

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 81 -2026

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
UPPER ADOPTING AFFIRMATIVE MARKETING PLAN**

WHEREAS, the Township of Upper (the "Township") is constitutionally obligated under the Mount Laurel doctrine to provide a realistic opportunity for the construction of affordable housing for low- and moderate-income households; and

WHEREAS, the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., as amended by P.L. 2024, c.2 (the "Amended Fair Housing Act"), establishes procedures for municipalities to obtain judicial review and compliance certification of their affordable housing obligations; and

WHEREAS, the Township timely filed a Resolution of Participation in the Affordable Housing Dispute Resolution Program and a Fourth Round Declaratory Judgment action in the Superior Court of New Jersey, Law Division, seeking a determination of its Fourth Round affordable housing obligations and continued protection from exclusionary zoning litigation; and

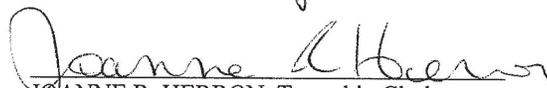
WHEREAS, as part of its Fourth Round affordable housing requirements, the Township is required to adopt an updated Affirmative Marketing Plan; and

WHEREAS, the Township has prepared an updated Affirmative Marketing Plan that is consistent with the applicable statutes and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, County of Cape May, State of New Jersey as follows:

1. The Township of Upper ("Township") does hereby adopt the Affirmative Marketing Plan attached hereto as Exhibit A.
2. This Resolution shall take effect immediately upon adoption according to law.


CURTIS T. CORSON JR., Mayor


JOANNE R. HERRON, Township Clerk

Resolution No. 81 -2026
Offered by: Nappen Seconded by: Casaccio
Adopted: March 9, 2026
Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo				X
Z. Palombo	X			
Corson	X			

CERTIFICATION

The undersigned, Township Clerk for the Township of Upper, County of Cape May, State of New Jersey, hereby certifies the foregoing to be a true copy of a Resolution adopted by the Township Committee of the Township of Upper on March 9, 2026.


Joanne Herron, Township Clerk



Affirmative Marketing Process FOR THE ADMINISTRATION OF MARKETING AFFORDABLE HOUSING UNITS

*In Accordance with
the Uniform Housing
Affordability Controls*

MARCH 2026

Prepared by





AFFIRMATIVE FAIR HOUSING MARKETING PROCESS

For the Upper Township

For Affordable Housing in (REGION 6)

I. APPLICANT AND PROJECT INFORMATION

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

<p>1a. Administrative Agent Name, Address, Phone Number</p> <p>Triad Associates 1301 W. Forest Grove Road Vineland, NJ 08360 856-690-9590 www.triadhousingprograms.com housing@triadassociates.com</p>	<p>1b. Development or Program Name, Address:</p> <p>Upper Township 2100 Tuckahoe Road Petersburg, NJ 08270 www.uppertownship.com contact@uppertownship.com Phone: 609-628-2011</p> <p>Development: To be determined for each project</p> <p>✓ FOR RENT UNITS ✓ FOR SALE UNITS</p>	
<p>1c.</p> <ul style="list-style-type: none"> ✓ Number of Units: TBD ✓ Number of Total Affordable Units: TBD ✓ Number of Affordable Sale Units: TBD ✓ Number of Affordable Rental Units: TBD 	<p>1d.</p> <ul style="list-style-type: none"> ✓ Family ✓ Age Restricted ✓ Supportive Housing 	<p>1e. State and Federal Funding Sources (if any)</p> <p>N/A</p>
<p>1f. Approximate Starting Dates</p> <p>Advertising: To be determined for each project Occupancy: To be determined for each project Lottery Date: To be determined for each project</p>	<p>1g. Price or Rental Range</p> <p>From: To be determined for each project To: To be determined for each project</p>	
<p>1h. Physical characteristics of the units – List bedroom counts, total square footage, and accessibility features</p>		
<p>1i. County: Atlantic</p>	<p>1j. Census Tract(s):</p>	
<p>1k. Managing/Sales Agent’s Name, Address, Phone Number To be determined for each project</p>		

1I. Application Fees (if any): Application, Credit and Background Check Fees may apply.

To be determined for each project

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**INITIAL RANDOMIZATION**

In carrying out the affirmative marketing process, the administrative agent shall comply with the Housing Affordability Controls rules at N.J.A.C. 5:80-26 (UHAC) Adopted November 6, 2025, and all provisions of the Fair Chance in Housing Act, N.J.S.A. 46:8-52 through 64.

The Affirmative Marketing process will begin approximately four months prior to expected occupancy. At this time, the applicant waitlist opens, and the affordable units are posted on the New Jersey Housing Resource Center (NJHRC) website. During this four-month (120-day) period, the property is advertised and interested applicants have the opportunity to submit Preliminary Applications.

After a minimum of 60 days from the date that the units are posted on the NJHRC website, a lottery randomization takes place. No random selection may be conducted prior to 60 days following the initial advertisement on the New Jersey Housing Resource Center. All preliminary applications received during the affirmative marketing period are included in this lottery randomization, which will establish the applicant waitlist. The lottery date will be included in all affirmative marketing materials. The random selection is conducted prior to households being certified for eligibility.

If the units are Supportive Housing units, within one business day of listing the affordable housing units on the New Jersey Housing Resource Center, the Administrative Agent will notify the local Continuum of Care of any rental housing units for individuals with special needs that are reserved for individuals and families that are homeless and of any permanent supportive housing rental units.

All applicants are included in the lottery and randomized regardless of household size or, desired number of bedrooms. The process is as follows:

The lottery will be conducted by the Administrative Agent with at least two professionals present. The applicant pool will include all applicants who have applied. The Administrative Agent will utilize a computer program to randomly assign a number, which will then become the applicant's lottery number.

When a unit becomes available, the Administrative Agent will identify the applicants that match the number of bedrooms and affordability (very low, low, or moderate income). Those who work or live in Region 6 will be given preference and contacted for the unit first. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for up to 50 percent of the restricted units will be given to very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised. If a veteran's preference is in effect, the veterans will be offered the unit prior to the general applicant pool.

Preliminary Applications received after the lottery date will be added to the applicant pool in the order they were received.

If the applicant pool becomes close to being depleted, the Administrative Agent will conduct additional marketing until units are filled.

The administrative agent will designate an experienced staff person 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. Alternatively, the administrative agent or municipality may contract with a HUD-certified housing counselor or an otherwise experienced entity approved by the NJ Department of Community Affairs to provide such counseling services.

III. MARKETING

<p>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)</p> <p> <input checked="" type="checkbox"/> White (non-Hispanic) <input checked="" type="checkbox"/> Black (non-Hispanic) <input checked="" type="checkbox"/> Hispanic <input checked="" type="checkbox"/> American Indian or Alaskan Native <input checked="" type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Other group: </p>
<p>3b. HOUSING RESOURCE CENTER (www.njhrc.gov) A free, online listing of affordable housing. Listed for the duration of the affirmative marketing process. Listing will be posted at minimum 60 days prior to lottery date.</p>
<p>3c. Commercial Media (required) (Check all that apply)</p>

DIGITAL ADVERTISING

	OUTREACH	MEDIA SOURCE	FREQUENCY	CIRCULATION AREA
✓	Listed for the duration of the affirmative marketing process	Zillow/Social Media Sites	Continuous	Statewide
✓	Listed for the duration of the affirmative marketing process	Social media ads including facebook targeting the housing region. Ads will include an "apply today" button that links to the landing page for each listing	Continuous	Regional
✓	Listed for the duration of the affirmative marketing process	NJHRC.gov	Continuous	Statewide
✓	Listed for the duration of the affirmative marketing process	Triadhousingprograms.com	Continuous	Statewide
✓	Advertising to run for at least one week in a regional news publication listed below with digital advertising to run for several weeks.	https://shorelocalnews.com/	Continuous	Regional

REIGONAL NEWSPAPERS

	OUTREACH	NEWSPAPER(S)	CIRCULATION AREA
TARGETS PARTIAL COAH REGION			
✓	Press release	Beachcomber News	Atlantic
✓	Press release	Bridgeton News	Cumberland
✓	Press release	Cape May County Herald	Regional
✓	Press release	Cape May Star & Wave	Cape May

✓	Press release	Current of Egg Harbor Township	Atlantic
✓	Press release	Current of Galloway, Absecon, Brigantine & Egg Harbor City	Atlantic
✓	Press release	Current of Mays Landing/ Hamilton Township	Atlantic
✓	Press release	Current of Northfield/Linwood/Somers Point	Atlantic
✓	Press release	Current of Ventnor, Margate, Longport	Atlantic
☐	Press release	Daily Journal	Regional
✓	Press release	Hammonton Gazette	Atlantic
✓	Press release	Hammonton News	Atlantic
✓	Press release	Mainland Journal	Atlantic
✓	Press release	NJ.COM	Regional
✓	Press release	Ocean City Gazette	Cape May
✓	Press release	Ocean City Sentinel	Cape May
✓	Press release	Press of Atlantic City	Regional
✓	Press release	Record Journal	Atlantic
✓	Press release	Shore Local News Magazine	Regional

TARGETS NJ HOUSING REGIONS

DURATION & FREQUENCY OF OUTREACH	NAME OF PUBLICATION OR ORGANIZATION	OUTREACH AREA/CONTACT	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
✓	Flyers to be mailed at beginning of Marketing	24 Horas redaccion@24-horas.mx	Portuguese-Language
✓	Flyers to be mailed at beginning of Marketing	Amerika Magyar Nepszava (American Hungarian Peoples' Voice) usanepszava@gmail.com	Hungarian-Language
✓	Flyers to be mailed at beginning of Marketing	Anti-Poverty Network of NJ renee@njcitizenaction.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Arab Voice Newspaper info@arabamerica.com	Arab-American
✓	Flyers to be mailed at beginning of Marketing	Catholic Advocate, The submissions@rcan.org	Catholic
✓	Flyers to be mailed at beginning of Marketing	Catholic Charities Archdiocese of Newark kgelman@ccannj.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Catholic Charities Camden Cynthia.LeBron@camdendiocese.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Catholic Charities Trenton info@cctrenton.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Center for Family Services info@centerffs.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Desi NJ ilayasq@newsindia-times.com	South Asian
✓	Flyers to be mailed at beginning of Marketing	El Hispano Camden and Trenton areas	Spanish-Language
✓	Flyers to be mailed at beginning of Marketing	Fair Share Housing.org orlandosalas@fairsharehousing.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Latino Action Network Info@lanfoundation.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	NAACP NJ State Conference info@naacpnjsc.org	Statewide - General

✓	Flyers to be mailed at beginning of Marketing	Native American Advancement Corporation	75 N. Pearl Street P.O. Box 824 Bridgeton, NJ 08302	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	New Jersey Housing Resource Center	600 1st Ave, Raritan, NJ 08869	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	New Jersey Jewish News	Beth@JewishMediaGroup.com	Jewish
✓	Flyers to be mailed at beginning of Marketing	New Jersey NAACP Conference	info@naacpnjsc.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	New Jersey SHARES	info@sharesnation.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Nuestra Comunidad	sreece@echo-media.com	Spanish-Language
✓	Flyers to be mailed at beginning of Marketing	Puerto Rican Action Committee	sholmes@pracnj.com	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Servicios Latinos	servicioslatinos@hotmail.com	Burlington County
✓	Flyers to be mailed at beginning of Marketing	Sino Monthly	info@sino-monthly.com	Chinese-American
✓	Flyers to be mailed at beginning of Marketing	Southern NJ Continuum of Care	ccarty@monarchhousing.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Supportive Housing Assoc.	kate.kelly@shanj.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Supportive Housing Assoc.	Alden St #14, Cranford, NJ 07016	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Supportive Housing Assoc.	kate.kelly@shanj.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Ukrainian Weekly	staff@ukrweekly.com	Ukrainian Community
✓	Flyers to be mailed at beginning of Marketing	United Way of Greater Philadelphia and Southern NJ	jmaxwell@unitedforimpact.org	Regional
✓	Flyers to be mailed at beginning of Marketing	Volunteers of America Delaware Valley	info@voadv.org	Statewide - General

3d. Community Contacts (names of community groups/organizations throughout the housing region who will receive direct notification of the availability of affordable housing units and who will be asked to post advertisements and distribute flyers and application forms regarding available affordable housing to their constituencies).

	OUTREACH	COMMUNITY CONTACT	MAILING ADDRESS
✓	Flyers to be mailed at beginning of marketing	American Red Cross	850 N. Franklin Avenue, Pleasantville, NJ 08232
✓	Flyers to be mailed at beginning of marketing	American Red Cross	3 Parke Place Blvd, Sewell, NJ 08080
✓	Flyers to be mailed at beginning of marketing	Anti-Poverty Network of NJ	272 Dunns Mill Road, Acme Commons Center, #327, Bordentown, NJ 08505
✓	Flyers to be mailed at beginning of marketing	Anti-Poverty Network of NJ	272 Dunns Mill Road, Acme Commons Center, #327, Bordentown, NJ 08505
✓	Flyers to be mailed at beginning of marketing	Atlantic City Housing Authority	227 N. Vermont Avenue,
✓	Flyers to be mailed at beginning of marketing	Atlantic City Rescue Mission	2009 Bacharach Blvd., PO Box 5358, Atlantic City, New Jersey 08404
✓	Flyers to be mailed at beginning of marketing	Atlantic County NAACP	PO Box 1977, Atlantic City 08404

✓	Flyers to be mailed at beginning of marketing	Atlantic Homeless Alliance	1333 Atlantic Avenue, 1st Floor, Atlantic City, NJ 08401
✓	Flyers to be mailed at beginning of marketing	Atlantic/Cape May Family Support Organization, Inc.	950 Tilton Rd # 108, Northfield, NJ 08225
✓	Flyers to be mailed at beginning of marketing	AtlantiCare Behavioral Health	1925 Pacific Avenue, Atlantic City, NJ 08401
✓	Flyers to be mailed at beginning of marketing	Bethel Commandment Church	1717 Bishop Richard Allen Avenue Atlantic City, New Jersey
✓	Flyers to be mailed at beginning of marketing	Cape May County NAACP	PO Box 932, CMCH, NJ 08210
✓	Flyers to be mailed at beginning of marketing	Cape May County Social Services	4005 Rt. 9 S, Rio Grande, NJ 08242
✓	Flyers to be mailed at beginning of marketing	Catholic Charities	1304 Rt. 47 South, Unit C1, P.O. Box 232, Rio Grande, NJ 08242
✓	Flyers to be mailed at beginning of marketing	Catholic Charities- Atlantic County	9 North Georgia Ave, Atlantic City, NJ 08401
✓	Flyers to be mailed at beginning of marketing	Coalition Against Rape & Abuse, Inc.	P.O. BOX 774, Cape May Court House, NJ 08210
✓	Flyers to be mailed at beginning of marketing	Collaborative Support Programs of NJ	340 Route 45, Suite 1. Salem, NJ 08079
✓	Flyers to be mailed at beginning of marketing	Community Food Bank of New Jersey	6735 Black Horse Pike, Egg Harbor Twp, NJ 08234
✓	Flyers to be mailed at beginning of marketing	Covenant House of New Jersey	929 Atlantic Avenue, Atlantic City, NJ 08401
✓	Flyers to be mailed at beginning of marketing	Covenant House of NJ	929 Atlantic Avenue, Atlantic City, NJ 08401
✓	Flyers to be mailed at beginning of marketing	Cumberland County NAACP	PO Box 744, Vineland 08360
✓	Flyers to be mailed at beginning of marketing	Cumberland County Social Services	275 North Delsea Dr., Vineland, NJ 08360-3607
✓	Flyers to be mailed at beginning of marketing	DCA Rental Assistance	20 Market St, Camden, NJ 08102
✓	Flyers to be mailed at beginning of marketing	Department of Family and Community Development	1333 Atlantic Avenue, Atlantic City, NJ 08401
✓	Flyers to be mailed at beginning of marketing	Division of Intergenerational Services	1333 Atlantic Avenue, Atlantic City, NJ
✓	Flyers to be mailed at beginning of marketing	Family Success Center of Cape May County	1046 NJ-47, Rio Grande, NJ 08242
✓	Flyers to be mailed at beginning of marketing	Grace Assembly of God- Food Pantry	201-205 Atlantic Ave, Atlantic City, NJ
✓	Flyers to be mailed at beginning of marketing	Holy Spirit Lutheran Church	1220 BAYSHORE ROAD, VILLAS, NJ 08251
✓	Flyers to be mailed at beginning of marketing	Jewish Family Services of Atlantic and Cape May Counties	1129 South Route 9, Suite 7, Cape May Court House, NJ 08210
✓	Flyers to be mailed at beginning of marketing	Latino Action Network	Freehold, NJ, United States, 07728
✓	Flyers to be mailed at beginning of marketing	NAACP Conference	4326 Harbor Beach Blvd. #775, Brigantine, NJ 08203
✓	Flyers to be mailed at beginning of marketing	NJ Citizen Action	75 Raritan Avenue, Suite 200, Highland Park, NJ 08904
✓	Flyers to be mailed at beginning of marketing	Puerto Rican Action Committee	114 EAST MAIN ST, PENNS GROVE NJ 08069
✓	Flyers to be mailed at beginning of marketing	Salem County NAACP	396 Bailey Street, Woodstown 08098

✓	Flyers to be mailed at beginning of marketing	Salem County Social Services	147 South Virginia Avenue, Penns Grove, NJ 08069-1797
✓	Flyers to be mailed at beginning of marketing	Salvation Army Food Pantry- Atlantic City	22 S. Texas Avenue, Atlantic City, New Jersey 08401
✓	Flyers to be mailed at beginning of marketing	Supportive Housing Association	185 Valley St, South Orange, NJ 07079
✓	Flyers to be mailed at beginning of marketing	Tri-County Community Action Partnership	110 Cohansey Street, Bridgeton
✓	Flyers to be mailed at beginning of marketing	United Way	4 E Jimmie Leeds Rd, Galloway, NJ 08205
✓	Flyers to be mailed at beginning of marketing	Veterans Multi-Service Center	415 N. High Street, Millville, NJ 08332
✓	Flyers to be mailed at beginning of marketing	American Red Cross	850 N. Franklin Avenue, Pleasantville, NJ 08232

IV. APPLICATIONS

Preliminary Application information for the Salt House affordable units will be available at the following locations:

4a. County Administration Buildings and/or Libraries for all counties in the housing region		
	BUILDING	LOCATION
✓	Atlantic County Library System	40 Farragut Ave., Mays Landing, NJ 08330 phone: (609) 625-2776 fax: (609) 625-8143
✓	Atlantic County Administration Building 1333 Atlantic Avenue, Atlantic City, NJ 08401	Atlantic County Administration Building 1333 Atlantic Avenue, Atlantic City, NJ 08401
✓	Cape May County Main Library	30 Mechanic Street, Cape May Courthouse, NJ
✓	Cape May County Administration Building 4 Moore Road, Cape May Court House, NJ 08210	Cape May County Administration Building 4 Moore Road, Cape May Court House, NJ 08210
✓	Cumberland County Library	800 East Commerce Street, Bridgeton, NJ 08302
✓	Cumberland County Administration Building 164 W. Broad St., Bridgeton, NJ 08302	Cumberland County Administration Building 164 W. Broad St., Bridgeton, NJ 08302
✓	Salem County Library	12 W. Broadway, Salem, NJ 08079 (856).935.0526
✓	Salem County Administration Building 110 Fifth Street, Salem, NJ 08079	Salem County Administration Building 110 Fifth Street, Salem, NJ 08079

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

Upper Township
 2100 Tuckahoe Road
 Petersburg, NJ 08270
 www.uppertownship.com
 contact@uppertownship.com
 Phone: 609-628-2011

Cape May County Library - Upper Township Branch
2050 Route 631
Petersburg, NJ 08270
www.cmclibrary.org
Email: reference@cmclibrary.org
Phone: (609) 628-2607

4c. Sales/Rental Office for units (if applicable)
To be determined for each project

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 Municipality’s substantive certification.

Susan DiBiasio
Susan DiBiasio, Triad Associates
Administrative Agent/Affirmative Marketing

March 4, 2026
Date

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 82 -2026

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
UPPER ADOPTING AFFORDABILITY ASSISTANCE MANUAL**

WHEREAS, the Township of Upper (the "Township") is constitutionally obligated under the Mount Laurel doctrine to provide a realistic opportunity for the construction of affordable housing for low- and moderate-income households; and

WHEREAS, the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., as amended by P.L. 2024, c.2 (the "Amended Fair Housing Act"), establishes procedures for municipalities to obtain judicial review and compliance certification of their affordable housing obligations; and

WHEREAS, the Township timely filed a Resolution of Participation in the Affordable Housing Dispute Resolution Program and a Fourth Round Declaratory Judgment action in the Superior Court of New Jersey, Law Division, seeking a determination of its Fourth Round affordable housing obligations and continued protection from exclusionary zoning litigation; and

WHEREAS, as part of its Fourth Round affordable housing requirements, the Township is required to adopt an updated Affordability Assistance Manual; and

WHEREAS, the Township has prepared an updated Affordability Assistance Manual that is consistent with the applicable statutes and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, County of Cape May, State of New Jersey as follows:

1. The Township of Upper ("Township") does hereby adopt the Affordability Assistance Manual attached hereto as Exhibit A.
2. This Resolution shall take effect immediately upon adoption according to law.



CURTIS T. CORSON JR., Mayor



JOANNE R. HERRON, Township Clerk

Resolution No. 82 -2026
Offered by: Nappen Seconded by: Casaccio
Adopted: March 9, 2026
Roll Call Vote:

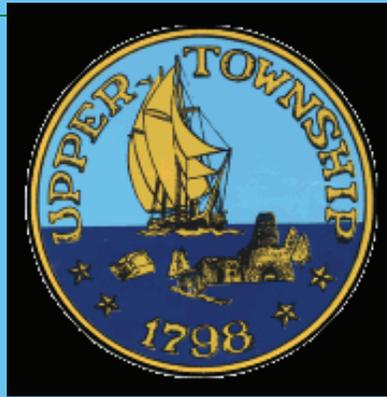
NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	x			
Nappen	x			
S. Palombo				x
Z. Palombo	x			
Corson	x			

CERTIFICATION

The undersigned, Township Clerk for the Township of Upper, County of Cape May, State of New Jersey, hereby certifies the foregoing to be a true copy of a Resolution adopted by the Township Committee of the Township of Upper on March 9, 2026.



Joanne Herron, Township Clerk



**Affordability Assistance
Program Manual**
In Accordance with the
Uniform Housing Affordability Controls
and the
New Jersey Fair Housing Act

March 2026

Township of Upper

**2100 Tuckahoe Road
Petersburg, NJ 08270
609.-628-2011**

Prepared by:



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INTRODUCTION

The purpose of this Manual is to describe the policies and procedures of the Affordability Assistance Program. This Manual describes the basic content and operation of the various affordable assistance program components.

In accordance with the Fair Housing Act Adopted New Rules: N.J.A.C. 5:99 - 2.5, a municipality shall set aside a portion of its affordable housing trust fund for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in a municipal fair share plan, in accordance with N.J.A.C. 5:99-2.5. Affordability assistance means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code. N.J.A.C. 5:99-2.5.

I. TYPES OF AFFORDABILITY ASSISTANCE

The types of affordability assistance offered are listed below. The specifics of each type are summarized in Exhibit 1. No ongoing or monthly assistance options are currently available.

- A. EMERGENCY AND HEALTH/SAFETY REPAIRS** – Affordability Assistance funding is available to assist owners of low-and moderate-units to make emergency and/or health and safety related repairs that they do not have the financial resources to make otherwise. Funding will not be provided for standard maintenance items, work covered by the homeowner association, damage covered by homeowner insurance and/ or minor repairs such as small areas of peeling paint or other items that can be addressed easily by the homeowner. This funding will help preserve the affordable deed restricted housing stock and the residents who reside in the homes. Only units in the Municipality's Fair Share Plan (portfolio of affordable units) are eligible to apply. The maximum combined grant available to any one affordable home will be \$10,000.
- B. ENERGY EFFICIENCY PROGRAM (EEP)** - This program makes available zero interest forgivable loans to income-qualified Owners of deed restricted affordable homes in the Municipality. The following Energy Efficiency upgrades/replacements are eligible:
- HVAC or heat pump equipment;
 - Hot water heater;
 - Windows and doors

The maximum combined grant available to any one affordable home will be \$10,000. By replacing existing heating /cooling (HVAC) systems, windows, doors and/or hot water heaters with new, high

energy efficiency standards, the goal of this program is to save energy and reduce the energy-related costs for low- and moderate-income households, while maintaining a high level of comfort.

- C. CREATE ADDITIONAL VERY LOW-INCOME UNITS** – Affordability assistance may be utilized to create additional very low-income units by converting a moderate or low-income unit into a very low-income unit in new developments. The affordability assistance will result in additional very low-income units beyond what is required by state affordable housing rules. The Municipality may negotiate with developers of inclusionary developments to determine the appropriate amount of subsidy required to make the unit affordable to a very low-income household.
- D. FIRST MONTHS RENT ASSISTANCE (SECURITY DEPOSIT ASSISTANCE)** - This program makes available grants to income-qualified tenants of deed restricted affordable apartments in the Municipality in an amount equal to the amount of rent that the landlord charges for the first month of occupancy. The grant will be available to all new tenants of very low-, low- and moderate- income rental units. The Maximum grant will be \$2,500.00
- E. DOWN PAYMENT ASSISTANCE** - The Municipality Down Payment Assistance Program is designed to help low- and moderate-income households achieve the goal of homeownership. This program will provide a no interest, forgivable loan to homebuyers of deed restricted affordable properties within the Municipality to use as a principal down payment and/or closing costs. The goal of the program is to provide financial assistance to income-qualified homebuyers moving to the Municipality. The maximum grant is \$10,000.00
- F. HOMEOWNERSHIP ASSISTANCE PROGRAM** - The Program is designed to help low- and moderate-income homeowners retain stable finances. This program will provide a no interest, forgivable loan to homeowners of deed restricted affordable properties within the Municipality who are in arrears with mortgage payments, taxes, utility payments, special assessments, or homeowners' fees. Funds are made available through the Municipality's Affordable Housing Trust Fund. The goal of the program is to provide financial assistance to income-qualified homeowners. The maximum grant is \$10,000.00.

ELIGIBILITY

Applications submitted for affordability assistance will be provided on a first come-first-served basis according to the following criteria, as applicable:

1. There are affordability assistance funds remaining in the Housing Trust Fund for the year.
2. The applicant owns a deed restricted affordable unit in the Municipality that they maintain as their primary residence.
3. The applicant rents a deed restricted affordable unit in the Municipality.
4. The applicant has not received an affordability assistance in the past. (Only one award per household is permitted. This requirement can be waived on a case-by-case basis)
5. Applicants applying for repairs will require income certification at the time of application.

6. Applicants applying for repairs, must show proof that property taxes, municipal utilities and, if applicable, mortgage and homeowner association fee are paid current.
7. Applicants applying for repairs must show proof that the needed improvements will remediate a serious threat to the health and/or safety of the building's residents.

REPAYMENT TERMS & REPAYMENT AGREEMENT

When required, loans for properties participating in the Affordability Assistance Program shall be secured through a Mortgage and Mortgage Note in favor of the municipality and executed by the property owner. The Mortgage and Mortgage Note will be executed at closing. The original mortgage note shall be retained by the Municipality Clerk and kept in the unit file. The Administrative Agent will send the affordability assistance Mortgage requiring recording to the Municipality. Upon receipt the Municipality will file said document with the County Clerk's office.

When required, the following is the term of the mortgage:

All loans are zero interest, forgivable loans. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven. Mortgages, the Control Period and five year time period for the Emergency Repair and Energy Efficiency grants begin on the date all work is completed and approved, and for the Down Payment Assistance and Homeownership Assistance Program the period begins on the date the funds are released.

II. PROGRAM ADMINISTRATION

The Administrative Agent will be responsible for administering the program. Questions about the Program should be directed the Administrative Agent. All forms are included in the appendices

TRIAD Associates
 1301 W. Forest Grove Road
 Vineland, NJ 08360
 Phone: (856) 690-9590
 Fax: (856)-690-5622
www.triadincorporated.com
www.triadhousingprograms.com

1. EMERGENCY AND HEALTH/SAFETY REPAIRS PROGRAM PROCEDURES

- Homeowner submits application for assistance along with proof of work items needed. Refer to section on Requirements of Work Items.
- The Administrative Agent income certifies applicant and confirms property taxes, municipal utilities and, existing mortgage and homeowner association fee are paid current.
- Building inspector visits home to document the need for emergency repair and to prepare the work specifications to be reviewed by the appropriate code official.

- Upon eligibility determination and site visit– the Administrative Agent will send homeowner:
 - ✓ Eligibility letter (including paragraph on municipal contractor payment process to show to the contractor)
 - ✓ Work specifications
 - ✓ Instructions to obtain and provide proposal from 3 contractors (willing to be paid by municipality at job completion). Homeowner to identify contractor selected to do the job and provide that contractor’s business registration, Consumer Affairs home improvement license and certificate of insurance listing program as certificate holder. The homeowner will have to fund any amount over the program funding limit, payable directly to the contractor.
- Once homeowner provides the above items, the Administrative Agent will send the homeowner’s certificate of eligibility and contractor selection to the Municipality to pass a resolution authorizing funding assistance. Upon receipt of the approved municipal resolution, provide the homeowner the construction agreement for the homeowner and contractor to sign, as well as program mortgage & note for the homeowner to sign in front of notary and return to program.
- The Municipality is not a party to any contract between homeowner and contractor and the Municipality does not ensure that work performed by contractor is completed to satisfaction of homeowner. The construction agreement is between the homeowner and contractor; the Municipality is not a party to the agreement for purposes of any claims by the parties against one another.
- Upon construction completion, the homeowner will provide to the Program:
 - ✓ Written homeowner’s approval of satisfactory job completion.
 - ✓ Invoice from contractor identifying the work items they completed.
 - ✓ Copies of municipal permits and closed out permits via municipal Certificate of Approval for the applicable items installed.
- If the work does not require a permit, certification of work by the contractor will be accepted.
- The Administrative Agent will submit the contractor invoice to the municipality for payment and forward the mortgage to the municipality to file (record) with the county clerk.

Emergency and Health/Safety Repairs Program Eligibility Certification Process

In order to be eligible for assistance, households in each unit to be assisted must be determined to be income eligible. All adult members, 18 years of age and older, of the household must be fully certified as income-eligible before any assistance will be provided by the Program. The Administrative Agent will income qualify applicants in accordance with the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-

16.1 et seq., except for the regional maximum asset limit issued annually in the *Affordable Housing Regional Income Limits by Household Size*.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income.

A. WHAT IS CONSIDERED INCOME

The following income sources are considered income and will be included in the income eligibility determination:

- Wages, salaries, tips, commissions
- Regularly scheduled overtime
- Unemployment compensation (verify the remaining number of weeks they are eligible to receive)
- Social Security
- Pensions
- Disability
- Alimony
- Verified regular child support (received)
- Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
- Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.
- TANF (Temporary Assistance For Needy Families)
- Net income from business or real estate
- Rent from real estate is considered income
- Any other forms of regular income reported to the Internal Revenue Service

B. WHAT IS NOT CONSIDERED INCOME

The following income sources are not considered income and will not be included in the income eligibility determination:

- Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income
- Part-time income of dependents enrolled as full-time students
- Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
- Food stamps
- Rebates or credits received under low-income energy assistance programs
- Payments received for foster care
- Relocation assistance benefits
- Income of live-in attendants
- Scholarships
- Student loans

- Personal property such as automobiles

C. HOW TO VERIFY INCOME

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months. Income verification documentation should include, but is not limited to the following for each and every member of a household who is 18 years of age or older:

- Four current consecutive pay stubs, including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- A signed copy of regular IRS Form 1040 (Tax computation form), 1040A or 1040EZ (as applicable) and state income tax returns filed for the last three years prior to the date of interview or notarized tax waiver letter for respective tax year(s)
- A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
- If applicable, a letter or appropriate reporting form verifying monthly benefits such as:
 1. Social Security or SSI – Current award letter or computer printout letter
 2. Unemployment – verification of Unemployment Benefits
 3. Welfare -TANF current award letter
 4. Disability - Worker’s compensation letter or
 5. Pension income (monthly or annually) – a pension letter
 6. A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order or recent original letters from the court (includes separation agreement or divorce papers) or education scholarship/stipends – current award letter;
- Reports from the last two consecutive months that verify income from assets to be submitted by banks or other financial institutions managing savings and checking accounts (bank statements and passbooks), trust funds, money market accounts, certificate of deposit, stocks or bonds (In brokerage accounts – most recent statements and/or in certificate form – photocopy of certificates). Examples include copies of all interest and dividend statements for savings accounts, interest and non-interest-bearing checking accounts, and investments;

- Evidence or reports of income from directly held assets, such as real estate or businesses owned by any household member 18 years and older.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property attach copies of all leases.

D. ADDITIONAL INCOME VERIFICATION PROCEDURES

1. STUDENT INCOME

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

2. INCOME FROM REAL ESTATE

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage interest, real estate taxes, property owner insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate, other than primary residence, the Program Case Manager should determine the imputed interest from the value of the property. The Program Case Manager should deduct outstanding mortgage debt from the documented market value established by either a market value appraisal or by applying the property tax equalization market value method, as well as real estate commission if property was to be sold. Based on current money market rates, interest will be imputed on the determined value of the real estate.

E. OTHER ELIGIBILITY REQUIREMENTS

Applicant to submit the following in the application package:

- Recorded deed to the property to be assisted;
- If you are a widow or widower, copy of Death Certificate should be included;
- Receipt for property taxes paid current.
- Signed Release form to verify eligibility determination from third party sources;
- Proof that all mortgage payments are current; and
- Copy of any and all other liens recorded against the property.

- Personal identification (a copy of any of the following Driver's License, Passport, Birth Certificate, Social Security Card, Adoption Papers, Alien Registration Card, etc.) for each household member.

F. REQUIREMENTS OF UTILITIES & TAXES PAID CURRENT

All applicants' water/sewer and tax accounts must be paid current.

G, REQUIREMENTS OF WORK ITEMS

Homeowner has to demonstrate the existing problem has been inspected and the threat verified by one of the following:

- The appropriate local construction official;
- A local health official; or
- Systems or components that have been red tagged by utility company and/or verified non-functional by a qualified service technician.

This is done at time of submission of the program application.

G. ELIGIBILITY CERTIFICATION

After Administrative Agent Program staff determines that the household is income eligible and meets all other eligible requirements, the Administrative Agent Program Manager will complete and sign the Eligibility Certification. This certification is valid for six months starting from date of eligibility certification. A Construction Agreement must be signed within this time period. If not, the Program Manager must reevaluate the household's eligibility.

- The Municipality Emergency Repair Assistance Program will provide a maximum loan of \$10,000.00. to each eligible homeowner. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven.

2. ENERGY EFFICIENCY UPGRADES

A. ELIGIBILITY CERTIFICATION

After the Administrative Agent Program staff determines that the household is income eligible and meets all other eligible requirements, the Administrative Agent Program Manager will complete and sign the Eligibility Certification. This certification is valid for six months starting from date of eligibility certification. A Construction Agreement must be signed within this time period. If not, the Program Manager must reevaluate the household's eligibility.

- The Municipality Energy Efficiency Program will provide a maximum loan of up to \$15,000 to each eligible homeowner. If property is sold prior to the fifth year, the loan becomes due upon

change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven.

3. CREATION OF ADDITIONAL VERY LOW-INCOME UNITS PROGRAM PROCEDURE

- A. Terms to be negotiated between landlord/developer and the Municipality.
- B. Upon approval of terms by both parties, Municipal attorney prepares Resolution authorizing award and terms, including changes in unit designation(s) from conversion of moderate and low-income units to very low-income units; revisions to restrictive covenant language, etc. Administrative Agent shall assist attorney upon request. See Exhibit 1.
- C. Municipality adopts Resolution.
- D. Municipality sends assistance directly to landlord/developer.
- E. Administrative Agent records assistance on master reporting spreadsheet.

4. FIRST MONTHS RENT ASSISTANCE PROCEDURES

The Municipality will designate a portion of all development fees collected and interest earned towards a First Months Rent Grant program. This grant will be available to an income eligible renter with good credit standing who qualifies for a low- or moderate-income rental unit in one of the Municipality's deed restricted units or its Rental Housing Rehabilitation Program as per the following guidelines:

- The First Months Rent will be in the form of a grant equal to the first month's rental amount determined by the landlord and will be paid to the landlord on behalf of the tenant.
- The Municipality's First Months Rent Affordability Assistance Program will be administered by the Administrative Agent. After an applicant is income qualified by the Administrative Agent pursuant to New Jersey Fair Housing rules and UHAC, or cannot be qualified due to a need for assistance, an affordability assistance application will be completed and forwarded with all necessary documentation to the Administrative Agent. The affordability assistance recipient will sign a contract with municipality which states the amount of funds granted, procedures and duration and conditions of affordability assistance. All tenants of affordable units within the Municipality will be advised of the availability of the Municipality's Affordability Assistance Program. An income eligible occupant or applicant for an affordable unit within the municipality may not be denied participation in the Affordability Assistance Program(s) unless funding is no longer available.
- If the unit is a Rental Housing Rehabilitation Program unit, and a 10-year deed restriction was recorded on the unit at the completion of rehabilitation work and the restriction is still in effect at the time of the tenant's application for First Months Rent.
- The Municipality First Months Rent Program will provide a maximum grant in the amount of the first month's rent, not to exceed \$2,500.00.

5. DOWN PAYMENT ASSISTANCE PROCEDURES

The Municipality Down Payment Assistance Program is designed to help low- and moderate-income households achieve the goal of homeownership. This program will provide a no interest, forgivable loan to homebuyers of deed restricted affordable properties within the Municipality to use as a principal down

payment and/or closing costs. The goal of the program is to provide financial assistance to income-qualified homebuyers moving to the Municipality.

ELIGIBLE PARTICIPANTS

Applicants for this loan program must be income-qualified by the Administrative Agent for the Municipality and must be under contract to purchase a deed restricted home in the Municipality. This means that the applicant must have made application to buy a home, been income-qualified and selected to purchase an affordable home within the Municipality, and signed a contract with the seller.

ELIGIBLE PROPERTIES

Properties must be within the Municipality and be deed restricted in accordance with the U.H.A.C. guidelines. The price of the home will be limited by the deed restriction to be affordable to either a low or moderate-income household.

LEVEL OF FINANCING

The Municipality Down Payment Assistance Program will provide a maximum loan of \$10,000.

TERMS AND CONDITIONS

The loan is given as a zero-interest loan. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven. The loan will be secured by a second mortgage and note.

Recipients of Down Payment Assistance Program funds are required to maintain the unit as their principal residence for the duration of the loan period and abide by all other requirements of the deed restriction and UHAC. In the event the property is sold or disposed of during the term of the loan, the outstanding loan amount in accordance with the schedule above shall be immediately due and payable to the Municipality according to the terms of the Mortgage and Mortgage Note.

SECURITY INSTRUMENTS

Loans for all properties participating in the Down Payment Assistance Program shall be secured through a Mortgage and Mortgage Note (see Exhibit 3) in favor of the municipality executed by the property owner. The Municipality will record said documents with the County Clerk's office upon the completion of the closing of title. The Mortgage and Mortgage Note will be executed at closing. The original mortgage note shall be retained by the Municipality Clerk and kept in the unit file.

6. HOMEOWNERSHIP ASSISTANCE PROCEDURES

The Program is designed to help low and moderate-income homeowners retain stable finances. This program will provide a no interest, forgivable loan to homeowners of deed restricted affordable properties within the Municipality who are in arrears with mortgage payments, taxes, utility payments, special assessments, or homeowners' fees. Funds are made available through the Municipality's Affordable Housing Trust Fund. The goal of the program is to provide financial assistance to income-qualified homeowners. This program will provide a no interest, forgivable loan to homebuyers of deed restricted affordable properties within the Municipality.

ELIGIBLE PARTICIPANTS

Applicants for this loan program must be income-qualified by the Administrative Agent for the Municipality and must be the owner of an affordable housing unit in the Municipality.

ELIGIBLE PROPERTIES

Properties must be within the Municipality and be deed restricted in accordance with the U.H.A.C. guidelines.

LEVEL OF FINANCING

The Municipality Homeownership Assistance Program will provide a maximum loan of \$10,000.

TERMS AND CONDITIONS

The loan is given as a zero-interest loan. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven. The loan will be secured by a second mortgage and note.

Recipients of Homeownership Assistance Program funds are required to maintain the unit as their principal residence for the duration of the loan period and abide by all other requirements of the deed restriction and UHAC. In the event the property is sold or disposed of during the term of the loan, the outstanding loan amount in accordance with the schedule above shall be immediately due and payable to the Municipality according to the terms of the Mortgage and Mortgage Note.

SECURITY INSTRUMENTS

Loans for all properties participating in the Homeownership Assistance Program shall be secured through a Mortgage and Mortgage Note in favor of the municipality executed by the property owner. The Municipality will record said documents with the County Clerk's office upon the completion of appropriate forms. The Mortgage and Mortgage Note will be executed at closing. The original mortgage note shall be retained by the Municipality Clerk and kept in the unit file.

TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION

RESOLUTION NO. 83 -2026

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
 UPPER APPROVING A FOURTH ROUND AFFORDABLE HOUSING TRUST FUND
 SPENDING PLAN AND REQUESTING PROGRAM AND/OR COURT
 APPROVAL OF THE SPENDING PLAN

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the "Amended FHA") which governs how municipalities will comply with their affordable housing obligations for the Fourth Round (2025-2035); and

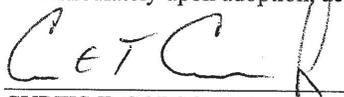
WHEREAS, the Administrative Office of the Courts issued Directive #14-24 ("AOC Directive #14-24), governing how municipalities file their compliance documents with the Affordable Housing Dispute Resolution Program ("the Program"); and

WHEREAS, the Amended FHA, AOC Directive #14-24, and applicable regulations, inclusive of the recently adopted N.J.A.C. 5:99, require a spending plan which projects anticipated revenues to the Township's Affordable Housing Trust Fund and describes the anticipated expenditures of funds; and

WHEREAS, the Township seeks to adopt this amended spending plan to account for the updated requirements pursuant to N.J.A.C. 5:99; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, County of Cape May, State of New Jersey, as follows:

1. The Township Committee of the Township of Upper hereby approves the amended Fourth Round Spending Plan that is attached hereto as Exhibit A, and requests that the Program and/or the Court review and approve the Township's Fourth Round Spending Plan.
2. This Resolution shall take effect immediately upon adoption, according to law.


 CURTIS T. CORSON JR., Mayor


 JOANNE R. HERRON, Township Clerk

Resolution No. 83 -2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 9, 2026

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo				X
Z. Palombo	X			
Corson	X			

CERTIFICATION

The undersigned, Township Clerk for the Township of Upper, County of Cape May, State of New Jersey, hereby certifies the foregoing to be a true copy of a Resolution adopted by the Township Committee of the Township of Upper on March 9, 2026.


 Joanne Herron, Township Clerk

**Township of Upper
Cape May County**

**Spending Plan
March 5, 2026**

Approved by the Governing Body on March 9, 2026
By Resolution No. 83-2026

Township of Upper
2100 Tuckahoe Road
Petersburg, NJ 08270

Prepared By:

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T.A.C. Community Development
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**Township of Upper
Cape May County**

**Spending Plan
March 5, 2026**

Mayor and Committee

Curtis T. Corson, Jr., Mayor
Victor W. Nappen, II, Deputy Mayor
Zachary H. Palombo
Samuel J. Palombo
Tyler C. Casaccio

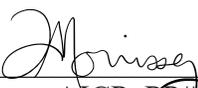
Joanne R. Herron, Municipal Clerk

Planning Board

Paul Casaccio, Chairman
Matthew Unsworth
, Vice Chairman
Curtis T. Corson, Jr., Mayor
Samuel J. Palombo, Committeeman
Richard Kaczmarski
Joseph Harney
Theodore Kingston
Christopher McGuire, II
Christopher Phifer
Richard Mashura, Alt 1
Travis Tomlin, Alt. 2
Brooke Fisher, Alt. 3
Andrew Shawl, Alt. 4

Elizabeth Oaks, Secretary

Prepared By:



Tiffany A. Morrissey, AICP, RP#5533

The original of this document was signed and
sealed in accordance with NJAC 13:41-1.3.b

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INTRODUCTION

This 2026 spending plan addresses the Fourth-Round Housing Element and Fair Share Plan (HEFSP) mechanisms and components and accounts for the funds already deposited, and to be deposited through 2035, into the Township's Mount Laurel Trust Fund; and (2) demonstrates the manner in which the Township intends to expend the funds to advance the interests of the region's low- and moderate-income households.

This Spending Plan is prepared in accordance with the provisions of the amended Fair Housing Act under N.J.S.A. 52:27D-301 et seq., the Fair Housing Act Regulations at N.J.A.C. 5:99 et seq., and is subject to all laws, regulations, ordinances, codes of the New Jersey Department of Community Affairs and the Municipality.

In 2018, the Township of Upper prepared, adopted, and endorsed an Affordable Housing Plan ("2018 Plan") to address its Affordable Housing Obligation. The 2018 Affordable Housing Plan included the Mount Laurel compliance techniques through which the Township will satisfy its Prior Round and Third-Round obligation. . The Court approved the Township's Third Round HEFSP and entered a Judgment of Compliance and Repose for the Township on August 28, 2018, subject to conditions. The Court granted a Final Judgment of Compliance and Repose on June 30, 2020, noting all conditions have been met, including the adoption of a 2020 Spending Plan, and granted the Township Immunity through July 2, 2025. This Plan amends the approved 2020 Spending Plan to provide for projections through 2035.

SPENDING PLAN

A development fee ordinance creating a dedicated revenue source for affordable housing was adopted by the municipality under Ordinance 013-2009 in 2009. The ordinance establishes the Township of Upper's affordable housing trust fund for which this Spending Plan is prepared.

This Spending Plan has been prepared in accordance with the provisions of the amended Fair Housing Act under N.J.S.A. 52:27D-301 et seq., the Fair Housing Act Regulations at N.J.A.C. 5:99 et seq., and has been submitted to the Program for approval as part of the Township's compliance certification as required.

Revenues for Certification Period

To calculate a projection of revenue anticipated during the period relevant to the Township's Fourth Round HEFSP (2025-2035), the Township of Upper considered the following:

- Development fees:
 - Projects which have had development fees imposed upon them at the time of development approvals;
 - All projects currently before the planning and zoning boards for development approvals that may apply for certificates of occupancy; and
 - Future development that is likely to occur based on historical rates of development and/or projected development in accordance with COAH projections.
 - Revenues from the 2.5 non-residential, for all commercial development

- Other funding sources: No other funds have been or are anticipated to be collected.
- Projected interest: Interest on the projected revenue in the municipal affordable housing trust fund based upon the average amount earned on prior years. This is subject to change as interest rates change and the account balance will fluctuate with approved spending.

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND 2025 THROUGH 2035 \$2,135,920.12 Starting Balance (March 1, 2026)									
	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
(a) Projected Development fees:	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000
(b) Payments in Lieu of Construction	0	75,000	75,000	0	0	0	0	0	0	0
(c) Other Funds	0	0	19,000	0	0	0	19,000	0	0	19,000
(d) Interest – estimated	32,000	34,000	36,000	36,000	30,000	30,000	30,000	30,000	30,000	30,000
Totals	332,000	409,000	430,000	336,000	330,000	330,000	349,000	330,000	330,000	349,000
TOTAL PROJECTED REVENUES AND INTEREST 2025-2035					\$3,525,000.00					
TOTAL PROJECTION STARTING BALANCE AND PROJECTIONS					\$5,660,920.12					

The above projected revenues are based upon projected residential and commercial development growth rates from prior years. In 2024 the Township collected just over \$318,000 in development fees and in 2025 the Township has collected just over \$344,000 in development fees. Based on these figures the Township is projecting new development fees (residential and non-residential) of \$300,000 per year. The Township is also expected to receive a payment in-lieu fee for three units at an approved development site over the next

few years. The Township funds a Rehabilitation Loan Program and expects loan repayments over the next ten years, at an average of \$19,000 per loan.

All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing. The projected interest through 2035 is \$318,000, when added to the estimated deposits the Township will realize an estimated \$3,525,000 in additional deposits (including interest).

Administrative Mechanism To Collect And Distribute Funds

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Township of Upper:

- Collection of development fee revenues shall be consistent with the Township's development fee ordinance for residential developments in accordance with the rules and regulations at N.J.A.C. 5:99-3.1 et. seq. and for non-residential development consistent with N.J.S.A. 52:27D-329.2 et. seq. and N.J.S.A. 40:55D-8.1 through 8.7.
- Distribution of development fee revenues. The Township of Upper's Municipal Housing Liaison shall recommend to the governing body the expenditure of development fee revenues as set forth in this Spending Plan. The governing body shall then review the request and, assuming for consistency with the Spending Plan, shall authorize the expenditure by resolution.
- The release of funds requires the adoption of the governing body resolution in accordance with the Township's approved amended spending plan. Once a request is approved by resolution, the Chief Financial Officer shall release the

requested revenue from the Affordable Housing Trust Fund for the specific use approved in the governing body's resolution referenced immediately above.

- Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1. and as provided for herein.

Accounting of Affordable Housing Funds

As of February 2026, the Township has collected over \$3.2 million in development fees, interest, loan repayments and payment in-lieu fees. The Township has expended funds and has a remaining balance for future housing activity of just over \$2.1 million, which is proposed to be utilized in accordance with the provisions of this Spending Plan. The following table identifies past expenditure categories and required/expected future expenditures of funds to be further addressed throughout this Spending Plan.

Based on current expenditures and account balances, the Township has a starting balance of \$2,135,920.12 entering the Fourth Round. This Spending Plan provides for expenditures of this balance and projected balances in accordance with the current regulations. It maintains the required expenditures for affordability assistance and provides funds for programs identified in the Township's 2025 Fourth Round HEFSP.

TABLE 1		
Account Activity Through February 2026		
Income collected through February 2026		\$3,209,518.36
Less Administrative Expenditures	-	\$172,658.80
Less Affordability Assistance Expenditures	-	\$178,098.00
Less Housing Activity Expenditures	-	\$722,841.44
Available Funds February 2026	=	\$2,135,920.12
Required Affordability Assistance Expenditures		
Required Affordability Assistance Expenditures (MINIMUM 30% of Total Income)		\$962,855.51
Less Affordability Assistance Expenditures	-	\$178,098.00
Required Funds for Affordability Assistance	=	\$784,757.51
Permitted Additional Administrative Expenditures		
Permitted Additional Administrative Expenditures (MAXIMUM 20% of Total Income)		\$641,903.67
Less Administrative Expenditures	-	\$172,658.80
Available Funds Remaining for Administrative Expenditures	=	\$469,244.87
Available Funds Remaining After Required Affordability Assistance and Permitted Administrative Expenses		
Available Funds Remaining After Required Affordability Assistance and Permitted Administrative Expenses		\$1,955,515.98
Less Housing Activity Expenditures	-	\$722,841.44
Remaining Available Funds for Housing Activity	=	\$1,232,674.54
Anticipated Account Activity through 2035		
Estimated Income through 2035		\$3,525,000.00
Less Required Affordability Assistance	-	\$1,057,500.00
Less Permitted Administrative Expenses	-	\$705,000.00
Additional Estimated Available Funds for Housing Activity through 2035	=	\$1,762,500.00

Anticipated Use of Affordable Housing Funds

Regulations permit the use of revenues generated by a Development Fee Ordinance for activities that address the municipal fair share obligation including, but not limited to, rehabilitation, new construction, improvement to land, roads, and infrastructure for affordable housing, assistance to render units more affordable, and administrative costs of housing plan implementation. In accordance with N.J.A.C. 5:99-2.2(f) funds may not be used for the following purposes:

- To reimburse the municipality for activities that occurred prior to the authorization of a municipality to collect development fees;
- On attorney fees or court costs to obtain a judgment of compliance or order of repose, including any associated administration costs;
- On any costs in connection with a challenge to a determination of the municipality's fair share obligation; or
- On any costs in connection with a challenge to the municipality's obligation, housing element, or fair share plan.

New construction programs and projects (N.J.A.C. 5:99-2.3)

The Township of Upper will dedicate an estimated \$2,995,174 of additional funds (current and projected through 2035) to the creation of new affordable housing units or the rehabilitation of existing housing units. The Township of Upper has implemented a market to affordable program under their 2018 HEFSP, which would subsidize existing units to make them affordable to low-income households. Additional funding may be provided through the Affordability Assistance program to designate these units for very low-income households. This is consistent with the 2020 Spending Plan as submitted in accordance with

the Township's 2020 Final JOR. The Township has provided for two (2) additional market to affordable units in its Prior Round. This program has been successful and while credits are not included for future units in the Third and Fourth Round the Township will continue to implement this program to address their housing obligations.

The Township will also dedicate funds to the Stagecoach Road 100% housing development which is located on Township owned property. The amount necessary for this development has not been determined.

The Township also proposes to continue to utilize funds towards the rehabilitation of units as necessary. The Township has implemented a rehabilitation loan program which is administered through their Administrative Agent. In the Fourth-Round the Township has a zero-unit rehabilitation obligation (Present Need). However, the Township will continue to maintain this program to qualifying households.

In accordance with N.J.A.C. 5:99-2.3(a)1. funds from the AHTF may be used for a rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households, in accordance with the New Jersey State Housing Code, N.J.A.C. 5:28, or the requirements of the Rehabilitation Subcode, N.J.A.C. 5:23-6, as applicable, and costs related to the rehabilitation of the unit. Any recaptured funds from a rehabilitation program shall be deposited into a municipality's affordable housing trust fund.

TABLE 2		
New Construction Expenditure Estimates		
Remaining Available Funds for New Construction Programs as of February 2026 (Table 1)		\$1,232,674.54
Projected New Construction Funds Available 2026-2035 (Table 1)	+	\$1,762,500.00
Total Available/Projected New Construction Funds through 2035	=	\$2,995,174.54
New Construction Program Estimates (Current Funds)		
Market to Affordable Program (Min 2 new Units)		\$700,000.00
Rehabilitation Program (Use of Loan Repayments)		\$60,000.00
Stagecoach Road 100% Housing Project (estimated)		\$472,674.54
Total New Construction Estimates	=	\$1,232,674.54
Projected Fund Estimates		
Market to Affordable Program (Min 2 new Units)		\$700,000.00
Rehabilitation Program (Use of Loan Repayments)		\$40,000.00
New Housing Projects*		\$1,022,500.00
Total Projected New Construction	=	\$1,762,500.00
*New Housing Projects include any project identified in the 2025 HEFSP		

Affordability Assistance N.J.S.A. 52:27D-392.2.c.(3) and N.J.A.C. 5:99-2.5

The Township shall provide affordability assistance in accordance with the rules and requirements of the Fair Housing Act. The Township of Upper will dedicate a minimum of 30% of the total collected fees from the Affordable Housing Trust Fund to render units more affordable, including a minimum of 1/3rd of the required 30% to render units more affordable to households earning 30 percent or less of median income by region. These funds will go to existing affordable housing units and future affordable housing units.

The Township has prepared an affordability assistance manual which is included in the Appendix of this Plan. As provided for under N.J.A.C. 5:99-2.5 affordability assistance includes the following:

- A municipality shall set aside a portion of all development fees collected and interest earned for the purpose of providing affordability assistance to very low-,

low- and moderate-income households in affordable units included in the municipality’s fair share plan.

- Affordability assistance for very-low-income households may include offering a subsidy to developers of inclusionary or 100 percent affordable housing developments or buying down the cost of low- or moderate-income units in a municipal fair share plan to make them affordable to very low-income households, including special needs and supportive housing opportunities.
- A municipality 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, or any program or activity for which the municipality expends development fee proceeds.

TABLE 3		
Affordability Assistance Expenditure Estimates		
Required Affordability Assistance Expenditures (MINIMUM 30% of Total Income)		\$962,855.51
Less Affordability Assistance Expenditures	-	\$178,098.00
Required Remaining Funds for Affordability Assistance	=	\$784,757.51
Projected Affordability Assistance Funds Available 2026-2035 (Table 1)	+	\$1,057,500.00
Total Affordability Assistance Funds Estimated as required through 2035	=	\$1,842,257.51
REQUIRED MINIMUM Very Low-Income Affordability Assistance Requirement through February 2026		\$320,951.84
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement through 2035	+	\$352,500.00
TOTAL MINIMUM Very Low-Income Affordability Assistance Requirement through 2035 Required and Projected	=	\$673,451.84

Administrative Expenses N.J.S.A. 52:27D-392.2.c.(5) and N.J.A.C. 5:99-2.4

The Township of Upper is permitted to expend a maximum of 20% of the collected revenues from the Affordable Housing Trust Fund to be used for administrative purposes. As provided for under N.J.A.C. 5:99-2.4 Administrative expenses are limited to the following items:

- Administrative expenses may include costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan and may include fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Program, including, but not limited to, the costs to the municipality of resolving a challenge pursuant to the Program.
- Administrative expenses may also include costs associated with functions carried out in compliance with UHAC, including activities related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division's monitoring requirements.
- The proportion of a municipal employee's salary related to the MHL or RCA administrator functions and fees for required educational programs, may be paid as an administrative expense from the municipal affordable housing trust fund.

TABLE 4		
Administrative Expenditures Estimates		
Permissible Funds for Administrative Expenses as of February 2026 (Table 1)		\$641,903.67
Less Funds Expended on Administrative Expenses As of February 2026	-	\$172,658.80
Available Funds Remaining for Administrative Expenses as of February 2026 (Table 1)	=	\$469,244.87
Estimated Available Funds for Administrative Expenses 2026-2035 (Table 1)	+	\$705,000.00
Total Available Funds for Administrative Expenses through 2035	=	\$1,174,244.87

Expenditure Schedule

The Township of Upper intends to use Affordable Housing Trust Fund revenues for the creation of new affordable housing units through a market to affordable program, for the 100% affordable housing project on Stagecoach Road and/or to address the Township’s rehabilitation requirement if necessary. The following summarizes the use of the funds as required:

TABLE 5		
Expenditure Schedule		
Available Funds February 2026		\$2,135,920.12
Less Remaining Required Affordability Assistance Expenditures (MINIMUM 30% of Total Income)	-	\$784,757.51
Less Permitted Additional Administrative Expenditures (MAXIMUM 20% of Total Income)	-	\$469,244.87
Available Funds for Housing Activity including:		
Market to Affordable Units	-	\$700,000.00
Rehab Programs	-	\$60,000.00
Stagecoach Road 100% Project	-	\$472,674.54
Anticipated Account Activity through 2035		
Estimated Income through 2035		\$3,525,000.00
Less Required Affordability Assistance	-	\$1,057,500.00
Less Permitted Administrative Expenses	-	\$705,000.00
New Housing Activity through 2035		
Market to Affordable Units	-	\$700,000.00
Rehab Programs	-	\$40,000.00
New Construction Projects	-	\$1,022,500.00

Expedited Approval of Expenditures for Emergent Opportunities to Create Affordable Housing

In accordance with N.J.A.C. 5:99-4.1 the Township may consider expenditures for affordable housing opportunities which are not in the adopted HEFSP. The Township may request authorization from the Division for expenditure of excess affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan. In order to be considered a request shall be consistent with the Fair Housing Act and shall not remove or reduce any approved affordable housing delivery mechanisms.

Emergent affordable housing opportunities may include, but are not limited, to, those activities permitted pursuant to N.J.A.C. 5:99-2.3. A request to utilize excess affordable housing trust funds on emergent affordable housing opportunities shall be in the form of a resolution from the governing body of the municipality and shall include the following:

- Documented proof that the excess funds are not accounted for in the municipality's spending plan approved by the Program or a court of competent jurisdiction;
- A description of the affordable housing activity;
- Documentation demonstrating that the entire municipal trust fund balance will be spent and/or committed for expenditure within four years, as set forth at N.J.A.C. 5:99-5.5; and
- A certification that the affordable housing opportunity is consistent with the Act and include a description of the proposed affordable housing mechanism. The certification shall demonstrate that the proposal does not alter the spending plan approved by the Program or court of competent jurisdiction.

FOUR YEAR SPENDING PLAN:

In accordance with N.J.S.A. 52:27D-329.2.d and N.J.A.C. 5:99-5.5 development fees collected are required to be committed for expenditure within four years of the date of collection. In accordance with N.J.A.C. 5:99-5.5(b) funds are expended, or committed for expenditure, if one of the following standards has been met:

- The funds have been spent on a housing activity in accordance with N.J.A.C. 5:99-2.3;
- The Division has been provided with an executed contract or legally enforceable agreement funding the implementation of an allowable housing activity in accordance with N.J.A.C. 5:99-2.3, and the following, as applicable:
 - a municipal resolution or ordinance creating the affordable housing program, a policy and procedures manual, and completion of affordable housing trust fund and unit monitoring, indicating units completed or rehabilitated,
 - or the municipality has otherwise demonstrated a firm and binding obligation to spend such funds in a manner consistent with addressing its respective affordable housing obligation.
- For affordability assistance expenses, the Division has been provided with the following:
 - demonstration of a firm and binding obligation to spend such funds in a manner consistent with addressing the affordability assistance obligation required by the Act; or
 - a municipal resolution or ordinance and an executed contract or agreement for expenses related to providing affordability assistance to existing low- and

moderate-income households, a policies and procedures manual for any affordability assistance program executed by the municipality, and a contract with an administrative agent to carry out the program if applicable.

- For administrative expenses, the Division has been provided with the following:
 - a municipal resolution or ordinance and an executed contract or agreement for expenses related to administering affordable housing.

As of February 2026, the Affordable Housing Trust Fund had a balance of \$2,135,920.12. This money must be committed for use within four years of collection. The Township commits to utilize funds as follows:

TABLE 6		
Four Year AHTF Expenditure Schedule		
Available Funds February 2026		\$2,135,920.12
Less Remaining Required Affordability Assistance Expenditures (MINIMUM 30% of Total Income)	-	\$784,757.51
Less Remaining Permitted Additional Administrative Expenditures (MAXIMUM 20% of Total Income)	-	\$469,244.87
Available Funds for Housing Activity including:		
Market to Affordable Units	-	\$700,000.00
Rehab Programs	-	\$60,000.00
Stagecoach Road 100% Project	-	\$472,674.54
Anticipated Account Activity through 2035		
Estimated Income through 2035		\$3,525,000.00
Less Required Affordability Assistance	-	\$1,057,500.00
Less Permitted Administrative Expenses	-	\$705,000.00
New Housing Activity through 2035		
Market to Affordable Units		\$700,000.00
Rehab Programs		\$40,000.00
New Construction Projects		\$1,022,500.00

The Township has adopted an Affordability Assistance Manual. The Affordability Assistance Manual is included in the Appendix of this Plan and was adopted by resolution of the Governing Body. This meets the requirement of committing the \$784,757.51 of existing funds and \$1,057,500.00 of projected funds for affordability assistance as estimated through

2035. As new funds are collected the Township will continue to utilize the same programs further committing the required funds for affordability assistance.

The Township has successfully implemented a Market to Affordable Program and has created three (3) units with two (2) more proposed. Each unit is estimated to require at least \$350,000 per unit committing \$700,000.00 of current funds to the creation of two (2) new market to affordable units. The Township will continue this program utilizing projected funds through 2035 for at least two (2) more units for an additional commitment of \$700,000.00.

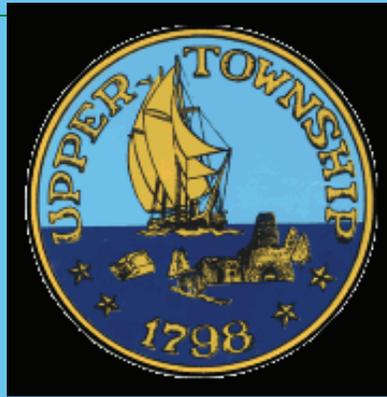
The Township has proposed a 100% affordable housing development on Stagecoach Road of which funds will be necessary from the Trust Fund to assist this project through approvals and construction. The Township commits a minimum of \$472,674.54 from existing funds to this project and will utilize a portion of the projected funds if necessary to complete this project.

In accordance with the above the Township has "Committed" the AHTF for expenditure as required under the Fair Housing Act and the Fair Housing Act Regulations.

SUMMARY

The Township of Upper intends to spend affordable housing trust fund revenues as approved by the court pursuant to the Fair Housing Act and consistent with the housing programs outlined in the Housing Element and Fair Share Plan.

APPENDIX – AFFORDABILITY ASSISTANCE MANUAL



**Affordability Assistance
Program Manual**
In Accordance with the
Uniform Housing Affordability Controls
and the
New Jersey Fair Housing Act

March 2026

Township of Upper

**2100 Tuckahoe Road
Petersburg, NJ 08270
609.-628-2011**

Prepared by:



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INTRODUCTION

The purpose of this Manual is to describe the policies and procedures of the Affordability Assistance Program. This Manual describes the basic content and operation of the various affordable assistance program components.

In accordance with the Fair Housing Act Adopted New Rules: N.J.A.C. 5:99 - 2.5, a municipality shall set aside a portion of its affordable housing trust fund for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in a municipal fair share plan, in accordance with N.J.A.C. 5:99-2.5. Affordability assistance means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code. N.J.A.C. 5:99-2.5.

I. TYPES OF AFFORDABILITY ASSISTANCE

The types of affordability assistance offered are listed below. The specifics of each type are summarized in Exhibit 1. No ongoing or monthly assistance options are currently available.

- A. EMERGENCY AND HEALTH/SAFETY REPAIRS** – Affordability Assistance funding is available to assist owners of low-and moderate-units to make emergency and/or health and safety related repairs that they do not have the financial resources to make otherwise. Funding will not be provided for standard maintenance items, work covered by the homeowner association, damage covered by homeowner insurance and/ or minor repairs such as small areas of peeling paint or other items that can be addressed easily by the homeowner. This funding will help preserve the affordable deed restricted housing stock and the residents who reside in the homes. Only units in the Municipality's Fair Share Plan (portfolio of affordable units) are eligible to apply. The maximum combined grant available to any one affordable home will be \$10,000.
- B. ENERGY EFFICIENCY PROGRAM (EEP)** - This program makes available zero interest forgivable loans to income-qualified Owners of deed restricted affordable homes in the Municipality. The following Energy Efficiency upgrades/replacements are eligible:
- HVAC or heat pump equipment;
 - Hot water heater;
 - Windows and doors

The maximum combined grant available to any one affordable home will be \$10,000. By replacing existing heating /cooling (HVAC) systems, windows, doors and/or hot water heaters with new, high

energy efficiency standards, the goal of this program is to save energy and reduce the energy-related costs for low- and moderate-income households, while maintaining a high level of comfort.

- C. CREATE ADDITIONAL VERY LOW-INCOME UNITS** – Affordability assistance may be utilized to create additional very low-income units by converting a moderate or low-income unit into a very low-income unit in new developments. The affordability assistance will result in additional very low-income units beyond what is required by state affordable housing rules. The Municipality may negotiate with developers of inclusionary developments to determine the appropriate amount of subsidy required to make the unit affordable to a very low-income household.
- D. FIRST MONTHS RENT ASSISTANCE (SECURITY DEPOSIT ASSISTANCE)** - This program makes available grants to income-qualified tenants of deed restricted affordable apartments in the Municipality in an amount equal to the amount of rent that the landlord charges for the first month of occupancy. The grant will be available to all new tenants of very low-, low- and moderate- income rental units. The Maximum grant will be \$2,500.00
- E. DOWN PAYMENT ASSISTANCE** - The Municipality Down Payment Assistance Program is designed to help low- and moderate-income households achieve the goal of homeownership. This program will provide a no interest, forgivable loan to homebuyers of deed restricted affordable properties within the Municipality to use as a principal down payment and/or closing costs. The goal of the program is to provide financial assistance to income-qualified homebuyers moving to the Municipality. The maximum grant is \$10,000.00
- F. HOMEOWNERSHIP ASSISTANCE PROGRAM** - The Program is designed to help low- and moderate-income homeowners retain stable finances. This program will provide a no interest, forgivable loan to homeowners of deed restricted affordable properties within the Municipality who are in arrears with mortgage payments, taxes, utility payments, special assessments, or homeowners' fees. Funds are made available through the Municipality's Affordable Housing Trust Fund. The goal of the program is to provide financial assistance to income-qualified homeowners. The maximum grant is \$10,000.00.

ELIGIBILITY

Applications submitted for affordability assistance will be provided on a first come-first-served basis according to the following criteria, as applicable:

1. There are affordability assistance funds remaining in the Housing Trust Fund for the year.
2. The applicant owns a deed restricted affordable unit in the Municipality that they maintain as their primary residence.
3. The applicant rents a deed restricted affordable unit in the Municipality.
4. The applicant has not received an affordability assistance in the past. (Only one award per household is permitted. This requirement can be waived on a case-by-case basis)
5. Applicants applying for repairs will require income certification at the time of application.

6. Applicants applying for repairs, must show proof that property taxes, municipal utilities and, if applicable, mortgage and homeowner association fee are paid current.
7. Applicants applying for repairs must show proof that the needed improvements will remediate a serious threat to the health and/or safety of the building's residents.

REPAYMENT TERMS & REPAYMENT AGREEMENT

When required, loans for properties participating in the Affordability Assistance Program shall be secured through a Mortgage and Mortgage Note in favor of the municipality and executed by the property owner. The Mortgage and Mortgage Note will be executed at closing. The original mortgage note shall be retained by the Municipality Clerk and kept in the unit file. The Administrative Agent will send the affordability assistance Mortgage requiring recording to the Municipality. Upon receipt the Municipality will file said document with the County Clerk's office.

When required, the following is the term of the mortgage:

All loans are zero interest, forgivable loans. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven. Mortgages, the Control Period and five year time period for the Emergency Repair and Energy Efficiency grants begin on the date all work is completed and approved, and for the Down Payment Assistance and Homeownership Assistance Program the period begins on the date the funds are released.

II. PROGRAM ADMINISTRATION

The Administrative Agent will be responsible for administering the program. Questions about the Program should be directed the Administrative Agent. All forms are included in the appendices

TRIAD Associates
 1301 W. Forest Grove Road
 Vineland, NJ 08360
 Phone: (856) 690-9590
 Fax: (856)-690-5622
www.triadincorporated.com
www.triadhousingprograms.com

1. EMERGENCY AND HEALTH/SAFETY REPAIRS PROGRAM PROCEDURES

- Homeowner submits application for assistance along with proof of work items needed. Refer to section on Requirements of Work Items.
- The Administrative Agent income certifies applicant and confirms property taxes, municipal utilities and, existing mortgage and homeowner association fee are paid current.
- Building inspector visits home to document the need for emergency repair and to prepare the work specifications to be reviewed by the appropriate code official.

- Upon eligibility determination and site visit– the Administrative Agent will send homeowner:
 - ✓ Eligibility letter (including paragraph on municipal contractor payment process to show to the contractor)
 - ✓ Work specifications
 - ✓ Instructions to obtain and provide proposal from 3 contractors (willing to be paid by municipality at job completion). Homeowner to identify contractor selected to do the job and provide that contractor’s business registration, Consumer Affairs home improvement license and certificate of insurance listing program as certificate holder. The homeowner will have to fund any amount over the program funding limit, payable directly to the contractor.
- Once homeowner provides the above items, the Administrative Agent will send the homeowner’s certificate of eligibility and contractor selection to the Municipality to pass a resolution authorizing funding assistance. Upon receipt of the approved municipal resolution, provide the homeowner the construction agreement for the homeowner and contractor to sign, as well as program mortgage & note for the homeowner to sign in front of notary and return to program.
- The Municipality is not a party to any contract between homeowner and contractor and the Municipality does not ensure that work performed by contractor is completed to satisfaction of homeowner. The construction agreement is between the homeowner and contractor; the Municipality is not a party to the agreement for purposes of any claims by the parties against one another.
- Upon construction completion, the homeowner will provide to the Program:
 - ✓ Written homeowner’s approval of satisfactory job completion.
 - ✓ Invoice from contractor identifying the work items they completed.
 - ✓ Copies of municipal permits and closed out permits via municipal Certificate of Approval for the applicable items installed.
- If the work does not require a permit, certification of work by the contractor will be accepted.
- The Administrative Agent will submit the contractor invoice to the municipality for payment and forward the mortgage to the municipality to file (record) with the county clerk.

Emergency and Health/Safety Repairs Program Eligibility Certification Process

In order to be eligible for assistance, households in each unit to be assisted must be determined to be income eligible. All adult members, 18 years of age and older, of the household must be fully certified as income-eligible before any assistance will be provided by the Program. The Administrative Agent will income qualify applicants in accordance with the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-

16.1 et seq., except for the regional maximum asset limit issued annually in the *Affordable Housing Regional Income Limits by Household Size*.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income.

A. WHAT IS CONSIDERED INCOME

The following income sources are considered income and will be included in the income eligibility determination:

- Wages, salaries, tips, commissions
- Regularly scheduled overtime
- Unemployment compensation (verify the remaining number of weeks they are eligible to receive)
- Social Security
- Pensions
- Disability
- Alimony
- Verified regular child support (received)
- Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
- Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.
- TANF (Temporary Assistance For Needy Families)
- Net income from business or real estate
- Rent from real estate is considered income
- Any other forms of regular income reported to the Internal Revenue Service

B. WHAT IS NOT CONSIDERED INCOME

The following income sources are not considered income and will not be included in the income eligibility determination:

- Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income
- Part-time income of dependents enrolled as full-time students
- Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
- Food stamps
- Rebates or credits received under low-income energy assistance programs
- Payments received for foster care
- Relocation assistance benefits
- Income of live-in attendants
- Scholarships
- Student loans

- Personal property such as automobiles

C. HOW TO VERIFY INCOME

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months. Income verification documentation should include, but is not limited to the following for each and every member of a household who is 18 years of age or older:

- Four current consecutive pay stubs, including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- A signed copy of regular IRS Form 1040 (Tax computation form), 1040A or 1040EZ (as applicable) and state income tax returns filed for the last three years prior to the date of interview or notarized tax waiver letter for respective tax year(s)
- A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
- If applicable, a letter or appropriate reporting form verifying monthly benefits such as:
 1. Social Security or SSI – Current award letter or computer printout letter
 2. Unemployment – verification of Unemployment Benefits
 3. Welfare -TANF current award letter
 4. Disability - Worker’s compensation letter or
 5. Pension income (monthly or annually) – a pension letter
 6. A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order or recent original letters from the court (includes separation agreement or divorce papers) or education scholarship/stipends – current award letter;
- Reports from the last two consecutive months that verify income from assets to be submitted by banks or other financial institutions managing savings and checking accounts (bank statements and passbooks), trust funds, money market accounts, certificate of deposit, stocks or bonds (In brokerage accounts – most recent statements and/or in certificate form – photocopy of certificates). Examples include copies of all interest and dividend statements for savings accounts, interest and non-interest-bearing checking accounts, and investments;

- Evidence or reports of income from directly held assets, such as real estate or businesses owned by any household member 18 years and older.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property attach copies of all leases.

D. ADDITIONAL INCOME VERIFICATION PROCEDURES

1. STUDENT INCOME

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

2. INCOME FROM REAL ESTATE

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage interest, real estate taxes, property owner insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate, other than primary residence, the Program Case Manager should determine the imputed interest from the value of the property. The Program Case Manager should deduct outstanding mortgage debt from the documented market value established by either a market value appraisal or by applying the property tax equalization market value method, as well as real estate commission if property was to be sold. Based on current money market rates, interest will be imputed on the determined value of the real estate.

E. OTHER ELIGIBILITY REQUIREMENTS

Applicant to submit the following in the application package:

- Recorded deed to the property to be assisted;
- If you are a widow or widower, copy of Death Certificate should be included;
- Receipt for property taxes paid current.
- Signed Release form to verify eligibility determination from third party sources;
- Proof that all mortgage payments are current; and
- Copy of any and all other liens recorded against the property.

- Personal identification (a copy of any of the following Driver's License, Passport, Birth Certificate, Social Security Card, Adoption Papers, Alien Registration Card, etc.) for each household member.

F. REQUIREMENTS OF UTILITIES & TAXES PAID CURRENT

All applicants' water/sewer and tax accounts must be paid current.

G, REQUIREMENTS OF WORK ITEMS

Homeowner has to demonstrate the existing problem has been inspected and the threat verified by one of the following:

- The appropriate local construction official;
- A local health official; or
- Systems or components that have been red tagged by utility company and/or verified non-functional by a qualified service technician.

This is done at time of submission of the program application.

G. ELIGIBILITY CERTIFICATION

After Administrative Agent Program staff determines that the household is income eligible and meets all other eligible requirements, the Administrative Agent Program Manager will complete and sign the Eligibility Certification. This certification is valid for six months starting from date of eligibility certification. A Construction Agreement must be signed within this time period. If not, the Program Manager must reevaluate the household's eligibility.

- The Municipality Emergency Repair Assistance Program will provide a maximum loan of \$10,000.00. to each eligible homeowner. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven.

2. ENERGY EFFICIENCY UPGRADES

A. ELIGIBILITY CERTIFICATION

After the Administrative Agent Program staff determines that the household is income eligible and meets all other eligible requirements, the Administrative Agent Program Manager will complete and sign the Eligibility Certification. This certification is valid for six months starting from date of eligibility certification. A Construction Agreement must be signed within this time period. If not, the Program Manager must reevaluate the household's eligibility.

- The Municipality Energy Efficiency Program will provide a maximum loan of up to \$15,000 to each eligible homeowner. If property is sold prior to the fifth year, the loan becomes due upon

change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven.

3. CREATION OF ADDITIONAL VERY LOW-INCOME UNITS PROGRAM PROCEDURE

- A. Terms to be negotiated between landlord/developer and the Municipality.
- B. Upon approval of terms by both parties, Municipal attorney prepares Resolution authorizing award and terms, including changes in unit designation(s) from conversion of moderate and low-income units to very low-income units; revisions to restrictive covenant language, etc. Administrative Agent shall assist attorney upon request. See Exhibit 1.
- C. Municipality adopts Resolution.
- D. Municipality sends assistance directly to landlord/developer.
- E. Administrative Agent records assistance on master reporting spreadsheet.

4. FIRST MONTHS RENT ASSISTANCE PROCEDURES

The Municipality will designate a portion of all development fees collected and interest earned towards a First Months Rent Grant program. This grant will be available to an income eligible renter with good credit standing who qualifies for a low- or moderate-income rental unit in one of the Municipality's deed restricted units or its Rental Housing Rehabilitation Program as per the following guidelines:

- The First Months Rent will be in the form of a grant equal to the first month's rental amount determined by the landlord and will be paid to the landlord on behalf of the tenant.
- The Municipality's First Months Rent Affordability Assistance Program will be administered by the Administrative Agent. After an applicant is income qualified by the Administrative Agent pursuant to New Jersey Fair Housing rules and UHAC, or cannot be qualified due to a need for assistance, an affordability assistance application will be completed and forwarded with all necessary documentation to the Administrative Agent. The affordability assistance recipient will sign a contract with municipality which states the amount of funds granted, procedures and duration and conditions of affordability assistance. All tenants of affordable units within the Municipality will be advised of the availability of the Municipality's Affordability Assistance Program. An income eligible occupant or applicant for an affordable unit within the municipality may not be denied participation in the Affordability Assistance Program(s) unless funding is no longer available.
- If the unit is a Rental Housing Rehabilitation Program unit, and a 10-year deed restriction was recorded on the unit at the completion of rehabilitation work and the restriction is still in effect at the time of the tenant's application for First Months Rent.
- The Municipality First Months Rent Program will provide a maximum grant in the amount of the first month's rent, not to exceed \$2,500.00.

5. DOWN PAYMENT ASSISTANCE PROCEDURES

The Municipality Down Payment Assistance Program is designed to help low- and moderate-income households achieve the goal of homeownership. This program will provide a no interest, forgivable loan to homebuyers of deed restricted affordable properties within the Municipality to use as a principal down

payment and/or closing costs. The goal of the program is to provide financial assistance to income-qualified homebuyers moving to the Municipality.

ELIGIBLE PARTICIPANTS

Applicants for this loan program must be income-qualified by the Administrative Agent for the Municipality and must be under contract to purchase a deed restricted home in the Municipality. This means that the applicant must have made application to buy a home, been income-qualified and selected to purchase an affordable home within the Municipality, and signed a contract with the seller.

ELIGIBLE PROPERTIES

Properties must be within the Municipality and be deed restricted in accordance with the U.H.A.C. guidelines. The price of the home will be limited by the deed restriction to be affordable to either a low or moderate-income household.

LEVEL OF FINANCING

The Municipality Down Payment Assistance Program will provide a maximum loan of \$10,000.

TERMS AND CONDITIONS

The loan is given as a zero-interest loan. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven. The loan will be secured by a second mortgage and note.

Recipients of Down Payment Assistance Program funds are required to maintain the unit as their principal residence for the duration of the loan period and abide by all other requirements of the deed restriction and UHAC. In the event the property is sold or disposed of during the term of the loan, the outstanding loan amount in accordance with the schedule above shall be immediately due and payable to the Municipality according to the terms of the Mortgage and Mortgage Note.

SECURITY INSTRUMENTS

Loans for all properties participating in the Down Payment Assistance Program shall be secured through a Mortgage and Mortgage Note (see Exhibit 3) in favor of the municipality executed by the property owner. The Municipality will record said documents with the County Clerk's office upon the completion of the closing of title. The Mortgage and Mortgage Note will be executed at closing. The original mortgage note shall be retained by the Municipality Clerk and kept in the unit file.

6. HOMEOWNERSHIP ASSISTANCE PROCEDURES

The Program is designed to help low and moderate-income homeowners retain stable finances. This program will provide a no interest, forgivable loan to homeowners of deed restricted affordable properties within the Municipality who are in arrears with mortgage payments, taxes, utility payments, special assessments, or homeowners' fees. Funds are made available through the Municipality's Affordable Housing Trust Fund. The goal of the program is to provide financial assistance to income-qualified homeowners. This program will provide a no interest, forgivable loan to homebuyers of deed restricted affordable properties within the Municipality.

ELIGIBLE PARTICIPANTS

Applicants for this loan program must be income-qualified by the Administrative Agent for the Municipality and must be the owner of an affordable housing unit in the Municipality.

ELIGIBLE PROPERTIES

Properties must be within the Municipality and be deed restricted in accordance with the U.H.A.C. guidelines.

LEVEL OF FINANCING

The Municipality Homeownership Assistance Program will provide a maximum loan of \$10,000.

TERMS AND CONDITIONS

The loan is given as a zero-interest loan. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven. The loan will be secured by a second mortgage and note.

Recipients of Homeownership Assistance Program funds are required to maintain the unit as their principal residence for the duration of the loan period and abide by all other requirements of the deed restriction and UHAC. In the event the property is sold or disposed of during the term of the loan, the outstanding loan amount in accordance with the schedule above shall be immediately due and payable to the Municipality according to the terms of the Mortgage and Mortgage Note.

SECURITY INSTRUMENTS

Loans for all properties participating in the Homeownership Assistance Program shall be secured through a Mortgage and Mortgage Note in favor of the municipality executed by the property owner. The Municipality will record said documents with the County Clerk's office upon the completion of appropriate forms. The Mortgage and Mortgage Note will be executed at closing. The original mortgage note shall be retained by the Municipality Clerk and kept in the unit file.