

**TOWNSHIP OF HARDYSTON
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**AFFORDABLE HOUSING
AFFIRMATIVE MARKETING PLAN**

MARCH 2026

**Township of Hardyston Municipal Building
149 Wheatsworth Road, Hardyston, NJ 07419
Phone Number: (973) 823-7020**

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing within Housing Region 1 (Bergen, Hudson, Passaic and Sussex Counties).

OVERVIEW

The Township of Hardyston has a plan to address both its Prior Round Obligation (1987-2025) and its Fourth Round Obligation (2025-2035). This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low- and moderate-income units, including those that are part of the municipality's Housing Element and Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan.

All affordable units within the Township of Hardyston are required to be affirmatively marketed using the Township of Hardyston's Affirmative Marketing Plan.

This 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, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for "housing for older persons" as defined at N.J.S.A. 10:5-1 et seq., and age-restricted units as permitted pursuant to 42 U.S.C. §§3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 50, to housing units which are being marketed by a developer or sponsor of affordable housing.

The primary objective of this Affirmative Marketing Plan is also intended to target/reach those potentially eligible persons/households who are least likely to apply for affordable housing units within the entire affordable housing region in which the Township of Hardyston is located. The Township of Hardyston is located within Housing Region 1, which is comprised of Bergen, Hudson, Passaic and Sussex Counties. This is a continuing program that directs all marketing activities towards Housing Region 1 throughout the entirety of the affordability control period.

This Affirmative Marketing Plan has been prepared in conformance with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"), including the specific requirements related to the affirmative marketing of affordable units at N.J.S.A. 52:27D-321.3 thru -321.6; the New Jersey Housing and Mortgage Finance Agency's Uniform Housing Affordability Controls ("UHAC") set forth at N.J.A.C. 5:80-26.1 et seq, of the New Jersey Administrative Code; the Township's Court approved Housing Element and Fair Share Plan; and the Township's Affordable Housing Code and zoning ordinances.

Unless stated otherwise, supportive housing units, including group homes, must comply with the affirmative marketing requirements of their respective sponsoring programs, where applicable.

This Affirmative Marketing Plan shall be implemented by the Township's Administrative Agent; and all other administrative agents, and all developers, sponsors, owners, landlords, and property managers of any affordable housing inclusionary development/project, including any one-hundred percent (100 %) affordable housing developments, within the Township shall all times be required to comply with this Affirmative Marketing Plan.

Developers, sponsors, owners, landlords, and/or property managers of individual affordable housing projects, and the administrative entity retained by same, may develop their own affirmative marketing plan for review and approval by the Township of Hardyston Administrative Agent and/or Municipal Housing Liaison. However, all such individual affirmative marketing plans of any individual project shall at all times be in compliance with the requirements of this Affirmative Marketing Plan, as well as the FHA, the UHAC and the Township of Hardyston's Affordable Housing ordinances.

REGIONAL PREFERENCE

The Township of Hardyston has provided that households that live or work in Housing Region 1 (comprised of Bergen, Hudson, Passaic and Sussex Counties) shall be selected for an affordable unit before households from outside of this region. Units that remain unoccupied after households who live or work in Housing Region 1 are exhausted, may be offered to households outside Region 1.

IMPLEMENTATION

This Affirmative Marketing Plan is a continuing program that shall be followed throughout the entire period of affordability restrictions. In implementing the Affirmative Marketing Plan, the Administrative Agent, whether acting on behalf of the Township or on behalf of a specific developer, sponsor, owner, landlord and/or property manager, or shall meet the following requirements at a minimum:

A. Income Qualification:

The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1, et seq.

B. Costs:

All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent. All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the municipality's Administrative Agent.

C. Affirmative Marketing Process:

The affirmative marketing process for affordable units shall begin at least 120 days prior to expected occupancy. In implementing the marketing program, the Administrative Agent shall undertake all of the strategies outlined in the Township's Affirmative Marketing Plan. All affirmative marketing advertising and outreach activities employed pursuant to this Affirmative Marketing Plan must be employed at the start of the marketing program.

Advertising and outreach shall take place during the first week of the marketing program and shall continue until all very low-, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.

D. Advertisement, Marketing & Outreach:

1. The primary marketing shall take the form of at least one press release and a paid display advertisement in the newspapers set forth hereinafter. The primary marketing and advertising must be employed at the start of the marketing program and continue until all units are leased or sold or until the number of applications received is at least three times the number of units. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.

2. Affirmative fair marketing of affordable units must be completed in accordance with the requirements set forth in the most recent adopted version of the Uniform Housing Affordability Controls adopted by the New Jersey Housing and Mortgage Finance Agency ("UHAC") or successor regulation. Advertisements, announcements and requests for applications for very-low, low- and moderate-income housing shall be posted in all media and outlets required by the rules. Every Affirmative Marketing Plan must include all of the following:

- a. Publication of at least one advertisement in a newspaper of general circulation within the housing region;
- b. Broadcast of at least one advertisement by radio or television throughout the housing region; and
- c. The posting of the listing of all available affordable units on the New Jersey Housing Resource Center online portal at <https://www.nj.gov/njhrc/> or the New Jersey Housing and Mortgage Finance Agency's designated successor online portal; and
- d. At least one additional regional marketing strategy such as a neighborhood newspaper, religious publication, organizational newsletter, advertisement(s) with major employer(s), or notification through community and regional organizations such as non-profit, religious, and civic organizations.

3. At a minimum, all newspaper articles, announcements and requests for applications for low- and moderate-income housing shall appear in the following neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within the region:

- a. The Star Ledger
- b. NJ Herald

- c. Strauss News (Advertiser News North, Advertiser News South, The Sparta Independent, The Township Journal)
 - d. The Township's Constant Contact E-Newsletter
 - e. Affordable units must also be listed on the New Jersey Housing Resource Center's website (<https://www.nj.gov/njhrc/>) in accordance with N.J.A.C. 5:80-26.16(f)1 at least 60 days before the random selection.
4. All advertisements/listings for affordable housing opportunities within the Township must contain the following information for each affordable housing opportunity:
- a. The name and location of the affordable housing project/affordable units;
 - b. An address sufficient to find directions to the affordable units;
 - c. A range of prices for the affordable units for rent and for sale;
 - d. The number of rental units, the number of affordable rental units, and/or the number of affordable for-sale units;
 - e. The sizes of each affordable unit, as measured in number of bedrooms and square footage;
 - f. The types (that is family, age-restricted, or supportive) and number of affordable units;
 - g. The number of units available to very-low-, low-, and moderate-income households within the applicable eligible income ranges for the Housing Region;
 - h. The accessibility features, if any, of the affordable housing units;
 - i. The maximum income permitted to qualify for the housing units;
 - j. The population(s), if any, given preference in the selection process in accordance with the UHAC;
 - k. The locations where applications (paper and online) for the affordable units may be found;
 - l. The expected lease-up/closing date(s) for the affordable units;
 - m. A description of the random selection process that will be used to select occupants of affordable housing units and the expected date of the random selection;
 - n. The business hours when interested households may obtain paper applications for the affordable housing units;
 - o. Contact information, including an email address and phone number that are regularly monitored by the administrative agent;
 - p. The name of the sales agent and/or rental manager; and
 - q. Application fees, if any.

5. Applications and notices, brochure(s), sign(s) and/or poster(s) thereof, used as part of the affirmative marketing for affordable housing shall be posted and made available in the following locations in accordance with this Affirmative Marketing Plan:

- a. Township of Hardyston Administrative Offices;
- b. The Township's website at: <https://www.Hardyston.com/>;
- c. Developer's Sales/Rental Offices;
- d. Bergen, Hudson, Passaic, and Sussex Counties' Administration Buildings;
- e. Bergen, Hudson, Passaic, and Sussex Counties' Libraries (all branches); and
- f. Other public buildings and agencies as deemed appropriate by the Administrative Agent.

The time period when applications will be accepted will be posted with the applications.

Applications shall be mailed to prospective applicants upon request.

Applications shall also be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association for dissemination to their respective constituents. In addition, the foregoing entities shall be notified directly whenever an affordable housing unit(s) becomes available in the Township of Hardyston.

6. Each affordable housing development must complete worksheet substantially in the form of the model affirmative marketing worksheet published by the state.

7. The municipality's Administrative Agent, or the Administrative Agent of a specific developer, shall comply with all requirements set forth in N.J.S.A. 52:27D-321.3 et seq. with regard to the affirmative marketing of affordable housing units.

8. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Bergen, Hudson, Passaic, and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on those contacts that are able to reach out to groups that are least likely to apply for housing within the region, as well as the following entities:

9. Quarterly informational flyers and applications shall be sent to the Bergen, Hudson, Passaic, and Sussex Counties' Boards of Realtors for publication in their journals and for circulation among their members. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the municipalities and counties of Bergen, Hudson, Passaic and Sussex.

- a. Welfare or Social Service Board;
- b. Rental assistance office (local office of DCA);
- c. Office on Aging.
- d. Housing Agency or Authority.
- e. County Library.
- f. Area community action agencies.

The following is a listing of community contact person(s) and/or organizations in Sussex County that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very low-, low-and moderate-income units:

- a. Family Promise of Sussex County: 19 Church St, Newton, NJ 07860, <https://familypromisesussex.org/>
- b. Advance Housing: 14 Main Street, Sparta, NJ 07871, <https://advancehousing.org/>
- c. Community Hope: 959 Route 46 East, Suite 402, Parsippany, NJ 07054, <https://www.communityhope-nj.org/>
- d. Catholic Charities Diocese of Paterson: 777 Valley Road, Clifton, <https://www.catholiccharities.org>
- e. The Housing Partnership: 2 East Blackwell Street, Suite 12, Dover; <https://www.housingpartnershipnj.org/>

E. Random Selection Process:

A random selection method to select occupants of very low-, low- and moderate-income housing shall be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l) of the UHAC or its successor regulation. The Affirmative Marketing Plan provide a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic, and Sussex Counties.

F. Veterans Preference:

Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an

agreement to this effect has been executed between the developer, landlord and/or sponsor and the municipality prior to the affirmative marketing of the units.

G. Monitoring Information:

The Administrative Agent shall provide the Township's Municipal Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to the Township's adopted Affordable Housing Ordinance.

H. Applicant Pool Information:

An applicant pool will be maintained by the Administrative Agent for re-sales and re-rentals. When a re-rental or resale of an affordable unit becomes available the Administrative Agent will select applicants from the applicant pool and, if necessary, the unit will be affirmatively marketed as described above. The selection of applicants from the applicant pool is described in more detail in this manual under the section Random Selection & Applicant Pool(s).

AFFIRMATIVE MARKETING SPECIFIC TO RENTAL PROJECTS

In addition to the above requirements, the following specific requirements shall apply for the affirmative marketing for rental projects:

A. NEW RENTAL PROJECT PROCESS:

1. The affirmative marketing process must begin at least four months prior to expected occupancy and may begin before construction commences. All affirmative marketing advertising and outreach activities employed pursuant to this Affirmative Marketing Plan must be employed at the start of the marketing program.
2. The owner, developer, landlord, project sponsor, property manager, or other administrative entity required to implement the affirmative marketing plan of a newly constructed development where affordable housing units will be leased for the first time shall be required to post a listing on the Housing Resource Center and in accordance with the Township's Affirmative Marketing Plan, on or before the earlier of: (1) at least 60 days prior to conducting a lottery of the applicants; or (2) within one day following when the owner, developer, property manager, or other administrative entity provides any information regarding how to apply for units to prospective applicants or solicits any applications from potential applicants through any other means.
3. The posting shall include, at a minimum, the date that the affordable housing units are expected to be completed, the date of the lottery, the number of affordable housing units, an accounting of how many of the affordable housing units will be available to very low-, low-, and moderate-income households, and each bedroom size that will be available.
4. Any posting on the Housing Resource Center and any other online medium and digital newspaper shall provide a link to an online fillable form or Portable Document Format (PDF) form of the application for the affordable housing units on the website of the owner, developer, property manager, or other administrative entity and information on how to request a paper copy of the application from the owner, developer, property manager, or other administrative entity.
5. Within one business day of listing the affordable housing units on the New Jersey Housing Resource Center, the owner, developer, landlord, project sponsor, property manager or other administrative entity required to implement the affirmative marketing plan, shall notify the local Continuum of Care of any supportive housing rental units that are

reserved for individuals and families that are homeless and of any permanent supportive housing rental units.

6. An initial deadline date, no less than 60 days after the start of the marketing process, will be established. All of the preliminary applications received by the Administrative Agent, on or before the initial deadline date, shall be deemed received on that date.
7. The affirmative marketing advertising and outreach activities must continue, as long as applications are being accepted, except that paid advertising may cease when the number of applications received is at least three times the number of the affordable units to be filled.
8. Applications must be accepted for no less than 45 days following the initial advertisement on the New Jersey Housing Resource Center.
9. The random selection process shall not take place less than 60 days following posting on the Housing Resource Center and first publication in the Township's designated print and digital newspapers.
10. Households that apply for very low-income housing will be prescreened by the Administrative Agent for preliminary income eligibility by comparing their total income and household size to the very low-income limits pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., (FHA). Households that apply for low and moderate-income housing will be prescreened by the Administrative Agent for preliminary income eligibility by comparing their total income and household size to the low and moderate-income limits pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). All households will be notified as to their preliminary status.
11. A drawing (using a web-based randomizer) will be held under the direction of the Administrative Agent to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline, will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.
12. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each very-low-, low- and moderate-income unit available, or until all of the affordable units within the development have been rented.

13. Final applications will be mailed by the Administrative Agent to an adequate number of pre-qualified applicants, in priority order, for each available affordable unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
14. Completed final applications will be forwarded to the Administrative Agent. The Administrative Agent will make a determination as to their eligibility for an affordable unit.
15. Applicants will receive a letter from the Administrative Agent with respect to the status of their application each time a review is performed.
16. Applicants will be reviewed by the Landlord for compliance to the tenant selection criteria set for the property. The tenant selection criteria shall comply with all fair housing standards and be set forth in a policy statement made available to all applicants by the Landlord. The Landlord will be responsible for the assessment of all criteria beyond the income and household size criteria set forth by the affordable housing criteria.
17. Certified applicants will be given a pre-determined amount of time to sign a LEASE agreement with the Landlord.
18. The owner, developer, landlord, property manager, or other administrative entity of the affordable housing project shall submit evidence of the listing of their available units and waitlist openings, as required by this Affirmative Marketing Plan to the Administrative Agent and Municipal Housing Liaison for the Township of Hardyston.

B. EXISTING RENTAL PROJECT PROCESS:

1. For existing affordable housing rental developments, the owner, developer, landlord, project sponsor, property manager, or other administrative entity required to implement the affirmative marketing plan of the owner, developer, property manager, or other administrative entity required to implement the affirmative marketing plan of an existing affordable rental development where one or more affordable housing units becomes available for lease shall post vacancies and waitlist openings for any such unit on the Housing Resource Center and in accordance with this Affirmative Marketing Plan.
2. The posting shall be made within one day of accepting applications and shall include, at a minimum, the expected date that the affordable housing units will become available, the number of affordable housing units, an accounting of how many of the affordable housing

units will be available to very-low-, low-, and moderate-income households, and each bedroom size that will be available.

3. Any posting on the Housing Resource Center and any other online medium and digital newspaper shall provide a link to an online fillable form or Portable Document Format (PDF) form of the application for the affordable housing units on the website of the owner, developer, property manager, or other administrative entity and information on how to request a paper copy of the application from the owner, developer, property manager, or other administrative entity.
4. Within one business day of listing the affordable housing units on the New Jersey Housing Resource Center, the owner, developer, landlord, project sponsor, property manager or other administrative entity required to implement the affirmative marketing plan, shall notify the local Continuum of Care of any supportive housing rental units that are reserved for individuals and families that are homeless and of any permanent supportive housing rental units.

AFFIRMATIVE MARKETING SPECIFIC TO FOR-SALE UNITS/PROJECTS

In addition to the above requirements, the following specific requirements shall apply for the affirmative marketing of affordable units for sale or for re-sale:

A. NEW FOR-SALE PROJECT PROCESS:

1. The affirmative marketing process must begin at least four months prior to expected occupancy and may begin before construction commences. All affirmative marketing advertising and outreach activities employed pursuant to this Affirmative Marketing Plan must be employed at the start of the marketing program.
2. The owner, developer, project sponsor, property manager, or other administrative entity required to implement the affirmative marketing plan of a newly constructed development where affordable housing units will be for sale for the first time shall be required to post a listing on the Housing Resource Center and in accordance with the Township's Affirmative Marketing Plan, on or before the earlier of: (a) at least 60 days prior to conducting a lottery of the applicants; or (b) within one day following when the owner, developer, property manager, or other administrative entity provides any information regarding how to apply for units to prospective applicants or solicits any applications from potential applicants through any other means.
3. The posting shall include, at a minimum, the date that the affordable housing units are expected to be completed, the date of the lottery, the number of affordable housing units, an accounting of how many of the affordable housing units will be available to very

low-, low-, and moderate-income households, and each bedroom size that will be available.

4. Any posting on the Housing Resource Center and any other online medium and digital newspaper shall provide a link to an online fillable form or Portable Document Format (PDF) form of the application for the affordable housing units on the website of the owner, developer, property manager, or other administrative entity and information on how to request a paper copy of the application from the owner, developer, property manager, or other administrative entity.
5. Within one business day of listing the affordable housing units on the New Jersey Housing Resource Center, the owner, developer, landlord, project sponsor, property manager or other administrative entity required to implement the affirmative marketing plan, shall notify the local Continuum of Care of any supportive housing rental units that are reserved for individuals and families that are homeless and of any permanent supportive housing rental units.
6. The affirmative marketing advertising and outreach activities must continue until all of the marketed units have been sold, except that paid advertising may cease when the number of applications received is at least three times the number of units to be sold.
7. Applications must be accepted for no less than 45 days following the initial advertisement on the New Jersey Housing Resource Center, except for the resale of for-sale units, in which case, applications must be accepted for no less than 30 days.
8. An initial deadline date, no less than 60 days after the start of the marketing process, will be established. All of the preliminary applications received by the Administrative Agent, on or before the initial deadline date, shall be deemed received on that date.
9. The random selection process shall not take place less than 60 days following posting on the Housing Resource Center and first publication in the Township's designated print and digital newspapers.
10. Households that apply for very-low-, low- and moderate-income housing will be prescreened by the Administrative Agent for preliminary income eligibility by comparing their total income and household size to the most recent regional very-low-, low- and moderate-income limits adopted by the HMFA or its successors and other program restrictions that may apply. All households will be notified as to their preliminary status.

11. A drawing will be held under the direction of the Administrative Agent to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline, will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.
12. Final applications will be mailed by the Administrative Agent to an adequate number of pre-qualified applicants, in priority order, for each available very-low, low-and moderate-income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
13. Completed final applications will be forwarded to the Administrative Agent. The Administrative Agent will make a determination as to their eligibility for a very-low, low-or moderate-income unit. Applicants will receive a letter from the Administrative Agent with respect to the status of their application each time a review is performed.
14. When submitting final applications, applicants will also be asked to provide a pre-qualification letter from a qualified lending institution.
15. Certified applicants will be given 15 days to sign a sales agreement with the developer. Mortgage contingencies may not be an acceptable term of the agreement.
16. The sales agreement may also limit closing to a reasonable time to be approved by the Administrative Agent in advance of the process.
17. Fees shall be as set forth within Chapter 72 of the Hardyston Township Code.
18. The owner, developer, property manager, or other administrative entity shall submit evidence of the listing of their available units and waitlist openings, as required by this Affirmative Marketing Plan to the Administrative Agent and Municipal Housing Liaison for the Township of Hardyston.

B. RESALE PROCESS:

1. The Seller shall submit a Preliminary Notice to the Township Municipal Housing Liaison and Administrative Agent with a copy of their recorded deed in order to determine the maximum resale price.
2. The Township Municipal Housing Liaison or Administrative Agent will respond to the Seller in writing, explaining some of the details of the process and informing the Seller of the Maximum Sales Price (based on the change in median income as set forth by the New Jersey Dept. of Community Affairs) as well as the Maximum Income allowed for potential purchasers, as adjusted for family size.
3. The owner, developer, property manager, or other administrative entity required to implement the affirmative marketing plan of an existing development where one or more affordable housing units becomes available shall post vacancies and waitlist openings for any such unit on the Housing Resource Center and the requirements set forth in this Affirmative Marketing Plan.
4. The posting shall be made within one day of accepting applications and shall include, at a minimum, the expected date that the affordable housing units will become available, the number of affordable housing units, an accounting of how many of the affordable housing units will be available to very-low-, low-, and moderate-income households, and each bedroom size that will be available.
5. Applications must be accepted for no less than 30 days following the initial advertisement on the New Jersey Housing Resource Center and the Township's approved digital newspaper.
6. The Township will refer one potential Buyer at a time as listed chronologically on the resale list.
7. If the chronological list has been exhausted and there is still no Buyer, with permission of the Seller, we will place a notification of the availability on NJHRC.gov. The Seller or their agent may also want to advertise. Ads should include the "Equal Housing Opportunity" logo and should be sent to the Administrative Agent for review prior to distribution.
8. When an applicant is approved, the Seller may begin to negotiate a contract with the potential Buyer at this time, but there must be a contingency clause in the contract which voids the contract, without penalty to the Buyer, if the potential Buyer is not able to obtain financing within 30 days.
9. The remaining applicants are maintained on the waiting list for this home or other homes in the same size and income categories. In the event that the potential Buyer is not able and/or willing to purchase the affordable home, the next applicant on the prioritized list is notified pursuant to the process described above.

10. When an affordable home has been purchased, the household that is at the top of the resale list will be referred first to the next open resale pursuant to the process above.
11. The Seller must sell the affordable home with the same or comparable appliances and amenities that were in the home when it was first sold as an affordable home.
12. The Seller may NOT charge more than the Maximum Selling Price for any reason, except the addition of a room, the installation of central air conditioning (where there was none before) or comparable upgrade, but ONLY with prior written approval from us. For the most part, condominiums in this program are NOT eligible for such upgrades and/or adjustments to the selling price. The cost of broker fees; municipal inspections and required repairs that may be necessary to receive a Certificate of Occupancy; new appliances, carpeting or other flooring upgrades; and decorating and remodeling projects are NOT eligible costs for an increase in the Maximum Sales Price.
13. A copy of the Sales Contract and Mortgage Commitment (if applicable) must be submitted to the Administrative Agent prior to closing.
14. During the final stages of the process, it will be necessary for the Buyer to make arrangement for the Affordable Housing Agreement (if applicable) and Mortgage Note to be satisfied with respect to the Seller and new documents filed with respect to the Buyer. The Administrative Agent typically provides the Buyer's attorney with the name and phone number of the attorney who can address these issues.
15. A copy of the HUD Closing Statement or Closing Disclosure form required by the TILA-RESPA Integrated Disclosure Rule, as appropriate, must be submitted to the Administrative Agent after the sale of the home.
16. Note: We do not guarantee that the Buyer can sell an affordable home for the Maximum Sales Price. An affordable home is also susceptible to market conditions, and the Fair Market Value of an affordable home may be lower than the Maximum Selling Price. In this case, the Seller may not be able to sell the home for more than its Fair Market Value.
17. This outline is meant to describe the process utilized prior to the expiration of the deed restrictions. It is not meant to be a legal representation of the rights or responsibilities of any party, nor is it meant to modify the Affordable Housing Agreement, Mortgage Note or other Deed Restrictions. Buyers and Sellers are encouraged to seek legal counsel for specific questions in this regard.
18. The Administrative Agent is available to both the Seller and the Buyer throughout the process to answer any questions that they may have.
19. Fees shall be as set forth within Chapter 88 of the Hardyston Township Code.

ENFORCEMENT AND FINES

All administrative agents, developers, sponsors, owners, landlords, and property managers of any affordable housing inclusionary development/project, including any one-hundred percent (100 %) affordable housing development, within the Township shall all times be required to comply with this Affirmative Marketing Plan.

The owner, developer, sponsor, landlord, property manager, and/or its designated administrative agent shall submit evidence of the listing of their available units and waitlist openings, as required by this Affirmative Marketing Plan, to the Administrative Agent and Municipal Housing Liaison of the Township of Hardyston.

The Administrative Agent and/or Municipal Housing Liaison of the Township of Hardyston shall ensure compliance with the provisions of this Affirmative Marketing Plan.

The Administrative Agent and/or Municipal Housing Liaison of the Township of Hardyston shall have the authority to levy fines against the developer, owner, program sponsor, landlord, property manager, or administrative entity responsible for the affordable housing development/project for instances of noncompliance, following issuance of written notice of the violation.

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.

All revenue generated from the fines levied pursuant to this section shall be deposited into the municipality's affordable housing trust fund. A fine shall not be issued pursuant to this subsection unless the Administrative Agent or Municipal Housing Liaison for the Township of Hardyston first provides the developer, owner, program sponsor, landlord, or property manager of the affordable housing development/project with written notice no less than two months prior to the date the fine is levied. A fine shall only be issued if the offense has not been cured within that two-month timeframe.

Issuance of a written notice or a fine shall not provide exemption to the requirement of conducting a lottery no less than 60 days following posting on the Housing Resource Center.

The Administrative Agent and/or the Municipal Housing Liaison of the Township of Hardyston shall have full authority to require the developer, owner, program sponsor, landlord, property manager, or administrative entity responsible for the affordable housing development/project to conduct a new lottery if the provisions of this Affirmative Marketing Plan are not implemented properly.

