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March 10, 2026

Via eCourts

Honorable John C. Porto, P.J.Ch.
Atlantic County Courthouse
1201 Bacharach Blvd., Floor 3
Atlantic City, New Jersey 08401

**RE: In the Matter of the Application of the Borough of Wildwood
Crest, Docket No. CPM-L-39-25**

Dear Judge Porto:

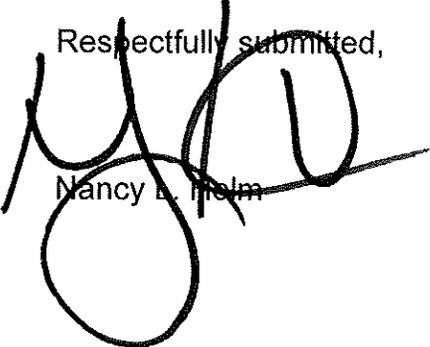
As the Court is aware, this office represents the Borough of Wildwood Crest with regard to affordable housing matters. In accordance with the Consent Order filed in this matter between the Borough and Fair Share Housing Center ("FSHC"), and in accordance with the amended Fair Housing Act, N.J.S.A. 52:27D-304.1(f)(2)(c), please find the following documentation to be submitted in furtherance of the Borough's application for a Certificate of Compliance:

1. Ordinance No. 1477, which increases the affordable housing set-aside in the Affordable Housing Overlay Zone;
2. Resolution No. 26-95 Adopted Amended Spending Plan;
3. Ordinance No. 1479, Repealing and Replacing the Borough's Affordable Housing Ordinance;
4. Ordinance No. 1480, Repealing and Replacing the Borough's Development Fee Ordinance;
5. Resolution No. 26-97 Adopting an Affordability Assistance Manual;
6. Resolution No. 26-98 Adopting an Affirmative Marketing Plan;
7. Resolution No. 26-96 Adopting a Rehabilitation Manual for Owner-occupied and Rental Units; and
8. Resolution No. 26-94 Authorizing Execution of Amended T&C Agreement and fully executed agreement.

The Borough has worked diligently to implement its Fourth Round HEFSP and all of the corresponding ordinances, agreements, and administrative documents. Should any documentation need to be corrected or amended, the City will do so timely, in accordance with the instructions of the Court and in collaboration with FSHC.

The Borough extends its sincere appreciation to FSHC for working together with Wildwood Crest to come to an agreement in an extremely short timeframe, and looks forward to finalizing its Fourth Round compliance with the Court in the coming months.

Respectfully submitted,



Nancy L. Helm

NLH/sp

Enclosures

cc: Ashley J. Lee, Esq. (via eCourts and email)
Borough of Wildwood Crest (via email)
Daniel Levin, PP, AICP (via email)

1

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 1477

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST AMENDING
CHAPTER 85, ARTICLE XXIII OF THE GENERAL CODE
"AFFORDABLE HOUSING OVERLAY ZONE" TO INCREASE THE
AFFORDABLE HOUSING SET ASIDE**

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that it is necessary to amend Ordinance No. 1275 adopted on April 11, 2018 in order to comply with its constitutional obligation to provide its fair share of affordable housing, the Borough adopted this Affordable Housing Overlay Zone; and

WHEREAS, since the adoption of this Overlay Zone, the Borough has prepared and adopted a Housing Element and Fair Share Plan ("HEFSP") to comply with its affordable housing obligations for the Fourth Round (2025-2035) and filed same with the Affordable Housing Dispute Resolution Program ("the Program") in compliance with the 2024 amendments to the New Jersey Fair Housing Act; and

WHEREAS, while participating in the Program, the Borough has negotiated a settlement with Fair Share Housing Center that has resulted in a Consent Order, resolving all issues with the Borough's Fourth Round HEFSP; and

WHEREAS, the Consent Order requires that the Borough revise its Affordable Housing Overlay Zone to increase the affordable housing set aside to 20% regardless of whether the affordable units are rental or for-sale units; and

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of Wildwood Crest, as follows:

Section 1: A portion of Ordinance Number 1275 adopted April 11, 2018, and codified in the Code of the Borough of Wildwood Crest as Chapter 85, Article XXIII, "Affordable Housing Overlay Zone" is hereby amended and supplemented as follows: (added language is underlined, deleted language is stricken)

§85-2302. Affordable Housing Overlay Zoning Provisions.

D. Density and Required Set-Aside: The maximum density permitted for all affordable housing development in the overlay zone is 18 units per acre with a minimum required affordable housing set-aside of ~~15%~~ 20%.

H. Affordable Housing Requirements: All affordable housing developments within the overlay zone, for projects creating five or more units only, shall provide a minimum set-aside of ~~15% for rentals, and a minimum 20% for for-sale residential developments for very-low,~~ low and moderate income households in accordance with Borough affordable housing requirements. All affordable housing developments shall conform to the standards found in the Borough's Affordable Housing Ordinance including provisions for affordability, very low income units, and UHAC standards.

1. Age-restricted units shall be permitted within any affordable housing development but shall not exceed 25% of any given affordable housing development's low and moderate income set aside.

Section 2:

After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Wildwood Crest for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

Section 3:

The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Cape May County Planning Board and to all other persons entitled thereto pursuant to 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 4:

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 5:

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause, or phrase thereof for any reason is held to be invalid or unconstitutional by a court or competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6:

Codification: This Ordinance shall be a part of the Code of the Borough of Wildwood Crest as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article, and/or Section number of the Code of the Borough of Wildwood Crest in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

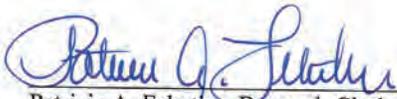
Section 7:

This Ordinance shall take effect upon passage, adoption, and publication in the matter prescribed by law.

Section 8:

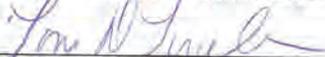
Upon adoption of this Ordinance, the Borough Clerk shall file same with (a) the Cape May County Planning Board pursuant to N.J.S.A. 40:55D-16 and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1(c)

Dated: February 18, 2026


Patricia A. Feketics, Borough Clerk


Don Cabrera, Mayor


Joseph Franco, Jr., Commissioner


Toni D. Fuscellaro, Commissioner

Introduced: January 21, 2026

Adopted: February 18, 2026

2

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
NEW JERSEY**

RESOLUTION NO. 26-95

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST APPROVING AN AMENDED
FOURTH ROUND AFFORDABLE HOUSING TRUST FUND SPENDING
PLAN AND REQUESTING PROGRAM AND COURT APPROVAL OF
THE SPENDING PLAN**

WHEREAS, the Borough of Wildwood Crest (hereinafter “Borough” or “Wildwood Crest”) has an approved Development Fee Ordinance, which established standards for the collection, maintenance, and expenditure of development fees; and

WHEREAS, the Borough’s Round 3 Affordable Housing Trust Fund Spending Plan was approved by the Court in the Third Round; and

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 Borough prepared a Fourth Round Spending Plan which was adopted on July 9, 2025 and filed with the Court on July 10, 2025; and

WHEREAS, the Borough received a deficiency letter to its Fourth Round Housing Element and Fair Share Plan from Fair Share Housing Center (“FSHC”) on August 26, 2025 and entered into a Consent Order with FSHC which was submitted to the Court on January 22, 2026, which required the Borough to adopt a Fourth Round Spending Plan; and

WHEREAS, based on the Consent Order with FSHC the Borough amended its Fourth Round Spending Plan to be consistent with the Amended FHA and the newly adopted affordable housing regulations, which projects anticipated revenues to the Borough’s Affordable Housing Trust Fund and describes the anticipated expenditures of funds.

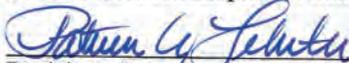
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, as follows:

1. The Board of Commissioners of the Borough of Wildwood Crest hereby approves the Amended Fourth Round Spending Plan that is attached hereto as Exhibit A, and requests that the Program and the Court review and approve the Borough’s Amended Fourth Round Spending Plan.
2. Borough of Wildwood Crest shall submit the Amended Fourth Round Spending Plan to the Court for its approval.
3. This Resolution shall take effect immediately upon adoption, according to law.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Fuscellaro	✓		✓			
Franco		✓	✓			
Cabrera			✓			

CERTIFICATION

I, Patricia A. Feketics, Borough Clerk for the Borough of Wildwood Crest, do hereby certify that the foregoing Resolution is a correct and accurate copy of a resolution adopted on March 4, 2026, with the voting record as indicated above.


 Patricia A. Feketics, RMC

WILDWOOD CREST BOROUGH FOURTH ROUND AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

I. INTRODUCTION

The Borough of Wildwood Crest, in Cape May County, has prepared a development fee ordinance creating a dedicated revenue source for affordable housing. The ordinance was adopted on March 21, 2018 as Ord. No. 1273, and continues to be in accordance with all amending ordinances. The ordinance also established the municipality's Affordable Housing Trust Fund. This Spending Plan is the first the municipality has prepared. It has been prepared in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301).

As of December 31, 2025, the municipality had a balance of \$977,951 in the Affordable Housing Trust Fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing Affordable Housing Trust Fund. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16 as described in the sections that follow.

1. **REVENUES FOR CERTIFICATION PERIOD**

To calculate a projection of revenue anticipated through the Fourth-Round prospective need period (7/1/2025 through 6/30/2035), the municipality has considered the following:

(a) Development fees:

1. Residential and non residential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Currently, there are no payments in lieu of construction from any developer, although such payments may be collected in the future.

(c) Other funding sources:

None

(d) Projected interest:

Interest on the projected revenue in the municipal Affordable Housing Trust Fund is calculated at the current average bank interest rate 2.75% in simple interest.

2. REVENUE PROJECTION

Source of Funds	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Totals
a. Dev. Fees	\$171,865	\$261,657	\$187,733	\$207,085	\$207,085	\$207,085	\$207,085	\$207,085	\$207,085	\$207,085	\$2,070,085
b. Pmts in Lieu of Construction	-	-	-	-	-	-	-	-	-	-	-
c. Other	-	-	-	-	-	-	-	-	-	-	-
d. Interest	\$26,894	\$26,894	\$26,894	\$26,894	\$26,894	\$26,894	\$26,894	\$26,894	\$26,894	\$26,894	\$268,940
Total	\$198,759	\$288,561	\$214,627	\$188,288	\$188,288	\$188,288	\$188,288	\$188,288	\$188,288	\$188,288	\$2,339,025

3. 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 municipality:

(a) Collection of Development Fee revenues:

Collection of Development Fee revenues shall be consistent with the municipal Development Fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

Pursuant to a development approval by the Board having jurisdiction, the municipal clerk will notify the construction official of the approval. At the time of construction permit application, the construction official will notify the tax assessor and request an initial calculation of the equalized assessed value (EAV) of the proposed development and the resulting fee to be posted. One-half of the fee will be due at the time of issuance of the first building permit. For non-residential development only, the developer will be provided a copy of Form N – RDF "State of New Jersey Non-Residential Development Certification/Exemption". This form will be used by the tax assessor to verify exemptions and to prepare estimated and final assessments.

At the time of request for the final inspection, the construction official will notify the tax assessor and request confirmation of, or modification of, the initial (EAV) as the case may be. The final (EAV) will be provided to the developer within ten (10) days of the request for final inspection. Payment of the fee will then become a condition of issuance of the certificate of occupancy.

(b) Distribution of Development Fee revenues:

A general description of the distribution of revenues is provided below:

The Municipal Housing Liaison forwards a requisition of affordability assistance and/or administrative costs (routine expenditures) and costs for municipally sponsored 100% affordable housing development (significant expenditures) to the Finance Department recommending the expenditure of development fee revenues as set forth in this spending plan. The Finance Department reviews the request for consistency with the spending plan.

Once a request is approved by the Finance Department, the request is presented to the governing body for approval. After receiving Municipal Council approval, the Municipal Administrator releases the requested revenue from the trust fund for the specific use.

4. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

The municipality approved binding resolution 32-1-25 on January 22, 2025, that committed the municipality to a present need (rehabilitation) obligation of 10 units. The municipality shall spend an average \$25,000 per unit for rehab, for a total of \$250,000. The municipality maintains an active rehabilitation program administered by Triad Associates and will continue to offer this program to both owner-occupied and rental housing units.

(a) **Affordability Assistance (N.J.A.C. 5:-99-2.5 (a) and (b)**

Affordability Assistance payments shall be consistent with the Borough’s Affordability Assistance Program Policies and Procedures Manual.

The proposed allocation of Affordability Assistance is reflected in Table 2 below:

TABLE 2 MINIMUM AFFORDABILITY ASSISTANCE	
Actual Development Fees & Interest through 12/31/2025	\$977,951
Development Fees Projected 1/1/2026 through 12/31/2035	+ \$2,070,085
Interest Projected 1/1/2026 through 12/31/2035	+ \$268,940
Total	= \$3,316,976
Proposed 30% Allocation for Affordability Assistance	x .30
	\$995,093

Total Affordability Assistance Expenditure: \$995,093

(c) Administrative Expenses (N.J.A.C. 5:93-8.16(e))

The municipality may use affordable housing trust fund revenue for related administrative costs up to a 20 percent limitation pending funding availability after programmatic and statutory administrative assistance expenditures. The actual administrative expense maximum is calculated on an ongoing basis based on actual revenues.

Actual Development Fees & Interest through 12/31/2025			\$977,951
Development Fees & Interest Projected 1/1/2026 through 12/31/2035	+		\$2,339,025
Payments In Lieu of construction and other deposits through 12/31/2024	+		N/A
Total	=		\$3,316,976
Calculate 20%	x .20 =		\$663,395
Projected Maximum Available for Admin Expenses 1/1/2026 through 12/31/2035	=		\$663,395

The municipality projects that no more than \$663,395 will be from the Affordable Housing Trust Fund to be used for administrative purposes unless in the future additional development fees are collected.

5. EXPENDITURE SCHEDULE

Upon approval by the Program, the municipality acknowledges that the expenditures of funds contemplated herein shall constitute the “commitment” for expenditure required pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period contemplated therein commencing in accordance with the provisions of In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff’d 442 N.J. Super. 563).

Where applicable, the funding schedule below parallels the proposed strategies presented thus far by the municipality and is summarized as follows.

Programs	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Rehabilitation	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$250,000
Affordability Assistance	\$99,509	\$99,509	\$99,509	\$99,509	\$99,509	\$99,509	\$99,509	\$99,509	\$99,509	\$99,512	\$995,093
Administration	\$66,340	\$66,340	\$66,340	\$66,340	\$66,340	\$66,340	\$66,340	\$66,340	\$66,340	\$66,335	\$663,395
Total	\$190,849	\$190,847	\$1,419,895								

6. EXCESS OR SHORTFALL OF FUNDS

The municipality acknowledges that the actual amount of the Development Fees collected may be less than what is projected in this spending plan for a variety of reasons, including, but not limited to: (a) a moratorium on collection of fees may be imposed by law; and (b) the actual amount of development in the municipality may be less than what is anticipated. Should there be a shortfall of funds; the municipality agrees that in no event shall it utilize more than 20% of the Development Fees collected for administration and the municipality agrees to adopt a resolution of intent to fund bonds if necessary to cover any shortfall.

The municipality intends to expend all current and future revenues toward the mechanisms as described in this Spending Plan. In the event of an excess of funds, these would be dedicated toward supplementing any programs or projects within the regulatory limits as described herein. The municipality reserves the right to use the remainder first toward emerging mechanisms and for additional assistance where needed. Should there be a surplus beyond emerging mechanisms, et. al., the municipality reserves the right to use the remainder toward Round 5, which will be addressed by an adopted Round 5 Spending Plan in a timeframe that will satisfy the requirements of N.J.S.A. 52:27D-329.2 and -329.3. The municipality reserves the right to submit an updated spending plan as needed.

7. EXPEDITED APPROVAL OF EXPENDITURES FOR EMERGENT OPPORTUNITIES TO CREATE AFFORDABLE HOUSING

As per N.J.A.C. 5-99-4.1, (a) through (d), the Borough “may request approval from the Division to expend excess affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan.” Emergent housing opportunities are defined in the above-referenced regulations as well as the procedures for obtaining consent and certification of the units. The Borough reserves the right to divert to such funds for emergent opportunities

II. SUMMARY

The municipality intends to spend Affordable Housing Trust Fund revenues pursuant to N.J.A.C. 5:93-8.16 and consistent with the housing programs outlined in the Housing Element and Fair Share Plan that evolves from the municipality’s ongoing compliance efforts. The municipality had a balance of \$977,951 as of December 31, 2025, and anticipates an additional \$2,339,025 in revenue for the Fourth Round prospective need period. The municipality will dedicate \$250,000 to rehabilitate housing units, \$995,093 to render units more affordable, and no more than \$663,395 based on projected income to cover administrative costs. The municipality anticipates that the balance of revenues collected less expenses from January 1, 2026 to June 30, 2035 will be approximately \$1,897,081; however, any excess funds would be dedicated toward supplementing any programs or projects within the limits as described herein, toward emerging mechanisms pursuant to N.J.A.C. 5:97-8.11, or reserve toward Round 5 compliance in accordance with the Fair Housing Act.

**TABLE 5
SPENDING PLAN SUMMARY**

Balance as of December 31, 2024	\$977,951
Projected Revenue - 7/1/2025 through 6/30/2035	
Development Fees	\$2,070,085
Other Funds	0
Interest	\$268,940
Total Revenue	\$3,316,976
Rehabilitation Program	\$250,000
Affordability Assistance	\$995,093
Administration	\$663,395
Total Expenditures	\$1,419,895
Remaining Balance	\$1,897,081

3

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 1479

**AN ORDINANCE OF THE BOROUGH OF WILDWOOD CREST
REPEALING AND REPLACING CHAPTER 85, ARTICLE XXI,
AFFORDABLE HOUSING**

WHEREAS, Chapter 85, Article XXI (Affordable Housing) of the Municipal Code of the Borough of Wildwood Crest has to be repealed and replaced in its entirety to comply with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), as was amended in 2024, the newly adopted Uniform Housing Affordability Controls ("UHAC") regulations, N.J.A.C. 5:80-26.1 et seq., and newly adopted N.J.A.C. 5:99-1 et seq; and

WHEREAS, this Ordinance establishes Borough wide regulations and standards to govern the development of very low, low and moderate-income affordable units for for-sale and rental residential developments that may be approved by the Borough or the Borough Planning Board, and is designed to regulate these very low, low- and moderate-income units in a manner consistent with the FHA, UHAC, N.J.A.C. 5:99-1 et seq., and applicable New Jersey Council on Affordable Housing (COAH) regulations; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May and State of New Jersey that Chapter 85, Article XXI (Affordable Housing) of the Municipal Code of the Borough of Wildwood Crest is hereby repealed and replaced as follows:

Section 1. Chapter 85, Article XXI, Affordable Housing, of the Municipal Code of the Borough of Wildwood Crest, shall be repealed and replaced as follows:

§ 85-2101 Affordable Housing Obligation

§ 85-2102 Introduction & Applicability.

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in Borough of Wildwood Crest consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan ("HEFSP").
2. This Ordinance is intended to ensure that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
3. The Borough of Wildwood Crest Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.

5. Applicability

- a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality's most recently adopted HEFSP, excluding those affordable housing units that were subject to a written agreement, rezoning or approval prior to the end of the Third Round on June 30, 2025.
- b. This Ordinance shall also apply to any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
- c. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

§ 85-2103 Definitions.

As used herein the following terms shall have the following meanings:

"Accessory apartments" means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as "accessory dwelling units".

"Act" means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

"Adaptable" means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the "State Uniform Construction Code Act," P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

"Administrative agent" means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

"Affirmative Marketing Plan" means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

"Affirmative Marketing Process" or "Program" means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

"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, pursuant to N.J.A.C. 5:99-2.5.

"Affordability average" means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

"Affordable" means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

"Affordable housing development" means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a

municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

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

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Builder’s remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

“Certified household” means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

“CHOICE” means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

“COAH” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Compliance certification” means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the

State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

“County-level housing judge” means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

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

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

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

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

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

“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

“Exclusionary zoning litigation” means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder’s remedy.

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and

which details the affirmative measures the municipality proposes to undertake to achieve its fair share of very low-, low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Green Building Strategies” means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

“HMFA” or “the Agency” means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Housing element” means the portion of a municipality’s master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28,b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality’s fair share of its region’s present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of very low-, low- and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality’s fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

“Low-income household” means a household with a household income equal to 50 percent or less of the regional median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

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

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

“New construction” means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one’s self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary; and the transfer of ownership by court order.

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Order for repose” means the protection a municipality has from a builder’s remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units are were not produced on a site

zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that was adopted and/or having received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

“Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans’ preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

“RCA administrator” means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

“RCA project plan” means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

“Receiving municipality” means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality’s fair share obligation.

“Reconstruction” means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

“Recreational facilities and community centers” means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

“Regional contribution agreement” or “RCA” means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality’s affordable housing obligation to another municipality within its housing region.

“Regional median income” means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

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

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

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

“Spending plan” means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

“State Development and Redevelopment Plan” or “State Plan” means the plan prepared pursuant to sections 1 through 12 of the “State Planning Act,” P.L. 1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L. 1985, c. 398 (C.52:18A-200).

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney-Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter,

except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant's self-identification of household members on the affordable housing application.

"Supportive housing sponsoring program" means grant or loan program which provided financial assistance to the development of the unit.

"Supportive housing unit" means a restricted rental unit, as defined by N.J.S.A. 34:1B-21.24, that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. Supportive housing units are also referred to as permanent supportive housing units.

"Transitional housing" means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

"Treasurer" means the Treasurer of the State of New Jersey.

"UHAC" means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

"UHORP" means the Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

"Unit type" means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

"Very-low-income household" means a household with a household income less than or equal to 30 percent of the regional median income.

"Very-low-income housing" means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

"Very-low-income unit" means a restricted unit that is affordable to a very-low-income household.

"Veteran" means a veteran as defined at N.J.S.A. 54:4-8.10.

"Veterans' preference" means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

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

§ 85-2104 Monitoring and Reporting Requirements.

1. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
 - a. The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.

- b. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
- c. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

§ 85-2105 Municipality-wide Mandatory Set-Aside.

1. A development, other than single-family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of 20%.
2. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
3. All such affordable units shall be governed by this ordinance the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
4. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
5. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.
6. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
7. In the event that the inclusionary set-aside of 20% of the total number of residential units does not result in a full integer, the developer shall choose one of two options for addressing the fractional unit:
 - a. The developer may round the set-aside upward to construct a whole additional affordable unit; or
 - b. If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units and shall also contribute the fractional subsidy payment ("fractional subsidy payment") to be made to the municipality and deposited in the municipal Affordable Housing Trust Fund. The fractional subsidy payment amount shall be calculated as the fractional unit multiplied by the base subsidy payment amount currently established by the municipality as the average subsidy reflected in financial pro formas for 100% affordable housing or subsidized developments in the municipality or region on file with the municipality. For example, if seven total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirements above:
 The developer shall round up the 0.4 unit to one whole affordable unit so as to construct a total of two (2) affordable housing units; or The developer shall round the set-aside downward so as to construct only one affordable unit AND shall pay into the municipal affordable housing trust fund a fractional subsidy payment equal to the dollar amount established by the municipality multiplied by 0.4.

§ 85-2106 New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.).

Per the definition of "New Construction," this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

1. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related

to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.

2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy
25+1	10
50	50
75	75
90	100

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
 - a. Design of 100 percent affordable developments:
 - i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - ii. Each bedroom in each restricted unit must have at least one window.
 - iii. Restricted units must include adequate air conditioning and heating.
 - b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
 - i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
 - vi. Each bedroom in each restricted unit must have at least one window.
 - vii. Restricted units must be of the same unit type as market-rate units within the same building.
 - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

- c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
 - i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
 - iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
 - vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - vii. Each bedroom in each restricted unit must have at least one window; and
 - viii. Restricted units must include adequate air conditioning and heating.
- 4. Utilities.
 - a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
 - b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.A.C 5:80-26.13(e).
- 5. Low/moderate split and bedroom distribution.
 - a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 - b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.
 - c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
 - d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:

- i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down), of the total number of low- and moderate-income units.
 - iv. At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units.
 - v. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units.
 - vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
- e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.
6. Accessibility requirements.
- a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
 - b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
 - iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
 - v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
 - vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

- (b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
 - (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
- vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

§ 85-2107 Affordable Housing Programs/Compliance Techniques.

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions." The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.
2. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).
 - a. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
 - b. Both ownership and rental units shall be eligible for rehabilitation funds.
 - c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
 - d. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
 - e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.

- f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
 - i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
 - ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.
 - iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.

§ 85-2108 Regional Income Limits.

1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
2. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

§ 85-2109 Maximum Initial Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.)
4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low-

and

moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.

7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

§ 85-2110 Affirmative Marketing.

1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national

origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 6 and is required to be followed throughout the period of deed restriction.

3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
 - a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
 - b. There shall be a regional preference for all households that live and/or work in Housing Region 6 comprising Atlantic, Cape May, Cumberland, and Salem Counties.
 - c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
 - d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph. The affirmative marketing plan shall include the following community and regional organizations: Fair Share Housing Center, New Jersey State Conference of the NAACP, the Latino Action Network, and the Cape May County, Mainland/Pleasantville, and Atlantic City Branches of the NAACP
8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

§ 85-2111 Selection of Occupants of Affordable Housing Units.

1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

§ 85-2112 Occupancy Standards.

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - b. Provide a bedroom for every two adult occupants;
 - c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
 - d. Avoid placing a one-person household into a unit with more than one bedroom.

§ 85-2113 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
 - a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
 - b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

9. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

§ 85-2114 Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
 - a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
 - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C. 5:80-26.7.
 - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
 - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
 - c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
 - i. those that render the unit suitable for a larger household or the addition of a bathroom.
 - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
 - d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 85-2115 Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.

2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

§ 85-2116 Limitations on Indebtedness Secured by Ownership Unit; Subordination.

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

§ 85-2117 Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12. as may be amended and supplemented, and each

restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.

3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit;
 - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

§ 85-2118 Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may

continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

§ 85-2119 Tenant Income Eligibility.

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
 - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

§ 85-2120 Municipal Housing Liaison.

1. The Municipal Housing Liaison shall be approved by municipal resolution.
2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in N.J.A.C. 5:99-1 et seq.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
 - a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
 - b. The oversight of the Affirmative Marketing Plan and affordability controls.
 - c. When applicable, overseeing and monitoring any contracting Administrative Agent.
 - d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 - e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
 - f. Coordinating meetings with affordable housing providers and administrative agents, as needed.

- g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
- h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
- i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
- j. Listing on the municipal website contact information for the MHL and Administrative Agents.

§ 85-2121 Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
 - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
 - b. Administrative agent fees related to initial sale of units shall be paid by the developer.
 - c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - b. Affirmative marketing:
 - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 - c. Household certification.
 - i. Soliciting, scheduling, conducting and following up on interviews with interested households.
 - ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
 - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
 - v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.

- vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
- d. Affordability controls.
 - i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- e. Records retention.
 - i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- f. Resales and re-rentals.
 - i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g. Processing requests from unit owners.
 - i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
 - iii. Notifying the municipality of an owner's intent to sell a restricted unit.
 - iv. Making determinations on requests by owners of restricted units for hardship waivers.
- h. Enforcement.
 - i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and

- v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
- i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

§ 85-2122 Responsibilities of The Owner of a development containing affordable units.

1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
 - a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - b. The total number of units in the project and the number of affordable units.
 - c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - e. A projected construction schedule.
 - f. The location of any common areas and elevators.
 - g. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
2. In addition to 1 above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
 - a. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
 - b. Provide to the administrative agent a description of any applicable fees.
 - c. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
 - d. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
 - e. Provide to the administrative agent a proposed form of lease for any rental units.
 - f. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
 - g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
3. In addition to 1, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
 - a. Proposed pricing for all units, including any purchaser options and add-on items.
 - b. Condominium or homeowner association fees and any other applicable fees.
 - c. Estimated real property taxes.

- d. Sewer, water, trash disposal, and any other utility assessments.
- e. Flood insurance requirement, if applicable.
- f. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

§ 85-2123 Enforcement of Affordable Housing Regulations.

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - i. A fine of not more than \$1,000 per day from the date of the violation or imprisonment for a period not to exceed 10 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
 - a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale

are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

- c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
 - d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
 - e. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
 - f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
 6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.

- 7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

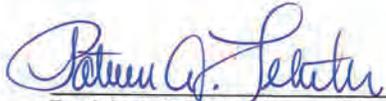
§ 85-2124 Appeals. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

Section 2. All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

Section 4. This ordinance shall become effective twenty (20) days after final passage, advertisement thereof as required by law and filing with the Cape May County Planning Board.

Dated: March 4, 2026


 Patricia A. Feketics, Borough Clerk


 Don Cabrera, Mayor


 Joseph Franco, Jr. Commissioner


 Toni D. Fuscellaro, Commissioner

Introduced: February 18, 2026
 Adopted: March 4, 2026

4

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 1480

**AN ORDINANCE OF THE BOROUGH OF WILDWOOD CREST
REPEALING AND REPLACING CHAPTER 85, ARTICLE XXII,
AFFORDABLE HOUSING DEVELOPMENT FEES**

WHEREAS, Chapter 85, Article XXII (Affordable Housing Development Fees) of the Municipal Code of the Borough of Wildwood Crest has to be repealed and replaced in its entirety to comply with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. (“FHA”), as was amended in 2024, the newly adopted Uniform Housing Affordability Controls (“UHAC”) regulations, N.J.A.C. 5:80-26.1 et seq., and newly adopted N.J.A.C. 5:99-1 et seq; and

WHEREAS, this chapter establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with regulations set forth in P.L. 2024, c. 2, N.J.S.A. 52:27D-301 et seq., N.J.A.C. 5:99-1 et seq. and as previously established in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7). Fees collected pursuant to this chapter shall be used for the sole purpose of providing very-low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May and State of New Jersey that Chapter 85, Article XXII (Affordable Housing Development Fees) of the Municipal Code of the Borough of Wildwood Crest is hereby repealed and replaced as follows:

Section 1. Chapter 85, Article XXII, Affordable Housing Development Fees, of the Municipal Code of the Borough of Wildwood Crest, shall be repealed and replaced as follows:

§ 85-2201 Development Fees

§ 85-2202 Purpose.

- A. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

§ 85-2203 Basic Requirements.

- A. The municipality previously adopted a Development Fee Ordinance, which established the Municipal Affordable Housing Trust Fund.
- B. The municipality shall not spend development fees until the court has approved a Spending Plan for spending such fees.

§ 85-2204 Definitions.

As used herein the following terms shall have the following meanings:

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative Agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

“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, pursuant to N.J.A.C. 5:99-2.5.

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

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

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

“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

“Low-income household” means a household with a household income equal to 50 percent or less of the regional median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Municipal Housing Liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

“New construction” means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8,1 through 40:55D-8,7.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units are were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Recreational facilities and community centers” means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Spending plan” means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

“UHAC” means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

“Very-low-income household” means a household with a household income less than or equal to 30 percent of the regional median income.

“Very-low-income unit” means a restricted unit that is affordable to a very-low-income household.

§ 85-2205 Residential Development Fees.

A. Imposed fees

1. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
2. When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

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

1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.
2. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be

synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the building permit is issued.

3. The expansion or improvement of an existing residential structure shall be exempt from any development fee requirement.
4. Other development shall be exempt from any development fee required to the extent provided by the terms of any order entered by the Superior Court of New Jersey.
5. No development fee shall be collected for the demolition and replacement of a residential building of the same number of units resulting from a fire, flood, or a natural disaster.
6. Improvements not related to the expansion of the primary residential structure on the property are exempt from the residential development fee. This includes, but is not limited to, pools, sheds, patios or decks, and fences.

§ 85-2206 Non-Residential Development Fees.

A. Imposition of fees

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for non-residential development

1. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
2. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
5. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential

development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

6. Other development shall be exempt from any development fee required to the extent provided by the terms of any order entered by the Superior Court of New Jersey.

§ 85-2207 Collection Procedures.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- D. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
- E. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

§ 85-2208 Appeal of Development Fees.

- A. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- B. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 85-2209 Affordable Housing Trust Fund.

- A. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - 1. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - 2. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - 3. Rental income from municipally operated units;
 - 4. Repayments from affordable housing program loans;
 - 5. Recapture funds;
 - 6. Proceeds from the sale of affordable units; and
 - 7. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- C. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- D. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
 - 1. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 - 2. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
 - 3. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 - 4. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 - 5. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 - 6. Revocation of compliance certification or a judgment of compliance and repose;
 - 7. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
 - 8. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
- E. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

§ 85-2210 Use of Funds.

- A. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green

building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.

- B. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- C. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
 - 1. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - 2. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
- D. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

§ 85-2211 Monitoring.

- A. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

§ 85-2212 Ongoing Collection of Fees.

- A. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification, or a Judgment of Compliance and Repose, or the good faith effort to obtain either one.
- B. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Compliance Certification or its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

§ 85-2213 Emergent Affordable Housing Opportunities.

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.

Section 2. All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

Section 4. This ordinance shall become effective twenty (20) days after final passage, advertisement thereof as required by law and filing with the Cape May County Planning Board.

Dated: March 4, 2026


Patricia A. Feketics, Borough Clerk


Don Cabrera, Mayor


Joseph Franco, Jr. Commissioner


Toni D. Fuscellaro, Commissioner

Introduced: February 18, 2026
Adopted: March 4, 2026

5

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
NEW JERSEY**

RESOLUTION NO. 26-97

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST ADOPTING AN AFFORDABILITY
ASSISTANCE MANUAL**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the "Program"); and

WHEREAS, on November 6, 2025, the Uniform Housing Affordability Controls ("UHAC") were updated and amended; and

WHEREAS, to ensure that the Borough's Affordability Assistance Manual conforms with UHAC as amended, the Borough will adopt an updated Affordability Assistance Manual.

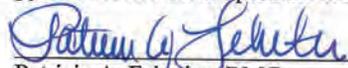
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey as follows:

1. The Borough of Wildwood Crest hereby adopts an Affordability Assistance Manual, attached hereto as Exhibit A.
2. This Resolution shall take effect immediately.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Fuscellaro	✓		✓			
Franco		✓	✓			
Cabrera			✓			

CERTIFICATION

I, Patricia A. Feketics, Borough Clerk for the Borough of Wildwood Crest, do hereby certify that the foregoing Resolution is a correct and accurate copy of a resolution adopted on March 4, 2026, with the voting record as indicated above.


 Patricia A. Feketics, RMC

Affordability Assistance Program Policies and Procedures Manual

In Accordance with the Uniform Housing Affordability Controls
and the New Jersey Fair Housing Act



June 2026

Prepared by:



8 Gentry Drive
Long Valley, NJ 07853

Borough of Wildwood Crest – Affordability Assistance Program

Table of Contents

Introduction	1
Administration	1
Applicant Eligibility	1
Down Payment/Closing Cost Program Procedures	2
One or Two Month’s Rent Program Procedures	4
Income Eligibility and Certification Procedure	5
Appendix A – Adopting Resolution	8

Borough of Wildwood Crest – Affordability Assistance Program

Introduction

The purpose of this manual is to describe the policies and procedures of the Affordability Assistance Program for the Borough of Wildwood Crest. This manual will explain what is needed to qualify for the program in addition to outlining the operation of the program.

The Affordability Assistance Program is designed to help low and moderate-income households acquire funding to secure income restricted affordable housing within the Borough of Wildwood Crest, by providing a one-time deferred payment loan to offset the initial costs of securing adequate housing. This housing may be either owner-occupied dwelling units or rental dwelling units.

This program provides the following options for affordability assistance:

- One or Two Month's Rent assistance – Funding equal to the one month's rent for a rental dwelling unit may be available to be paid directly to the landlord on behalf of a very low-, or moderate-income tenant. This is a grant to the landlord of the unit to be rented. Very low-income households are eligible for two months' rent.
- Down payment / Closing cost assistance – Funding of up to \$10,000.00 per applicant may be applied to offset the up-front costs of purchasing a deed-restricted home or condominium unit in Wildwood Crest for qualified first-time home buyers. Funds are provided as a no-interest forgivable loan for a period of 10 years.

Administration

The Borough's appointed Affordable Housing Administrative Agent will be responsible for administering the Affordability Assistance Program. All funds provided for the Affordability Assistance Program shall be distributed from the Borough's Affordable Housing Trust Fund, in accordance with the Borough's adopted Affordable Housing Trust Fund Spending Plan. Questions about the Program should be directed to the Administrative Agent.

Applicant Eligibility

Applications submitted for the Program will be provided and reviewed on a first-come-first-served basis according to the following criteria. All the following criteria must be met in order for an applicant to be deemed eligible for this Program. Eligibility does not guarantee that any funding will be provided to applicants from this Program.

1. There are affordability assistance funds remaining in the budget for the year.
2. The applicant has not received affordability assistance in the past in the applied assistance category. For example, an applicant may receive One Month's Rent and Moving expenses assistance, but an applicant cannot receive One Month's Rent assistance twice.
3. The applicant must qualify as a very low-, low-, or moderate-income household in accordance with the most current regional income limits established by the Affordable Housing Professionals of New Jersey (AHPNJ), or the applicable State of New Jersey regulatory agency should the State resume promulgation of regional income limits.

Borough of Wildwood Crest – Affordability Assistance Program

Down Payment/Closing Cost Program Procedures

1. An application shall be submitted to the Borough's Affordable Housing Administrative Agent.
2. The Administrative Agent shall review and process the application.
3. If an applicant is certified and approved, the Administrative Agent shall notify the Borough's financial department of the intent to award the loan and confirm the availability of funds.
4. The Administrative Agent shall prepare a draft resolution authorizing the award of the loan, specifying the amount of funds, the location and type of unit, and the specific affordability controls on the unit.
5. The Borough shall release the funds from the Affordable Housing Trust Fund to the escrow account following the approval of the resolution.
6. A Repayment Agreement, Mortgage Note, and Mortgage shall be executed at closing, and recorded by the title company.
7. The Administrative Agent shall notify the applicant of the awarding of funds, and record the assistance, and terms of the assistance, in the file for the affordable unit.

Eligible Participants

Eligible participants must be under contract to purchase a home in Wildwood Crest. This means that the applicant must have signed a contract with the seller, applied to the Program, and have been income qualified as a low- or moderate-income household.

Loan Amount and Period

The amount of assistance that is provided per applicant is \$10,000. The loan period shall be ten (10) years.

Loan Terms & Repayment Agreement

All funds are distributed at closing. The funds are sent via bank wire to either the participant's attorney or closing agent trust account. The attorney or trust account must have a business registration certificate and W-9 Tax Identification Form. The Borough must be given notice of the closing five (5) business days ahead of the closing date.

Loans for applicants to the Program shall be secured through a mortgage and mortgage note in favor of the Borough and executed by the property owner when required. The mortgage and mortgage note, as well as a deed restriction, will be executed at closing. The terms of the mortgage are in the mortgage note, which is not recorded. The original mortgage note shall be retained by the Program Administrator and kept in the unit file. The administrative agent shall send the mortgage and deed restriction requiring recording to the Borough. Upon receipt, the Borough will file said documents with the County Clerk's office upon the completion of the closing of title.

Borough of Wildwood Crest – Affordability Assistance Program

All loans are deferred payment loans and are due in full at zero percent (0%) interest upon sale, or change in title, if said sale or change in title occurs within five (5) years of the date of closing. All repayment of loans shall be made to the Borough's Affordable Housing Trust Fund. After the fifth year, the loan shall be forgiven at 20% a year for five additional years, fully forgiven at the end of the 10-year period. If the applicant remains the owner and occupant of the dwelling at the end of the duration of the ten (10) year mortgage period, the full amount of the loan shall be forgiven.

Insurance Requirements

The applicant must provide proof of homeowner's insurance and proof that the insurance has been paid. The homeowner's insurance must list the Borough of Wildwood Crest as additional insureds, loss payees, or additional mortgagees for the entire 10-year period of the lien.

If the home is associated with a Condominium Association or a substantially similar entity, the Borough of Wildwood Crest shall be listed as additional insureds, loss payees, or additional mortgagees on the blanket insurance policy for the Association's property.

If the property is located in a Flood Zone, flood insurance will be required listing the Borough of Wildwood Crest as additional insureds, loss payees, or additional mortgagees.

Affordability Controls

All homes purchased by qualified low or moderate income households with assistance from the Borough's First Time Homebuyer Program shall include a deed restriction which provides affordability controls so that the unit must remain affordable to a low or moderate income household for a period of at least thirty (30) years, in accordance with the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-16.1 et seq.

Borough of Wildwood Crest – Affordability Assistance Program

One or Two Months’ Rent Program Procedures

1. An application for funding shall be filed with the Borough's Affordable Housing Administrative Agent.
2. The Administrative Agent shall review and process the application.
3. If there are more income-qualified applicants than there are funds available, preference shall be given to very low-income households.
4. If an applicant is certified and approved, the Administrative Agent shall notify the Borough's financial department of the intent to award the grant and confirm the availability of funds.
5. The Administrative Agent shall prepare a draft resolution authorizing the award of funds, specifying the amount, the location and type of unit, and the specific affordability controls on the unit.
6. The Borough shall release the funds from the Affordable Housing Trust Fund to the participating landlord following the approval of the resolution.
7. The Administrative Agent shall notify the applicant of the awarding of funds, and record the assistance, and terms of the assistance, in the file for the affordable unit.

Eligible Participants

All participants must be very low-, low-, or moderate-income households, entering into a lease agreement to rent a deed restricted affordable dwelling unit in the Borough of Wildwood Crest. Applicants must not have received any assistance from any of the Borough's Affordability Assistance Program previously.

Grant Amount and Period

The maximum amount of assistance that may be provided per applicant shall be equal to one month’s contract rent. Very low-income households are awarded two months’ rent.

Terms & Repayment Agreement

This program is a grant and there are no terms and no repayment agreement.

Borough of Wildwood Crest – Affordability Assistance Program**Income Eligibility and Certification Procedure**

In order to be eligible for assistance, applicants must be determined to be income eligible. All adult members 18 years of age and older must be fully certified as income-eligible before they can receive any assistance from the Program. The Program 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 asset test. The applicant's monthly housing payment shall not exceed 40% of the applicant's adjusted monthly gross income.

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."

Qualified Income Sources

The following are considered income and will be included in the determination of the applicant's income eligibility:

- Wages, salaries, tips, commissions
- Regularly scheduled overtime
- Social Security
- Unemployment Compensation (verify # of weeks that are eligible to be received)
- Pensions
- Disability
- Alimony
- Verified regular child support (received)
- Any other forms of regular income reported to the Internal Revenue Service
- 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 2%) from non-income producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payment, 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

Borough of Wildwood Crest – Affordability Assistance Program**Unqualified Income Sources**

The following are not considered income and will not be included in the determination of the applicant's income eligibility:

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

Income Verification

To calculate income, the current gross income of the applicant is used to project income over the next 12 months. Income verification documentation should include, but is not limited to, the following for each 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 IRS Center or by calling 800-829-1040
- If applicable, a letter or appropriate reporting form verifying monthly benefits such as:
 - Social Security or SSI – current awards letter or computer printout letter
 - Unemployment – verification of unemployment benefits
 - Welfare – TANF current award letter
 - Disability – Worker's compensation letter, or
 - Pension income (monthly or annually) – a pension letter
 - A letter or appropriate reporting to verify any other sources of income claimed by the applicant such as alimony or child support – copy of court order or recent original letter from the court (includes separation agreement or divorce papers) or education scholarship/stipends – current award letter.

Borough of Wildwood Crest – Affordability Assistance Program

- 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: 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.

Verifying Student Income and Income from Real Estate

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 work week.

2. *Income from Real Estate* – If real estate owned by an applicant to the Program 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 IRS, the remaining amount shall be counted as income.

Other Eligibility Requirements

Applicants must also submit the following in the application package as applicable:

- Recorded deed to the property to be assisted;
- If you are a widow or widower, copy of Death Certificate should be included;
- Signed release form to verify eligibility determination from third party sources;
- Copy of any and all other liens recorded against property; and
- 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.

Eligibility Certification

After the Administrative Agent determines that the household is income eligible and meets all other eligible requirements, the Administrative Agent will complete and sign the eligibility certification. This certification shall be valid for twelve (12) months starting from the date of eligibility certification.

Borough of Wildwood Crest – Affordability Assistance Program

Appendix A – Adopting Resolution

6

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
NEW JERSEY**

RESOLUTION NO. 26-98

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST ADOPTING AN AFFIRMATIVE
MARKETING PLAN**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the "Program"); and

WHEREAS, on November 6, 2025, the Uniform Housing Affordability Controls ("UHAC") were updated and amended; and

WHEREAS, to ensure that the Borough's Affirmative Marketing Plan conforms with UHAC as amended, the Borough will adopt a updated Affirmative Marketing Plan.

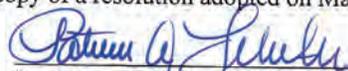
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey as follows:

1. The Borough of Wildwood Crest hereby adopts an Affirmative Marketing Plan, attached hereto as Exhibit A.
2. This Resolution shall take effect immediately.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Fuscellaro	✓		✓			
Franco		✓	✓			
Cabrera			✓			

CERTIFICATION

I, Patricia A. Feketics, Borough Clerk for the Borough of Wildwood Crest, do hereby certify that the foregoing Resolution is a correct and accurate copy of a resolution adopted on March 4, 2026, with the voting record as indicated above.


 Patricia A. Feketics, RMC

AFFIRMATIVE MARKETING PROCESS For Affordable Housing in Wildwood Crest, NJ REGION 6

I. APPLICANT AND PROJECT INFORMATION

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

1a. Administrative Agent Name, Address, Phone Number Acuity Consulting Services, LLC 8 Gentry Drive, Long Valley, NJ 07853 551-296-7770		1b. Development or Program Name, Address [TBD] Wildwood Crest, NJ	
1c. Number of Affordable Units: [TBD] Number of Rental Units: [TBD] Number of For-Sale Units: [TBD]	1d. Price or Rental Range From: [TBD] To: [TBD]	1e. State and Federal Funding Sources (if any) [TBD]	
1f. <input type="checkbox"/> Age Restricted [TBD] <input type="checkbox"/> Non-Age Restricted [TBD]	1g. Approximate Starting Dates Advertising: [TBD] Occupancy: [TBD]		
1h. County Atlantic, Cape May , Cumberland, Salem		1i. Census Tract(s): [TBD]	
1j. Managing/Sales Agent's Name, Address, Phone Number [TBD]			
1k. Application Fees (if any): [TBD]			

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

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received. <p>Initial Randomization: Applicants are selected at random before income-eligibility is determined, regardless of household size or desired number of bedrooms. The process is as follows:</p> <ul style="list-style-type: none"> After advertising is implemented, applications are accepted for 60 days. At the end of the period, sealed applications are selected one-by-one through a lottery (unless fewer applications are received than the number of available units, then all eligible households will be placed in a unit). An applicant pool is created by listing applicants in the order selected. Applications are reviewed for income-eligibility. Ineligible households are informed that they are being removed from the applicant pool or given the opportunity to correct and/or update income and household information. Eligible households are matched to available units based upon the number of bedrooms needed (and any other special requirements, such as the need for an accessible unit). If there are sufficient names remaining in the pool to fulfill re-rental needs anticipated over the next two years, the applicant pool shall be closed; however, if insufficient applicants remain on the list to cover the subsequent two years, the list may be kept open. When the applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new applicant pool will be added to the remaining list of initial applicants. A Regional Preference for COAH Region 6 is required in accordance with the municipal ordinance.
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III. MARKETING

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

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

- 3b. **HOUSING RESOURCE CENTER** (www.njhousing.gov) A free, online listing of affordable housing
 Affordable Housing.com (Affordablehousing.com) Affordable housing online search site
 NJ 2-1-1 (nj211.org) New Jersey's comprehensive information and referral organization
 Borough of Wildwood Crest website (wildwoodcrest.org)

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

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE HOUSING REGION 6			
Daily Newspaper			
<input type="checkbox"/>		Philadelphia Inquirer	
TARGETS PARTIAL HOUSING REGION 6			
Daily Newspaper			
<input type="checkbox"/>		Atlantic Daily Sentinel	Atlantic
<input type="checkbox"/>		Press of Atlantic City	Atlantic, Cape May, Cumberland, Ocean
<input type="checkbox"/>		Bridgeton News	Cumberland
<input type="checkbox"/>		Daily Journal	Cumberland
<input type="checkbox"/>		Today's Sunbeam	Salem
Weekly Newspaper			
<input type="checkbox"/>		Atlantic County Record	Atlantic
<input type="checkbox"/>		Beachcomber News	Atlantic
<input type="checkbox"/>		Current of Absecon and Galloway Township	Atlantic
<input type="checkbox"/>		Current of Down Beach	Atlantic
<input type="checkbox"/>		Current of Egg Harbor Township	Atlantic
<input type="checkbox"/>		Current of Mays Landing and Hamilton Township	Atlantic
<input type="checkbox"/>		Current of Northfield, Linwood and Somers Point	Atlantic
<input type="checkbox"/>		Egg Harbor News	Atlantic
<input type="checkbox"/>		Hammonton Gazette	Atlantic

<input type="checkbox"/>		Hammonton News	Atlantic
<input type="checkbox"/>		Mainland Journal	Atlantic
<input type="checkbox"/>		Record Journal	Atlantic
<input type="checkbox"/>		Atlantic City Weekly	Atlantic, Cape May, Cumberland
<input checked="" type="checkbox"/>	once during the first week of marketing	Cape May County Herald	Cape May
<input type="checkbox"/>		Cape May Gazette	Cape May
<input type="checkbox"/>		Cape May Star & Wave	Cape May
<input type="checkbox"/>		Gazette of Upper Township	Cape May
<input type="checkbox"/>		Ocean City Gazette	Cape May
<input type="checkbox"/>		Wildwood Leader	Cape May
<input type="checkbox"/>		Cumberland Reminder	Cumberland

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
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TARGETS ENTIRE HOUSING REGION 6

<input type="checkbox"/>		3 KYW-TV CBS Broadcasting Inc.	
<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	
<input type="checkbox"/>		23 WNJS New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, LLC	

TARGETS PARTIAL HOUSING REGION 6

<input type="checkbox"/>		8 WPSJ-LP Engle Broadcasting	Atlantic
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	Atlantic
<input type="checkbox"/>		40 WMGM-TV Access 1 New Jersey License Company	Atlantic, Cape May, Cumberland
<input type="checkbox"/>		62 WWSI Hispanic Broadcasters of Philadelphia, LLC	Atlantic, Cape May, Cumberland
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	Atlantic, Cumberland, Salem
<input type="checkbox"/>		12 WHYY-TV WHYY, Inc.	Atlantic, Cumberland, Salem
<input type="checkbox"/>		17 WPHL-TV Tribune Company	Atlantic, Cumberland, Salem

<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Atlantic, Cumberland, Salem
<input type="checkbox"/>		35 WYBE Independence Public Media of Philadelphia, Inc.	Atlantic, Cumberland, Salem
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	Atlantic, Cumberland, Salem
<input type="checkbox"/>		57 WPSG CBS Broadcasting Inc.	Atlantic, Cumberland, Salem
<input type="checkbox"/>		65 WUVP-TV Univision Communications Inc.	Atlantic, Cumberland, Salem
<input type="checkbox"/>		64 WDPB WHYY, Inc.	Cape May
<input type="checkbox"/>		2 WMAR-TV Scripps Howard Broadcasting Company	Cumberland, Salem
<input type="checkbox"/>		13 WJZ-TV CBS Broadcasting Inc.	Cumberland, Salem
<input type="checkbox"/>		43 WPMT Tribune Company	Salem
DURATION & FREQUENCY OF OUTREACH			
DURATION & FREQUENCY OF OUTREACH		NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL HOUSING REGION 6			
<input type="checkbox"/>		Comcast of Avalon, South Jersey, Wildwood	All Atlantic, Cape May, Cumberland and Salem Counties
DURATION & FREQUENCY OF OUTREACH			
DURATION & FREQUENCY OF OUTREACH		NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 6			
AM			
<input type="checkbox"/>		WFIL 560	Christian
<input type="checkbox"/>		WIP 610	
<input type="checkbox"/>		WNTP 990	
<input type="checkbox"/>		WWJZ 640	
FM			
<input type="checkbox"/>		WFPG-FM 96.9	
<input type="checkbox"/>		WIXM 97.3	
<input type="checkbox"/>		WMGM 103.7	
<input type="checkbox"/>		WSJO 104.9	
<input type="checkbox"/>		WZXL 100.7	
TARGETS PARTIAL HOUSING REGION 6			
AM			

<input type="checkbox"/>		WIBG 1020	Christian
<input type="checkbox"/>		WKXW 1450	
<input type="checkbox"/>		WMID 1340	
<input type="checkbox"/>		WOND 1400	
<input type="checkbox"/>		WTKU 1490	
<input type="checkbox"/>		WURD 900	
<input type="checkbox"/>		WGYM 1580	
<input type="checkbox"/>		KYW 1060	
<input type="checkbox"/>		WNJC 1360	
<input type="checkbox"/>		WPHT 1210	
<input type="checkbox"/>		WWDB 860	
<input type="checkbox"/>		WNWR 1540	
<input type="checkbox"/>		WPEN 950	
<input type="checkbox"/>		WCMC 1230	
<input type="checkbox"/>		WMVB 1440	
<input type="checkbox"/>		WTMR 800	
<input type="checkbox"/>		WDEL 1150	
<input type="checkbox"/>		WFAI 1510	
<input type="checkbox"/>		WMIZ 1270	Hispanics
<input type="checkbox"/>		WSNJ 1240	
<input type="checkbox"/>		WVCH 740	Christian
<input type="checkbox"/>		WPWA 1590	
FM			
<input type="checkbox"/>		WLFR 91.7	Atlantic
<input type="checkbox"/>		WTKU-FM 98.3	Atlantic
<input type="checkbox"/>		WAJM 88.9	Atlantic, Cape May
<input type="checkbox"/>		WJSE 102.7	Atlantic, Cape May
<input type="checkbox"/>		WKOE 106.3	Atlantic, Cape May
<input type="checkbox"/>		WTTH 96.1	Atlantic, Cape May
<input type="checkbox"/>		WZBZ 99.3	Atlantic, Cape May

<input type="checkbox"/>		WAYV 95.1	Atlantic, Cape May, Cumberland
<input type="checkbox"/>		WPUR 107.3	Atlantic, Cape May, Cumberland
<input type="checkbox"/>		WRTQ 91.3	Atlantic, Cape May, Cumberland
<input type="checkbox"/>		WXGN 90.5	Atlantic, Cape May, Cumberland
<input type="checkbox"/>		WXXY-FM 88.7	Atlantic, Cape May, Cumberland
<input type="checkbox"/>		WNJN-FM 89.7	Atlantic, Cumberland, Salem
<input type="checkbox"/>		WAIV 102.3	Cape May
<input type="checkbox"/>		WBZC 88.9	Cape May
<input type="checkbox"/>		WCZT 98.7	Cape May
<input type="checkbox"/>		WGBZ 105.5	Cape May
<input type="checkbox"/>		WILW 94.3	Cape May
<input type="checkbox"/>		WWCJ 89.1	Cape May
<input type="checkbox"/>		WRDX 94.7	Cape May, Cumberland, Salem
<input type="checkbox"/>		WVLT 92.1	Cape May, Cumberland, Salem
<input type="checkbox"/>		WRTI 90.1	Cape May, Salem
<input type="checkbox"/>		WBEB 101.1	Cumberland, Salem
<input type="checkbox"/>		WBEN-FM 95.7	Cumberland, Salem
<input type="checkbox"/>		WDAS-FM 105.3	Cumberland, Salem
<input type="checkbox"/>		WIOQ 102.1	Cumberland, Salem
<input type="checkbox"/>		WJBR-FM 99.5	Cumberland, Salem
<input type="checkbox"/>		WJJZ 106.1	Cumberland, Salem
<input type="checkbox"/>		WJKS 101.7	Cumberland, Salem
<input type="checkbox"/>		WKDN 106.9	Cumberland, Salem (Christian)
<input type="checkbox"/>		WMGK 102.9	Cumberland, Salem
<input type="checkbox"/>		WMMR 93.3	Cumberland, Salem
<input type="checkbox"/>		WNJB-FM 89.3	Cumberland, Salem
<input type="checkbox"/>		WOGI 98.1	Cumberland, Salem
<input type="checkbox"/>		WPHI-FM 100.3	Cumberland, Salem
<input type="checkbox"/>		WRDW-FM 96.5	Cumberland, Salem
<input type="checkbox"/>		WSTW 93.7	Cumberland, Salem

<input type="checkbox"/>		WUSL 98.9	Cumberland, Salem
<input type="checkbox"/>		WXTU 92.5	Cumberland, Salem
<input type="checkbox"/>		WYSP 94.1	Cumberland, Salem
<input type="checkbox"/>		WHYY-FM 90.9	Salem

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

DURATION & FREQUENCY OF OUTREACH	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 6			
Weekly			
<input type="checkbox"/>		Al Dia	Philadelphia Area Spanish-Language
<input checked="" type="checkbox"/>	once during the first week of marketing	Nuestra Comunidad	Central/South Jersey Spanish-Language
TARGETS PARTIAL HOUSING REGION 6			
Weekly			
<input type="checkbox"/>		Jewish Times of the South Jersey Shore	South Shore area Jewish community
<input type="checkbox"/>		Ukrainian Weekly	New Jersey Ukrainian community

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

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
Atlantic County		
<input type="checkbox"/>	AtlantiCare Health System	2500 English Creek Ave, Egg Harbor Twp, NJ
<input type="checkbox"/>	Shore Memorial Hospital	700 Shore Rd, Somers Point, NJ
<input type="checkbox"/>	Atlantic City Electric	2542 Fire Rd, Egg Harbor Township, NJ
<input type="checkbox"/>	Wawa	various locations
<input type="checkbox"/>	Wal-Mart	various locations
<input type="checkbox"/>	Shoprite	various locations
<input type="checkbox"/>	Kessler Memorial Hospital	600 S White Horse Pike, Hammonton, NJ
<input type="checkbox"/>	South Jersey Industries Inc.	1 South Jersey Plz, Hammonton, NJ
<input type="checkbox"/>	Flagship Resort	60 N Maine Ave, Atlantic City, NJ
<input type="checkbox"/>	Bacharach Institute for Rehabilitation	61 West Jimmie Leeds Road Pomona, NJ
<input type="checkbox"/>	Lowes Home Improvement	various locations
<input type="checkbox"/>	Home Depot	various locations

<input type="checkbox"/>		Comar Inc.	1 Comar Pl, Buena, NJ
<input type="checkbox"/>		Marriot Seaview Resorts	401 S New York Rd, Galloway, NJ
<input type="checkbox"/>		Ole Hansen & Sons	100 Old Port Republic Rd, Galloway, NJ
<input type="checkbox"/>		Acme Markets	various locations
<input type="checkbox"/>		Atlantic City Linen	18 N New Jersey Ave, Atlantic City, NJ
<input type="checkbox"/>		The Press of Atlantic City	1000 W Washington Ave, Pleasantville, NJ
Cape May County			
<input type="checkbox"/>		Cape Regional Medical Center	2 Stone Harbor Blvd, Cape May Court House, NJ 08210
<input type="checkbox"/>		Cold Spring Rush Fish and Supply Co	906 Schellenger St, Cape May, NJ
<input type="checkbox"/>		Acme Markets	various locations
<input type="checkbox"/>		Wawa	various locations
<input type="checkbox"/>		Cape Counseling Services	687 Route 9, Cape May, NJ
<input type="checkbox"/>		Shores at Wesley Manor	2201 Bay Ave, Ocean City, NJ
<input type="checkbox"/>		Shop Rite	various locations
<input type="checkbox"/>		Verizon	various locations
<input type="checkbox"/>		Holy Redeemer Visiting Nurse Assoc.	6727 Delilah Rd # F, Egg Harbor Twp, NJ
Cumberland County			
<input type="checkbox"/>		South Jersey Healthcare	333 Irving Ave, Bridgeton, NJ
<input type="checkbox"/>		Durand Glass Manufacturing Co.	901 S. Wade Blvd, Millville, NJ
<input type="checkbox"/>		Training School at Vineland	1667 E. Landis Ave Vineland, NJ 08361
<input type="checkbox"/>		Alcan Global Pharmaceutical Packaging Inc.	1101 Wheaton Ave, Millville, NJ
<input type="checkbox"/>		Kimble Glass Inc./ Kontes Glass Co.	537 Crystal Ave, Vineland, NJ and 1300 Wheaton Ave, Millville, NJ 1022 Spruce St, Vineland, NJ
<input type="checkbox"/>		Wawa	various locations
<input type="checkbox"/>		Wheaton Science Products	1501 N 10th St, Millville, NJ
<input type="checkbox"/>		ShopRite	various locations
<input type="checkbox"/>		Progresso Quality Foods	3501 S East Blvd, Vineland, NJ
<input type="checkbox"/>		Seabrook Brothers & Sons Inc.	1031 Parsonage Rd, Bridgeton, NJ
<input type="checkbox"/>		Sheppard Bus Service	35 Rockville Rd, Bridgeton, NJ and 212 L St, Millville, NJ
<input type="checkbox"/>		Acme Markets Inc.	101 Bluebird Ln, Millville, NJ

<input type="checkbox"/>		Wal-mart	various locations
<input type="checkbox"/>		Leone Industries	443 S East Ave, Bridgeton, NJ
<input type="checkbox"/>		Silverton Marine Corp.	301 Riverside Dr, Millville, NJ
<input type="checkbox"/>		Sun National Bank	various locations
<input type="checkbox"/>		F&S Produce	913 Bridgeton Ave, Rosenhayn, NJ
<input type="checkbox"/>		Tri-County Community Action Partnership	110 Cohansey Street, Bridgeton

Salem County			
<input type="checkbox"/>		PSE&G	162 Route 45 Salem, NJ 08079
<input type="checkbox"/>		Dupont De Nemours E I & Co.	Penns Grove, NJ 08069
<input type="checkbox"/>		Mannington Mills	Frog Ocean Rd, Salem, NJ and 75 Mannington Mills Rd
<input type="checkbox"/>		Memorial Hospital of Salem County	310 Woodstown Rd, Salem, NJ
<input type="checkbox"/>		Conectiv	5 Collins Dr, Penns Grove, NJ
<input type="checkbox"/>		Anchor Glass Container Corp.	83 Griffith St, Salem, NJ
<input type="checkbox"/>		SJH Elmer Hospital	501 Front St, Elmer
<input type="checkbox"/>		GEON Company	Porcupine Rd & US Highway, Pedricktown, NJ
<input type="checkbox"/>		B&B Poultry	Almond Rd, Norma, NJ

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
Fair Share Housing Center	Statewide	Various	Project flyer and applications links provided, per each organization's policy
New Jersey State Conference of the NAACP	Statewide	African American	
Latino Action Network	Statewide	Latino/Hispanic American	
Supportive Housing Association	Statewide	People with disabilities	
African Support Services of New Jersey	Statewide	African Immigrants and Refugees	
Center for Community Arts	Portion of Region 6	African American	
Hispanic Association of Atlantic City	Portion of Region 6	Latino/Hispanic American	
The ARC of Cape May	Portion of Region 6	People with disabilities	
Cape May Cares	Portion of Region 6	Various	
Local Continuum of Care, if applicable	Portion of Region 6	Households in need of Supportive Housing	

3g. Transit Stops
Project flyers posted at transit (bus and/or train/light rail) stops within ¼ mile of the development or elsewhere in the housing region.

3h. Social Media Platforms, as applicable			
	DURATION & FREQUENCY OF OUTREACH	NAME OF PLATFORM	WEBSITE URL

<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

IV. APPLICATIONS*

* As applications are online, *flyers* directing individuals to applications will be available at locations below

Applications for affordable housing for the above units will be available at the following locations:	
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)	
BUILDING	LOCATION
<input checked="" type="checkbox"/> Atlantic County	5901 Main Street, Mays Landing, NJ 08330 (609)625-4011
<input checked="" type="checkbox"/> Cape May County Main Library	30 Mechanic Street, Cape May Courthouse, NJ
<input checked="" type="checkbox"/> Cumberland County Library	800 East Commerce Street, Bridgeton, NJ 08302
<input checked="" type="checkbox"/> Salem County Court House	92 Market Street, Salem, NJ 08079 (609)935-7510 Ext:8202
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)	
Borough of Wildwood Crest, Municipal Clerk, 6101 Pacific Ave, Wildwood Crest, NJ 08260 contact person as determined	
Borough of Wildwood Crest website, wildwoodcrest.org, contact person as determined	
Cape May County Library – Wildwood Crest Branch, 6300 Atlantic Ave., Wildwood Crest, NJ 08260, contact person as determined	
4c. Sales/Rental Office for units (if applicable) [TBD]	

V. ADDITIONAL PROJECT INFORMATION

[TBD]

VI. 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/Final Judgement of Compliance and Repose.	
<u>Peter Van den Kooy, PP, AICP</u> Name (Type or Print)	
<u>Vice President of Acuity Consulting Services, LLC</u> Title/Municipality	
 Signature	Date: <u>2/4/2026</u>

7

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
NEW JERSEY**

RESOLUTION NO. 26-96

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST ADOPTING A REHABILITATION
MANUAL**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the "Program"); and

WHEREAS, on November 6, 2025, the Uniform Housing Affordability Controls ("UHAC") were updated and amended; and

WHEREAS, to ensure that the Borough's Rehabilitation Manual conforms with UHAC as amended, the Borough will adopt a updated Rehabilitation Manual.

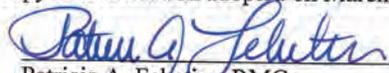
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey as follows:

1. The Borough of Wildwood Crest hereby adopts a Rehabilitation Manual, attached hereto as Exhibit A.
2. This Resolution shall take effect immediately.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Fuscellaro	✓		✓			
Franco		✓	✓			
Cabrera			✓			

CERTIFICATION

I, Patricia A. Feketics, Borough Clerk for the Borough of Wildwood Crest, do hereby certify that the foregoing Resolution is a correct and accurate copy of a resolution adopted on March 4, 2026, with the voting record as indicated above.


 Patricia A. Feketics, RMC

*In Accordance with the
Uniform Housing
Affordability Controls
& Programs*



OPERATING MANUAL

For the Administration of the

Affordable Housing Owner & Rental Rehabilitation Program

February 2026



INTRODUCTION

This Housing Rehabilitation Program Operating Manual has been prepared to assist in the administration of the **Borough of Wildwood Crest** Housing Rehabilitation Program. It will serve as a guide to the program staff and applicants.

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures.

This manual explains the steps in the rehabilitation process. It describes the eligibility requirements for participation in the program, program criteria, funding terms and conditions, cost estimating, contract payments, record keeping and overall program administration.

The Housing Rehabilitation Program will be administered by the **Borough of Wildwood Crest** and their Housing Rehabilitation Program Consultant for Owner-Occupied and Rental Rehabilitation. The Program will be funded with funds from:

- Wildwood Crest Affordable Housing Trust Fund dollars (Owner Occupied and Renter Occupied Units)
- Program Income derived from the repayment of deferred payment Housing Rehabilitation loans funded with Small Cities Multi-jurisdictional Program funds (Owner Occupied Units Only)

The following represents the procedures developed to offer an applicant the opportunity to apply for the program.

A. Fair Housing and Equal Housing Opportunities



It is unlawful to discriminate against any person making application to participate in the rehabilitation program or rent a unit regarding race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments. For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-866-405-3050 or <http://www.state.nj.us/lps/dcr/index.html>.

ELIGIBLE PARTICIPANTS

A. Categories of Participants

Owner-occupied housing units are eligible to receive funding for rehabilitation provided that the occupants of the units are determined to be low- or moderate-income households and that the units are determined to be substandard.

B. Income Limits for Participation

The occupants of the units must have incomes that now fall within the income guidelines established for the *County of Cape May*, these limits are revised annually.

C. Program Area

This is a municipal-wide program. The rehabilitation property must be in the **Borough of Wildwood Crest**.

D. Certification of Substandard

The purpose of the program is to bring substandard housing up to code. Substandard units are those units requiring repair or replacement of at least one major system. A major system is one of the following:

1. Roof
2. Plumbing (including wells)
3. Heating
4. Electrical
5. Sanitary plumbing (including septic systems)
6. Load bearing structural systems.
7. Lead paint abatement
8. Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

Code violations will be determined by an inspection conducted by a program inspector.

AVAILABLE BENEFITS

A. Program Financing

Up to **\$25,000** per unit may be available for improvements to eligible owner-occupied properties, the minimum average per unit rehabilitation hard costs shall be \$10,000 in accordance with N.J.A.C. 5:93-5.2(h)(2). If a particular unit requires more than **\$25,000**, the Municipality will approve on a case-by-case basis, keeping with the requirement dictating that the minimum average per unit rehabilitation hard cost shall be \$10,000.

B. Owner-occupied Units – Program Financing/Program Affordability Controls

Loans will be a ten-year interest-free, deferred payment loan secured by a mortgage payable upon transfer of title. After the Five-Year Anniversary of the Loan Signing, 20% of the mortgage loan principal will be forgiven for each of the remaining five years. If the title has not transferred after ten years, the entire loan is considered forgiven.

Should an owner-occupant die before repayment of the loan, the balance of the loan which has not been forgiven, will be due at the time of settlement of the estate. However, if the household inheriting the unit is income eligible and agrees to occupy the unit or even if not income-eligible agrees to rent the unit only to income-eligible households, the terms of the funding agreement shall be transferred to the inheriting household.

If an owner-occupied housing unit is sold prior to the end of the controls on affordability, the portion of the loan which has not been forgiven, shall be recaptured and used to rehabilitate another housing unit, unless the unit is sold to a low- or moderate-income household at an affordable price.

Funding for owner-occupied units will be secured by a mortgage and mortgage note to the municipality.

C. Subordination

The **Borough of Wildwood Crest** may agree to subordinate a loan if the mortgage company supplies an appraisal showing that the new loan plus the balance on the old loan does not exceed 95% of the appraised value of the unit.

In order for the Municipality to approve the request, the Municipality must be subordinate to no more than two loans and there must be sufficient equity in the property. Subordination requests will only be considered for the following reasons: *1) to reduce monthly mortgage payments; 2) debt consolidation; and 3) additional home improvement funds to maintain Code and/or Certificate of Occupancy Codes.*

ELIGIBLE PROPERTY IMPROVEMENTS

A. Eligible Improvements

Housing rehabilitation funds may be used only for repairs or system replacements necessary to bring a substandard unit into compliance with municipal health, safety and building codes, applicable code violations, as well as any other cosmetic work that is reasonable and deemed necessary or is related to the necessary repairs.

At least one major system must be replaced or included in the repairs, which include one of the following:

1. Roof
2. Plumbing (including wells)
3. Heating
4. Electrical
5. Sanitary plumbing (including septic systems)
6. Load bearing structural systems
7. Lead paint abatement

8. Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

The related work may include, but not be limited to the following:

1. Interior trim work,
2. Interior and/or exterior doors
3. Interior and/or exterior hardware
4. Window treatment
5. Interior stair repair
6. Exterior step repair or replacement
7. Porch repair
8. Wall surface repair
9. Painting
10. Exterior rain carrying system repair

B. Ineligible Improvements

Work not eligible for program funding includes but is not limited to luxury improvements (improvements which are strictly cosmetic), additions, conversions (basement, garage, porch, attic, etc.), repairs to structures separate from the living units (detached garage, shed, barn, etc.), furnishings, pools and landscaping. If determined unsafe, stoves may be replaced. The replacement or repair of other appliances is prohibited. Rehabilitation work performed by property owners shall not be funded under this program.

C. Rehabilitation Standards

Upon rehabilitation, housing deficiencies shall be corrected, and the unit shall comply with the New Jersey State Housing Code, N.J.A.C. 5:28. For construction projects that require the issuance of a construction permit pursuant to the Uniform Construction Code, the unit must also comply with the requirements of the Rehabilitation Subcode (N.J.A.C. 5:23-6). In these instances, the more restrictive requirements of the New Jersey State Housing Code or the Rehabilitation Subcode shall apply. For projects that require construction permits, the rehabilitated unit shall be considered complete at the date of final approval pursuant to the Uniform Construction Code.

D. Certification of Standard

All code deficiencies noted in the inspection report must be corrected and rehabilitated. Units must be in compliance with the standards proscribed in sub-section C above upon the issuance of a certificate of completion or occupancy. The program inspector must certify any structure repaired as a whole or in part with rehabilitation funds to be free of any code violations.

E. Emergency Repairs

A situation relating to safety and/or health hazard for the occupants would constitute an emergency. The program inspector will confirm the need for such work. In emergency cases, the formal solicitation process will not be followed. A minimum of three (3) estimates will be obtained, when possible, for the "emergency" work. However, eligibility, as stated in Section I, subsection B, must be determined prior to

soliciting estimates. Application for additional non-emergency work may be made in accordance with the procedures outlined in this Operating Manual. The funding for the emergency work and any additional rehabilitation may not exceed the program financing provisions in Section II, sub-section A.

OVERVIEW OF ADMINISTRATIVE PROCEDURES

A. Application

Property owners interested in participating in the housing rehabilitation program may submit preliminary applications to the program staff. Preliminary applications are available at the following locations:

Borough of Wildwood Crest
6101 Pacific Ave, Wildwood Crest
609-522-5176

Upon request, the program staff will mail a preliminary application to an interested property owner.

Applications will be processed in the order of receipt. Only emergency situations shall be handled out of the order of receipt.

B. Income Eligibility and Program Certification

For the households seeking a determination of income eligibility, all wage earners 18 years of age or older in the household must submit appropriate documentation to document the household income, as further described below.

1. Copy of the deed to the property.
2. Proof that property taxes and water and sewer bills are current.
3. Proof of property insurance, including liability, fire and flood insurance where necessary.

If after reviewing the income documentation submitted an applicant is determined to be ineligible, the applicant will receive a letter delineating the reasons for the determination of ineligibility. An applicant may be determined ineligible if the applicant's income exceeds the program income limits.

The program staff will arrange for a title search of all properties entering the program.

After the initial interview and the program staff has substantiated that the occupant is income-eligible, and the title search is favorable, the Eligible Certification Form will be completed and signed

Upon confirmation of income eligibility of the applicant or the applicant's tenants, the program staff will send a letter, including the Eligible Certification Form, to the applicant certifying the applicant. Eligibility will remain valid for six months. If the applicant has not signed a contract for rehabilitation within six months of the date of the letter certifying eligibility, the applicant will be required to reapply for certification.

C. Housing Inspection/Substandard Certification

Once determined eligible, the program staff will arrange for the program inspector to inspect the entire residential property.

The program inspector will inspect the house, take photographs, and certify that at least one major system is substandard. All required repairs would be identified.

D. Ineligible Properties

If after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be ineligible, the program staff will send a letter delineating the reasons for the determination of ineligibility. An applicant's property may be determined to be ineligible for any one of the following reasons:

1. Title search is unfavorable.
2. Property does not need sufficient repairs to meet eligibility requirements.
3. Real estate taxes are in arrears.
4. Proof of property insurance not submitted.
5. Property is listed for sale.
6. Property is in foreclosure.

The **Borough of Wildwood Crest** may disqualify properties requiring excessive repairs to meet municipal housing standards. The estimated or bid cost of repairs must exceed 50 percent of the estimated after-rehabilitation value of the property for the municipality to exclude the property.

If after reviewing the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be eligible, the inspector will then certify that the dwelling is substandard by completing and signing the Certificate of Substandard Form and submitting this to the program staff.

E. Cost Estimate

The program inspector will prepare a Work Write-up and Cost Estimate. This estimate will include a breakdown of each major work item by category as well as by location in the house. It will contain information as to the scope and specific details on the materials to be used. A Cost Estimate will be computed and included within the program documentation. The program staff will review the Preliminary Work Write-up with the property owner. Only required repairs to units occupied by income eligible households will be funded through the housing rehabilitation program.

F. Contractor Bidding Negotiations

After the unit and the unit occupant have been certified as eligible, the program staff will provide a bid request to a list of approved, pre-qualified trade contractors for bidding. Program staff will review the proposals and provide the property owner with a list of contractors who have submitted eligible bids for the work. Eligible bids will be those that:

1. Satisfy with the specifications of the Work Write-Up
2. Have no math errors
3. Have been submitted by an eligible contractor
4. Are no more than 20% above or below the Program Cost Estimator's final cost estimate for the work, unless an exception has been recommended by the Cost Estimator and approved by the Program Director.

5. Have been submitted by a contractor who, in the opinion of the Program Director, has the ability to perform the designated tasks within a responsible period of time as is specified in the Contract documents.

The program staff and property owner will then review these bids. The lowest responsible trade contractor shall then be selected. If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor. Property owners may seek proposals from non-program participating contractors. However, the Municipality must pre-approve the contractor prior to submitting a bid.

G. Contract Signing/Pre-Construction Conference

Program staff will provide the property owner with the bids to review. The program staff will then call a Pre-Construction Conference. Documents to be executed at the Pre-construction Conference include Contractors Agreement(s), Mortgage and Mortgage Note. The property owner, program staff representative and contractor will execute the appropriate documents and copies will be provided as appropriate. A staff member will outline project procedures to which property owner must adhere. A Proceed to Work Order, guaranteeing that the work will commence within fifteen (15) calendar days of the date of the conference and be totally completed within ninety (90) days from the start of work, will be issued to each contractor at this Conference.

H. Progress Inspections

The program inspector will make periodic inspections to monitor the progress of property improvements. This is necessary to ensure that the ongoing improvements are in accordance with the scope of work outlined in the work write-up. It is the contractor's responsibility to notify the Building Inspector before closing walls on plumbing and electrical improvements.

I. Change Orders

If it becomes apparent during construction that additional repairs are necessary or the described repair needs to be amended, the program inspector will inspect the areas in need of repair and prepare a change order describing the work to be done. The applicant and the contractor will review the change order with the program staff and agree on a price. Once all parties approve of the change order and agree on the price, they will sign documents amending the contract agreement to include the change order.

J. Payment Schedule

The contract will permit two payments if the project costs more than \$12,000. First payment is made when the project is one-half completed. Final payment upon completion.

The contractor will submit a payment request. The applicant will sign a payment approval if both the applicant and program inspector are satisfied with the work performed. The municipality will then release the payment. Final payment will be released once all final inspections are made, a Certificate of Occupancy is issued (if applicable) and the program staff receives Lien Releases and a Property Owner Sign-off letter.

K. Resolution of Disputes/Appeal Process

Should any dispute arise respecting the true meaning of the Work Write-Up, or should any dispute arise respecting the true value of the extra work or of the work omitted, or of improper workmanship or materials, or of any loss sustained by the Homeowner, the Homeowner may request a hearing before the Municipality. Such a request must be made in writing to the Program Administrator and shall state the nature of the dispute. All parties to the dispute shall be notified in writing of the date and location of the hearing. An arbitration committee, consisting of three members, shall convene and the final decision rests with the arbitration committee, with no further recourse on the part of the property owner.

L. Final Inspection

Upon notification by the contractor that all work is complete and where required a Certificate of Occupancy has been issued, a final inspection shall be conducted and photographs taken. The property owner and the necessary contractors shall be present at the final inspection to respond to any final punch list items.

M. Record Mortgage Documentation

Program staff will file the executed Mortgage with the County Clerk.

N. File Closing

After the final payment is made, the applicant's file will be closed by the program staff.

PROCEDURE FOR OWNER OCCUPIED INCOME-ELIGIBILITY CERTIFICATION

A. Complete a Household Eligibility Determination Form

The program staff shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify their income, pursuant to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-16.1 et seq. Income verification documentation should include, but is not limited to the following for each member of a household who is 18 years of age or older:

1. 1-month (consecutive weeks) paystubs, 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.
2. Copies of Federal and State income tax returns for each of the preceding three tax years - 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.
3. A letter or appropriate reporting form verifying monthly benefits such as
4. Social Security or SSI – Current award letter or computer printout letter
5. Unemployment – verification of Unemployment Benefits
6. Welfare -TANF¹ current award letter

¹ TANF – Temporary Assistance for Needy Families

7. Disability - Worker's compensation letter or
8. Pension income (monthly or annually) – a pension letter
9. 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 or education scholarship/stipends – current award letter.
10. 3 months of reports of savings and checking accounts (bank statements and passbooks) and income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds (In brokerage accounts – most recent statements and/or in certificate form – photocopy of certificates).
11. Evidence or reports of income from directly held assets, such as real estate or businesses.
12. Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
13. 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.

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.

B. Income

1. Wages, salaries, tips, commissions
2. Alimony
3. Regularly scheduled overtime
4. Pensions
5. Social security
6. Unemployment compensation (verify the remaining number of weeks they are eligible to receive)
7. TANF
8. Verified regular child support
9. Disability
10. Net income from business or real estate
11. Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
12. 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.
13. Rent from real estate is considered income
14. Any other forms of regular income reported to the Internal Revenue Service

C. Not Income

1. Rebates or credits received under low-income energy assistance programs
2. Food stamps
3. Payments received for foster care
4. Relocation assistance benefits

5. Income of live-in attendants
6. Scholarships
7. Student loans
8. Personal property such as automobiles
9. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
10. Part-time income of dependents enrolled as full-time students
11. Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income
12. To calculate income, the current gross income of the applicant is used to project that income over the next 12 months.

D. 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.

E. Records Documenting Household Composition and Circumstances

The following are various records for documenting household information:

1. Social Security records or cards. Either individual Social Security card or letter from Social Security Administration
2. Adoption papers, or legal documents showing adoption in process
3. Income tax return
4. Birth Certificate or Passport
5. Alien Registration Card

F. Income Certification

Certify the income eligibility of low- and moderate-income households by completing the application form. Provide the household with the original and keep a copy in the project files.

The complete submission of all the required documentation shall be submitted to the Program Staff within 30 days, or the applicant's application may be moved to the bottom of the selection list.

G. Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the designated agency.

CONTRACTOR RELATED PROCEDURES

A. Contractor Selection

Contractors must apply to the program staff to be placed on the pre-approved contractors list. Contractors seeking inclusion on the list must submit references from at least three recent general contracting jobs. Contractors also must submit documentation proving financial stability. Contractors must carry workmen's compensation coverage and liability insurance of at least \$100,000/\$300,000 for

bodily injury or death and \$50,000 for property damage. Only licensed contractors will be permitted to perform specialty work such as plumbing, heating and electrical

B. Number of Proposals Required

The approved work write-up will be submitted to the contractors by the program staff. Contractors must visit the property and submit bids within *14* days. The contract will be awarded to the lowest bidder², provided that the program inspector or the professional who drafted the work write-up certifies that the work can be completed at the price bid and that the bid is reasonably close to the cost estimate. Bids must fall within *20%* of the cost estimate.

C. Contractor Requirements

Upon notification of selection, the contractor shall submit all required insurance certification to the program staff. A contract signing conference will be called by the program staff to be attended by the property owner and contractor. At the time of Agreement execution, the contractor shall sign a Certification of Work Schedule prepared by the program staff.

MAINTENANCE OF RECORDS

A. Files To Be Maintained on Every Applicant

The program staff will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

1. Application Form
2. Income Verification
3. Letter of Certification of Eligibility or Letter of Determination of Ineligibility

Files of applicants approved for the program will also contain the following additional documentation:

1. Housing Inspection Report
2. Photographs - Before
3. Certification of Property Eligibility or Determination of Ineligibility
4. Proof of Homeowners Insurance
5. Copy of Deed to Property

For properties determined eligible for the program where the applicants choose to continue in the program, the files shall contain the following:

1. Work Write-Up/Cost Estimate
2. Copies of Bids
3. Applicant/Contractor Contract Agreement
4. Recorded Mortgage/Lien Documents
5. Copies of All Required Permits
6. Contractor Requests for Progress Payments

² If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor.

7. Progress Payment Inspection Reports
8. Progress Payment Vouchers
9. Change Orders (If needed)
10. Final Inspection Report
11. Photographs - After
12. Certification of Completion and Release of Contractor's Bond

B. Rehabilitation Log

A rehabilitation log will be maintained by the program staff that depicts the status of all applications in progress.

C. Monitoring

1. For each unit the following information must be retained to be reported annually:
2. Street Address
3. Block/Lot/Unit Number
4. Owner/Renter
5. Income: Very Low/Low/Mod
6. Final Inspection Date
7. Funds expended on Hard Costs
8. Development Fees expended
9. Funds Recaptured
10. Major Systems Repaired
11. Unit Below Code & Raised to Code
12. Effective date of affordability controls
13. Length of Affordability Controls (yrs)
14. Date Affordability Controls removed
15. Reason for removal of Affordability Controls

PROGRAM MARKETING

Upon the initial implementation of the program, the municipality will market the program as follows: 1). the municipality will include flyers with the tax bills and/or water bills to property owners currently owning rental units; 2). The municipality will advertise the program in the local newspaper and the local cable station and 3). Program information will be available at the municipal building, library, and on the municipal website.

Prior to commencement of the program and periodically thereafter, the municipality will hold informational meetings on the program to all interested contractors. Each contractor will have the opportunity to apply for inclusion of the municipal contractor list.

INTRODUCTION: Rental Rehabilitation

This Rehabilitation Program Operating Manual has been prepared to assist in the administration of the **Borough of Wildwood Crest** Rental Rehabilitation Program. It will serve as a guide to the program staff and applicants.

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures.

This manual explains the steps in the rehabilitation process. It describes the eligibility requirements for participation in the program, program criteria, funding terms and conditions, cost estimating, contract payments, record keeping and overall program administration.

The Rental Rehabilitation Program will be administered by the **Borough of Wildwood Crest** and Triad Associates, the Borough's Housing Rehabilitation Program Consultant. The Administrative Agent for the rental units is Triad Associates.

The following represents the procedures developed to offer an applicant the opportunity to apply to the program.

B. Fair Housing and Equal Housing Opportunities



It is unlawful to discriminate against any person making application to participate in the rehabilitation program or rent a unit with regard to race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments. For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-866-405-3050 or <http://www.state.nj.us/lps/dcr/index.html>.

ELIGIBLE PARTICIPANTS

A. Categories of Participants

Renter-occupied housing units are eligible to receive funding for rehabilitation provided that the occupants of the units are determined to be low- or moderate-income households and that the units are determined to be substandard. Owners of rental properties do not have to be low- or moderate-income households. If a structure contains two or more units and an owner, who is not income eligible, occupies one unit funding may be provided for the rehabilitation of the rest of the units if income-eligible households occupy those units. Units that are currently vacant will be rented through the Borough Administrative Agent. Rents must be affordable to low- or moderate-income households.

NOTE: Pursuant to N.J.A.C. 5:97-6.2(b)6 - rental units may not be excluded from a municipal rehabilitation program. If a county administers the municipal rehabilitation program and the county program does not include rehabilitation of rental units, the municipality will need to supplement the county program with its own rehabilitation program for rental units.

B. Income Limits for Participation

The occupants of the units must have incomes that now fall within the income guidelines established for the *County of Cape May* by the Superior Court. These limits are revised annually as figures become available and can be found in the appendices. Units that are vacant at the time of rehabilitation must be rented through the Borough Administrative Agent, Triad Associates, to a qualified applicant.

NOTE: The program will strive to provide that low-income households occupy at least 50 percent of the units rehabilitated.

C. Program Area

This is a municipal-wide program. The rehabilitation property must be located in the **Borough of Wildwood Crest**.

D. Certification of Substandard

The purpose of the program is to bring substandard housing up to code. Substandard units are those units requiring repair or replacement of at least one major system. A major system is one of the following:

1. Roof
2. Plumbing (including wells)
3. Heating
4. Electrical
5. Sanitary plumbing (including septic systems)
6. Load bearing structural systems
7. Lead paint abatement
8. Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

Code violations will be determined by an inspection conducted by a program inspector.

AVAILABLE BENEFITS

A. Program Financing

The average per unit rehabilitation costs shall be **\$10,000**. The landlords are required to provide at least 50% of the **total rehabilitation costs** needed for each unit to meet the New Jersey State Housing Code, N.J.A.C. 5:28 and each unit must meet the major system repair or replacement requirement upon completion.

The maximum loan available per unit from the Borough is \$10,000. If a particular unit requires more than \$10,000 investment the Borough will review and approve on a case-by-case basis.

B. Renter-occupied Units - Program Financing/Program Affordability Controls

Eligible landlords of one-four-unit buildings may be eligible for an interest free loan which will be due if title to the property is transferred within (10) ten years of the loan date. Upon the (10) ten year loan anniversary, the full amount of the loan is forgiven. The landlords are required to provide at least 50% of the **total rehabilitation costs** needed for each unit to meet the New Jersey State Housing Code, N.J.A.C. 5:28 and each unit must meet the major system repair or replacement requirement. At the time the application is submitted, owners must submit proof of their share through bank statements, credit lines, etc. Title searches and property appraisals will be required to determine if there is sufficient equity in the property to cover the cost of the loan. The landlords will be expected to pay for the costs of the title searches and provide up to date property appraisals. In addition to the interest free loan, a ten-year deed restriction, attached to the mortgage and note, will be used to control the contract rent and ongoing tenant eligibility on rental units that receive assistance. The loan will be due upon transfer of title to the property if the property is sold within 10 years. After 10 years the lien is forgiven; however, the deed restrictions shall remain in effect for ten years from the date the units are certified as standard. There are no monthly payments. The deed restriction and mortgage documents will be recorded in the county deed book.

In situations where the non-income eligible owner(s) of eligible rental units occupies a unit in the structure to be rehabilitated, repairs to shared systems (i.e.: roof, heating, foundations, etc.) will be prorated with the owner(s) receiving no financial assistance for the owner's share.

If a unit is vacant upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate- income household at an affordable price and affirmatively marketed pursuant to the N.J.A.C. 5:97-9. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.

C. Subordination

Borough of Wildwood Crest may agree to subordinate a loan if the mortgage company supplies an appraisal showing that the new loan plus the balance on the old loan does not exceed 95% of the appraised value of the unit.

ELIGIBLE PROPERTY IMPROVEMENTS

A. Eligible Improvements

Housing rehabilitation funds may be used only for repairs or system replacements necessary to bring a substandard unit into compliance with municipal health, safety and building codes, applicable code violations, as well as any other cosmetic work that is reasonable and deemed necessary or is related to the necessary repairs.

At least one major system must be replaced or included in the repairs, which include one of the following:

- Roof
- Plumbing (including wells)
- Heating
- Electrical
- Sanitary plumbing (including septic systems)
- Load bearing structural systems
- Lead paint abatement
- Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

The related work may include, but not be limited to the following:

- Interior trim work,
- Interior and/or exterior doors
- Interior and/or exterior hardware
- Window treatment
- Interior stair repair
- Exterior step repair or replacement
- Porch repair
- Wall surface repair
- Painting
- Exterior rain carrying system repair

B. Ineligible Improvements

Work not eligible for program funding includes but is not limited to luxury improvements (improvements which are strictly cosmetic), additions, conversions (basement, garage, porch, attic, etc.), repairs to structures separate from the living units (detached garage, shed, barn, etc.), furnishings, pools and landscaping. If determined unsafe, stoves may be replaced. The replacement or repair of other appliances is prohibited. Rehabilitation work performed by property owners shall not be funded under this program.

C. Rehabilitation Standards

Upon rehabilitation, housing deficiencies shall be corrected, and the unit shall comply with the New Jersey State Housing Code, N.J.A.C. 5:28. For construction projects that require the issuance of a construction permit pursuant to the Uniform Construction Code, the unit must also comply with the requirements of the Rehabilitation Subcode (N.J.A.C. 5:23-6). In these instances, the more restrictive requirements of the New Jersey State Housing Code or the Rehabilitation Subcode shall apply. For projects that require construction permits, the rehabilitated unit shall be considered complete at the date of final approval pursuant to the Uniform Construction Code.

D. Certification of Standard

All code deficiencies noted in the inspection report must be corrected and rehabilitated. Units must be in compliance with the standards proscribed in sub-section C above upon issuance of a certificate of completion or occupancy. The program inspector must certify any structure repaired in whole or in part with rehabilitation funds to be free of any code violations.

E. Emergency Repairs

A situation relating to a safety and/or health hazard for the occupants would constitute an emergency. A municipal inspector will confirm the need for such work. In emergency cases, the formal solicitation process will not be followed. A minimum of three (3) estimates will be obtained, when possible, for the “emergency” work. However, eligibility, as stated in Section I, subsection B, must be determined prior to soliciting estimates. Application for additional non-emergency work may be made in accordance with the procedures outlined in this Operating Manual. The funding for the emergency work and any additional rehabilitation may not exceed the program financing provisions in Section II, sub-section A.

OVERVIEW OF ADMINISTRATIVE PROCEDURES

A. Application/Interview

Property owners interested in participating in the housing rehabilitation program may submit preliminary applications to the program staff. Preliminary applications are available at the following locations:

Borough of Wildwood Crest
6101 Pacific Ave, Wildwood Crest
609-522-5176

Upon request, the program staff will mail a preliminary application to an interested property owner.

Applicants for rental rehabilitation funding must provide a list of tenants and the rents paid by each. The program staff will contact the tenants to provide evidence of income eligibility of the occupants of the units.

Applications will be processed in the order of receipt. Only emergency situations shall be handled out of the order of receipt.

B. Income Eligibility and Program Certification

Property owners of renter-occupied units must submit the following documentation:

- Copy of the deed to the property.
- Proof that property taxes and water and sewer bills are current.
- Proof of property insurance, including liability, fire and flood insurance, were necessary.

If after reviewing the income documentation submitted by the applicant's tenants, the tenant is determined to be ineligible, the applicant will receive a letter delineating the reasons for the determination of ineligibility. An applicant may be determined ineligible if each tenant's income exceeds current income limits.

The program staff will arrange for a title search of all properties entering the program.

Upon confirmation of income eligibility of the applicant's tenants, the program staff will send a letter to the applicant certifying the applicant's and or tenant's eligibility. Eligibility will remain valid for six months. If the applicant has not signed a contract for rehabilitation within six months of the date of the letter certifying eligibility, the applicant will be required to reapply for certification.

C. Housing Inspection/Substandard Certification

Once determined eligible, the program staff will arrange for a qualified program inspector to inspect the entire residential property.

The program inspector will inspect the house, take photographs, and certify that at least one major system is substandard. All required repairs would be identified.

D. Ineligible Properties

If after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be ineligible, the program staff will send a letter delineating the reasons for the determination of ineligibility. An applicant's property may be determined to be ineligible for any one of the following reasons:

- Title search is unfavorable.
- Property does not need sufficient repairs to meet eligibility requirements.
- Real estate taxes are in arrears.
- Proof of property insurance not submitted.
- Property is listed for sale.
- Property is in foreclosure.
- Total debt on the property will exceed the value of the property.

Borough of Wildwood Crest may disqualify properties requiring excessive repairs to meet municipal housing standards. The estimated or bid cost of repairs must exceed 50 percent of the estimated after-rehabilitation value of the property for the municipality to exclude the property if after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be eligible, the inspector will then certify that the dwelling is substandard by completing and signing the Certificate of Substandard Form and submitting this to the program staff.

E. Cost Estimate

The program inspector will prepare a Work Write-up and Cost Estimate. This estimate will include a breakdown of each major work item by category as well as by location in the house. It will contain information as to the scope and specific details on the materials to be used. A Cost Estimate will be computed and included within the program documentation. The program staff will review the Preliminary Work Write-up with the property owner.

Only required repairs to units occupied by income eligible households will be funded through the housing rehabilitation program. If the property owner desires work not fundable through the program, including work on a non-eligible rental unit in a multi-unit building or improvements not covered by the program, such work may be added to the work write-up if the property owner provides funds to be deposited in the municipality's Housing Trust Fund prior to the commencement of the rehabilitation of the property equivalent to *(110 percent or a higher percentage)* of the estimated cost of the elective work. Such deposited funds not expended at the time of the issuance of a certificate of completion/occupancy will be returned to the property owner with accrued interest.

F. Contractor Bidding Negotiations

After the unit and the unit occupant have been certified as eligible, the program staff will provide bid requests to the approved contractors on bid list. The program staff and property owner will then review these bids. The lowest responsible trade contractor shall then be selected. If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor.

Property owners may seek proposals from non-program participating contractors. However, the Borough must pre-approve the contractor prior to submitting a bid.

G. Contract Signing/Pre-Construction Conference

Program staff will meet with the property owner to review all bids by the various trades. This review will include a Final Work Write-up and Cost Estimate. The Contractor Agreement will be prepared by the program staff, as well as the Borrower's Agreement covering all the required terms and conditions.

The program staff will then call a Pre-Construction Conference. Documents to be executed at the Pre-construction Conference include Contractors Agreement(s), a Restricted Covenant, Mortgage and Mortgage Note. The property owner, program staff representative, and contractor will execute the appropriate documents and copies will be provided as appropriate. A staff member will outline project procedures to which property owner must adhere. A Proceed to Work Order, guaranteeing that the work will commence within fifteen (15) calendar days of the date of the conference and be totally completed within ninety (90) days from the start of work, will be issued to each contractor at this Conference.

H. Progress Inspections

The program staff will make periodic inspections to monitor the progress of property improvements. This is necessary to ensure that the ongoing improvements are in accordance with the scope of work

outlined in the work write-up. It is the contractor's responsibility to notify the Building Inspector before closing up walls on plumbing and electrical improvements.

I. Change Orders

If it becomes apparent during the course of construction that additional repairs are necessary or the described repair needs to be amended, the program staff will have the qualified professional(s) inspect the areas in need of repair and prepare a change order describing the work to be done. The applicant and the contractor will review the change order with the program staff and agree on a price. Once all parties approve of the change order and agree on the price, they will sign documents amending the contract agreement to include the change order. Additionally, if the applicant is not funding the additional cost, new financing documents will be executed reflecting the increase.

J. Payment Schedule

The contract will permit two payments to the contractor. First payment is made when the project is halfway completed. Second (final) payment upon completion. The contractor will submit a payment request. The applicant will sign a payment approval if both the applicant and housing/building inspector are satisfied with the work performed. The municipality will then release the payment. Final payment will be released once all final inspections are made, a Certificate of Occupancy is issued (if applicable) and the program staff receives a Property Owner Sign-off letter.

K. Appeal Process

If an applicant does not approve a payment that the housing/building inspector has approved, the disputed payment will be appealed to the Borough Council for a hearing. The Council will decide if the payment shall be released to the contractor or the contractor must complete additional work or correct work completed before the release of the payment. The municipality's decision will be binding on both the applicant and the contractor.

L. Final Inspection

Upon notification by the contractor that all work is complete and where required a Certificate of Occupancy has been issued, a final inspection shall be conducted and photographs taken. The program staff (or a representative), the property owner, and the necessary contractors shall be present at the final inspection to respond to any final punch list items.

M. Record Restricted Covenant and Mortgage Documentation

Program staff will file the executed Restricted Covenant and Mortgage with the County Clerk.

N. File Closing

After the final payment is made, the applicant's file will be closed by the program staff.

CONTRACTOR RELATED PROCEDURES

A. Contractor Selection

Contractors must apply to the program staff to be placed on the pre-approved contractors list. Contractors seeking inclusion on the list must submit references from at least three recent general contracting jobs. Contractors also must submit documentation proving financial stability. Contractors must carry workmen's compensation coverage and liability insurance of at least \$100,000/\$300,000 for bodily injury or death and \$50,000 for property damage. Only program tradesmen will be permitted to perform specialty work such as plumbing, heating and electrical.

B. Number of Proposals Required

The property owner will select a minimum of three general contractors from a list of pre-approved contractors. Property owners may not select contractors who do not appear on the list.³ The approved work write-up will be submitted to the selected contractors by the program staff. Contractors must visit the property and submit bids within 14 days. The contract will be awarded to the lowest bidder⁴, provided that the housing/building inspector or the professional who drafted the work write-up certifies that the work can be completed at the price bid and that the bid is reasonably close to the cost estimate. Bids must fall within 20 percent of the cost estimate.

C. Contractor Requirements

Upon notification of selection, the contractor shall submit all required insurance certification to the program staff. A contract signing conference will be called by the program staff to be attended by the property owner and contractor. At the time of Agreement execution, the contractor shall sign a Certification of Work Schedule prepared by the program staff.

MAINTENANCE OF RECORDS

A. Files To Be Maintained on Every Applicant

The program staff will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

- Application Form
- Tenant Information Form (Rental Units Only)
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility

³ The program permits a property owner to seek proposals from non-program participating contractors. However, Program Staff must pre-approve the contractor prior to submitting a bid.

⁴ If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor.

B. Files of applicants approved for the program will also contain the following additional documentation:

- Housing Inspection Report
- Photographs - Before
- Certification of Property Eligibility or Determination of Ineligibility
- Proof of Homeowners Insurance
- Copy of Deed to Property

C. For properties determined eligible for the program where the applicants choose to continue in the program, the files shall contain the following:

- Work Write-Up/Cost Estimate
- Copies of Bids
- Applicant/Contractor Contract Agreement
- Recorded Mortgage/Lien Documents
- Copies of All Required Permits
- Contractor Requests for Progress Payments
- Progress Payment Inspection Reports
- Progress Payment Vouchers
- Change Orders (If needed)
- Final Inspection Report
- Photographs - After
- Certification of Completion and Release of Contractor's Bond

Individual files will be maintained throughout the process.

D. Rehabilitation Log

A rehabilitation log will be maintained by the program staff that depicts the status of all applications in progress.

E. Monitoring

For each unit the following information must be retained to be reported annually:

- Street Address
- Block/Lot/Unit Number
- Owner/Renter
- Income: Very Low/Low/Mod
- Final Inspection Date
- Funds expended on Hard Costs
- Development Fees expended
- Funds Recaptured
- Major Systems Repaired
- Unit Below Code & Raised to Code
- Effective date of affordability controls

- Length of Affordability Controls (yrs)
- Date Affordability Controls removed
- Reason for removal of Affordability Controls

PROGRAM MARKETING

Upon the initial implementation of the program, the municipality will market the program as follows: 1). the municipality will include flyers with the tax bills and/or water bills to property owners currently owning rental units; 2). The municipality will advertise the program in the local newspaper, the Criterion, and on METV, the local cable station and 3). Program information will be available at the municipal building, library, and on the municipal website.

Prior to commencement of the program and periodically thereafter, the municipality will hold informational meetings on the program to all interested contractors. Each contractor will have the opportunity to apply for inclusion of the municipal contractor list.

INTRODUCTION: Rental Procedures

This Operating Manual has been prepared to assist in the administration of a For-Rent Program for the **Borough of Wildwood Crest**. It will serve as a guide to the program staff. This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures. This manual explains the steps in the initial rental process and in the re-rental process. It describes the eligibility requirements for participation in the program, record keeping and overall program administration.

Implementation of any procedure, even if it is not included in this Operating Manual, shall be in accordance with the Federal Fair Housing Act and Equal Opportunities laws¹, the Uniform Housing Affordability Controls (UHAC) NJAC 5:80-26.1 et seq.², the substantive rules and the affordable housing regulations of the **Borough of Wildwood Crest** (hereafter referred to as the “Regulations”). In accordance with the Federal Fair Housing Act and Equal Opportunities laws it is unlawful to discriminate against any person making application to buy or rent a home with regard to age, race, religion, national origin, sex, handicapped or familial status.

What is Affordable housing?

Affordable housing, unlike market-rate housing, is subject to affordability controls that restrict the price for a specified duration as mandated by relevant regulations. This duration typically spans 30 years or more. A rental unit is considered “affordable” under State regulations if the household pays 35% or less of its gross income on housing costs. In age-restricted units, households can spend up to 40% of their household income on housing expenses. Regulations for ownership, or for sale affordable housing, permit buyers to spend up to 33% of their gross household income on housing expenses.

Housing expenses are defined differently for ownership (for sale) Affordable Housing and rental housing.

In the case of ownership (for sale) Affordable Housing expenses are defined as:

- Primary mortgage principal, and interest.
- Local real estate taxes.
- Condominium or association dues, if any; and
- Homeowners insurance.

The following constitutes housing expenses for rental units:

- Rent; and
- Tenant-paid utilities.

Affordable housing is priced to be affordable to households earning up to 80% of the regional area median income by household size.

¹ https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview

² https://www.nj.gov/dca/services/lps/hss/admin_files/uhac/2006uhacmanual.pdf

Who Qualifies for Affordable Housing?

To be eligible for affordable housing in New Jersey, a household's income must be below the income limit for the region in which the affordable housing is located, either for low or moderate levels:

- A *moderate-income household* earns between 50 percent and 80 percent of the area median income by household size.
- A *low-income household* is classified as earning less than 50 percent of the area median income by household size.
- The Fair Housing Act included an additional requirement for *very low-income households*, classified as earning less than 30 percent of the area's median income by household size.

The 2008 New Jersey Fair Housing Act amendments require municipalities to provide at least 13% of affordable units post-2008 in their fair share plans to very low-income households earning 30 percent or less of median income by household size.

The six housing regions consist of up to four counties:

Region	Counties
1	Bergen, Hudson, Passaic, Sussex
2	Essex, Morris, Union, Warren
3	Hunterdon, Middlesex, Somerset
4	Mercer, Monmouth, Ocean
5	Burlington, Camden, Gloucester
6	Atlantic, Cape May, Cumberland, Salem

The Regional Income Limits Chart provides income limits for each of the six housing regions. Median incomes, and therefore income limits, differ by region. Income limits are updated annually in the Spring of each year.

Applicants do not have to currently live in the region if they are interested in applying for an affordable unit. An applicant's income qualification is determined by the Regional Income Limits for where the unit is located rather than where the applicant currently lives.

Affordable Housing Programs and Opportunities

A copy of the **Borough of Wildwood Crest** Housing Element and Fair Share Plan is available at:

Borough of Wildwood Crest
6101 Pacific Ave, Wildwood Crest
609-522-5176

Other Affordable Housing Programs and Opportunities

A wide variety of organizations and agencies administer affordable housing. Under the Fair Housing Act's jurisdiction, each New Jersey community has a Municipal Housing Liaison responsible for helping the local affordable housing program. Individuals interested in applying for affordable housing should contact the Municipal Housing Liaison in the community they are interested in living in. Some communities administer their affordable housing and have their own application process. If not, the Municipal Housing Liaison can direct applicants to developers, nonprofit agencies, State agencies, or consultants that may administer affordable housing within the community.

The *New Jersey Housing and Mortgage Finance Agency* have established New Jersey's Housing Resource Center, an online, searchable database of affordable housing in the State. The Housing Resource Center provides a listing of available, affordable housing. Available units are listed with contact and application information. Visit the Housing Resource Center at www.njhrc.gov.

The *Affordable Housing Professionals of New Jersey* maintains a web page with a comprehensive list of affordable housing opportunities in New Jersey. Please visit <https://ahpnj.org/housing-search> for more information.

Fair Housing and Equal Housing Opportunities

It is unlawful to discriminate against any person making an application to buy or rent a home with regard to race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments.

For more information on discrimination or if anyone feels they are a victim of discrimination, please get in touch with the New Jersey Division on Civil Rights at 1-866-405-3050 or <https://www.njoag.gov/about/divisions-and-offices/division-on-civil-rights-home/>.

AFFIRMATIVE MARKETING

Overview of the Requirements of an Affirmative Marketing Plan

All affordable units are required to be affirmatively marketed using the Affirmative Marketing Plan. An Affirmative Marketing Plan is a regional marketing strategy designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Plan are to identify households who are least likely to apply for affordable housing and to target households throughout the entire housing region in which the units are located.

Every Affirmative Marketing Plan must include all of the following:

- Publication of at least one advertisement in a newspaper of general circulation within the housing region; and
- Publication on at least one housing search website, plus one additional digital strategy such as digital paid ads, social media or an additional housing search website.
- At least one additional regional marketing strategy, such as advertisements in a local publication, mailings to major employers, or community and regional organizations such as non-profit, religious, and civic organizations.

Online Advertising

To comply with the rules of the Fair Housing Act the developer, owner, or Administrative Agent of affordable units must affirmatively market units through newspaper, digital marketing, and housing search websites. To stay current with changes in technology and how the public searches for housing, the owner, developer, property manager, or other administrative entity will be required to post rental units onto the NJHMFA's Housing Resource Center (HRC) under P.L. 2020, c.51, effective November 1, 2020. Any affordable units listed for the first time, existing units expected to become available and open waiting lists for current and future units must be listed on the HRC. All postings should include a link to an online fillable pre-application or downloadable application and information on obtaining a paper application.

For each affordable housing rental opportunity within the Borough, the Affirmative Marketing Plan must include the following information:

- The address of the project and development name, if any
- The number of rental units
- The price ranges of the rental units
- The number of bedrooms in the units
- The name and contact information of the Administrative Agent
- A description of the Random Selection method that will be used to select applicants for affordable housing and the date on which the first Random Selection will be conducted.
- Disclosure of required application fees, if any.

Advertisements must contain the following information for each Affordable Housing opportunity:

- The location of and directions to the units
- A range of prices for the housing units
- The number of bedrooms in the units
- The maximum income permitted to qualify for the housing units
- The locations of applications for the housing units
- The website where interested households may complete a pre-application
- The name and contact information of the Administrative Agent
- A description of the Random Selection method that will be used to select applicants for affordable housing and the date on which the first Random Selection will be conducted.

It is also recommended that the following information be included in the advertisements:

- Last date applications will be accepted.
- A statement concerning the availability of credit, budget, and homeownership counseling services.
- If already adopted by ordinance, a statement concerning regional or veteran preference.
- “Visit www.njhrc.gov for more affordable housing opportunities.”

Implementation of the Affirmative Marketing Plan

The affirmative marketing process for affordable units should begin at least four months before expected occupancy. In implementing the marketing program, the Administrative Agent shall undertake all the strategies outlined in the Affirmative Marketing Plan. Advertising and outreach shall occur during the first week of the marketing program and each month after that until all the units have been rented. The Administrative Agent shall market and advertise each project separately during each project’s initial affirmative marketing. Applications for affordable housing shall be available in several locations through the Affirmative Marketing Plan. The period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

MATCHING HOUSEHOLDS WITH AVAILABLE UNITS

The Administrative Agent uses a two-step process to match available units with potential tenants and buyers of affordable homes. First, anyone interested in buying or renting an affordable unit must complete a pre-application. The pre-application is brief and designed to collect only the information necessary to assess a household’s income and bedroom requirements for available units. Pre-applications may be submitted online or via paper.

Once a pre-applicant has been part of a random selection and has been potentially matched with an available unit, they will be required to complete a full application. The application collects detailed information on each household member, including their income, assets, and other information necessary to determine the household’s eligibility according to the UHAC regulations.

The Random Selection Process

UHAC requires communities to include a “random selection” among interested applicants when an affordable housing unit is available. Random selection ensures “that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit.” The initial Random Selection for a given project may be conducted no sooner than sixty (60) days following the start of the Affirmative Marketing Plan.

The Affirmative Marketing Plan details the specific steps of the random selection process.

Identifying Candidates for Available Units

The Administrative Agent will use the following process to test each applicant against the available unit(s) in the order of their random selection.

1. Regional Preference Test. If applicable, pre-applicants that live or work in the **Borough of Wildwood Crest** will be considered first as per the Borough Affirmative Housing Ordinance establishing a preference for pre-applicants that live or work within the COAH Region.
2. Veteran Preference Test. If applicable to the available unit(s), pre-applicants who served in time of war or other emergency, as defined in section 1 of P.L.1963, c. 171 (C.54:4-8.10) and who apply within 90 days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units.
3. Bedroom Test. Next, the number of bedrooms in the available unit(s) will be tested against the random selection list. If the first pre-applicant qualifies for a unit with a different number of bedrooms, they will be skipped, and the next pre-applicant will be evaluated. Once a match is made between the available unit(s) and a pre-applicant, the following criteria will be tested.
4. Income Test. The first pre-applicant on the random selection list that meets the bedroom test will then be tested to ensure their reported income is sufficient to afford the housing expenses of the available unit. See *Maximum Monthly Expenses*.
5. If the database record for the pre-applicant is more than six months old, the AA will contact the pre-applicant to update their gross household income, household size, and bedroom requirement. Any changes will be made to the random selection list and the pre-applicant database.

Confirming the Interest of a Candidate

A pre-applicant that passes the Regional Preference, Veteran Preference (if applicable), Bedroom, and Income Tests is considered a viable candidate for the available unit and will be contacted to determine their interest in the available unit. The Administrative Agent will provide the candidate with essential information about the unit, including current rent (or sales price). Other information may include amenities, parking availability, HOA/association dues, real estate taxes, and potential availability date. If the candidate is interested in the unit, they will be instructed by the Administrative Agent to contact the Landlord, Property Manager, or seller of the unit to visit the unit. Prospective buyers must provide a mortgage pre-approval letter before visiting an available unit before they are referred to the seller to view the unit.

If the candidate is interested in moving forward after seeing the unit, the Administrative Agent will make the full application available. Prospective buyers and renters are given 48 hours to decide if they want to move forward after visiting an available unit. Before completing a full application, prospective tenants must first meet the Landlord's tenant selection criteria. The candidate will be instructed to complete the full application and attach all the required source documents listed on the application.

Full Application & Income Certification Process

An applicant who has confirmed their interest in buying or renting an available, Affordable Housing unit will be required to complete a full application and provide the required documentation listed in the application for household certification. Those documents include the following:

The application must be complete and signed before the Administrative Agent reviews an application. In addition, all applicable source documents are required before reviewing the application.

It may be necessary for the Administrative Agent to collect additional information and documentation from the applicant beyond the items listed above. The Administrative Agent will notify applicant households in writing of certification or denial within 20 days of the determination.

Once approved, a certified household for an ownership unit will have a contract of sale drawn up and executed with the seller. Then, the certified household will move through the purchasing process to closing with the guidance of their lender and chosen title company.

See *Household Certification* for more information on how eligibility is determined.

HOUSEHOLD CERTIFICATION PROCESS

Before any household can rent or buy an affordable unit, the Administrative Agent must certify the household as eligible. Certification of a household involves verifying two critical pieces of data: 1) Household size and composition, including gender, and 2) The total household income. The certification process begins once the applicant submits a completed full application along with all required documentation. After the eligibility documents and supporting data have been collected, the Administrative Agent will review the information and calculate the household's income to determine eligibility.

Procedure for Income-Eligibility Certification

The Administrative Agent shall require each member of an applicant household who is 18 or older to provide documentation to verify their income. The household shall have ten (10) business days from the first notification to submit all required documents. Income verification documentation includes, but is not limited to, the following for every member of a household who is 18 years of age or older:

- Copies of driver's license or state IDs for all adults in the household
- Copies of social security cards for all members of the household
- Copies of birth certificates for all members of the household.
- Four (4) most recent consecutive pay stubs for each source of income for every working member of the household. Proof of employment income may include documentation of bonuses, overtime, or tips, or a letter from the employer stating the current annual income. For self-employed applicants, a current certified Profit and Loss Statement and Balance Sheet are required.
- Copies of full Federal and State income tax returns (all pages) and W2s for the preceding three (3) tax years for each working adult in the household.
- A letter or appropriate reporting form verifying monthly benefits, such as
 - Social Security income including children
 - Unemployment
 - Welfare or TANF
 - Disability or Worker's Compensation
 - Pension income
 - Where applicable, the most recent award letter for SSI or SSD.
- A notarized letter, court order, or statement verifying any other sources of income claimed by the applicant, such as alimony or child support.
- Six (6) consecutive months of complete statements (all pages) for all savings and checking accounts. This includes bank statements, passbooks, and income reports from banks or other financial institutions that hold or manage trust funds, money market accounts, certificates of deposit, stocks, or bonds.
- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Other documentation that may be necessary to document any other source of income fully must be provided upon request.

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

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

Income

- Wages, salaries, tips, commissions
- Alimony
- Regularly scheduled overtime
- Pensions
- Social security
- Unemployment compensation
- Temporary Assistance to Needy Families (TANF)
- Verified regular child support
- Disability
- Net income from business or real estate
- 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 deducting any mortgage payments, taxes, and property owner's insurance.
- Rent from real estate is considered income
- Any other forms of regular income reported to the Internal Revenue Service

Not Income

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

Student Income

Only the full-time income from a full-time job held by a full-time student is considered income. A full-time student is a household member enrolled in a degree-seeking program for 12 or more credit hours per semester. Part-time income is a job of less than a 35-hour per week.

The Real Estate Asset Limit

If an applicant's primary residence has no mortgage debt and is valued at or above the regional asset limit as published annually by the New Jersey Housing and Mortgage Finance Agency (NJHMFA) with the Annual Regional Income Limits Chart (see Appendix A), the household will be determined ineligible for certification.

However, if the applicant's existing monthly housing costs, including taxes, homeowner insurance, and condominium or homeowner association fees, exceed 38 percent of the household's eligible monthly income, the household will be exempt from the asset limit.

An applicant must provide a recent Market Value Appraisal or Realtor Comparative Market Analysis on the home they own unless the applicant has mortgage debt on the house or can demonstrate that the existing monthly housing costs exceed 38 percent of the household's eligible monthly income in which case the applicant is exempt from the asset limit.

Before obtaining a professional appraisal, the applicant should review the property's tax appraisal and current market value and compare them to the asset limit to avoid unnecessary expenses. The statewide asset limit is \$300,000. For instance, if homes are commonly sold in the applicant's neighborhood for over \$300,000, it is unlikely that an appraisal will determine a value below the asset limit.

Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deducting any mortgage payments, 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 with mortgage debt, which is not to be used as rental housing, the Administrative Agent should determine the imputed interest from the property's value. The Administrative Agent should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Then, based on current money market rates, interest will be imputed on the determined value of real estate. The imputed interest will be added to the household's annual income.

Maximum Monthly Expenses

The percentage of funds that a household can contribute toward housing expenses is limited. However, an applicant may qualify for an exception based on the household's current housing cost (see below). Therefore, the Administrative Agent will strive to place an applicant in a unit with a monthly housing cost equal to or less than the applicant's current housing cost.

Maximum Monthly Expenses for Tenants

A certified household cannot lease a restricted rental unit requiring more than 35 percent of the verified household income (40 percent for age-restricted units) to pay rent and utilities. However, at the discretion of the Administrative Agent, this limit may be exceeded if:

- The household currently pays more than 35 percent (40 percent for a household seeking age-restricted units) of its gross household income for rent, and the proposed rent will reduce the household's housing costs;
- The household consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay.
- The household is currently in substandard or overcrowded living conditions.
- The household documents the existence of assets with which the household proposes to supplement the rent payments or
- The household documents proposed third-party assistance from an outside source, such as a family member in a form acceptable to the Administrative Agent and the Owner of the unit; and
- The household receives budget counseling.

Housing Counseling

The Administrative Agent is responsible for providing referrals for counseling as a part of the Affirmative Marketing Plan and during the application process. Although housing counseling is recommended, a household must only attend counseling if their monthly housing expense exceeds UHAC standards. A HUD-approved housing counseling agency, or one approved by the NJ Department of Banking and Insurance, meets UHAC's requirements for an experienced Housing Counseling Agency. If the Administrative Agent is not authorized by HUD or the NJ Department of Banking and Insurance, the Agent will make referrals to one of the HUD-approved housing counseling agencies in New Jersey. This counseling to low- and moderate-income housing applicants will focus on budgeting, credit issues, and mortgage qualification and is free of charge. A list of non-profit counselors approved by HUD and the New Jersey Department of Banking and Insurance is included on DCA's website and is available from the Administrative Agent.

The Applicant Interview

The prospective applicant may meet with the Administrative Agent to review the certification and random selection processes in detail and ask any questions they may have about the project or the process. The Administrative Agent is prepared to complete the certification process via virtual meeting, telephone, mail, and email. If an interview is to be conducted, the Administrative Agent will attempt to achieve the following objectives:

- Confirm and update all information provided on the application.
- Explain program requirements, procedures for verifying information, and penalties for providing false information. Ask the head of household, co-head, spouse, and household members over 18 to sign the Authorization for Release of Information forms and other verification requests.
- Review the applicant's identification and financial information and documentation, ask questions to clarify the application information, and obtain any additional information needed to verify the household's income.
- Make sure the applicant has reported all sources for earned and benefit income and assets (including assets disposed of for less than fair market value in the past two years). In addition, the applicant must give a written certification as to whether any household member did or did not dispose of any assets for less than the fair market value during the past two years.

Approving or Rejecting a Household

Administrative Agents must notify applicant households of their eligibility within twenty (20) days of the Administrative Agent's determination. Households with a verified total household income that exceeds 80 percent of the current Regional Income Limit (Appendix A) for the appropriate family size are ineligible to buy or rent an affordable unit. A letter rejecting the household's application shall be mailed or emailed to the household.

Similarly, households with a verified total household income that is within the income limits but too low to afford any units administered by the Administrative Agent shall be sent a letter rejecting the household's application and referring them to housing counseling.

Households with a verified total household income of less than 80 percent shall be issued a letter certifying eligibility. This certification is valid for 180 days. If the Administrative Agent cannot place the household in a restricted unit after 180 days, an extension may be granted once the household's eligibility is verified.

Once the applicant is certified and matched to an available unit, the Administrative Agent must secure from the applicant a signed and notarized acknowledgment of their requirements and responsibilities of renting or owning a restricted unit. In addition, UHAC's Disclosure Statement shall be forwarded to the applicants.

In addition to non-eligibility based on income, the Administrative Agent may deny certification because of the household's failure or inability to document household composition, income, assets, sufficient funds for a down payment, or any other required facts and information. A household may also be denied certification if the Administrative Agent determines the applicant made a willful or material misstatement of fact.

Dismissal of Applications

Applications can be dismissed for one or more of the following reasons:

- The application is not signed or submitted on time.
- The applicant commits fraud, or the application is not truthful or complete.
- The applicant cannot or does not provide documentation to verify their income or other required information when due.
- The household income does not meet a particular property's minimum or maximum income requirements.
- The applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit as published annually.
- The applicant fails to respond to any inquiry promptly.
- The applicant is non-cooperative or abusive with the staff, property manager, or landlord.
- The applicant changes address or other contact information without informing the Administrative Agent in writing.
- The applicant does not meet the credit standard or other lawful requirements set forth by managers of rental properties.
- The applicant fails to verify attendance in a credit counseling program when required to do so by the program rules.
- The applicant does not promptly respond to periodic update inquiries.
- The applicant fails to sign the Compliance Certification, Certificate for Applicant, and Lease Document, as may be required.
- The applicant, once approved, fails to sign the lease promptly.

Applicants who are dismissed must re-apply. A minimum period of six months applies where the applicant has been denied for fraud, uncooperative behavior, or other serious matters.

Applicants will be removed from the applicant pool once approved for an affordable unit. Applicants are not removed from the applicant pool if they do not respond to a Notice of Availability.

ROLES AND RESPONSIBILITIES

Key Roles

The *Municipal Housing Liaison (MHL)* is a **Borough of Wildwood Crest** full-time employee. The MHL serves as the main point of contact for residents, developers, and stakeholders interested in learning more about the Borough efforts to create affordable housing. The *Administrative Agent (AA)* is responsible for the overall administration of affordable housing portfolio and various related affordable housing programs. The Administrative Agent is a private consultant:

Triad Associates

1301 W. Forest Grove Road, Building 3 Vineland,
NJ 08360

P: (856) 690-5749

F: (856) 690-5622

Email: housing@triadincorporated.co

Website: www.triadhousingprograms.com

Responsibilities of the Municipal Housing Liaison

The Municipal Housing Liaison is responsible for coordinating all the activities of the municipal government as it relates to the creation and administration of affordable housing units, in conjunction with the Borough Affordable Housing Attorney, where appropriate (see Responsibilities of the Affordable Housing Attorney). The primary purpose of the Municipal Housing Liaison is to ensure that all affordable housing projects are established and administered according to applicable regulations. The duties of the Municipal Housing Liaison include the following:

- Monitor the status of all restricted units, regardless of any arrangements the Borough may have with one or more Administrative Agents, it is the Municipal Housing Liaison's responsibility to know the status of all restricted units in the community.
- Serve as the Borough primary point of contact for all inquiries from the State, Administrative Agents, developers, affordable housing sponsors, owners, property managers, and interested households. In addition, the Municipal Housing Liaison serves as the primary point of contact on affordable housing issues. Therefore, interested applicants should be provided with information on the types of affordable units within the Borough and, where applicable, the name of the Administrative Agent who manages the units and the contact information for the Administrative Agent.
- Compile, verify, and submit annual reporting. Administrative Agents are responsible for collecting much of the data that is ultimately included in an annual monitoring report. However, the Municipal Housing Liaison's responsible for collecting and verifying this data and consolidating it into the annual report.

- Coordinate meetings with Administrative Agents and Developers/Affordable Housing Sponsors/Owners. When a new affordable unit or series of units is in the planning process, the Municipal Housing Liaison should coordinate a meeting between the Administrative Agent and the developer, affordable housing sponsor, or owner. This initial meeting aims to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all related local ordinances.

The Municipal Housing Liaison, in conjunction with the Affordable Housing Attorney, must have the affordable housing provisions of any Master Deed and Public Offering reviewed for consistency with UHAC regulations before they are recorded and submitted to DCA for approval.

Responsibilities of an Administrative Agent

The primary responsibility of an Administrative Agent is to establish and enforce affordability controls and ensure that units in their portfolio are rented to eligible households. Administrative Agents must:

- Secure written acknowledgment from all developers, affordable housing sponsors, and owners that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.
- Create and adhere to an Operating Manual. Administrative Agents are required to follow the policies and procedures of an Operating Manual, as applicable to the scope of services they have been contracted to perform.
- Implement the Affirmative Marketing Plan. The Administrative Agent, the developer, the affordable housing sponsor, or the owner could be responsible for implementing the Affirmative Marketing Plan. This responsibility should be discussed with the Municipal Housing Liaison, Administrative Agent, developer, affordable housing sponsor, or owner at the first meeting. Affirmative marketing includes conducting regional outreach and advertising for available affordable units. Advertising costs have been delegated to the developer in accordance with the adopted Affirmative Marketing Plan.
- Accept applications from interested households. Interested households will contact the Administrative Agent in response to marketing initiatives or by referral from the Municipal Housing Liaison. The Administrative Agent will supply applicants with applications, provide additional information on available units, and accept completed applications.
- Conduct a random selection of applicants for the rental of restricted units. The Administrative Agent is responsible for conducting the random selection in accordance with the Affirmative Marketing Plan and any related local ordinances and as described in the Operating Manual.

- Create and maintain a pool of applicant households. This includes contacting households in the applicant pool to determine continued interest and household size and income changes.
- Determine the eligibility of households. Collecting application materials and documentation from applicant households and analyzing it for eligibility is the responsibility of an Administrative Agent. A written determination of a household's eligibility must be provided within twenty (20) days of the Administrative Agent's determination of eligibility or non-eligibility. Whether or not the household is eligible for a unit, it is an Administrative Agent's responsibility to secure all information provided by the household in individual files and maintain strict confidentiality of all information regarding that household. In addition, an Administrative Agent is required to ensure that all certified applicants execute a Disclosure Statement acknowledging the rights and requirements of renting or owning an affordable unit.
- Establish and maintain effective communication with property managers and landlords. Property managers and landlords of restricted units should be instructed and regularly reminded that the Administrative Agent is their primary point of contact. The Administrative Agent must immediately inform all property managers and landlords of any changes to the Administrative Agent's contact information or business hours. Property managers and landlords should be instructed to contact the Administrative Agent immediately:
 - Immediately upon learning that an affordable rental unit will be vacated.
 - For review and approval of annual rental increases.
 - Provide annual notification of maximum rents. Each year, when AHPNJ releases its low-and moderate-income limits, rental households must be notified of the new maximum rent that may be charged for their unit. The Administrative Agent's contact information must be included in the notification if the tenant is overcharged.
- Serve as the custodian of all legal documents. An Administrative Agent is responsible for maintaining the originals of all legal instruments for the units in their portfolio. In addition, throughout the duration of a control period, an Administrative Agent must maintain a file containing its affordability control documents. This includes but is not limited to, the recorded Declarations of Covenants, Conditions, Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, and Recapture Mortgage Notes.
- Serve as point of contact on all matters relating to affordability controls. It is recommended that the Administrative Agent develop a system to be notified by lenders when a unit is at risk of foreclosure. In the event of a foreclosure, the Administrative Agent should work with the foreclosing institution to ensure that the affordability controls are maintained. The Administrative Agent should seek the attorney's counsel on legal matters threatening the durability of affordability controls.
- Provide annual activity reports to the Municipal Housing Liaison for use in the annual required monitoring report. An Administrative Agent is responsible for collecting the reporting data on each unit in the Administrative Agent's portfolio.
- Maintain and distribute information on HUD-approved Housing Counseling Programs.

Responsibilities of the Affordable Housing Attorney

The Affordable Housing Attorney assists the **Borough of Wildwood Crest** developing, administrating, and enforcing affordability controls, including but not limited to the following:

- Assisting the Municipal Housing Liaison with reviewing the affordable housing provisions of any Master Deed and Public Offering for consistency with UHAC regulations before they are recorded and submitted to DCA for approval.
- Providing all reasonable and necessary assistance to support the Administrative Agent's efforts to ensure compliance with the housing affordability controls, including reviewing legal documents and legal actions required on foreclosures and violations.

Responsibilities of Developers

When a new affordable unit or series of units is in the planning process, the affordable housing developer should contact the Municipal Housing Liaison, who shall coordinate a meeting with the Administrative Agent, where applicable, and the developer, affordable housing sponsor, or owner.

This initial meeting aims to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all related local ordinances- that the Borough has already adopted.

The Administrative Agent will secure from the developer's written acknowledgment that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Responsibilities of Owners of Rental Affordable Rental Units

Open and direct communication between the Owners of affordable rental units, the Municipal Housing Liaison, and the Administrative Agent is essential to the ongoing administration of affordability controls. Although the Administrative Agent is required to serve as the primary point of contact with households, the Owner must provide the Municipal Housing Liaison and Administrative Agent with information on vacancies. Owners of rental developments are also responsible for working with the Administrative Agent to ensure that the Municipal Housing Liaison has all the necessary information to complete the annual reporting.

Responsibilities of Landlords and Property Managers

Landlords and property managers must place a notice in all rental properties annually informing residents of the rent increase for the year and the contact information for the Administrative Agent.

APPLICATION PROCESS AND FEES

In compliance with the Fair Chance in Housing Act (FCHA), N.J.S.A. 46:8-52 to -64 effective January 1, 2022, criminal background information may be obtained after a conditional offer is made. Potential renters must be made aware that criminal background information will be obtained before a final rental offer is made. The application process for vacant rental units are as follows:

1. The Administrative Agent will conduct pre-screening for income eligibility and availability of applicants in the Applicant Pool and refer applicants, in lottery number order, to the leasing/management office;
2. Upon receipt of referral, the leasing/management staff can run a credit check and accept an application. This cannot include criminal background checks. Application fees required for candidates for affordable housing units may not exceed the fees charged to market candidates in the same project. If the application is approved, the landlord shall inform Triad of the determination.
3. Triad will conduct a full income certification and send the certification back to the leasing/management office. If approved, a landlord can make a conditional offer for the unit and conduct a criminal background check. If denied, the applicant and leasing/management staff will be notified in writing by Triad.
4. If an applicant is denied based on their criminal background check (according to the Fair Chance in Housing Act criteria) both the applicant and Triad shall be notified in writing that a decision was made not to proceed with renting the unit to the applicant, to include a detailed explanation for the denial. If approved, a landlord can enter a lease and send the executed lease and certification back to Triad for our records.

Additional resources can be found on the Division on Civil Rights website: <https://www.njoag.gov/about/divisions-and-offices/division-on-civil-rights-home/fcha/>.

DETERMINING AFFORDABLE RENTS

Development Considerations and Compliance Issues

There are several regulations that must be considered from the *development perspective* before the rents of individual units can be calculated. The following is a summary of the requirements for affordable projects.

Bedroom Distribution. The standards on the distribution of unit sizes for affordable developments require that:

- The combined number of efficiency and one-bedroom units may be no greater than 20 percent of the total low- and moderate-income units;
- At least 30 percent of all low- and moderate-income units must be two-bedroom units;
- At least 20 percent of all low- and moderate-income units are three-bedroom units; and the remainder has been allocated

Pricing by Household Size. Initial rents are based on targeted “model” household sizes for each size home as determined by the number of bedrooms. Initial rents must adhere to the following rules. These maximum sales prices and rents are based on the Annual Regional Income Limits Chart at the time of occupancy.

The below rules are only to be used for setting initial rents. They are not guidelines for matching household sizes with unit sizes. The pricing of age-restricted units may not exceed affordability based on a two-person household.

Affordability	Size of Unit	Household Size Used to Determine Maximum Rent
A studio shall be affordable to a one-person household	Studio/Efficiency	1
A one-bedroom unit shall be affordable to a one-and one-half person household	1 Bedroom	1.5
A two-bedroom unit shall be affordable to a three-person household	2 Bedrooms	3
A three-bedroom unit shall be affordable to a four-and one-half person household	3 Bedrooms	4.5
A four-bedroom unit shall be affordable to a six-person household	4 Bedrooms	6

Determining Initial Rents

To determine the affordable rents the Administrative Agent uses the approved UHAC Affordable Housing calculators provided by the New Jersey Housing and Mortgage Finance Agency (NJHMFA).

Additional Regulations for Rental Developments

In addition to the regulations covered earlier in the Section Development Considerations and Compliance Issues, rental projects must also comply with the following regulations:

Split Between Low- and Moderate-income Rental Units. At least 50 percent (of the affordable units within each bedroom distribution (unit size) must be low-income units and at least 13 percent of the affordable units within each bedroom distribution must be affordable to households earning no more than 30 percent of the regional median income. The remainder of the affordable units must be affordable to moderate-income households.

Affordability Average. The average rent for all affordable units cannot exceed 52 percent of the regional median income. At least one rent for each bedroom type must be offered for both low-income and moderate-income units. Calculation of the affordability average is available on DCA's website.

Maximum Rent. The maximum rent of restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of the regional median income.

Determining Rent Increases

Annual rent increases are permitted in affordable units. Rent increases are permitted at the anniversary of tenancy according to New Jersey Housing and Mortgage Finance Agency's Annual Regional Income Limits Chart, available on New Jersey Housing and Mortgage Finance Agency's website. These increases must be filed with and approved by the Administrative Agent. Property managers or landlords who have charged less than the permissible increase may use the maximum allowable rent with the next tenant with permission of the Administrative Agent. The maximum allowable rent would be calculated by starting with the rent schedule approved as part of initial lease-up of the development and calculating the annual approved increase from the initial lease-up year to the present. Rents may not be increased more than once a year, may not be increased by more than one increment at a time, and may not be increased at the time of new occupancy if this occurs less than one year from the last rental. No additional fees may be added to the approved rent without the express written approval of the Administrative Agent.

VIOLATION, DEFAULTS AND REMEDIES

In the event of a threatened breach of any of the regulations governing the affordable unit by an Owner of a rental development, the Administrative Agent shall have all the remedies provided at law or equity, including the right to seek injunctive relief or specific performance, it being recognized by both parties that it will cause irreparable harm to the municipality, in light of the public policies set forth in the Fair Housing Act and the obligation for the provision of low- and moderate-income housing. Upon the occurrence of a breach of any of the regulations governing the affordable units by an Owner of a rental development, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, acceleration of all sums due under a mortgage,

recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the Commissioner of the Executive Director of the NJ Housing Mortgage and Finance Agency:

NJ HMFA
Executive Director 637 South Clinton Avenue
P.O. Box 18550
Trenton, NJ 08625

The Executive Director's written decision, which shall be made within 15 days of receipt of an appeal, shall be a final administrative action.

MAINTENANCE OF RECORDS & APPLICANT FILES

Pursuant to NJAC 5:80-26.14(a)8, NJAC 5:80-26.15(c) and NJAC 5:80-26.17 current records must be maintained by the Administrative Agent and outdated records must be given to the municipality for safe-keeping. A file must be created and maintained on each restricted unit for its control period.

Administrative Agents maintain detailed records on all marketing initiatives.

Files To Be Maintained on Every Applicant

The Administrative Agent will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

- Application Form.
- Tenant Information Form
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility.

Files To Be Maintained on Every Unit

The Administrative Agent will maintain files on every unit for the length of the affordability controls. The unit file will contain at a minimum:

- Base rent
- Identification as low- or moderate-income
- Description of number of bedrooms and physical layout
- Floor plan
- Application materials, verifications and certifications of all present owners, pertinent correspondence
- Copy of lease
- Disclosure Statement

Files to Be Maintained on Every Project

The Administrative Agent will maintain files on every project for the length of the affordability controls. The project file will contain at a minimum:

- Condominium Master Deed
- Condominium Public Offering
- Crediting Information
- Original deed restriction
- Affordability control documents, including Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes, Disclosure Statement

Files To Be Maintained on The Applicant Pool

- Any changes to the applicant pool
- Any action taken with regard to the applicant pool
- Any activity that occurs that affects a particular applicant
- Current applications for all applicants whose status is active in the applicant pool
- The application, the initial rejection notice, the applicant's reply to the notice, a copy of the Administrative Agent's final response to the applicant, and all documentation of the reason the applicant's name was removed from the applicant pool.

Pursuant to N.J.A.C. 5:80-26.14(a)8, N.J.A.C. 5:80-26.15(c) and N.J.A.C. 5:80- 26.17 current records must be maintained by the Administrative Agent and outdated records must be given to the municipality for safe-keeping. A file must be created and maintained on each restricted unit for its control period.

Monitoring

The information required for each unit includes but is not limited to the following:

- A Recorded Deed for each project
- Street Address
- Block/Lot/Qualifier/Unit Number
- Housing Type
- Income: Very Low/Low/Moderate
- Initial Rental Price
- % of affordability
- Bedroom Type
- Age-restricted
- Handicap accessible/adaptable
- Date of Certificate of occupancy
- Effective date of affordability controls
- Length of affordability controls (years)
- Date Affordability controls removed

Appendix C

HUD APPROVED COUNSELING AGENCIES



HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
ATLANTIC	CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 609-390-9652 Fax: 609-390-9653 E-mail: help@cc-bc.com Web: www.cc-bc.com Agency ID: 81557	299 South Shore Rd. MARMORA, New Jersey 08223	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
BERGEN	COUNTY OF BERGEN, DEPARTMENT OF HUMAN SERVICES, DIVISION OF SENIOR SERVICES	Phone: 201-336-7431 E-mail: senior@co.bergen.nj.us Web: www.co.bergen.nj.us Agency ID: 80398	1 Bergen County Plz Division Senior Services, Floor 2 HACKENSACK, New Jersey 07601	<ul style="list-style-type: none"> - Mortgage Delinquency and Default Resolution Counseling - Reverse Mortgage Counseling 	<ul style="list-style-type: none"> - English
BERGEN	FAIR HOUSING COUNCIL OF NORTHERN NEW JERSEY	Phone: 201-489-3552 E-mail: info@fairhousingnj.org Web: www.fairhousingnj.org Agency ID: 80399	131 Main St Ste 140 HACKENSACK, New Jersey 07601	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Rental Housing Counseling 	<ul style="list-style-type: none"> - English - Spanish
BERGEN	GREATER BERGEN COMMUNITY ACTION, INC.	Phone: 201-968-0200 Fax: 201-342-9339 E-mail: info@greaterbergen.org Web: www.greaterbergen.org Agency ID: 84293	392 Main St HACKENSACK, New Jersey 07601	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Home Improvement and Rehabilitation Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
BURLINGTON	BURLINGTON COUNTY COMMUNITY ACTION PROGRAM	Phone: 609-835-4329 option 2 Fax: 609-835-9607 E-mail: housing@bccap.org Web: www.bccap.org Agency ID: 81842	One Van Sciver Parkway WILLINGBORO, New Jersey 08046	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Rental Housing Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English
CAMDEN	SENIOR CITIZENS UNITED COMMUNITY SERVICES OF CAMDEN COUNTY, INC.	Phone: 856-456-1121 E-mail: scucs@scucs.org Web: www.scucs.org Agency ID: 80409	537 W Nicholson Rd AUDUBON, New Jersey 08106	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Pre-purchase Counseling - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
CAMDEN	NEIGHBORHOOD HOUSING SERVICES OF CAMDEN, INC	Phone: 856-541-0720 Fax: 856-541-8440 E-mail: info@nhscamden.org Web: www.nhscamden.org Agency ID: 80892	601-603 Clinton Street CAMDEN, New Jersey 08103	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - First Time Homebuyer Grant Program 	<ul style="list-style-type: none"> - English - Spanish - Vietnamese
CAMDEN	PARKSIDE BUSINESS AND COMMUNITY IN PARTNERSHIP, INC	Phone: 856-964-0440 Fax: 856-964-3664 E-mail: MDiaz@pbpcip.org Web: www.pbpcip.org Agency ID: 83501	1487 Kenwood Avenue CAMDEN, New Jersey 08103	<ul style="list-style-type: none"> - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops 	<ul style="list-style-type: none"> - English
CAMDEN	ST. JOSEPH'S CARPENTER SOCIETY	Phone: 856-966-8117 Fax: 856-342-7289 E-mail: info@sjscamden.org Web: www.sjscamden.org Agency ID: 84308	20 Church St CAMDEN, New Jersey 08105	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Counseling 	<ul style="list-style-type: none"> - English - Spanish
CAMDEN	CCCS OF DELAWARE VALLEY, INC. DBA CLARIFI	Phone: 800-989-2227 Toll-free: 800-989-2227 Fax: 215-563-7020 E-mail: customerservice@clarifi.org Web: www.clarifi.org Agency ID: 82100	1060 Kings Highway N Suite 315 CHERRY HILL, New Jersey 08034	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Home Repairs 	<ul style="list-style-type: none"> - English
CAMDEN	GREENPATH FINANCIAL WELLNESS	Phone: 866-406-2062 Email: housingdepartment@greenpath.com Web: www.greenpath.org/housing Agency ID: 90542	1060 Kings Hwy N Suite 315 CHERRY HILL, New Jersey 08034	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling 	<ul style="list-style-type: none"> - English - Spanish

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
CAMDEN	NEW JERSEY CITIZEN ACTION	Phone: 856-966-3091 Fax: 856-414-1054 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 81026	1040 Kings Highway Suite 308 CHERRY HILL, New Jersey 08034	<ul style="list-style-type: none"> - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Free Tax Prep - Small landlord Education Program 	<ul style="list-style-type: none"> - English - Spanish
CAPE MAY	CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 609-390-9652 Fax: 609-390-9653 E-mail: help@cc-bc.com Web: www.cc-bc.com Agency ID: 81557	299 South Shore Rd. MARMORA, New Jersey 08223	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
CUMBERLAND	CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 609-390-9652 Fax: 609-390-9653 E-mail: help@cc-bc.com Web: www.cc-bc.com Agency ID: 81557	299 South Shore Rd. MARMORA, New Jersey 08223	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
CUMBERLAND	NEW JERSEY CITIZEN ACTION	Phone: 856-966-3091 Toll-free: 800-656-9637 Fax: 856-414-1054 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 81026	1040 Kings Highway Suite 308 CHERRY HILL, New Jersey 08034	<ul style="list-style-type: none"> - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling 	<ul style="list-style-type: none"> - English - Spanish
ESSEX	HOMES OF MONTCLAIR ECUMENICAL CORP. (HOMECORP)	Phone: 973-744-4141 Fax: 973-744-5333 E-mail: info@homecorp.org Web: www.homecorp.org Agency ID: 90058	17 Talbot St MONTCLAIR, New Jersey 07042	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops 	<ul style="list-style-type: none"> - English

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
ESSEX	CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 888-738-8233 Fax: 888) 738-8234 E-mail: help@cc-bc.com Web: www.cc-bc.com Agency ID: 90224	299 South Shore Rd, US Route 9 South, Marmora, NJ 08223, US	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
ESSEX	CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEWARK	Phone: 973-596-4100 Fax: 973-676-0172 E-mail: mimorore@ccanni.org Web: www.ccanj.com Agency ID: 90020	590 North 7 th Street NEWARK, New Jersey 07107	<ul style="list-style-type: none"> - Rental Housing Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
ESSEX	LA CASA DE DON PEDRO	Phone: 973-482-8312 Fax: 973-485-9984 E-mail: info@lacasadedonpedro.org Web: www.lacasatwkc.org Agency ID: 84555	75 Park Ave, Newark, NJ 07104	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops 	<ul style="list-style-type: none"> - English - Spanish
ESSEX	NACA (NEIGHBORHOOD ASSISTANCE CORPORATION OF AMERICA)	Phone: 973-679-2601 Toll-free: 617-250-6222 (Headquarters) Fax: 877-329-6222 E-mail: N/A Web: https://www.naca.com Agency ID: 84368	60 Park Pl Fl 15 S NEWARK, New Jersey 07102	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops 	<ul style="list-style-type: none"> - English - Other - Spanish
ESSEX	NEW COMMUNITY FEDERAL CREDIT UNION	Phone: 973-621-2363 Toll-free: 973-621-5624 Fax: 973-645-0252 E-mail: nulu@newcommunity.org info.fcu@newcommunity.org Web: www.newcommunityfcu.org Agency ID: 81161	274 S Orange Ave NEWARK, New Jersey 07103	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops 	<ul style="list-style-type: none"> - English - Hindi

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
ESSEX	NEW JERSEY CITIZEN ACTION	Phone: 973-643-8800 Toll-free: 800-656-9637 Fax: 973-643-8100 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 80765	The Hahne's Building 625 Broad St Ste 270 NEWARK, New Jersey 07102	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops 	<ul style="list-style-type: none"> - English - Spanish
ESSEX	TRI-CITY PEOPLES CORPORATION	Phone: 973-675-4484 Fax: 862-930-3745 E-mail: tcaldwell@tri-citypeoples.org Web: www.tri-citypeoples.org Agency ID: 83474	The People's Center 675 S 19th St NEWARK, New Jersey 07103	<ul style="list-style-type: none"> - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English
ESSEX	URBAN LEAGUE OF ESSEX COUNTY	Phone: 973-624-9535 E-mail: info@ulec.org Web: www.ulec.org Agency ID: 83500	508 Central Ave NEWARK, New Jersey 07107	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
GLOUCESTER	CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 609-390-9652 Fax: 609-390-9653 E-mail: help@cc-bc.com Web: www.cc-bc.com Agency ID: 81557	299 South Shore Rd. MARWORA, New Jersey 08223	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
GLoucester	NEW JERSEY CITIZEN ACTION	Phone: 973-643-8800 Toll-free: 800-656-9637 Fax: 973-643-8100 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 81026	1040 Kings Highway Suite 308 CHERRY HILL, New Jersey 08034	- Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling	- English - Spanish
HUDSON	HUDSON COUNTY HOUSING RESOURCE CENTER, INC.	Phone: 201-795-5615 Fax: 201-795-1091 E-mail: info@hudsonhrc.org Web: https://hudsonhrc.org/ Agency ID: 84986	830 Bergen Ave Suite 1A JERSEY CITY, New Jersey 07306	- Rental Housing Counseling	- ASL - English - Portuguese - Spanish
HUDSON	THE WATERFRONT PROJECT, INC.	Phone: 551-256-7578 Fax: 201-630-4313 E-mail: director@thewaterfrontproject.org Web: www.thewaterfrontproject.org Agency ID: 90239	830 Bergen Ave Suite 4A JERSEY CITY, New Jersey 07306	- Fair Housing - Financial Management - Pre-purchase Counseling - Post purchase Counseling - Rental Housing Counseling	- English - Spanish
HUDSON	NORTH HUDSON COMMUNITY ACTION CORPORATION	Phone: 201-866-3140 E-mail: scastano@nhcac.org Web: www.nhcac.org Agency ID: 80255	407 39th Street Apt 2 UNION CITY, New Jersey 07087	- Fair Housing Pre-Purchase Education Workshops - Financial, Budgeting, and Credit Workshops - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Services for Homeless Counseling	- English
HUNTERDON	CENTRAL JERSEY HOUSING RESOURCE CENTER, INC.	Phone: 908-446-0036 E-mail: 2cjhrc@gmail.com Web: www.cjhrc.org Agency ID: 80650	92 E Main St Suite 407 SOMERVILLE, New Jersey 08876	- Financial, Budgeting, and Credit Workshops - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Services for Homeless Counseling	- English - Spanish

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
MERCER	ISLES, INCORPORATED	Phone: 609-341-4700/609-341-4783 Fax: 609-341-4783 E-mail: homehelp@isles.org Web: https://isles.org Agency ID: 80988	10 Wood St TRENTON, New Jersey 08618	<ul style="list-style-type: none"> - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Resolving/Preventing Mortgage Delinquency Workshops 	<ul style="list-style-type: none"> - Cantonese - English - Spanish
MIDDLESEX	NEW JERSEY CITIZEN ACTION	Phone: 732-246-4772 Toll-free: 800-656-9637 Fax: 732-214-8385 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 80769	75 Raritan Ave Ste 200 HIGHLAND PARK, New Jersey 07055	<ul style="list-style-type: none"> - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Homebuyer Education and Counseling and Housing Counseling - Mortgage Counseling, Mortgage Assistance and Foreclosure Mediation - Landlord-Tenant Mediation - Housing Discrimination Prevention - Homelessness Prevention - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
MIDDLESEX	PUERTO RICAN ACTION BOARD, INC.	Phone: 732-832-7535 Fax: 732-832-7536 E-mail: Lillia@prab.org Web: www.prab.org Agency ID: 84236	754 Route 18, Suite 202 East Brunswick, NJ, 08816-5601	<ul style="list-style-type: none"> - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops - Down Payment Assistance Program for Middlesex County, State Program 	<ul style="list-style-type: none"> - English - Spanish
MIDDLESEX	PUERTO RICAN ASSOCIATION FOR HUMAN DEVELOPMENT, INC.	Phone: 732-442-1081 Alternate Phone: 732-638-2800 Fax: 732-826-3082 E-mail: contact@prahd.org aivann@prahd.org Web: www.prahd.org Agency ID: 84906	100 First Street PERTH AMBOY, New Jersey 08861	<ul style="list-style-type: none"> - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops - Down Payment Assistance Program for Middlesex County, State Program 	<ul style="list-style-type: none"> - English - Spanish

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
MIDDLESEX	THE HOUSING AUTHORITY OF THE CITY OF PERTH AMBOY	Phone: 732-826-3111 0-631 Fax: 732-826-3111 E-mail: ehill@perthamboyha.org Web: www.perthamboyha.org/ Agency ID: 83664	881 Amboy Avenue PO BOX 390 PERTH AMBOY, New Jersey 08861	<ul style="list-style-type: none"> - Financial Management/Budget Counseling (FSS participants) - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling 	<ul style="list-style-type: none"> - English - Other - Spanish
MONMOUTH	GARDEN STATE CONSUMER CREDIT COUNSELING, INC D/B/A NAVICORE SOLUTIONS	Phone: 732-409-6281 Toll-free: 866-472-4557 Fax: 732-863-5052 E-mail: housing@navicoresolutions.org Web: www.navicoresolutions.org Agency ID: 84870	200 US Highway 9 MANAPALAN, New Jersey 07726	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling 	<ul style="list-style-type: none"> - English - Spanish
MONMOUTH	AFFORDABLE HOUSING AUTHORITY	Phone: 732-389-2958 E-mail: info@housingall.org Web: www.housingall.org Agency ID: 82133	3535 Route 66 Parkway 100, Building 4 NEPTUNE, New Jersey 07753	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Resolving/Preventing Mortgage Delinquency Workshops - Reverse Mortgage Counseling 	<ul style="list-style-type: none"> - Czech - English - Polish - Spanish - Ukrainian
MONMOUTH	MONEY MANAGEMENT INTERNATIONAL	Phone: 732-747-2792 Toll-free: 866-232-9080 Fax: 866-921-5129 E-mail: counselinginfo@moneymanagement.org Web: www.moneymanagement.org Agency ID: 82645	309 Fellowship Rd, Suite 200 Mount Laurel, New Jersey, 08054	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Online Homebuyer courses 	<ul style="list-style-type: none"> - English - Spanish

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
MONMOUTH	NAVICORE SOLUTIONS	Phone: (732) 409-6281 Email: housing@navicoresolutions.org Web: http://www.navicoresolutions.org Agency ID: 82226	200 US Highway 9 Manalapan, New Jersey, 07726	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Home Improvement and Rehabilitation Counseling - Non-Delinquency Post Purchase Workshops - Pre-Purchase Counseling - Pre-Purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling 	<ul style="list-style-type: none"> - English - Spanish
MORRIS	HOUSING PARTNERSHIP OF NEW JERSEY	Phone: 973-659-9222 Fax: 973-659-9220 E-mail: contact@hpnj.us Web: www.housingpartnershipnj.org Agency ID: 81648	2 E. Blackwell St Ste. 12 DOVER, New Jersey 07801	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Financial Capability One on One Counseling - Financial Empowerment Workshop - Downpayment Assistance Loan Programs - CDFI Loan Program - Resolving/Preventing Mortgage Delinquency Workshops 	<ul style="list-style-type: none"> - English - Spanish
OCEAN	AFFORDABLE HOUSING ALLIANCE, INC. TOMS RIVER BRANCH OFFICE	Phone: 732-389-2958 / 732-341-2272 Fax: 732-240-3639 E-mail: info@housingall.org Web: www.housingall.org Agency ID: 90482	405 Washington Street TOMS RIVER, New Jersey 08753	<ul style="list-style-type: none"> - Financial, Budgeting, and Credit Workshops - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Reverse Mortgage Counseling 	<ul style="list-style-type: none"> - English - Spanish
OCEAN	OCEAN, INC. (COMMUNITY ACTION PARTNERSHIP)	Phone: 732-244-5333 X 11108 Fax: 732-288-2619 Email: ssheparc@oceaninc.org info@oceaninc.org Web: www.oceaninc.org Agency ID: 90545	40 Washington Street TOMS RIVER, New Jersey 08753	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Financial, Budgeting, and Credit Workshops - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops 	<ul style="list-style-type: none"> - English - Spanish

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
PASSAIC	HOUSING AUTHORITY OF THE CITY OF PATERSON	Phone: 973-345-5080 Fax: 973-977-9085 E-mail: www.paterσονhousingauthority.org Agency ID: 81792	60 Van Houten St PO BOX H PATERSON, New Jersey 07505	- Financial Management/Budget Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English - Spanish
PASSAIC	PATERSON TASK FORCE FOR COMMUNITY ACTION, INC	Phone: (973) 279-2333 ext. 134 Email: dnholison@paterσονtaskforce.com Website: http://www.paterσονtaskforce.com Agency Id: 80404	191 Market Street Paterson, New Jersey, 07505	- Fair Housing Pre-Purchase Education Workshops - Financial, Budgeting, and Credit Workshops - Mortgage Delinquency and Default Resolution Counseling - Pre-Purchase Counseling - Pre-Purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshop	- English
SALEM	CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 866-403-7798 Toll-free: 888-738-8233 Fax: 888-738-8234 E-mail: help@cc-bc.com Web: www.cc-bc.com Agency ID: 81557	299 S Shore Rd. US Route 9 So MARMORA, New Jersey 08223	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling	- English - Spanish
SALEM	NEW JERSEY CITIZEN ACTION	Phone: 856-966-3091 Toll-free: 800-656-9637 Fax: 856-414-1054 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 81026	1040 Kings Highway Suite 308 CHERRY HILL, New Jersey 08034	- Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling	- English - Spanish
SOMERSET	CENTRAL JERSEY HOUSING RESOURCE CENTER, INC.	Phone: 908-446-0036 E-mail: 2cjhrc@gmail.com Web: www.cjhrc.org Agency ID: 80650	92 E Main St Suite 407 SOMERVILLE, New Jersey 08876	- Financial, Budgeting, and Credit Workshops - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Services for Homeless Counseling	- English - Spanish

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
SUSSEX	CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 609-390-9652 Toll-free: 888-738-8233 Fax: 888-738-8234 E-mail: help@cc-bc.com / graves@nfdm.org Web: www.cc-bc.com Agency ID: 90224	26 Park St. MONTCLAIR, New Jersey 07042	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
SUSSEX	NEW JERSEY CITIZEN ACTION	Phone: 973-643-8800 Toll-free: 800-656-9637 Fax: 973-643-8100 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 80765	625 Broad St Ste 270 NEWARK, New Jersey 07102	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops 	<ul style="list-style-type: none"> - English - Spanish
UNION	URBAN LEAGUE OF UNION COUNTY	Phone: 908-351-7200 Email: UrbanLeague@uloucnj.org Web: www.uloucnj.org Agency ID: 80403	1139 E Jersey St Ste 515 ELIZABETH, New Jersey 07201	<ul style="list-style-type: none"> - Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Financial, Budgeting, and Credit Workshops - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Resolving/Preventing Mortgage Delinquency Workshops - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English - Spanish
UNION	NID-HCA PLAINFIELD	Phone: 908-941-1112 833-364-3422 E-mail: MuhammadM@nidhousing.com Web: www.nidhousing.com Agency ID: 90527	311 Park Ave PLAINFIELD, New Jersey 07060	<ul style="list-style-type: none"> - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Resolving/Preventing Mortgage Delinquency Workshops - Services for Homeless Counseling 	<ul style="list-style-type: none"> - English

HUD COUNSELING AGENCIES IN NEW JERSEY BY COUNTY

COUNTY	AGENCY NAME	PHONE, TOLL FREE FAX NUMBER EMAIL, WEBSITE AGENCY ID	ADDRESS	COUNSELING SERVICES	LANGUAGES
WARREN	NEW JERSEY CITIZEN ACTION	Phone: 973-643-8800 Toll-free: 800-656-9637 Fax: 973-643-8100 E-mail: application@njcitizenaction.org Web: www.njcitizenaction.org Agency ID: 80765	625 Broad St Ste 270 NEWARK, New Jersey 07102	<ul style="list-style-type: none"> - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops 	<ul style="list-style-type: none"> - English - Spanish

People living in counties not listed here, should go to the nearest location in their housing region: a 04/30/25.

- Region 1: Bergen, Hudson, Passaic and Sussex
- Region 2: Essex, Morris, Union and Warren
- Region 3: Hunterdon, Middlesex and Somerset
- Region 4: Mercer, Monmouth and Ocean
- Region 5: Burlington, Camden and Gloucester
- Region 6: Atlantic, Cape May, Cumberland and Salem

The information listed here is from www.HUD.gov. This list is updated

Appendix C ARCHIVEMANAGEMENT



STATE OF NEW JERSEY



MUNICIPAL HOUSING AND DEVELOPMENT MS000000-002



Prepared by:
Division of Archives and Records Management
2300 Stuyvesant Avenue, PO Box 307 Trenton, NJ 08625-0307
www.njarchives.org
609.530.3200

Records Retention and Disposition Schedule		Agency: M500000	Schedule: 002	Page #: 1 of 8
Department:	MUNICIPAL HOUSING AND DEVELOPMENT	Agency Representative:	BARBARA WALSH	
Division:		Title:	DIRECTOR	
Bureau:		Phone #:		

SCHEDULE APPROVAL: Unless in litigation, the records covered by this schedule, upon expiration of their retention periods, will be deemed to have no continuing value to the State of New Jersey and will be disposed of as indicated in accordance with the law and regulations of the State Records Committee. This schedule will become effective on the date approved by the State Records Committee.

Agency Representative Signature:	Date:	Secretary, State Records Committee Signature:	Date:
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Record Series #	Record Title and Description	Audit	Alternate Media	Archival Review	Vital Record	Confidential	Retention Policy		Disposition	Citation
							Total Retention Period	Minimum Period in Agency		
Director's Office										
0001-0000	Project File	X	X				10 Years After completion of construction		Destroy	
0002-0000	Blueprints and Maps		X				10 Years After completion of construction		Destroy	
0003-0000	Federal Grant File --- File contains but is not limited to Federal Grant Agreements, financial records, statistical records, and supporting documentation.	X								
0003-0001	Federal Grant File - Agreements --- File contains but is not limited to Federal Grant Agreements, financial records, statistical records, and supporting documentation.	X					6 Years After termination of grant		Destroy	
0003-0002	Federal Grant File - Supporting Documentation, Financial Records, and Statistical Records --- File contains but is not limited to Federal Grant Agreements, financial records, statistical records, and supporting documentation.						6 Years After termination of grant		Destroy	

Records Retention and Disposition Schedule		Agency: M500000				Schedule: 002		Page #2 of 8		
Record Series #	Record Title and Description	Audit	Alternate Media	Archival Review	Vital Record	Confidential	Retention Policy		Disposition	Citation
							Total Retention Period	Minimum Retention Period in Agency		
Economic Development										
0050-0000	Economic Development Studies and Surveys						Permanent		Retain at Agency	
0051-0000	Urban Renewal File - Economic Development						10 Years After completion of construction		Destroy	
Neighborhood Development										
0120-0000	Affordable Housing Project File	X	X						Destroy	
<p>File contains but is not limited to the following: Documentation from the Developer including Developer Certifications, Planned Real Estate Development (PRED) Public Offering Statements, deed, municipal land use approval and/or grant contract, project total number of units, total number of affordable units, total number of very-low, low-, and/or moderate-income units, number of units by bedroom distribution by very-low, low- and/or moderate income, floor plans, project maps, list of project principals or partners, project construction schedule, proposed pricing, list of public funding sources, grant agreement (copies), loan agreement (copies), condominium or homeowner fees, real estate taxes, utilities, flood insurance, contact information, rental lease agreement, Planning Zoning Board Resolutions (copies), Condominium/Homeowner Association or Rental Project Recorded files, Affirmative Marketing Plans and Advertisements, and Cost of Advertising records.</p>										
0120-0001	Affordable Housing Project File - Approved						Life of Deed restriction plus 10 yrs or Or Until Municipality Relinquishes Control Plus 10 Yrs		Destroy	

Records Retention and Disposition Schedule		Agency: M500000				Schedule: 002		Page #: 3 of 8		
Record Series #	Record Title and Description	Audit	Alternate Media	Archival Review	Vital Record	Confidential	Retention Policy		Disposition	Citation
							Total Retention Period	Minimum Period in Agency		
0120-0002	Affordable Housing Project File - Denied/Withdrawn						3 Years		Destroy	
0120-0003	Affordable Housing Project File - Referral List					P	3 Years After referral list is purged		Destroy	
0121-0000	Affordable Housing Application File --- File includes but not limited to preliminary and final applications, documentation, disclosures, appeals, extensions and correspondence.									
Neighborhood Development										
0121-0001	Affordable Housing Application File - Certification Approved	X					3 Years After recorded discharge of mortgage or 3 yrs after expiration of lease		Destroy	
0121-0002	Affordable Housing Application File - Certification Denied Or Expired	X					3 Years		Destroy	
0122-0000	Affordable Housing Unit File --- File includes but is not limited to deeds with restrictions, recorded mortgages and notes, discharges, approved increases, correspondence, certifications, contracts, and leases.	X					Life of Deed restriction plus 10 yrs		Destroy	
0122-0001	Affordable Housing Unit File - Mailing Notification Of Responsibilities						3 Years After recorded discharge of mortgage or 3 yrs after expiration of lease		Destroy	

Records Retention and Disposition Schedule		Agency: M500000				Schedule: 002		Page #.4 of 8		
Record Series #	Record Title and Description	Audit	Alternate Media	Archival Review	Vital Record	Confidential	Retention Policy		Disposition	Citation
							Total Retention Period	Minimum Period in Agency		
Neighborhood Development										
0123-0000	Affordable Housing Unit Inventory	X				3 Years After update			Destroy	
0124-0000	Affordable Housing Trust Fund And/Or Regional Contribution Agreement (RCA) Bank Account					6 Years After termination of account			Destroy	
0125-0000	Enforcement File - Projects And Units --- File includes but is not limited to Notices to Absentee Owner and correspondence.					10 Years After case closed			Destroy	
0126-0000	Monitoring Reports – Annual Submission					10 Years			Destroy	
0127-0000	Operations Manual					Life of Deed restriction plus 10 yrs or until municipality relinquishes control plus 10 yrs			Destroy	
Neighborhood Planning										
0150-0000	Environmental Assessment File	X	X			Permanent			Retain at Agency	
0151-0000	Housing Project File	X	X			10 Years After completion of construction			Destroy	
0152-0000	General Planning Project File	X	X			10 Years After completion of construction			Destroy	

Records Retention and Disposition Schedule		Agency: M500000				Schedule: 002		Page #5 of 8		
Record Series #	Record Title and Description	Audit	Alternate Media	Archival Review	Vital Record	Confidential	Retention Policy		Disposition	Citation
							Total Retention Period	Minimum Period in Agency		
0153-0000	Green Acres Project File	X	X			Permanent			Retain at Agency	
0154-0000	Urban Renewal File - Neighborhood Planning	X	X			10 Years After completion of construction			Destroy	
0155-0000	Flood Control File	X	X			Permanent			Retain at Agency	
0156-0000	Rent Stabilization File	X	X			7 Years			Destroy	
0157-0000	Recreation Recovery Action Plan	X	X			Permanent			Retain at Agency	
Property Improvement										
0200-0000	Financial, Construction And Loan Data For Each Property Assisted By Property Improvement Program.	X				10 Years After completion of construction			Destroy	
0201-0000	Estimator's Records	X				10 Years			Destroy	
0202-0000	Delinquent Accounts	X				6 Years After final payment			Destroy	
0203-0000	Program Accounts	X				6 Years			Destroy	
Property Management										
0250-0000	Sold Properties And Indices	X				7 Years Unless in litigation			Destroy	
0251-0000	Redeemed Properties	X				7 Years Unless in litigation			Destroy	
0252-0000	Inspection File	X				7 Years Unless in litigation			Destroy	

Records Retention and Disposition Schedule		Agency: M500000				Schedule: 002		Page #6 of 8		
Record Series #	Record Title and Description	Audit	Alternate Media	Archival Review	Vital Record	Confidential	Retention Policy		Disposition	Citation
							Total Retention Period	Minimum Period in Agency		
0253-0000	Relocation File	X				7 Years Unless in litigation			Destroy	
0254-0000	Owned Properties and Indices	X	X			Permanent			Retain at Agency	
0255-0000	General Record Series Deleted - See County and Municipal General Schedule.	X								
0256-0000	Title Foreclosures	X				Permanent			Retain at Agency	
Property Maintenance										
0300-0000	Work Orders	X				6 Years			Destroy	
0301-0000	Housing Plans	X	X			Permanent			Retain at Agency	
0302-0000	Utility Bills	X				6 Years			Destroy	
0303-0000	Quarterly Reports	X				3 Years			Destroy	
0304-0000	City Owned Properties and Lots	X	X			7 Years After disposal of building			Destroy	
0305-0000	Seniority List - Property Maintenance	X				As updated			Destroy	
0306-0000	Police Reports	X				3 Years			Destroy	
0307-0000	Gas Usage Reports	X				2 Years			Destroy	
0308-0000	Solid Waste Transport Records	X				6 Years			Destroy	
Traffic and Parking										
0350-0000	Street Closings	X				6 Years			Destroy	
0351-0000	General Record Series Deleted - See County and Municipal General Schedule.	X								

Records Retention and Disposition Schedule		Agency: M500000				Schedule: 002		Page #: 7 of 8		
Record Series #	Record Title and Description	Audit	Alternate Media	Archival Review	Vital Record	Confidential	Retention Policy		Disposition	Citation
							Total Retention Period	Minimum Period in Agency		
0352-0000	Traffic Reports	X					3 Years		Destroy	
0353-0000	Project File - Traffic and Parking	X					6 Years		Destroy	
0354-0000	Work Orders - Street Sweeping and Street Lighting	X					6 Years		Destroy	
0355-0000	Barricade Data	X					3 Years		Destroy	
0356-0000	Crosswalk Data	X					3 Years As updated		Destroy	
0357-0000	Yellow Curb Painting Work Orders	X					3 Years As updated		Destroy	
0358-0000	Signal Requests	X					6 Years Unless in litigation		Destroy	
0359-0000	Building Plans - Public Building	X	X				Permanent		Retain at Agency	
0360-0000	Vehicle Use Data	X					3 Years After disposition of vehicle		Destroy	
0361-0000	Daily Work Report	X					6 Years		Destroy	
0362-0000	Signing and Government Marking	X	X				Permanent		Retain at Agency	
0363-0000	Special Signing (Non-Traffic) and Lettering	X	X				Permanent		Retain at Agency	
0364-0000	Damage Reports and Billings	X					6 Years		Destroy	
0365-0000	Drawings, Plans, and Maps	X	X				Permanent		Retain at Agency	
Community Affairs										
0400-0000	Relocation Hearings	X					7 Years After settlement		Destroy	
0401-0000	Condemnation Hearings	X	X				Permanent		Retain at Agency	

Records Retention and Disposition Schedule		Agency: M500000				Schedule: 002		Page #: 8 of 8		
Record Series #	Record Title and Description	Audit	Alternate Media	Archival Review	Vital Record	Confidential	Retention Policy		Disposition	Citation
							Total Retention Period	Minimum Period in Agency		
0402-0000	Demolition File	X	X				Permanent		Retain at Agency	
0403-0000	Project Case File	X	X				10 Years After completion of construction		Destroy	
0404-0000	Inspection Reports	X					7 Years		Destroy	
0405-0000	Rental Assistance Certification/Recreation of Tenant Eligibility	X					6 Years		Destroy	
0406-0000	Notice of Rent Increase	X					7 Years After termination of lease		Destroy	

8

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
NEW JERSEY**

Resolution No. 26-94

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST AUTHORIZING THE MAYOR TO
EXECUTE AN AMENDED SETTLEMENT AGREEMENT WITH T&C,
LLC**

WHEREAS, the Borough, having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-391 et. Seq. (the "Fair Housing Act") on January 24, 2025; and

WHEREAS, as per the FHA the Borough's professionals prepared a Fourth Round HEFSP which was adopted by the Planning Board on June 4, 2025, and filed with the Program on June 6, 2025; and

WHEREAS, as part of its Fourth Round HEFSP, the Borough included the T&C, LLC ("T&C") project to construct two (2) multi-family buildings consisting of four (4) residential units and five (5) residential units, respectively, on property located at 418 E. Farragut Road, Wildwood, New Jersey 08260, and shown on the official tax maps of the Borough as Block 98.02, Lots 18, 19, 20, and 21, as memorialized by the Planning Board in Resolution #PB-22-04 on May 4, 2022; and

WHEREAS, On July 10, 2024, in accordance with Resolution No. 24-210 of the Board of Commissioners of the Borough, the Borough and T&C entered into a Developer's Agreement, which obligated T&C to acquire two (2) two-bedroom rental units eligible for credits under the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq., and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et. seq; and

WHEREAS, Of the nine (9) units of the Project, six (6) of the units have been completed and have received certificates of occupancy, and the three (3) remaining units in the Project, Units G, H & I, are anticipated to be completed by the second quarter of 2026; and

WHEREAS, certain disputes have arisen with respect to the obligations under the 2024 Agreement, so the Borough and T&C have negotiated an Amended Settlement Agreement to resolve the dispute; and

WHEREAS, in light of the above, the Board of Commissioners finds that it is in the best interest of the Borough of Wildwood Crest, to enter into the Amended Settlement Agreement.

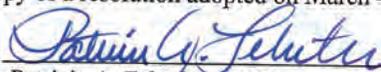
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey, as follows:

1. The Board of Commissioners of the Borough of Wildwood Crest hereby authorize the Mayor to execute the Amended Settlement Agreement with T&C, LLC in a form acceptable to the Borough's Affordable Housing Attorney and Borough Solicitor.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Fuscellaro	✓		✓			
Franco		✓	✓			
Cabrera			✓			

CERTIFICATION

I, Patricia A. Feketics, Borough Clerk for the Borough of Wildwood Crest, do hereby certify that the foregoing Resolution is a correct and accurate copy of a resolution adopted on March 4, 2026 with the voting record as indicated above.


 Patricia A. Feketics, RMC

SETTLEMENT AGREEMENT AND MEMORANDUM OF UNDERSTANDING

THIS SETTLEMENT AGREEMENT AND MEMORANDUM OF UNDERSTANDING (this “**Agreement**”) is made as of this 4 day of March, 2026 (the “**Effective Date**”), by and between: **T&C, LLC**, a New Jersey limited liability company with offices at 1708 Welsh Road, Philadelphia, Pennsylvania 19115 (the “**Developer**”), and the **BOROUGH OF WILDWOOD CREST**, a municipal corporation of the State of New Jersey, with offices at 6101 Pacific Avenue, Wildwood, New Jersey 08260 (the “**Borough**”). The Developer and the Borough shall each be referred to herein as a “**Party**” and together as the “**Parties**”.

RECITALS

A. The Developer obtained preliminary and final major site plan approval from the Borough Planning Board (the “**Planning Board**”) to construct two (2) multi-family buildings consisting of four (4) residential units and five (5) residential units, respectively, on property located at 418 E. Farragut Road, Wildwood, New Jersey 08260, and shown on the official tax maps of the Borough as Block 98.02, Lots 18, 19, 20, and 21 (the “**Property**”), as memorialized by the Planning Board in Resolution #PB-22-04 on May 4, 2022 (the “**Project**”).

B. On July 10, 2024, in accordance with Resolution No. 24-210 of the Board of Commissioners of the Borough on July 10, 2024, the Parties entered into that certain Developer’s Agreement (the “**2024 Agreement**”), which obligated the Developer to acquire two (2) two-bedroom rental units eligible for credits under the New Jersey Fair Housing Act, *N.J.S.A. 52:27D-301, et seq.*, and all applicable affordable housing regulations including, but not limited to, the Uniform Housing Affordability Controls, *N.J.A.C. 5:80-26.1, et seq.*, and *N.J.A.C. 5:99-1, et seq.* (collectively, the “**Affordable Laws**”). The 2024 Agreement was recorded with the Cape May County Clerk’s Office on July 16, 2024, at Book 1034, Page 33.

C. Of the nine (9) units of the Project, six (6) of the units have been completed and have received certificates of occupancy. The three (3) remaining units in the Project, Units G (“**Unit G**”), H (“**Unit H**”) & I (“**Unit I**”), are anticipated to be completed by the second (2nd) quarter of 2026.

D. Certain disputes have arisen with respect to both Parties’ obligations under the 2024 Agreement (the “**Dispute**”).

E. The Parties have engaged in settlement discussions, and have come to an agreement to resolve the Dispute to avoid the uncertainty, costs, and delay of litigation, as more particularly provided for in this Agreement.

F. Pursuant to Resolution No. 26-94, this Agreement was approved by the Board of Commissioners of the Borough on 3-4-26.

NOW, THEREFORE, in consideration of the mutual promises set forth in this Agreement, receipt and sufficiency of which is hereby acknowledged by the Parties, it is agreed by and between the Parties as follows:

AGREEMENT

1. **Termination of 2024 Agreement.** The 2024 Agreement is hereby terminated in its entirety and replaced by this Agreement.

2. **Purchase of Affordable Units.** The Developer shall perform the following (collectively, the “**Affordable Housing Obligations**”):

a. **Unit Purchase.** The Developer shall acquire title to two (2) residential dwelling units located within the Borough that are creditworthy under the Affordable Laws (the “**Affordable Units**”). The Affordable Units shall each have at least two (2) bedrooms.

b. **Deed Restrictions.** At the closing of title for the Affordable Units, the Developer shall deed restrict the Affordable Units with income limitations as required under the Affordable Laws to restrict one (1) unit as a low-income affordable housing family rental unit, and one (1) unit as a moderate-income affordable housing family rental unit. The form of deed restrictions (“**Deed Restrictions**”) shall comply with the Affordable Laws and the Borough’s Affordable Housing ordinances. The form of Deed Restriction shall be reviewed and approved in advance by the Borough’s Affordable Housing Counsel, which approval shall not be unreasonably denied, conditioned, or delayed.

c. **Administrative Agent.** The Developer shall engage an experienced entity to be responsible for administering and enforcing the Deed Restrictions on the Affordable Units in accordance with the Affordable Laws (the “**Administrative Agent**”) at Developer’s sole cost and expense. Developer agrees to cooperate with the Borough in providing all relevant documentation needed for annual unit monitoring.

3. **Certificates of Occupancy for Units G, H, & I.** The Borough shall not withhold or delay issuance of Temporary or Permanent Certificates of Occupancy for Units G, H, and I for any reason provided that the Developer has complied with all requirements of its Planning Board approval, applicable construction codes, and all applicable municipal ordinances. This Agreement is not meant to supersede any State or municipal requirements for a Final Certificate of Occupancy that are unrelated to affordable housing.

4. **Sale of Units G & H.** If the Developer conveys title to either Unit G or Unit H prior to satisfaction of all Affordable Housing Obligations, the Developer shall deposit \$500,000 out of the closing proceeds for each Unit (a total of \$1,000,000.00 for both Units)(the “**Escrow Funds**”) in an interest-bearing trust account maintained by the law firm of Greenbaum, Rowe, Smith & Davis LLP (the “**Escrow Agent**”).

a. **Interest.** The interest earned on the Escrow Funds shall inure to the benefit of the Developer.

b. Use of Funds. If the Developer desires to use the Escrow Funds to purchase the Affordable Units, the Developer shall deliver a notice to the Borough advising of such intention within five (5) days of the full execution of the Purchase and Sale Agreement for the Affordable Units with a copy of the (i) Purchase and Sale Agreement for the Affordable Units, (ii) a copy of the form of Deed Restrictions to be recorded at closing pursuant to Section 2(b), and (iii) written evidence that the Developer has contracted with the Administrative Agent (the “**Escrow Notice**”). The Borough shall have five (5) business days from the date the Escrow Notice is delivered to object to the use of the Escrow Funds for the acquisition of the Affordable Units (an “**Objection Notice**”). Objections may only be made if the proposed transaction would violate this Agreement, and the Objection Notice must set forth in detail the reason for the objection. If the Borough does not timely deliver an Objection Notice, the Escrow Agent shall release the portion of Escrow Funds necessary to acquire the Affordable Units directly to the Affordable Units’ owner, attorney, or Developer’s title company in connection with the acquisition of such Affordable Units. If an Objection Notice is delivered, and the Parties agree in writing that they are unable to resolve their differences without litigation, then the Escrow Agent shall deposit the Escrow Funds and earned interest into the Superior Court, Cape May County Vicinage, for further adjudication. Developer shall provide copies of the fully executed transfer deed and Deed Restrictions upon closing of title, as well as contact information for the closing agent/title company to the Borough’s affordable housing counsel.

c. Release of Escrow Funds. If Developer does not utilize the Escrow Funds to acquire the Affordable Units, or there remains a balance of Escrow Funds after utilization a portion of the Escrow Funds to acquire the Affordable Units, then upon satisfaction of all Affordable Housing Obligations, the Developer shall deliver a written notice to the Borough and the Escrow Agent stating that it has satisfied the Affordable Housing Obligations in full and provide a copy of (i) the recorded Deed to the Affordable Units with the Deed Restrictions, and (ii) written evidence that the Developer has contracted with the Administrative Agent (the “**Completion Notice**”). After receipt of the Completion Notice, the Borough objects to the release of the Escrow Funds, the Borough shall have five (5) calendar days to deliver an Objection Notice to the Developer and Escrow Agent. If the Borough does not timely deliver an Objection Notice, the Escrow Agent shall release the Escrow Funds and earned interest to the Developer. If an Objection Notice is delivered, and the Parties agree in writing that they are unable to resolve their differences without litigation, then the Escrow Agent shall deposit the Escrow Funds and earned interest into the Superior Court, Cape May County Vicinage, for further adjudication. There shall be no expiration or termination date of the escrow. The Escrow Funds shall remain in escrow indefinitely until the Completion Date is achieved.

5. **Assignment.** Nothing contained herein shall prevent or prohibit the Developer from selling, conveying, or assigning the Affordable Units or the Affordable Housing Obligation to a third party at any point. Developer shall provide ten (10) days’ advance notice to the Borough prior to any such assignment with contact information for the third party assignee and evidence that the third party assignee has entered into a contract with the Developer’s Administrative Agent.

6. **Recording.** A copy of this Agreement shall be recorded at Developer's sole cost and expense with the Cape May County Clerk's Office to evidence discharge of the 2024 Agreement.

7. **Severance.** If any term or covenant of this Agreement shall, to any extent, be deemed invalid or unenforceable, the remaining terms and covenants shall nevertheless be valid, enforceable, and carried into effect to the fullest extent permitted by law, unless to do so would violate the present legal and valid intentions of the parties, or otherwise deprive any party of the benefit of its bargain.

8. **Recitals.** The Recitals section of this Agreement is incorporated herein by reference as if set forth at length herein and are made a substantive part of this Agreement.

9. **Jury Trial Waiver; Attorney Representation.** THE PARTIES JOINTLY WAIVE TRIAL BY JURY IN ANY ACTION OR PROCEEDING TO WHICH THEY MAY BE PARTIES, ARISING OUT OF OR IN ANY WAY PERTAINING TO THIS AGREEMENT. This waiver is knowingly, willingly and voluntarily made by the Developer and the Borough, each of whom hereby acknowledges that no representations of fact or opinion have been made by any individual to induce this waiver of trial by jury or to in any way modify or nullify its effect. The Parties each further represent that it has been represented by independent legal counsel in the signing of this Agreement and in the making of this waiver, and that it has had the opportunity to discuss this waiver with counsel.

10. **Execution in Counterparts.** This Agreement may be executed and delivered in counterparts, each of which constitute an original, and all of which together constitute one and the same agreement between the parties. It shall not be necessary in making proof of this Agreement to produce or account for more than a single counterpart containing the respective signatures of, or on behalf of, each of the parties hereto. This Agreement may be executed electronically using electronic signature technology that produces an audit trail of such execution (e.g., Adobe Sign, DocuSign) and/or may be delivered electronically (e.g., a scanned .PDF sent by email), and any such electronically executed signatures and/or electronically delivered signatures shall have the same legal and binding effect as original handwritten signatures.

11. **Notices.** All notices required or permitted by this Agreement shall be in writing and shall be delivered (a) personally, (b) by certified mail, return receipt requested, or (c) by overnight delivery by a nationally recognized overnight courier for next business day delivery, or (d) by email (to the other party and simultaneously to its counsel so long as on the same day of such notice a copy also is sent by a nationally recognized overnight courier for next business day delivery; provided, however, that if the email delivery of any notice is within any time limit applicable thereto such notice shall be considered timely given even if the follow up nationally recognized overnight courier copy is not sent until the following business day) addressed as follows:

If to Developer:

T&C, LLC
1708 Welsh Road
Philadelphia, Pennsylvania 19115

Attention: William H. Lublin and James J. Walsh

With a copy at the same time to: Greenbaum, Rowe, Smith & Davis LLP
75 Livingston Avenue
Roseland, New Jersey 07068
Attention: Steven G. Mlenak, Esq.
E-mail: smlenak@greenbaumlaw.com

If to Borough: Borough of Wildwood Crest
6101 Pacific Avenue
Wildwood, New Jersey 08260
Attention: Borough Clerk

With a copy at the same time to: Surenian, Edwards, Buzak & Nolan LLC
311 Broadway, Suite A
Point Pleasant Beach, New Jersey 08742
Attention: Nancy L. Holm, Esq.
Email: nlh@Surenian.com

If to Escrow Agent: Greenbaum, Rowe, Smith & Davis LLP
75 Livingston Avenue
Roseland, New Jersey 07068
Attention: Steven G. Mlenak, Esq.
E-mail: smlenak@greenbaumlaw.com

Any Party may, by notice given in the same manner set forth above, designate a different address to which subsequent notices shall be sent. Notice shall be deemed given when (a) received, if delivered personally, (b) the earlier of receipt or three (3) days after mailing, if sent by certified or registered mail, return receipt requested, postage prepaid, (c) the next business day after sending by overnight delivery for next business day delivery, or (d) if by email, as set forth above, on the day sent. Counsel for any party may give notice to another party, which notice shall have the same effect as if given by a party itself so long as given in accordance with the provisions hereof.

THIS SPACE LEFT INTENTIONALLY BLANK

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

WITNESS:

T&C, LLC



By: William H. Lublin, Member

WITNESS

BOROUGH OF WILDWOOD CREST

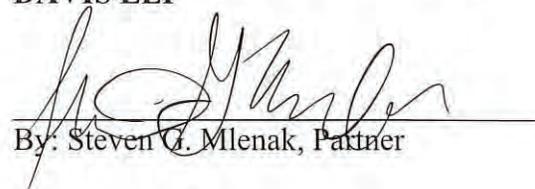
Patricia A. Feketics, Township Clerk

By: Don Cabrera, Mayor

As it pertains to the escrow provisions of this agreement:

WITNESS

**GREENBAUM, ROWE, SMITH &
DAVIS LLP**



By: Steven G. Mlenak, Partner

IN WITNESS WHEREOF, the parties have executed this Agreement the _____ day of March 2026.

WITNESS:

T&C, LLC

By: William H. Lublin, Member

WITNESS

BOROUGH OF WILDWOOD CREST



Patricia A. Feketics, Borough Clerk



By: Don Cabrera, Mayor

As it pertains to the escrow provisions of this agreement:

WITNESS

**GREENBAUM, ROWE, SMITH &
DAVIS LLP**

By: Steven G. Mlenak, Partner