12 W Narberth Ter Collingswood, NJ 08108	.1289	Too Small
118 8	30 Crescent Blvd	Uwanawich, Steve 30 Crescent Blvd Collingswood, NJ 08108	.0992	Too Small
120 2.01	Rear Park Ave	Wayne Apts LP 400 Andrews Street Rochester, NY 14604	IRR 3 x 70	Too Small
121 5	Park Ave	Cammarota, Eric & Alicia 127 Park Ave Collingswood, NJ 08108	.1291	Too Small
121 7	Park Ave	Emmerling, Karen 123 Park Ave Collingswood, NJ 08108	.1227	Too Small
125 37	Dwight Ave	Balliet, Walter & August 201 White Horse Pike Collingswood, NJ 08107	.1286	Too Small
125.01 14	Jessamine Avenue	Christenson, Steven 524 Jessamine Avenue Collingswood, NJ 08107	.1102	Too Small
125.01 16	Jessamine Avenue	Master, Michael J. 520 Jessamine Avenue Collingswood, NJ 08107	.1102	Too Small

Block No. Lot No.	Property Address	Property Owner	Acreage	Status
125.01 22	Jessamine Avenue	Rhoda William & Margaret 508 Jessamine Avenue Collingswood, NJ 08107	.0778	Too Small
129 3.03	City Line & White Horse Pike	Collingswood Property Mgmt 1 Trinity Lane Mount Holly, NJ 08060	IRR 156 x 337	Wetlands
129 5.03	Woodlynne Avenue	Corkery, Nicole 741 Woodlynne Avenue Collingswood, NJ 08107	IRR	Too Small; Not Contiguous
129 8	Woodlynne Avenue	Corkery, Nicole 741 Woodlynne Avenue Collingswood, NJ 08107	IRR	Too Small- Not Contiguous
140 4	Grant Avenue	Hovsepian, Zaven A & Elizabeth 575 Grant Avenue W Collingswood, NJ 08107	.1779	Too Small
143 8.02	Virginia Avenue	Mayes, Joseph F. & Kathleen 324 Virginia Avenue Collingswood, NJ 08108	.0689	Too Small
145 16	705 Dwight Avenue	Esser, Mark 255 Tall Pines Drive East Sewell, NJ 08080	.1550	Too Small
150 12	306 Sloan Avenue	Borough of Collingswood 678 Haddon Avenue Collingswood, NJ 08108	.1607	Too Small
152 17.01	2 Comly Lane	Papa, Gary & Nancy 4 Comly Lane Collingswood, NJ 08107	IRR 120 x110	Too Small
160 1.03	Sloan Avenue	Steinbuch, Michael B. 3916 Fuller Hollow Road Vestal, NY 13850	.1004	Too Small
160 3.01	Sloan Avenue	Pennisi, Richard & Michelle 421 Sloan Avenue Collingswood, NJ 08107	.2009	Too Small
161 2.02	402 Champion Avenue	Caruso, Philip J 421 Champion Avenue Collingswood, NJ 08107	.2482	Too Small
165 12	504-508 Richey Avenue	Bill & Ray Properties LLC 504-508 Richey Avenue Collingswood, NJ 08107	.0162	Too Small
186.01 9.02	N. Newton Lake Drive	Paolini Evangeline J 319 N. Newton Lake Drive Collingswood, NJ 08107	IRR	Too Small
187 13	Harding Terrace	Perrin, James A 14 Harding Terrace Collingswood, NJ 08108	IRR 27.60	Floodplain

EXHIBIT B

25958-686

CLERK OF CAMDEN COUNTY
1000 BROADWAY
CAMDEN, NJ 08102
(856) 962-1234

CAMDEN COUNTY, NJ
CAMDEN COUNTY CLERK'S OFFICE
RESTRICTOR BOOK 09626 PG 1682
RECORDED 07/12/2012 14:28:16
FILE NUMBER 2012050729
SCPT 4: 11542791 RECD BY: nana
RECORDING FEES \$3.00
MARGINAL NOTATION 0.00

DEED RESTRICTION

This Deed Restriction is made this 27th day of June 2012 by the Center for Family Services, a New Jersey not for profit corporation, having its principal place of business at 584 Benson Street, Camden, NJ 08103 (hereinafter referred to as "Owner")

The Owner owns a certain parcel of land, located at 21 Bellevue Ave. in the Borough of Collingswood, Camden County, and more specifically described in Exhibit A of Mortgage Book being recorded simultaneously attached hereto and made a part hereof, which is to be developed as an affordable housing unit and to be designated as a HOME unit ("the Property").

In consideration of funding provided by the Camden County Community Development Office ("County") pursuant to the Federal HOME Program, to benefit the Property, the use and resale of the Property is restricted as follow:

Resale of the Property by the Owner shall be limited for a period of 15 years from the date of the execution of this Deed Restriction by Owner, who shall use the Property for the purpose of low income rental housing as defined by 24 CFR 92 et. seq. In the event that the Owner sells the Property prior to the expiration of the required 15 year period, the Owner shall immediately satisfy the HOME Program County Mortgage executed on _____ in favor of the as second mortgagee.

This Deed Restriction shall run with the land and be binding upon the respective successors and assigns of the Owner.

This restriction may be enforceable by the County and may not be altered or removed prior to the expiration of the term set forth herein without the written permission of the County. This Deed Restriction shall terminate automatically, by its terms, 15 years from the date of execution by the Owner.

In Witness whereof, the Owner executes this Deed Restriction as of the date mentioned above.

Center For Family Services, a New Jersey Business entity and HOME Program Housing Developer

By: Richard Stagliano
Richard Stagliano President Witness

Eileen J. Anderson
Vice President

STATE OF NEW JERSEY
COUNTY OF CAMDEN

On this 27th day of June 2012, before me, the undersigned officer, personally appeared Richard Stagliano, who I am satisfied is the individual named in the foregoing instrument as the President of the Center For Family Services, a New Jersey not for profit corporation, who on behalf of such corporation did acknowledge that he signed, sealed and delivered the foregoing instrument as his voluntary act and deed and as a voluntary act and deed of said corporation for the purpose therein contained.

MARGARET WACHOWSKI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires June 27, 2012
Margaret Wachowski

984-35653
mcd

Record & Return To:
Foundation Inc. LLC
13000 Lincoln Drive West
Suite 201
Marlton, NJ 08053
Phone: 856-2000

Record 2

DEED RESTRICTION

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The Owner owns a certain parcel of land, located at 25 Bellevue Ave. in the Borough of Collingswood, Camden County, and more specifically described in Exhibit A of Mortgage Book simultaneously herewith attached hereto and made a part hereof, which is to be developed as an affordable housing unit and to be designated as a HOME unit ("the Property"). being recorded

In consideration of funding provided by the Camden County Community Development Office ("County") pursuant to the Federal HOME Program, to benefit the Property, the use and resale of the Property is restricted as follows:

Resale of the Property by the Owner shall be limited for a period of 15 years from the date of the execution of this Deed Restriction by Owner, who shall use the Property for the purpose of low income rental housing as defined by 24 CFR 92 et. seq. In the event that the Owner sells the Property prior to the expiration of the required 15 year period, the Owner shall immediately satisfy the HOME Program County Mortgage executed on June 27, 2012 in favor of the as second mortgagee.

This Deed Restriction shall run with the land and be binding upon the respective successors and assigns of the Owner.

This restriction may be enforceable by the County and may not be altered or removed prior to the expiration of the term set forth herein without the written permission of the County. This Deed Restriction shall terminate automatically, by its terms, 15 years from the date of execution by the Owner.

In Witness whereof, the Owner executes this Deed Restriction as of the date mentioned above.

Center For Family Services, a New Jersey Business entity and HOME Program Housing Developer

By: Richard Staglino
Richard Staglino President

Ellen M. Henderson
Vice President
Ellen M. Henderson

State of New Jersey, County of Camden

On this 27 day of June 2012, before me, the undersigned officer, personally appeared Richard Staglino, who I am satisfied is the individual named in the foregoing instrument as the President of the Center For Family Services, a New Jersey not for profit corporation, who on behalf of such corporation did acknowledge that he signed, sealed and delivered the foregoing instrument as his voluntary act and deed and as the voluntary act and deed of said corporation for the purpose therein contained.

MARGARET WACHOWSKI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires June 27, 2017
Margaret Wachowski

CAMDEN COUNTY, NJ
CAMDEN COUNTY CLERK'S OFFICE
RESTRIC-OR BOOK 89644 PG 0284
RECORDED 08/17/2012 08:43:37
FILE NUMBER 2012058626
RCPT #: 11674517 REC'D BY: barborak
RECORDING FEES 43.00
MARGINAL NOTATION 0.00

EXHIBIT C

**Council on Affordable Housing (COAH)
Assisted Living Residence Survey**

Municipality: Collingswood County: Camden
 Sponsor: United Methodist Community Developer/Owner: United Methodist Community
 Block: 110 Lot: 1 Street Address: 460 Haddon Ave.
 Facility Name: United Methodist Communities @ Collingswood

<p>Type of Facility (choose one): <input type="checkbox"/> Assisted Living Residence <input checked="" type="checkbox"/> Comprehensive Personal Care Home¹ <u>Complete for separate apartments:</u> # of apartments in the facility: <u>116</u> # of affordable apartments in the facility: <u>10</u> # Affordable Studios: _____ # Affordable 1 BR Units: _____ # Affordable 2 BR Units: _____ Will two-bedroom units be restricted to unrelated individuals? <u>No N/A</u> Yes (if "yes," # of units to be restricted to two unrelated individuals: _____) <u>Complete for separate bedrooms:</u> # of bedrooms in the facility: <u>116</u> # of affordable bedrooms in the facility: <u>10</u> # of affordable beds in the in the facility: <u>10</u> NOTE: The smallest unit eligible for credit is the bedroom. <u>We don't classify board on unit size. It's whatever is available</u></p>	<p>RCO Date: <u>3/6/96</u> Licensed by State Department of Health and Senior Services (DHSS): <u>Yes</u> No Initial License Date: <u>3/6/96</u> Current License Date: <u>5/3/2006 - 3/31/2017</u> Date units to become affordable: <u>3/6/96</u> HMFA financed project? Yes <u>Yes</u> No Is the facility accessible (in accordance with NJ Barrier Free Subcode)? <u>Yes</u> No Select One: <u>N/A</u> <input type="checkbox"/> 50% of affordable units/beds designated for low-income households OR <input type="checkbox"/> All units designated for households at 60% of median income Facility Medicaid approved? <u>Yes</u> No # of beds reserved for individuals receiving Medicaid Waivers: <u>10</u> # of bedrooms reserved for individuals receiving Medicaid Waivers: <u>10</u> <input type="checkbox"/> copy of license <input type="checkbox"/> letter signed by the facility administrator stating that the facility is meeting the requirements of C26:2H-12.16.</p>
<p>Affordability Controls on Facility? <u>Yes</u> No Length of Controls: _____ years Effective Date of Controls: <u>1/1</u> Expiration Date of Controls: <u>1/1</u> <u>Required by Statute</u></p>	<p>Required Documentation (check all that apply): <input checked="" type="checkbox"/> Operating manual that includes a description of the program procedures and administration in accordance with <u>UHC Policies & Procedures - Attach - Brochure</u> <input type="checkbox"/> Designation of an Administrative Agent <input type="checkbox"/> DHSS Medicaid Waiver List <input type="checkbox"/> Affirmative Marketing Plan approved by the Council's Executive Director <input type="checkbox"/> MOU between the municipality and HMFA NOTE: MOU may be substituted for Administrative Agent and Affirmative Marketing requirements.</p>

The following verification is attached (check all that apply):

- ☐ Copy of Recorded Rental Deed Reservation on Facility
☐ If applicable, Memorandum of Understanding between municipality and HMFA
 Date Executed: 1/1

CERTIFICATIONS

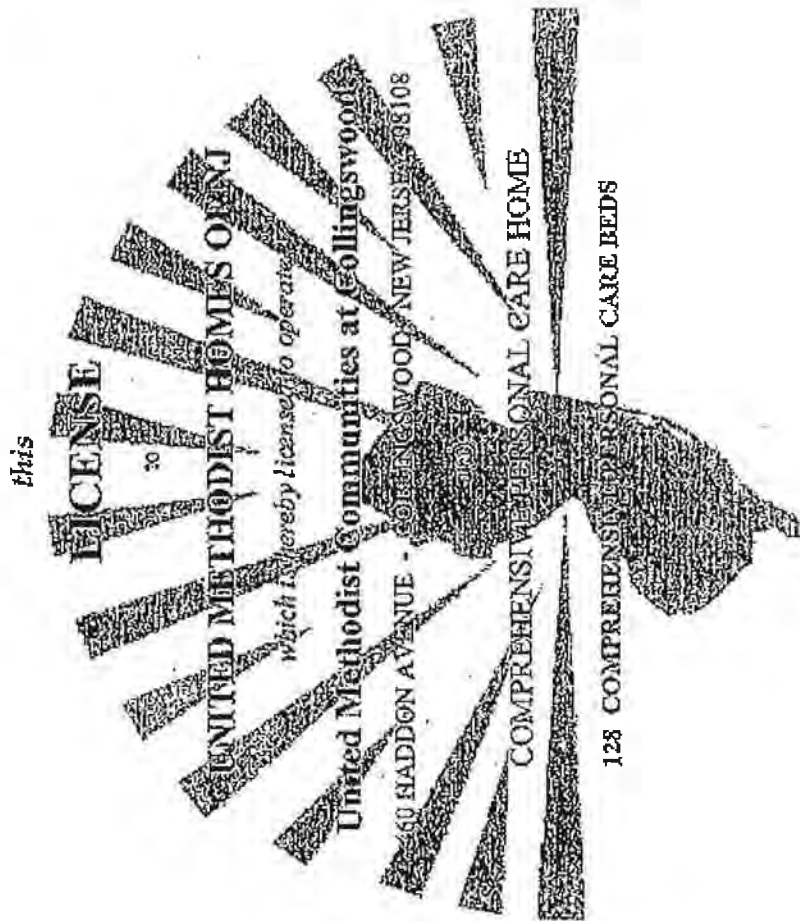
I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: Jessica Stewart Date: 6/1/16
 Owner
 Certified by: _____ Date: _____
 Municipal Housing Liaison

¹ Comprehensive Personal Care Homes include Class "C" Boarding Homes and Residential Health Care Facilities that were built before December 20, 1993 when the Assisted Living Regulations were adopted and chose to convert to licensing under assisted living regulations (Subchapter 17 of Chapter N.J.A.C. 8:36, the Assisted Living Standards for Licensure).

**NEW JERSEY DEPARTMENT OF HEALTH
DIVISION OF CERTIFICATE OF NEED AND LICENSING**

Presents, pursuant to N.J.S.A. 26:2H-1 et seq.,



License #: 15c001

Effective: April 15, 2016

Expires: March 31, 2017

Issued: May 03, 2016



Carol M.
Carol M. Bennett
Acting Commissioner

MUST BE POSTED IN A CONSPICUOUS PLACE IN THE FACILITY
THIS LICENSE IS NOT TRANSFERABLE, APPLIES ONLY TO THE ABOVE LOCATION, AND TERMINATES ON NOTICE BY THE DEPARTMENT



**United Methodist
Communities**

Abundant Life for Seniors

Collingswood
460 Haddon Ave.
Collingswood, NJ 08108

856-854-4331 p
856-854-0879 f
UMCommunities.org

June 1, 2016

To Whom It May Concern:

This letter is to confirm that United Methodist Communities at Collingswood is meeting the requirements C.26:2H-12.16..

Should you have any further questions, please feel free to reach out to me directly at 856-854-4331, ext. 5101.

Sincerely,

Jessica Stewart, CALA
Interim Executive Director

EXHIBIT D

Council on Affordable Housing (COAH) Alternative Living Arrangement Survey

Municipality: Cottingswood County: Camden

Sponsor: _____ Developer: _____

Block: _____ Lot: _____ Street Address: 905 Stokes

Facility Name: _____

Type of Facility:

- ☒ Group Home for developmentally disabled as licensed and/or regulated by the NJ Dept. of Human Services (Division of Developmental Disabilities (DDD))
- ☐ Group Home for mentally ill as licensed and/or regulated by the NJ Dept. of Human Services (Division of Mental Health Services) (DMHS)
- ☐ Transitional facility for the homeless
- ☐ Residential health care facility (licensed by NJ Dept. of Community Affairs or NJ Dept. of Human Services)
- ☐ Congregate living arrangement
- ☐ Other - Please Specify: _____

of bedrooms occupied by low-income residents 4

of bedrooms occupied by moderate-income residents _____

Separate bedrooms? _____ Yes _____ No

Affordability Controls? _____ Yes _____ No

Length of Controls: _____ years

Effective Date of Controls: ____/____/____

Expiration Date of Controls: ____/____/____

Average Length of Stay: _____ months (transitional facilities only)

The following verification is attached:

- ☐ Copy of deed restriction (30-year minimum, HUD, FHA, FHLB, BHP deed restriction, etc.)
- ☐ Copy of Capital Application Funding Unit (CAFU) Letter (20-year minimum, no deed restriction required)
- ☐ Award letter/financing commitment (proposed new construction projects only)

Residents 18 yrs or older? ☒ Yes _____ No

Age-restricted? _____ Yes ☒ No

Population Served (describe): Developmentally Disabled Adults

Accessible (in accordance with NJ Barrier Free

For proposed new construction projects only:

Sources of funding committed to the project (check all that apply):

Capital funding from State - Amount \$ _____

Balanced Housing - Amount \$ _____

HUD - Amount \$ _____

Federal Home Loan Bank - Amount \$ _____

Farmers Home Administration - Amount \$ _____

Development fees - Amount \$ _____

Bank financing - Amount \$ _____

Other - Please specify: _____

Are funding sources sufficient to complete project?

_____ Yes _____ No

Residents qualify as low or moderate income?

_____ Yes _____ No

☐ CO Date: ____/____/____

Indicate licensing agency:

☒ DDD ☐ DMHS ☐ DRSS ☐ DCA

Initial License Date: ____/____/____

Current License Date: ____/____/____

Subcode)? ___ Yes ___ No

Affirmative Marketing Strategy (check all that apply):

☐ DDD/DMHS/DHSS/DCA waiting list

☐ Other (please specify): _____

CERTIFICATIONS

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

Certified by: Carol Martell 3-18-16
Project Administrator Date

Certified by: _____
Municipal Housing Officer Date

EXHIBIT F

Ordinance No. _____

**ORDINANCE OF THE BOROUGH OF COLLINGSWOOD, COUNTY OF
CAMDEN, NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 141, DEVELOPMENT REGULATIONS,
ARTICLE VI, ZONING DISTRICT BOUNDARIES**

BE IT ORDAINED by the governing body of the Borough of Collingswood, County of Camden, New Jersey, that Chapter 141 of the Code of the Borough of Collingswood, "Development Regulations" is hereby amended and supplemented as follows:

SECTION ONE: Article VI, "Zoning District Boundaries" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denotes additions*):

§ 141-25 Affordable Housing Overlay District

A. Purpose. The purpose of the Affordable Housing Overlay District is to establish an area for capturing the Borough's unmet need from its Third Round Fair Share Affordable Housing obligations, in conformance with the requirements of the New Jersey Fair Housing Act of 1985.

B. Applicability.

(1) Affordable Housing Overlay District shall be applied to the lands known as Block 38, Lots 12, 12.01, 12.02, and 12.03; Block 60, Lots 2, 3, 4, 5, 5.01, and 5.02; Block 63, Lots 1, 1.01, 2, 3, 6.01, and 6.07; and Block 97, Lots 4.02, 5, 5.01, 5.02, and 8 on the Collingswood Tax Map.

(2) The Official Zoning Map of the Borough of Collingswood is hereby amended in accordance with the foregoing and is further incorporated by reference.

C. Permitted Use; Permitted Density.

(1) The development of multifamily dwellings shall be permitted in the Affordable Housing Overlay District.

(2) Residential density permitted in the Affordable Housing Overlay District shall be as follows:

(a) Block 38, Lots 12, 12.01, 12.02, and 12.03 – 10 du/acre;

(b) Block 60, Lots 2, 3, 4, 5, 5.01, and 5.02 – 16 du/acre;

(c) Block 63, Lots 1, 1.01, 2, 3, 6.01, and 6.07 – 13.91 du/acre; and

(d) Block 97, Lots 4.02, 5, 5.01, 5.02, and 8 – 14 du/acre.

D. Affordable Housing Set Aside. A fifteen percent (15%) set aside for affordable housing for all development applications consisting of five (5) or more residential units within the areas described in subsection (b) above is required.

E. Compliance with Other Regulations and Ordinances.

(1) All multifamily dwellings developed within the Affordable Housing Overlay District shall comply with all development regulations applicable to the Multifamily Residential District.

(2) All other development regulations applicable to the underlying zones for each property located within Affordable Housing Overlay District shall remain in full force and effect unless in conflict with this Section.

(3) All affordable units constructed within this overlay zones shall also comply with Chapter 85 of this Code.

SECTION TWO: Section 141-25, “Change in zoning use; approval required” is hereby renumbered as § 141-26 and is hereby supplemented to include a new Subsection E as follows:

E. Any property in the Borough of Collingswood that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside as set forth in c. below. The determination of a "sufficient compensatory benefit" shall be a density that is above the presumptive density pursuant to N.J.A.C. 5:93-5.6.

SECTION THREE: Section 141-26, “Redevelopment plans” is hereby renumbered as § 141-27.

SECTION FOUR: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Code of the Borough of Collingswood are ratified and remain in full force and effect.

SECTION FIVE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION SIX: This Ordinance shall take effect immediately upon the approval by the Superior Court of New Jersey, Chancery Division, Camden County of the Borough of Collingswood's Housing Element and Fair Share Plan and entry of a judgment approving the Borough of Collingswood's Housing Element and Fair Share Plan.

[Signatures on following page]

ATTEST:

BOROUGH OF COLLINGSWOOD

K. Holly Mannel
Borough Clerk

M. James Maley, Jr., Mayor

Introduced: _____

Motion by: _____

Second by: _____

Introduction Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

Adopted: _____

Motion by: _____

Second by: _____

Adoption Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the governing body
at a meeting held on _____, 2016.

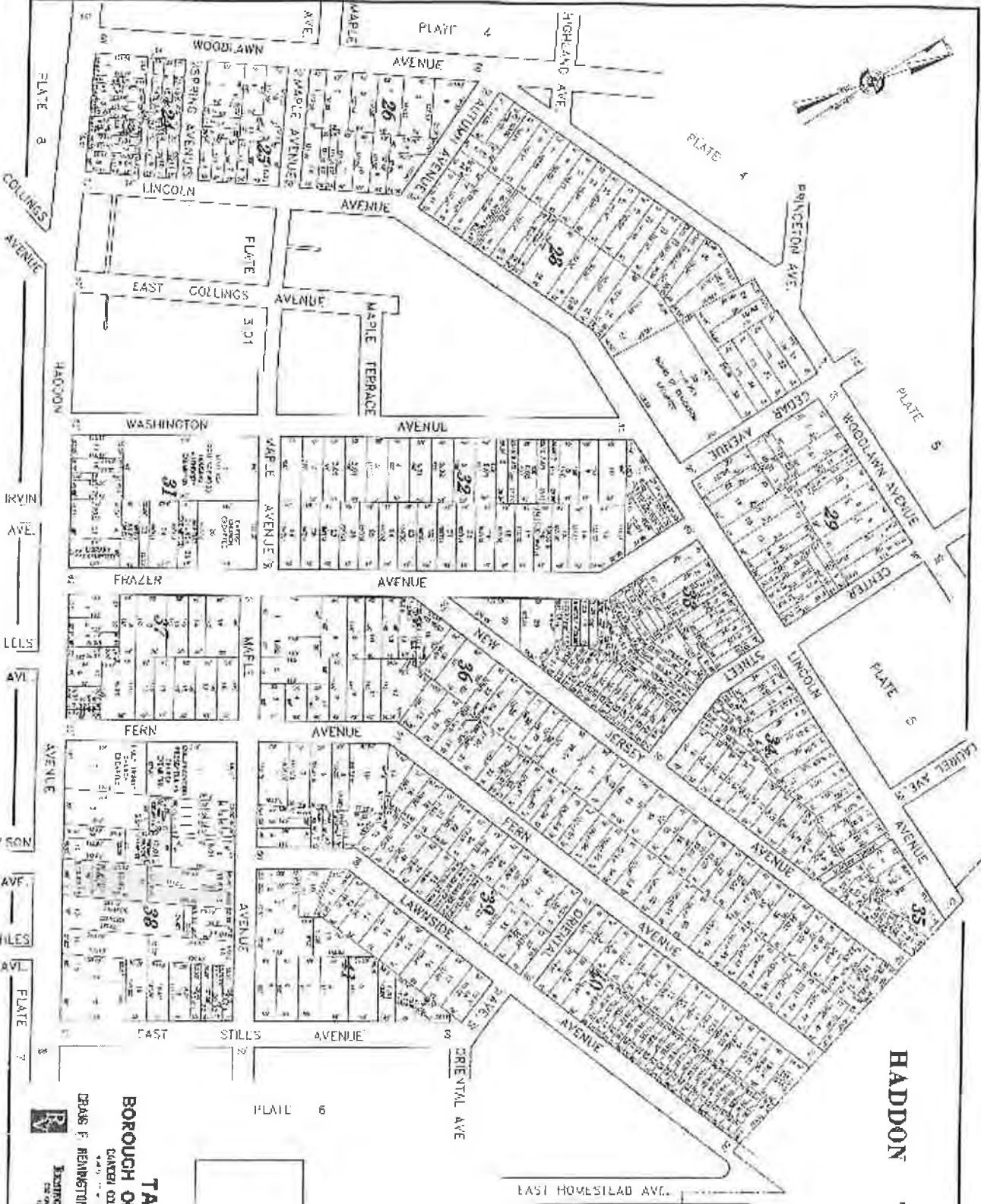
K. Holly Mannel, Borough Clerk

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Borough of Collingswood held in the Municipal Building on the ____ day of ____, 2016, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the ____ day of ____, 2016, at ____ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

K. Holly Mannel, Borough Clerk

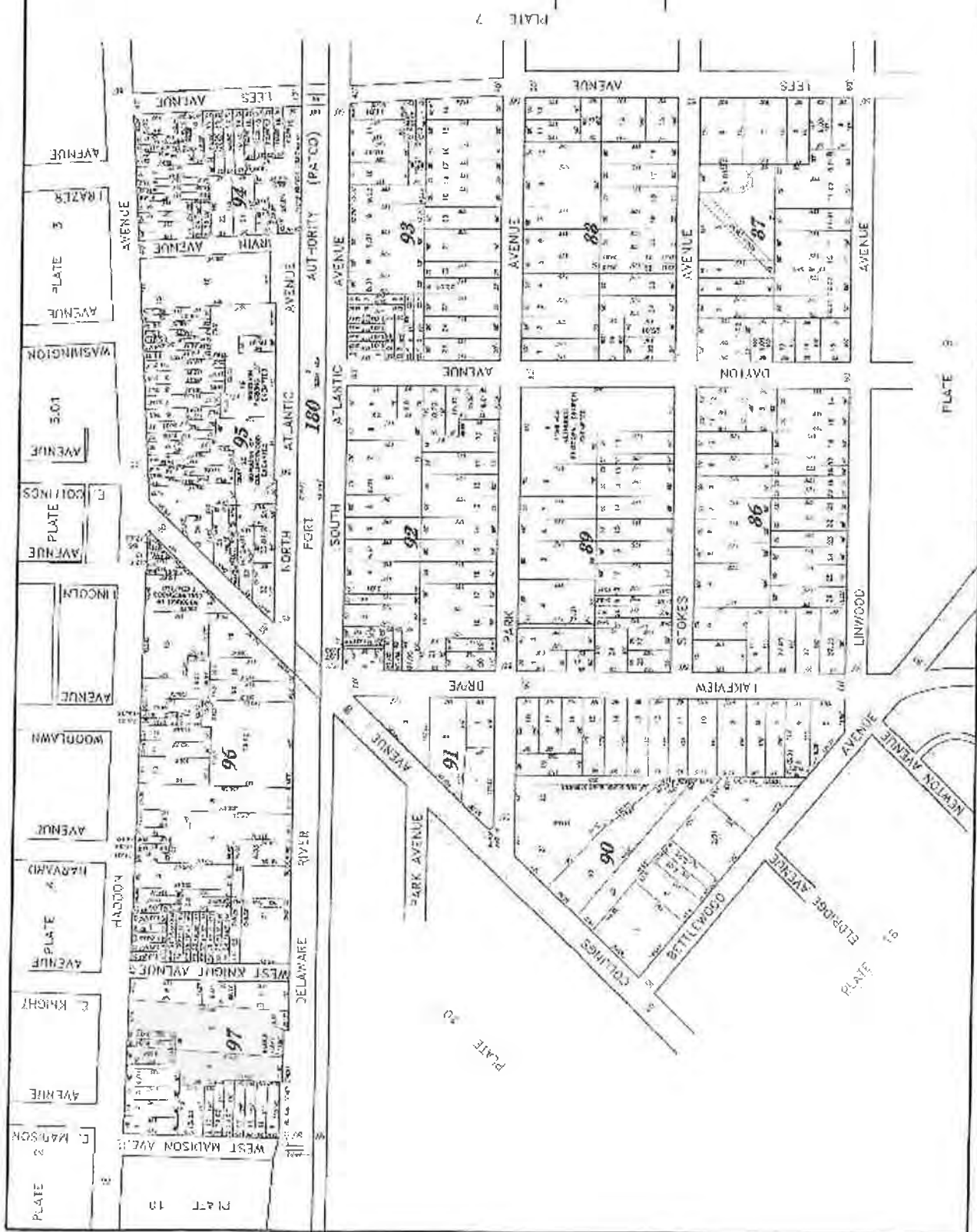
HADDON TOWNSHIP



TAX MAP BOROUGH OF COLLINGSWOOD

DEAS F. REMINGTON LAND SURVEYOR, INC. NO. 23224
 CAMDEN COUNTY, NEW JERSEY
 440 N. 3RD ST. 3RD FLOOR
 CAMDEN, NJ 08102
 (609) 291-1100
 FAX (609) 291-1101
 E-MAIL: REMINGTON@CAMDENNJ.COM

TAX MAP
BOROUGH OF COLLINGSWOOD
 CAMDEN COUNTY NEW JERSEY
 GRAIG F. BRIMINGTON LAND SURVEYOR LTD. MAY 1934
 150 PINE STREET, PHILADELPHIA, PA. 19102
 150 PINE STREET, PHILADELPHIA, PA. 19102



Tax Map 1

PLATE 6

LINDEN
AVE.

**PENN
AVE.**

AVE

511. W. HOMESTEAD AVE. 50.

HOMESTEAD
AVE.

5. CONARD AVENUE

LINDEN AVENUE

5 OGDEN AVENUE

1.01
UNITED
STATES
POSTAL
SERVICE
EXEMPTED

64

6.3

65

60

EXHIBIT F

Multi-Family Zones/Overlay Zones:

- a. Any property in the Borough of Collingswood that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside as set forth in c. below. The determination of a "sufficient compensatory benefit" shall be made by the reviewing authority based upon prevailing legislation and/or case law.
- b. Any rental or for sale multi-family development of five or more units and a density of eight du/acre or greater in the Borough shall be required to set aside a minimum of 20 percent of the total number of units as Affordable Housing Units. Where this requirement results in a fraction of a unit, the fraction shall be rounded to the nearest whole unit. Fractions of less than one half shall be rounded off to the lower unit and fractions of greater than one half shall be rounded off to the higher whole unit.
- c. In inclusionary developments, low- and moderate-income units shall be integrated with the market units. However, for developments of up to 20 units, not otherwise identified in this plan, the Borough may, in its sole discretion, permit payments-in-lieu of constructing affordable units or the construction of affordable units off-site, in accordance with N.J.A.C. 5:97-6.4. For development of 21 to 30 units, the Borough may, in its sole discretion, permit up to 50 percent of the required set aside to be met through payments-in-lieu of constructing affordable units or the construction of affordable units off-site, in accordance with N.J.A.C. 5:97-6.4, provided that the municipality identified how the off-site units will be provided on a one-for-one basis at the time of the final site plan approval for the inclusionary development and provides notice of information regarding the provision of the off-site units to Fair Share Housing Center 10 days before the site plan approval is heard. Developments of 31 units or more shall provide the units on site, with no off-site option.
- d. The Inclusionary Zoning Ordinance shall not be deemed an admission by the Borough that affordable housing set-asides automatically constitute an inherently beneficial use for purposes of zoning variances.
- e. For additional compliance mechanisms, the Borough agrees to rely on N.J.A.C. 5:93 with regard to the compliance mechanism specifically described therein. For additional compliance mechanisms to address unmet need, the Borough agrees to rely on N.J.A.C. 5:93-4.2.
- f. Thirteen percent of the Borough's Third Round prospective need obligation will be met through very low income housing and the Borough shall provide for a lookback at least once every three years to make sure this provision is complied with for the units built during that period.

EXHIBIT G

Ordinance No. _____
Affordable Housing Ordinance
Borough of Collingswood, Camden County

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF COLLINGSWOOD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the governing body of the Borough of Collingswood, County of Camden, New Jersey, that Chapter 85 of the Code of the Borough of Collingswood, "Affordable Housing" is hereby amended and supplemented as follows:

SECTION ONE: Chapter 85, "Affordable Housing" is hereby revoked and replaced with the following:

§ 85-1. Purpose.

A. The purpose of this Chapter is to address Collingswood's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Chapter is intended to provide assurances 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 those units. This Chapter shall apply except where inconsistent with applicable law.

B. The Collingswood Borough Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan have been endorsed by the governing body. This Chapter implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

C. The Borough of Collingswood shall file such annual monitoring reports as may be directed by the Court regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan. The report shall be filed with Fair Share Housing Center and posted on the Collingswood website.

§ 85-2. Definitions.

The following terms when used in this Ordinance shall have the meanings given in this Section:

"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 designated by the Borough to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“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 new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, 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 housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough’s fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing 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 and approved for crediting by the Court 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 wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age 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.

“Alternative living arrangement” means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of

Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

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

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

“COAH” means the Council on Affordable Housing, as established by 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 requires 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 included in a proposed development including the holder of an option to contract to 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 limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or 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 and 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 housing region, as adopted annually by COAH or a successor entity approved by the Court.

“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 duly adopted Regional Income Limits published annually by COAH or a successor entity.

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

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, 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 for the applicable housing region.

“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 purposes of a rehabilitation program.

§ 85-3. Applicability.

A. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Collingswood pursuant to the Borough’s most recently adopted Housing Element and Fair Share Plan.

B. The following sections shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

§ 85-4. Alternative Living Arrangements.

A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

(1) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

(2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

C. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 85-5. Phasing Schedule for Inclusionary Zoning.

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

§ 85-6. New Construction.

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

- (1) 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. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income. The very low income units shall be counted as part of the required number of low income units within the development. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families. A maximum of 25 percent may be age restricted. At least half of the units in total shall be available to families.
- (2) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
- (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - (b) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - (c) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

(4) 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. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility Requirements:

(1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:

(2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

(a) An adaptable toilet and bathing facility on the first floor; and

(b) An adaptable kitchen on the first floor; and

(c) An interior accessible route of travel on the first floor; and

(d) 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

(e) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and

(f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Collingswood has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

i. 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.

ii. To this end, the builder of restricted units shall deposit funds within the Borough of Collingswood's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

iii. The funds deposited under paragraph 6) b) above shall be used by the Borough of Collingswood for the sole purpose of making the adaptable entrance of an

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.

iv. The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Collingswood for the conversion of adaptable to accessible entrances.

v. 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 that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

vi. 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.

C. Design:

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

(2) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum Rents and Sales Prices:

(1) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits approved by the Court.

(2) 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 rental units shall be affordable to households earning no more than 52 percent of median income.

(3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.

(4) 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 sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

(5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- (a) A studio shall be affordable to a one-person household;
- (b) A one-bedroom unit shall be affordable to a one and one-half person household;
- (c) A two-bedroom unit shall be affordable to a three-person household;
- (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
- (e) A four-bedroom unit shall be affordable to a six-person household.

(6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

- (a) A studio shall be affordable to a one-person household;
- (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
- (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

(7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 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.

(8) 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 size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended

and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

(9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

(10) The rent of low- and moderate-income units may be increased annually based on the permitted 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.

E. Multi-Family Zones/Overlay Zones:

(1) The general requirements for developments of 8 du/acre set forth in this Subsection E shall apply to the following:

- (a) Planning Board action on subdivision or site plan applications;
- (b) Zoning Board adjustment actions and variances;
- (c) Redevelopment plans adopted by the governing body; and
- (d) Rehabilitation plans adopted by the governing body.

(2) Any property in the Borough of Collingswood that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside as set forth in (2) below. The determination of a "sufficient compensatory benefit" shall be a density that is above the presumptive density pursuant to N.J.A.C. 5:93-5.6.

(3) Any rental or for sale multi-family development of five or more units and a density of eight du/acre or greater in the Borough shall be required to set aside a minimum of 15 percent of the total number of units as Affordable Housing Units. Where this requirement results in a fraction of a unit, the fraction shall be rounded to the nearest whole unit. Fractions of less than one half shall be rounded off to the lower unit and fractions of greater than one half shall be rounded off to the higher whole unit.

(4) In inclusionary developments, low- and moderate-income units shall be integrated with the market units. However, for developments of up to 20 units, not

specifically identified in the Borough's Fair Share Plan, the Borough may, in its sole discretion, permit payments-in-lieu of constructing affordable units or the construction of affordable units off-site, in accordance with N.J.A.C. 5:97-6.4. For development of 21 to 30 units, not specifically identified in the Borough's Fair Share Plan, the Borough may, in its sole discretion, permit up to 50 percent of the required set aside to be met through payments-in-lieu of constructing affordable units or the construction of affordable units off-site, in accordance with N.J.A.C. 5:97-6.4, provided that the municipality identified how the off-site units will be provided on a one-for-one basis at the time of the final site plan approval for the inclusionary development and provides notice of information regarding the provision of the off-site units to Fair Share Housing Center 10 days before the site plan approval is heard. Developments of 31 units or more shall provide the units on site, with no off-site option.

- (5) All payments-in-lieu referenced above shall be expended for construction of affordable units conforming to a compliance mechanism recognized in N.J.A.C. 5:93 within four years of the deposit of the payments-in-lieu in the Borough's Affordable Housing Trust Fund, and such expenditure shall be deemed a commitment of funds pursuant to N.J.S.A. 52:27D-329.3.
- (6) The Inclusionary Zoning Ordinance shall not be deemed an admission by the Borough that affordable housing set-asides automatically constitute an inherently beneficial use for purposes of zoning variances.
- (7) For additional compliance mechanisms, the Borough agrees to rely on N.J.A.C. 5:93 with regard to the compliance mechanism specifically described therein. For additional compliance mechanisms to address unmet need, the Borough agrees to rely on N.J.A.C. 5:93-4.2.
- (8) Thirteen percent of the Borough's Third Round prospective need obligation will be met through very low income housing and the Borough shall provide for a lookback at least once every three years to make sure this provision is complied with for the units built during that period.

§ 85-7. Utilities.

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§ 85-8. Occupancy Standards.

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

§ 85-9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Collingswood takes action to release the unit from such requirements. Prior to such action, 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.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. 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 without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial 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 restrictions set forth in 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.
- E. 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.
- F. 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 following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 85-10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

§ 85-11. Buyer Income Eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 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.
- B. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Borough Commissioners, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. 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 eligible monthly income.

§ 85-12. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

B. With the exception of First Purchase Money Mortgages, 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 the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

§ 85-13. Capital Improvements To Ownership Units.

A. 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 made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 85-14. Control Periods for Restricted Rental Units.

A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Collingswood takes action to release the unit from such requirements. Prior to such action, 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.

B. 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

Camden. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

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

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

§ 85-15. Rent Restrictions for Rental Units; Leases.

A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

C. Application fees (including the charge for any credit check) shall not exceed 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.

D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

§ 85-16. Tenant Income Eligibility.

A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

- (1) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 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.

B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, 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:

(1) 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;

(2) 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;

(3) The household is currently in substandard or overcrowded living conditions;

(4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or

(5) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

C. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

§ 85-17. Municipal Housing Liaison.

A. The Borough of Collingswood shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Collingswood shall adopt an Ordinance creating the position of Municipal Housing Liaison. Collingswood shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Collingswood, including the following responsibilities which may not be contracted out to the Administrative Agent:

- (1) Serving as Collingswood's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
- (2) Monitoring the status of all restricted units in Collingswood's Fair Share Plan;
- (3) Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
- (4) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
- (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

C. Subject to the approval of the Court, the Borough of Collingswood shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

§ 85-18. Administrative Agent.

The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

A. Affirmative Marketing:

- (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Collingswood and the provisions of N.J.A.C. 5:80-26.15; and
- (2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household Certification:

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;

(2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

(3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

(4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

(5) 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

(6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Collingswood when referring households for certification to affordable units.

C. Affordability Controls:

(1) 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;

(2) 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;

(3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Camden County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;

(4) Communicating with lenders regarding foreclosures; and

(5) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

C. Resales and Rerentals:

(1) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

(2) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

D. Processing Requests from Unit Owners:

(1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

(2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

(3) Notifying the municipality of an owner's intent to sell a restricted unit; and

(4) Making determinations on requests by owners of restricted units for hardship waivers.

E. Enforcement:

(1) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

(2) 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;

(3) 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 or other charges can be made;

(4) 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;

(5) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and

(6) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough governing body and the Court, setting forth procedures for administering the affordability controls.

F. Additional Responsibilities:

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

(2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.

(3) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

§ 85-19. Affirmative Marketing Requirements.

A. The Borough of Collingswood shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is 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 marketing activities toward Housing Region 2 and is required to be followed throughout the period of restriction.

C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 5, comprised of Burlington, Camden and Gloucester Counties.

D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Borough of Collingswood shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within

the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ 85-20. Enforcement of Affordable Housing Regulations.

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

(1) 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 adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

(a) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

(b) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Collingswood Affordable Housing Trust Fund of the gross amount of rent illegally collected;

(c) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

(2) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such 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- or moderate-income unit.

(a) The 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 his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

(b) 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 the full 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

§ 85-21. Appeals.

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

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Code of the Borough of Collingswood are ratified and remain in full force and effect.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon approval by the Superior Court of New Jersey, Chancery Division, Camden County of the Borough of Collingswood's Housing Element and Fair Share Plan and entry of a judgment approving the Borough of Collingswood's Housing Element and Fair Share Plan.

ATTEST:

BOROUGH OF COLLINGSWOOD

K. Holly Mannel
Borough Clerk

M. James Maley, Jr., Mayor

Joan Leonard, Commissioner

Michael Hall, Commissioner

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the governing body at a meeting held on _____, 2016.

K. Holly Mannel, Borough Clerk

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Borough of Collingswood held in the Municipal Building on the ____ day of ____, 2016, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the ____ day of ____, 2016, at ____ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

K. Holly Mannel, Borough Clerk

EXHIBIT H

**COLLINGSWOOD BOROUGH, CAMDEN COUNTY
AFFIRMATIVE FAIR HOUSING MARKETING PLAN
For Affordable Housing in (REGION 5)**

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number TBD		1b. Development or Program Name, Address Collingswood Transit Village	
1c. Number of Affordable Units: 33 Number of Rental Units: 33 Number of For-Sale Units: 0	1d. Price or Rental Range From TBD To	1e. State and Federal Funding Sources (if any) N/A	
1f. <input type="checkbox"/> Age Restricted <input checked="" type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: TBD Occupancy: TBD		
1h. County Burlington, Camden, Gloucester		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number TBD			
1k. Application Fees (if any): No			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received.

The affordable development will be subject to the affirmative marketing random selection process. Applicants are selected at random before income eligibility is determined regardless of household size and desired number of bedrooms. Once advertising is implemented, applications are accepted for 30 days. At the end of the period, sealed applications are selected one-by-one through a lottery. Households are informed of the date, time and location of the lottery and invited to attend. An applicant pool is created by listing applicants in the order selected. Applicants are then reviewed for income eligibility. Eligible households are matched to available units based on the number of bedrooms needed. If there are sufficient names remaining in the pool to fill future units, the applicant pool will be closed.

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

☐ White (non-Hispanic) ☒ Black (non-Hispanic) ☒ Hispanic ☐ American Indian or Alaskan Native
☐ Asian or Pacific Islander ☐ Other group:

3b. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE COAH REGION 5			
Daily Newspaper			
<input checked="" type="checkbox"/>	Annually and as needed	HMFA Housing Resource Center	Entire Region
<input checked="" type="checkbox"/>	Annually and as needed	Courier-Post	Entire Region
TARGETS PARTIAL COAH REGION 5			
Daily Newspaper			
<input type="checkbox"/>		Burlington County Times	Burlington
<input type="checkbox"/>		Gloucester County Times	Gloucester
Weekly Newspaper			
<input type="checkbox"/>		Central Record, The	Burlington
<input type="checkbox"/>		Fort Dix Post	Burlington
<input type="checkbox"/>		Maple Shade Progress	Burlington
<input type="checkbox"/>		News Weekly	Burlington
<input type="checkbox"/>		Register-News	Burlington
<input type="checkbox"/>		Gloucester City News	Camden
<input type="checkbox"/>		Haddon Herald	Camden
<input type="checkbox"/>		Record Breeze	Camden
<input checked="" type="checkbox"/>		Retrospect	Camden
<input type="checkbox"/>		Plain Dealer	Camden, Gloucester
<input type="checkbox"/>		News Report	Gloucester
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 5			
<input type="checkbox"/>		3 KYW-TV Cbs Broadcasting Inc.	

<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		12 WHYY-TV Whyy, Inc.	
<input type="checkbox"/>		17 WPHL-TV Tribune Company	
<input type="checkbox"/>		23 WNJS New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	
X		52 WNJT New Jersey Public Broadcasting Authority	Black, Latino
<input type="checkbox"/>		57 WPSG Cbs Broadcasting Inc.	
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, Llc	
<input type="checkbox"/>		65 WUVP-TV Univision Communications, Inc.	
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	

TARGETS PARTIAL COAH REGION 5

<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	Burlington
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	Burlington
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	Burlington
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	Burlington
<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	Burlington
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	Burlington
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	Burlington
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Burlington
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting	Burlington

		Authority	
<input type="checkbox"/>		38 WPHA-CA Commercial Broadcasting Corp.	Burlington, Camden
<input type="checkbox"/>		41 WNAI-LP Marcia Cohen	Burlington, Camden
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Burlington, Camden
<input type="checkbox"/>		62 WWSI Hispanic Broadcasters of Philadelphia, Llc	Camden, Gloucester
	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL COAH REGION 5			
<input type="checkbox"/>		Comcast of Burlington County, Garden State, Gloucester County, South Jersey, Wildwood (Maple Shade System)	All Burlington, Camden, Gloucester
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 5			
AM			
<input type="checkbox"/>		WFIL 560	Christian
<input type="checkbox"/>		WIP 610	
<input type="checkbox"/>		WWJZ 640	
<input type="checkbox"/>		WTMR 800	
<input type="checkbox"/>		WWDB 860	
<input type="checkbox"/>		WPEN 950	
<input type="checkbox"/>		WNTD 990	
<input type="checkbox"/>		KYW 1060	
<input type="checkbox"/>		WPHT 1210	
<input type="checkbox"/>		WNWR 1540	
FM			
<input type="checkbox"/>		WXPB 88.5	
<input type="checkbox"/>		WRTI 90.1	
<input type="checkbox"/>		WHYY-FM 90.9	
<input type="checkbox"/>		WXTU 92.5	
<input type="checkbox"/>		WMMR 93.3	
<input type="checkbox"/>		WSTW 93.7	

<input type="checkbox"/>		WYSP 94.1	
<input type="checkbox"/>		WPST 94.5	
<input type="checkbox"/>		WBEN-FM 95.7	
<input type="checkbox"/>		WRDW-FM 96.5	
<input type="checkbox"/>		WUSL 98.9	
<input type="checkbox"/>		WJBR-FM 99.5	
<input type="checkbox"/>		WPHI-FM 100.3	
<input type="checkbox"/>		WBEB 101.1	
<input type="checkbox"/>		WIOQ 102.1	
<input type="checkbox"/>		WMGK 102.9	
		WJJZ 106.1	Black
<input type="checkbox"/>		WKDN 106.9	Christian
<input type="checkbox"/>		WRNB 107.9	
TARGETS PARTIAL COAH REGION 5			
AM			
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WBUD 1260	
<input type="checkbox"/>		WIMG 1300	Black Gospel
<input type="checkbox"/>		WIFI 1460	Christian
<input type="checkbox"/>		WBCB 1490	
<input type="checkbox"/>		WPHY 920	
<input type="checkbox"/>		WURD 900	
X		WPHE 690	Latino
<input type="checkbox"/>		WNAP 1110	
<input type="checkbox"/>		WEMG 1310	Spanish
<input type="checkbox"/>		WHAT 1340	
<input type="checkbox"/>		WVCH 740	Christian
<input type="checkbox"/>		WDEL 1150	
<input type="checkbox"/>		WNJC 1360	
<input type="checkbox"/>		WDAS 1480	Black Gospel

FM			
<input type="checkbox"/>		WBZC 88.9	Burlington
<input type="checkbox"/>		WSJI 89.5	Burlington
<input type="checkbox"/>		WAWZ 99.1	Burlington (Christian)
<input type="checkbox"/>		WPPZ-FM 103.9	Burlington (Christian)
<input type="checkbox"/>		WKXW-FM 101.5	Burlington, Camden
<input type="checkbox"/>		WPRB 103.3	Burlington, Camden
<input type="checkbox"/>		WOGL 98.1	Burlington, Camden, Gloucester
<input type="checkbox"/>		WDAS-FM 105.3	Burlington, Camden, Gloucester
<input type="checkbox"/>		WKDU 91.7	Camden
<input type="checkbox"/>		WGLS-FM 89.7	Gloucester
<input type="checkbox"/>		WVLT 92.1	Gloucester
<input type="checkbox"/>		WIXM 97.3	Gloucester
<input type="checkbox"/>		WSJO 104.9	Gloucester

3c. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters)
(Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE	
TARGETS ENTIRE COAH REGION 5				
Weekly				
<input type="checkbox"/>		Al Dia	Philadelphia Area	Spanish-Language
X	Annually and as needed-paid	Nuestra Comunidad	Central/South Jersey	Spanish-Language

TARGETS PARTIAL COAH REGION 5

Weekly				
<input type="checkbox"/>		El Hispano	Camden and Trenton areas	Spanish-Language
<input type="checkbox"/>		Ukrainian Weekly	New Jersey	Ukrainian community

3d. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH		NAME OF EMPLOYER/COMPANY	LOCATION
Burlington County			
X	Annually and as needed	Burlington County College	601 Pemberton Browns Mills Rd Remberton

X	Annually and as needed	Our Lady of Lourdes Medical Center	218 Sunset Rd Willingboro, NJ
X	Annually and as needed	Masonic Home of NJ	902 Jacksonville Rd Burlington, NJ
X	Annually and as needed	Medford Leas Continuing Care	1 Medford Leas Medford, NJ
X	Annually and as needed	Virtua Geriatric Care Management	523 Fellowship Rd Mt Laurel, NJ
X	Annually and as needed	Virtua West Jersey Hospital	90 Brick rd Marlton, NJ
Camden County			
X	Annually and as needed	Campbell Soup Company	Campbell Place Camden, NJ 08103-1701
X	Annually and as needed	Lockheed Martin	Federal, Camden, NJ 08102
X	Annually and as needed	Bancroft Neurohealth	1000 Atlantic Ave Camden, NJ 08102
X	Annually and as needed	Cooper Health System	One Cooper Plaza Camden, NJ 08102
X	Annually and as needed	L-3 Communications Systems	1 Federal Street, Camden, New Jersey, 08103
X	Annually and as needed	Towers Perrin	101 Woodcrest Rd, Cherry Hill, NJ
X	Annually and as needed	Arch Manufacturing & Sales Co.	1213 S 6th St, Camden, NJ
Gloucester County			
X	Annually and as needed	Underwood Memorial Hospital	509 North Broad Street, Woodbury, NJ 08096
X	Annually and as needed	Rowan University	201 Mullica Hill road Glassboro, NJ 08028
X	Annually and as needed	Kennedy Memorial Hospital	435 Hurffville-Cross Keys Road, Turnersville NJ 08012
X	Annually and as needed	U.S. Food Services	2255 High Hill Rd, Swedesboro, NJ & Swedesboro
X	Annually and as needed	Direct Group	100 Berkeley Dr, Swedesboro, NJ and 800 Arlington Blvd, Swedesboro, NJ
X	Annually and as needed	CompuCom Systems Inc.	1225 Forest Pkwy # 500, Paulsboro, NJ
X	Annually and as needed	Missa Bay LLC	101 Arlington Blvd, Swedesboro, NJ and 2339 Center Square Rd, Swedesboro, NJ and 730 Veterans Dr, Swedesboro, NJ
X	Annually and as needed	Sony Music	400 N Woodbury Rd, Pitman, NJ
X	Annually and as needed	Delaware Valley Wholesale Florists	520 N. Mantua Boulevard Sewell, NJ 08080
X	Annually and as needed	Valero Refining Co	800 Billingsport Rd, Paulsboro, NJ
X	Annually and as needed	Electric Mobility	591 Mantua Blvd, Sewell, NJ
X	Annually and as needed	Sunoco-Eagle Point Oil Refinery	US Highway 130 S & Highway 295, Westville, NJ
X	Annually and as needed	Heritage's Dairy Stores	376 Jessup Road Thorofare, NJ 08086
X	Annually and as needed	Cornell & Company	224 Cornell Ln. Westville, NJ

X	Annually and as needed	Exxon Mobil Research & Engineering Co	800 Billingsport Rd, Paulsboro, NJ
3e. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
Camden County Council On Economic Opportunity	Camden County	Various	Annually and as needed
Fair Share Housing Center	Entire Region	Various	Annually and as needed
HEO First Time Homebuyers Education Program	Entire Region	Various	Annually and as needed
NJ State NAACP	Entire Region	Black	Annually and as needed
Southern Burlington County NAACP	Burlington County	Black	Annually and as needed
Camden NAACP	City of Camden	Black	Annually and as needed
Camden County East NAACP	Camden County	Black	Annually and as needed
Latino Action Network	Entire Region	Latino	Annually and as needed

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:	
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)	
	BUILDING
X	LOCATION
X	Burlington County Library Headquarters
X	5 Pioneer Boulevard, Westampton, NJ 08060
X	Burlington County Office Building
X	49 Rancocas Rd, Mount Holly NJ 08060 (609)265-5000
X	Camden Court House Square
X	520 Market St, Camden NJ 08102-1375 (856)225-5000
X	Gloucester County Court House
X	1 N. Broad Street, Woodbury, NJ 08096 (856)853-3390
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)	
Municipal Building, 678 Haddon Avenue, Collingswood, NJ 08108	
Collingswood Public Library, 771 Haddon Avenue, Collingswood, NJ 08108	
4c. Sales/Rental Office for units (if applicable)	

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's COAH substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI funding).

Name (Type or Print)

Title/Municipality

Signature

Date

EXHIBIT I

BOARD OF COMMISSIONERS
BOROUGH OF COLLINGSWOOD
NEW JERSEY

RESOLUTION 16-2

SUBJECT: APPOINTING KEITH HASTINGS AS THE BOROUGH'S MUNICIPAL HOUSING LIAISON

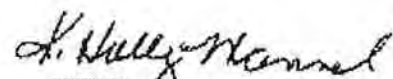
WHEREAS, the State of New Jersey Council on Affordable Housing (COAH) requires that a municipality have an appointed person for oversight and administration for the Borough's affordable housing program, and

WHEREAS, by Ordinance 1407, the Board of Commissioners of the Borough of Collingswood created the position of Municipal Housing Liaison, who will be the primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households and other duties outlined in the ordinance; and

WHEREAS, it is the desire of the Board of Commissioners that Keith Hastings 2136 Seavel Avenue, Pennsauken, NJ 08110 be appointed to this position for the Borough;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE BOROUGH OF COLLINGSWOOD, that Keith Hastings be appointed as the Borough of Collingswood's Municipal Housing Liaison.

ADOPTED: 01-04-16


K. HOLLY MANNEL,
BOROUGH CLERK


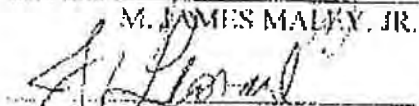
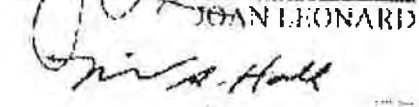

M. JAMES MALKY, JR.

JOAN LEONARD

MICHAEL A. HALL
BOARD OF COMMISSIONERS

EXHIBIT J

Chapter 85: Affordable Housing

Article II: Development Fees

[Adopted 5-4-2009 by Ord. No. 1456]

§ 85-4 Legislative authority; 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 § 8 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-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 nonresidential development.
- C. This article establishes standards for the collection, maintenance and expenditure of development fees pursuant to COAH's regulations and in accordance P.L. 2008, c. 46, §§ 8 and 32-38.^[1] Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.
 [1] *Editor's Note: See N.J.S.A. 52:27D-329.2 and N.J.S.A. 40:55D-8.1 through 40:55D-8.7, respectively.*

§ 85-5 When effective; approved spending plan required.

- A. This article shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- B. Collingswood 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.

§ 85-6 Definitions.

The following terms, as used in this article, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT

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 one-hundred-percent affordable development.

COAH or THE COUNCIL

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.

DEVELOPER

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.

DEVELOPMENT FEE

Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

EQUALIZED ASSESSED VALUE

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 §§ 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES

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.

§ 85-7 Residential development fees.

Imposed fees. Collingswood will impose no development fees on residential development or expansions.

§ 85-8 Nonresidential development fees.**A. Imposed fees.**

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
- (2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting 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 nonresidential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development

- (1) The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the development fee of 2.5%, unless otherwise exempted below.
- (2) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (3) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46,^[1] as specified in the Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.

[1] Editor's Note: See N.J.S.A. 40:55D-8.1 et seq.

- (4) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46^[2] shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

[2] Editor's Note: See N.J.S.A. 40:55D-8.1 et seq.

- (5) If a property which was exempted from the collection of a nonresidential 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 nonresidential development fees under these circumstances may be enforceable by Collingswood as a lien against the real property of the owner.

§ 85-9 Collection procedures; appeals.

- 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 nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in 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 Collingswood 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 § 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- I. Appeal of development fees. A developer may challenge nonresidential 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 Collingswood. 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, N.J.S.A. 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.

§ 85-10 Affordable Housing Trust Fund.

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from nonresidential 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 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 Collingswood's affordable housing program.

- C. Within seven days from the opening of the trust fund account, Collingswood shall provide COAH with written authorization, in the form of a three-party escrow agreement among 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.

§ 85-11 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 Collingswood'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 nonresidential 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 5:97-8.9 and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse Collingswood for past housing activities.
- C. At least 30% 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% or less of median income by region.
 - (1) 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.
 - (2) Affordability assistance to households earning 30% 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% or less of median income. The use of development fees in this manner shall entitle Collingswood to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 - (3) 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. Collingswood 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% 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% 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.

§ 85-12 Monitoring.

Collingswood shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential 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 Collingswood'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.

§ 85-13 Ongoing collection of fees.

The ability for Collingswood to impose, collect and expend development fees shall expire with its substantive certification unless Collingswood 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 Collingswood 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 § 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). Collingswood shall not expend development fees after the expiration of its substantive certification.

EXHIBIT B

TO BE INSERTED:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
THE BOROUGH OF COLLINGSWOOD TO ADDRESS THE
REQUIREMENTS OF THE FAIR HOUSING ACT AND THE
UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)
REGARDING COMPLIANCE WITH THE BOROUGH'S
AFFORDABLE HOUSING OBLIGATIONS**

EXHIBIT C

Ordinance No. 1598
Affordable Housing Ordinance
Borough of Collingswood, Camden County

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF COLLINGSWOOD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the governing body of the Borough of Collingswood, County of Camden, New Jersey, that Chapter 85 of the Code of the Borough of Collingswood, "Affordable Housing" is hereby amended and supplemented as follows:

SECTION ONE: Chapter 85, "Affordable Housing" is hereby revoked and replaced with the following:

§ 85-1. Purpose.

A. The purpose of this Chapter is to address Collingswood's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Chapter is intended to provide assurances 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 those units. This Chapter shall apply except where inconsistent with applicable law.

B. The Collingswood Borough Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan have been endorsed by the governing body. This Chapter implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

C. The Borough of Collingswood shall file such annual monitoring reports as may be directed by the Court regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan. The report shall be filed with Fair Share Housing Center and posted on the Collingswood website.

§ 85-2. Definitions.

The following terms when used in this Ordinance shall have the meanings given in this Section:

"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 designated by the Borough to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

"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 new restricted units in an affordable housing development are affordable to low- and moderate-income households.

"Affordable" means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, 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 housing development" means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing 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 and approved for crediting by the Court 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 wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age 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.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of

Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

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

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

“COAH” means the Council on Affordable Housing, as established by 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 requires 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 included in a proposed development including the holder of an option to contract to 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 limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or 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 and 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 housing region, as adopted annually by COAH or a successor entity approved by the Court.

“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 duly adopted Regional Income Limits published annually by COAH or a successor entity.

“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 an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHOP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, 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 for the applicable housing region.

“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 purposes of a rehabilitation program.

§ 85-3. Applicability.

A. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Collingswood pursuant to the Borough’s most recently adopted Housing Element and Fair Share Plan.

B. The following sections shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

§ 85-4. Alternative Living Arrangements.

A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

(1) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

(2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

C. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 85-5. Phasing Schedule for Inclusionary Zoning.

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

§ 85-6. New Construction.

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

- (1) 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. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income. The very low income units shall be counted as part of the required number of low income units within the development. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families. A maximum of 25 percent may be age restricted. At least half of the units in total shall be available to families.
- (2) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
- (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - (b) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - (c) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

(4) 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. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility Requirements:

(1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:

(2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

(a) An adaptable toilet and bathing facility on the first floor; and

(b) An adaptable kitchen on the first floor; and

(c) An interior accessible route of travel on the first floor; and

(d) 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

(e) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and

(f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Collingswood has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

i. 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.

ii. To this end, the builder of restricted units shall deposit funds within the Borough of Collingswood's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

iii. The funds deposited under paragraph 6) b) above shall be used by the Borough of Collingswood for the sole purpose of making the adaptable entrance of an

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.

iv. The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Collingswood for the conversion of adaptable to accessible entrances.

v. 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 that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

vi. 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.

C. Design:

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

(2) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum Rents and Sales Prices:

(1) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits approved by the Court.

(2) 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 rental units shall be affordable to households earning no more than 52 percent of median income.

(3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.

(4) 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 sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

(5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- (a) A studio shall be affordable to a one-person household;
- (b) A one-bedroom unit shall be affordable to a one and one-half person household;
- (c) A two-bedroom unit shall be affordable to a three-person household;
- (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
- (e) A four-bedroom unit shall be affordable to a six-person household.

(6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

- (a) A studio shall be affordable to a one-person household;
- (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
- (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

(7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 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.

(8) 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 size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended

and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

(9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

(10) The rent of low- and moderate-income units may be increased annually based on the permitted 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.

E. Multi-Family Zones/Overlay Zones:

- (1) The general requirements for developments of 8 du/acre set forth in this Subsection E shall apply to the following:
 - (a) Planning Board action on subdivision or site plan applications;
 - (b) Zoning Board adjustment actions and variances;
 - (c) Redevelopment plans adopted by the governing body; and
 - (d) Rehabilitation plans adopted by the governing body.
- (2) Any property in the Borough of Collingswood that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside as set forth in (3) below. The determination of a "sufficient compensatory benefit" shall be a density that is above the presumptive density pursuant to N.J.A.C. 5:93-5.6.
- (3) Any rental or for sale multi-family development of five or more units and a density of eight du/acre or greater in the Borough shall be required to set aside a minimum of 15 percent of the total number of units as Affordable Housing Units. Where this requirement results in a fraction of a unit, the fraction shall be rounded to the nearest whole unit. Fractions of less than one half shall be rounded off to the lower unit and fractions of greater than one half shall be rounded off to the higher whole unit.
- (4) In inclusionary developments, low- and moderate-income units shall be integrated with the market units. However, for developments of up to 20 units, not

specifically identified in the Borough's Fair Share Plan, the Borough may, in its sole discretion, permit payments-in-lieu of constructing affordable units or the construction of affordable units off-site, in accordance with N.J.A.C. 5:97-6.4. For development of 21 to 30 units, not specifically identified in the Borough's Fair Share Plan, the Borough may, in its sole discretion, permit up to 50 percent of the required set aside to be met through payments-in-lieu of constructing affordable units or the construction of affordable units off-site, in accordance with N.J.A.C. 5:97-6.4, provided that the municipality identified how the off-site units will be provided on a one-for-one basis at the time of the final site plan approval for the inclusionary development and provides notice of information regarding the provision of the off-site units to Fair Share Housing Center 10 days before the site plan approval is heard. Developments of 31 units or more shall provide the units on site, with no off-site option.

- (5) All payments-in-lieu referenced above shall be expended for construction of affordable units conforming to a compliance mechanism recognized in N.J.A.C. 5:93 within four years of the deposit of the payments-in-lieu in the Borough's Affordable Housing Trust Fund, and such expenditure shall be deemed a commitment of funds pursuant to N.J.S.A. 52:27D-329.3.
- (6) The Inclusionary Zoning Ordinance shall not be deemed an admission by the Borough that affordable housing set-asides automatically constitute an inherently beneficial use for purposes of zoning variances.
- (7) For additional compliance mechanisms, the Borough agrees to rely on N.J.A.C. 5:93 with regard to the compliance mechanism specifically described therein. For additional compliance mechanisms to address unmet need, the Borough agrees to rely on N.J.A.C. 5:93-4.2.
- (8) Thirteen percent of the Borough's Third Round prospective need obligation will be met through very low income housing and the Borough shall provide for a lookback at least once every three years to make sure this provision is complied with for the units built during that period.

§ 85-7. Utilities.

A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§ 85-8. Occupancy Standards.

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

§ 85-9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Collingswood takes action to release the unit from such requirements. Prior to such action, 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.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. 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 without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial 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 restrictions set forth in 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.
- E. 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.
- F. 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 following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 85-10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

§ 85-11. Buyer Income Eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 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.
- B. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Borough Commissioners, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. 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 eligible monthly income.

§ 85-12. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

B. With the exception of First Purchase Money Mortgages, 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 the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

§ 85-13. Capital Improvements To Ownership Units.

A. 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 made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 85-14. Control Periods for Restricted Rental Units.

A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Collingswood takes action to release the unit from such requirements. Prior to such action, 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.

B. 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

Camden. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

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

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

§ 85-15. Rent Restrictions for Rental Units; Leases.

A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

C. Application fees (including the charge for any credit check) shall not exceed 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.

D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

§ 85-16. Tenant Income Eligibility.

A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

- (1) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 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.

B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, 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:

(1) 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;

(2) 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;

(3) The household is currently in substandard or overcrowded living conditions;

(4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or

(5) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

C. The applicant shall file documentation sufficient to establish the existence of the circumstances in (A)(1) through (B)(5) above with the Administrative Agent, who shall counsel the household on budgeting.

§ 85-17. Municipal Housing Liaison.

A. The Borough of Collingswood shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Collingswood shall adopt an Ordinance creating the position of Municipal Housing Liaison. Collingswood shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Collingswood, including the following responsibilities which may not be contracted out to the Administrative Agent:

- (1) Serving as Collingswood's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
- (2) Monitoring the status of all restricted units in Collingswood's Fair Share Plan;
- (3) Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
- (4) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
- (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

C. Subject to the approval of the Court, the Borough of Collingswood shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

§ 85-18. Administrative Agent.

The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

A. Affirmative Marketing:

- (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Collingswood and the provisions of N.J.A.C. 5:80-26.15; and
- (2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household Certification:

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;

(2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

(3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

(4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

(5) 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

(6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Collingswood when referring households for certification to affordable units.

C. Affordability Controls:

(1) 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;

(2) 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;

(3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Camden County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;

(4) Communicating with lenders regarding foreclosures; and

(5) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and Rerentals:

(1) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rerental; and

(2) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

E. Processing Requests from Unit Owners:

(1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

(2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

(3) Notifying the municipality of an owner's intent to sell a restricted unit; and

(4) Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

(1) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

(2) 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;

(3) 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 or other charges can be made;

(4) 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;

(5) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and

(6) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough governing body and the Court, setting forth procedures for administering the affordability controls.

G. Additional Responsibilities:

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

(2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.

(3) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

§ 85-19. Affirmative Marketing Requirements.

A. The Borough of Collingswood shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is 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 marketing activities toward Housing Region 2 and is required to be followed throughout the period of restriction.

C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 5, comprised of Burlington, Camden and Gloucester Counties.

D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Borough of Collingswood shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within

the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ 85-20. Enforcement of Affordable Housing Regulations.

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

(1) 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 adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

(a) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

(b) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Collingswood Affordable Housing Trust Fund of the gross amount of rent illegally collected;

(c) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

(2) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such 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- or moderate-income unit.

(a) The 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 his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

(b) 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 the full 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

§ 85-21. Appeals.

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

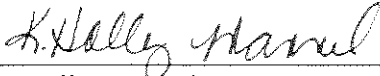
SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Code of the Borough of Collingswood are ratified and remain in full force and effect.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.


SECTION FOUR: This Ordinance shall take effect immediately upon approval by the Superior Court of New Jersey, Chancery Division, Camden County of the Borough of Collingswood's Housing Element and Fair Share Plan and entry of a judgment approving the Borough of Collingswood's Housing Element and Fair Share Plan.

ATTEST:

BOROUGH OF COLLINGSWOOD



K. Holly Mannel
Borough Clerk



M. James Maley, Jr., Mayor



Joan Leonard, Commissioner



Michael Hall, Commissioner

1st read: 7/5/2016
1st publ:
2nd read:
2nd publ: 8/1/2016

ADOPTED: 8/1/2016

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the governing body at a meeting held on _____, 2016.

K. Holly Mannel, Borough Clerk