

**Township of Oxford**  
**Warren County, New Jersey**

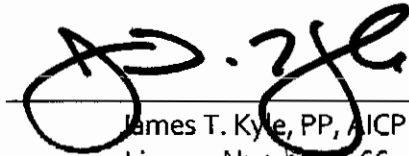
Housing Element and Fair Share Plan

**Prepared for:**  
*Oxford Township Committee*  
*Oxford Township Land Use Board*  
*And the New Jersey Highlands Council*

Adopted by the Land Use Board on May 25, 2010  
Endorsed by the Township Committee on June 2, 2010

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The original of this document was signed and sealed in  
accordance with N.J.S.A. 45:14A-12.

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## **I. Introduction**

The initial framework of affordable housing regulation in New Jersey was established over 30 years ago with the New Jersey Supreme Court's ruling in *Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel (Mt. Laurel I - 1975)*. In its first Mt. Laurel ruling, the Court stated simply that any zoning ordinance that contravenes the general welfare by not providing a realistic opportunity for affordable housing is unconstitutional. In 1983, the Court's ruling in *Mt. Laurel II (Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel)* clarified many of the gray areas that arose through implementation of what had become known as the Mt. Laurel doctrine. This second Mt. Laurel case also resulted in creation of the Fair Housing Act in 1985, the legislative response to an urging from the Court in Mt. Laurel II that application of the Mt. Laurel doctrine was best left to the Legislature. It was the Fair Housing Act that also created the Council on Affordable Housing (COAH).

COAH is responsible for creating regulations and a process to implement the provision of affordable housing throughout the State of New Jersey. The "process" is fairly simple and begins with the preparation of a Housing Plan element. Part of the municipal Master Plan, the Housing Plan element is required to include information about a municipality's population, employment, income and housing characteristics as well as information on the nature of the affordable housing obligation as set forth by COAH. To accompany the Housing Plan element, a municipality must prepare a Fair Share Plan, which details how the affordable housing obligation will be met. Current affordable housing obligations are comprised of the rehabilitation share, the prior round obligation (Second Round) and the growth share obligation (Third Round). While Second Round obligations were assigned by COAH and subsequently amended under the most recent version of COAH's Third Round rules, Third Round obligations are based on a growth share model; for every 4 market rate units constructed, 1 affordable unit must be provided and for every 16 jobs created, 1 affordable unit must be provided.

The Highlands Water Protection and Planning Act, signed into law in 2004, represented an acknowledgement that broader land use policy had to be implemented to protect drinking water supplies for a large portion of the state's population. The Act created the Highlands Council, which was charged with the task of preparing and implementing a Regional Master Plan (RMP). Throughout its planning process for the RMP, the Council repeatedly heard concerns about meeting future housing needs, particularly affordable housing needs and more importantly, affordable housing requirements as mandated by COAH.

In November of 2008, COAH granted a waiver from the December 31, 2008 statewide deadline for submission of Third Round affordable housing plans for those municipalities that submitted a Notice of Intent to Participate in Plan Conformance and a resolution stating intent to file a petition for substantive certification no later than December 8, 2009. The extra year was intended to allow the Highlands Council sufficient time to complete build-out assessments and issue revised growth and employment projections based on the policies of the RMP.

On September 5<sup>th</sup>, 2008, Governor Corzine issued Executive Order 114, related to implementation of the RMP and coordination with COAH. On October 29<sup>th</sup> and 30<sup>th</sup>, COAH and the Highlands Council approved a Memorandum of Understanding (MOU) addressing the Governor's Order. In short, the MOU outlined the ways COAH and the Highlands Council would coordinate data sharing and implementation of both affordable housing requirements and the requirements of the RMP. While COAH and its consultants had prepared data relative to the availability of developable land and the

capacity for affordable housing statewide, it was determined that the Highlands Council was the best agency to undertake this endeavor for municipalities under its jurisdiction. This would ensure that capacity for future growth was based on the land use policies of the RMP.

Once adopted by the Land Use Board and endorsed by the Township Committee, the Housing Element and Fair Share Plan can be submitted to COAH along with a petition requesting substantive certification. Once substantive certification is granted by COAH, Oxford Township is granted protection from builder's remedy lawsuits, which could be brought by developers to compel the Township to meet its affordable housing needs.

It is worthwhile to note that a bill currently pending in the Legislature would radically alter the administrative process related to the provision of affordable housing in New Jersey. Under the new law, COAH would be abolished and its duties would be transferred to the State Planning Commission. While rules could be promulgated by the Commission related to affordable housing, the process would be greatly simplified under the current proposal. The Township Committee wishes to reserve the right to revisit this plan should that bill be passed by the Legislature and signed into law by Governor Christie.

### **Goals and Objectives**

The Township sets forth the following goals and objectives related to housing policy in Oxford:

1. To the extent feasible, the zone plan will guide anticipated new residential development into compact, center-based projects.
2. To provide a realistic opportunity for the provision of the municipal share of the region's present and prospective needs for low and moderate income families.
3. To the maximum extent feasible, and in a manner consistent with any existing or future laws of the State of New Jersey, to incorporate affordable housing units into any new residential construction that occurs within the Highlands Area including any mixed use, redevelopment, and/or adaptive reuse projects.
4. To preserve and monitor existing stocks of affordable housing.
5. To reduce long term housing costs through:
  - a. The implementation of green building and energy efficient technology in the rehabilitation, redevelopment and development of housing, to the extent permitted by law. Recent innovations in building practices and development regulations reflect significant energy efficiency measures, and therefore cost reductions, through building materials, energy efficient appliances, water conservation measures, innovative and alternative technologies that support conservation practices, and common sense practices such as recycling and re-use.
  - b. The promotion of the use of sustainable site design, efficient water management, energy efficient technologies, green building materials and equipment, and retrofitting for efficiencies.
  - c. Maximizing the efficient use of existing infrastructure, through such means as redevelopment, infill and adaptive reuse.
6. To use a smart growth approach to achieving housing needs, including:

- a. Using land more efficiently to engender economically vibrant communities, complete with jobs, housing, shopping, recreation, entertainment and multiple modes of transportation.
- b. Supporting a diverse mix of housing that offers a wide range of choice in terms of value, type and location. In addition, seeking quality housing design that provides adequate light, air, and open space.
- c. Targeting new housing to areas with existing higher densities and without environmental constraints, within walking distance of schools, employment, services, transit and community facilities with sufficient capacity to support them.

**Relationship to the Highlands Regional Master Plan**

The Housing Element is part of the municipal Master Plan and is prepared in accordance with the requirements of the New Jersey Municipal Land Use Law, the Fair Housing Act of 1985 and COAH's Substantive Rules. All of these laws and regulations are designed to assist municipalities in providing housing affordable to the State's low and moderate income families per the Mt. Laurel doctrine.

The Highlands Regional Master Plan (RMP) sets forth a number of goals and policies to provide for appropriate opportunities to meet the region's affordable housing needs. While preserving existing affordable housing stock is a goal, the RMP acknowledges that new affordable housing will be needed, the intent being to provide it within the context of the Land Use Capability Map in appropriate locations.

For municipalities intending to conform to the RMP, the Housing Element is a vehicle to assess the impact of growth that has occurred since January 1, 2004 as well as to assess future growth opportunities within the context of RMP policies. COAH and the Highlands Council have agreed that the Highlands Council's projections provide a more realistic assessment of development potential, particularly given the limitations the Highlands Act placed on development of land in the Preservation Area.

**Plan Requirements**

Pursuant to Section 10 of P.L. 1985, C. 222 (C:52:27D-310) a Housing Element must contain at least the following:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next ten (10) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share of low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low and moderate income housing;

- f. A consideration of the lands most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;

In addition to the requirements of the Municipal Land Use Law and Section 10 of P.L. 1985, C. 222 (C:52:27D-310), N.J.A.C. 5:97-2.3 requires that the Housing Element include the following:

1. The household projection for the municipality as provided in Appendix F;
2. The employment projection for the municipality as provided in Appendix F;
3. The municipality's prior round obligation (from Appendix C);
4. The municipality's rehabilitation share (from Appendix B);
5. The projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4; and
6. An inventory of all non-residential space by use group that was fully vacant as of the date of petition, to the extent feasible.

Supporting information to be submitted to COAH shall include:

1. A copy of the most recently adopted municipal zoning ordinance, and
2. A copy of the most up-to-date tax maps of the municipality, electronic if available, with legible dimensions.



## II. Population, Housing and Employment Characteristics

### Population Growth

In Oxford, the 2000 Census recorded a total population of 2,307 persons. This reflects an increase of 517 persons since 1990, the largest increase recorded between the 1940 to 2000 period. Between 1940 to 1950 and 1980 to 1990, the population in the Township actually declined, but recovered during the proceeding decade. The U.S. Census Bureau periodically estimates the resident population for all municipalities and minor civil divisions in New Jersey, which last occurred in July of 2008 when the Township's population was estimated at 2,575. This represents an increase of 268 people since the Census in 2000, an 11.6% increase. It's interesting to note that according to the Census Bureau, the Township did experience slight decreases in population in 2002 and again in 2006 and 2007 before an increase in 2008. Table 1 details the nature of growth in Oxford since 1940.

Table II-1 Population Growth, 1940 – 2008

Year	Oxford Township	Population Change		Warren County	Population Change	
		Number	Percent		Number	Percent
1940	1,548	X	X	50,181	X	X
1950	1,489	-59	-3.8%	54,374	4,193	8.4
1960	1,657	168	11.3%	63,220	8,846	16.3
1970	1,742	85	5.1%	73,960	10,740	17.0
1980	1,659	-83	-4.8%	84,429	10,469	14.2
1990	1,790	131	7.9%	91,607	7,178	8.5
2000	2,307	517	28.9%	102,437	10,830	11.8
2008 (U.S. Census Bureau Estimate)	2,575	268	11.6%	109,876	7,439	7.3%

Source: NJSDC, 2000 & Population Division, U.S. Census Bureau, Population Division, 7/1/09.

### Age

In terms of age, between 1990 and 2000, residents aged 5 to 59 years increased substantially, while other age cohorts remained relatively stable or even decreased a small amount. Residents aged 5 to 19 increased the most (64 percent), while residents aged 45 to 59 years increased a great deal (51.9 percent). The third segment of the population that showed a significant increase was residents aged 20 to 44 years, which increased by over 25 percent. Cohorts including residents under the age of 5 years and over 60 years of age saw minimal change, indicating that Oxford's middle-age segment of the population is experiencing large growth. Table 2 details changes in certain age cohorts from 1990 to 2000.

**Table II-4 Housing Units and Occupancy, 1990 and 2000**

	1990		2000	
	Number	Percent	Number	Percent
Occupied Housing Units	679	91.6%	886	94.5%
Vacant Housing Units	62	8.4%	52	5.5%
<b>Total</b>	<b>741</b>	<b>100%</b>	<b>938</b>	<b>100%</b>

Source: U.S. Census Bureau, 1990, 2000

**Table II-5 Vacancy Rates, 1990 and 2000**

	1990	2000
Homeowner Vacancy Rate	6.3%	2.9%
Rental Vacancy Rate	4.3%	4.1%

Source: U.S. Census Bureau, 1990, 2000

**Number of Units in Structure**

According to the 2000 Census there is a total of 938 housing units in Oxford. The vast majority (71.3 percent) are single-family detached. Single-family attached housing accounts for 11.7 percent of all units while mobile homes, boats, RV's and vans, etc. comprise 10 percent of the total housing units in Oxford. The majority of single-family attached and detached units are owner-occupied while most multi-family units are rentals. Table 6 details housing unit types by tenure.

**Table II-6 Housing Units by Number of Units in Structure and Tenure, 2000**

Number of Units	Owner-Occupied	Rental	Vacant	Total	Percent
1, Detached	583	53	33	669	71.3%
1, Attached	75	28	7	110	11.7%
2 to 4	6	25	7	38	4.1%
5 to 9 units in structure	2	10	0	12	1.3%
10 or more	0	15	0	15	1.6%
Mobile Home / Trailer / Other	80	9	5	94	10.0%
<b>Total</b>	<b>746</b>	<b>140</b>	<b>52</b>	<b>938</b>	<b>100%</b>

Source: U.S. Census Bureau, 2000

**Age of Housing**

The number of units built in Oxford has increased steadily since 1939. In fact, 234 units were built from 1990 to March 2000, representing a quarter (25 percent) of the Township's total housing stock. Yet 49 percent of the Township's housing stock was built prior to 1960 with the largest percentage, 41.8 percent, built prior to 1939. 1961 is the median year for housing built in Oxford. Table 7 provides detailed information on the age of housing stock within Oxford Township.

Table II-7 Age of Housing Stock, 2000

Year Built	Total Units	Percent of Total
1999 to March 2000	78	8.3%
1995 to 1998	117	12.5%
1990 to 1994	39	4.2%
1980 to 1989	96	10.2%
1970 to 1979	74	7.9%
1960 to 1969	76	8.1%
1940 to 1959	66	7.0%
1939 or earlier	392	41.8%
<b>Total</b>	<b>938</b>	<b>100%</b>
<b>Median Year Built: 1961</b>		

Source: U.S. Census Bureau, 2000

### Housing Value

In Oxford, nearly 70 percent of specified owner-occupied housing units were valued below \$150,000. Only 3 units fit in the category exceeding a value of \$299,000 and 3 units were valued at less than \$50,000. The majority (99.1 percent) of owner-occupied units were valued between \$50,000 and \$299,000. No recorded owner-occupied units were valued above \$499,000. Median housing value in the Township (50 percent are lower and 50 percent are higher) was \$125,200. For detailed value information, please refer to Table 8.

Table II-8 Housing Values, 2000

Specified Owner-Occupied Units*	Number	Percent
Less than \$50,000	3	0.5%
\$50,000 to \$99,999	177	27.9%
\$100,000 to \$149,999	243	38.3%
\$150,000 to \$199,999	113	17.8%
\$200,000 to \$299,999	95	15.0%
\$300,000 to \$499,999	3	0.5%
\$500,000 to \$999,999	0	0.0%
\$1,000,000 or more	0	0.0%
<b>Total</b>	<b>634</b>	<b>100%</b>
<b>Median Value: \$125,200</b>		

Source: U.S. Census Bureau, 2000

\*Total number of owner-occupied housing units described as either a one family home detached from any other house or a one family house attached to one or more houses on less than 10 acres with no business on the property. This is a U.S. Census Bureau distinction.

### Housing Size

From 1990 to 2000, the median number of rooms per unit increased from 5.1 to 6.0 rooms per housing unit. Historically Oxford had the greatest percentage of total housing units comprised of 6 rooms, with 29 percent in 1990 and 26.2 percent in 2000. But in 2000, more than 60 percent of the housing units in Oxford contained at least 6 rooms, with the greatest increase in the number of housing units containing

7, 8, and 9 rooms, respectively. This indicates that the number of rooms in Oxford's housing stock is continually increasing, as illustrated in Table 9.

**Table II-9 Housing Units by Number of Rooms, 1990 & 2000**

Rooms	Housing Units			
	1990	Percent of total	2000	Percent of total
1 room	0	0.0%	0	0.0%
2 rooms	28	3.8%	17	1.8%
3 rooms	46	6.2%	39	4.2%
4 rooms	114	15.4%	106	11.3%
5 rooms	174	23.5%	183	19.5%
6 rooms	214	29.0%	246	26.2%
7 rooms	92	12.4%	145	15.5%
8 rooms	35	4.7%	124	13.2%
9 or more rooms	36	4.9%	78	8.3%
<b>Median (rooms)</b>	<b>5.14*</b>		<b>6.0</b>	

\*estimate

Source: US Census Summary File 3 (SF3) 1990 & 2000

### Gross Rents

According to the 2000 Census, the median gross rent is \$665 per month, with over 30 percent of renters paying in the range of \$500 to \$749 per month. Gross rent in Oxford is well distributed, with at least 10 percent of the renters in each price range, and 9.6 percent with no cash rent. A quarter of renters paid less than \$500 a month in rent while almost 20 percent of renters paid more than \$1,000 monthly. Table 10 provides detailed information on gross rents for the Township.

**Table II-10 Gross Rents, 2000**

Renter Occupied Units	Number	Percent
Less than \$299	17	12.6%
\$300 to \$499	15	11.1%
\$500 to \$749	44	32.6%
\$750 to \$999	20	14.8%
\$1,000 or more	26	19.3%
<b>No cash rent</b>	<b>13</b>	<b>9.6%</b>
<b>Total</b>	<b>135</b>	<b>100%</b>
<b>Median Gross Rent \$665</b>		

Source: U.S. Census Bureau, 2000

### Quality Indicators

Housing quality is generally evaluated by several indicators, as follows:

- **Age** – Units built before 1940 are considered to have a significant age factor.

- **Overcrowding** – Units containing more than 1.0 person per room are considered to be overcrowded.
- **Plumbing facilities** – Units lacking complete plumbing for exclusive use are considered deficient.
- **Kitchen facilities** – Units lacking a sink with piped water, a stove and a refrigerator are considered deficient.
- **Heating facilities** – Units lacking central heat are considered deficient.

While 44 percent of Oxford’s housing stock is 60 years or older, housing stock quality indicators all rank very high. Less than 1 percent of housing units were considered overcrowded or lacking complete plumbing facilities. No occupied housing units were lacking complete kitchen facilities. 21 units lacked central heating, which accounted for 2.5 percent of total units. Of those 21 units, 6 used coal or coke as heating fuel, while 6 used wood and 9 used other types of fuel as the primary source of heat. In general, these factors indicate that the quality of the Township’s housing stock is very good. Table 11 sets forth quality indicators for Oxford’s occupied housing stock.

**Table II-11 Quality Indicators, Occupied Housing Stock, 2000**

Quality Indicators	Number	Percent of Total
Built before 1940	392	44.2%
Overcrowded	6	0.7%
Lacking complete plumbing	4	0.5%
Lacking complete kitchen facilities	0	0.0%
Lacking central heating	21	2.4%
<b>Total Housing Units</b>	<b>886</b>	<b>100.0%</b>

*Source: U.S. Census Bureau, 2000*

**Employment and Occupation**

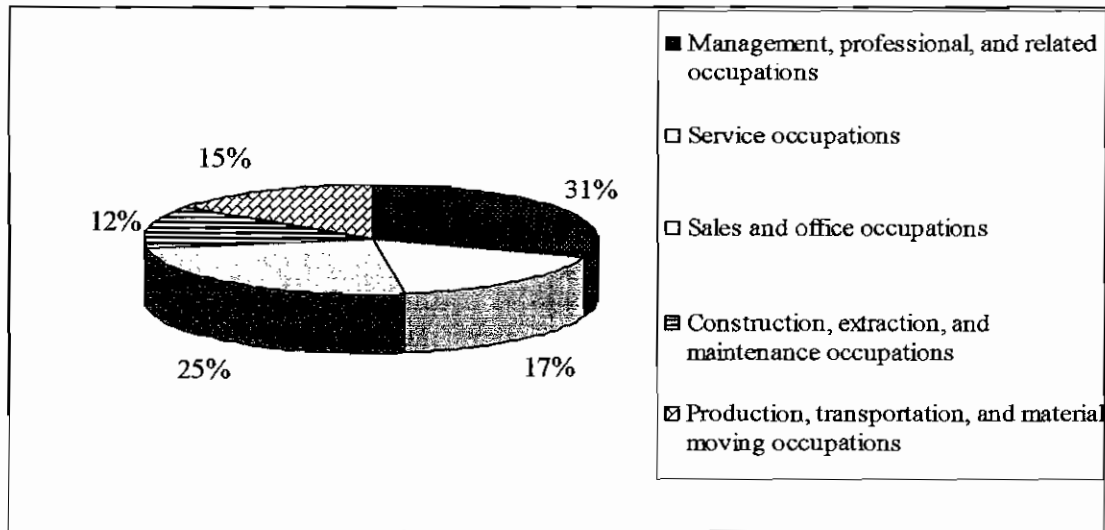
Oxford’s total labor force has increased since 1990, rising to 1,219 persons as documented by the 2000 Census and compared to 892 persons in 1990. This represents an increase of 327 persons or 27%. Table 12 shows employment status for the Township.

**Table II-12 Employment Status, 2000**

	Number	Percent
<b>Population 16 years and over</b>	<b>1,728</b>	<b>100.0</b>
<b>In labor force</b>	<b>1,219</b>	<b>70.5</b>
<b>Civilian labor force</b>	<b>1,219</b>	<b>70.5</b>
<b>Employed</b>	<b>1,136</b>	<b>65.7</b>
<b>Unemployed</b>	<b>83</b>	<b>4.8</b>
<b>Percent of civilian labor force</b>	<b>6.8</b>	<b>(X)</b>
<b>Armed Forces</b>	<b>0</b>	<b>0.0</b>
<b>Not in labor force</b>	<b>509</b>	<b>29.5</b>

The employment distribution of residents 16 years and older for the Township of Oxford is illustrated in Figure 1, below. While the majority of residents were employed in the management and professional sector, a quarter (25 percent) of residents worked in the sales and office industries. Over half (56 percent) of employed residents were working in white collar occupations (management, sales and office occupation). Table 13 details occupation characteristics.

**Figure II-1 Employment Sectors, 2000**



**Table II-13 Labor Force by Occupation, 2000**

OCCUPATION	Number	Percent
Management, professional, and related occupations	346	30.5
Service occupations	194	17.1
Sales and office occupations	281	24.7
Farming, fishing, and forestry occupations	4	0.4
Construction, extraction, and maintenance occupations	139	12.2
Production, transportation, and material moving occupations	172	15.1

As detailed in the 2000 Census, the top three industry sectors of Oxford's employed labor force were Manufacturing (19.2%), Education, health & social services (17.6%); and Professional services (10.4%). Table 14 shows labor force by industry for all sectors.

**Table II-14 Labor Force by Industry, 2000**

INDUSTRY	Number	Percent
Agriculture, forestry, fishing and hunting, and mining	23	2.0
Construction	98	8.6
Manufacturing	218	19.2
Wholesale trade	28	2.5
Retail trade	117	10.3
Transportation and warehousing, and utilities	88	7.7
Information	29	2.6
Finance, insurance, real estate, and rental and leasing	61	5.4
Professional, scientific, management, administrative, and waste management services	118	10.4
Educational, health and social services	200	17.6
Arts, entertainment, recreation, accommodation and food services	54	4.8
Other services (except public administration)	37	3.3
Public administration	65	5.7

**NJTPA Population and Employment Projections**

In 2005 the North Jersey Transportation Planning Authority (NJTPA) completed employment and population projections for 2005 – 2030 for Oxford Township. In 2009 those projections were updated to extend the forecast year to 2035. While projections are provided covering the next 25 years, the focus in this document will be up to the year 2020, 2 years past the end of the Third Round period.

Based on their analysis, NJTPA projects a total population of 2,940 persons residing in Oxford Township by the year 2020, representing an increase of 365 persons or 14.2%. For the same period of time, the NJTPA projects an increase in the number of households by 240, from 890 households documented in the 2000 Census to 1,130 households by 2020.

NJTPA projects that the number of jobs in Oxford Township will increase from 500 (as documented in the 2000 Census) to 630 by the year 2020, an increase of 26%.

**New Jersey Highlands Council Build-out Projections**

As part of the planning process related to the preparation of the Highlands Regional Master Plan, the New Jersey Highlands Council prepared detailed build-out projections for all 88 municipalities in the region. A memorandum of understanding was signed by the Council on Affordable Housing and the Highlands Council allowing municipalities intending to conform to the RMP to substitute projections prepared by the Highlands Council for those prepared by COAH, the consensus being that more realistic projections needed to be prepared based on implementation of the Highlands Act. Changes in land use policies over the broader region will undoubtedly lead to reduced development potential, a fact that was not represented in COAH's growth and employment projections.

Based on analysis of historical development trends and detailed comparison of the Highlands Council's build-out projections and COAH's projections, Oxford Township will plan for growth share based on the Highlands Council's build-out report. Table 15 provides a comparison of the two projections.

**Table II-15 COAH Projections vs. Highlands Council Build-out**

	COAH		Highlands	
	Projection	Growth Share	Projection	Growth Share
Housing	170	34	50	10
Employment	127	8	5	0.3
Actual Growth Share	n/a	n/a	n/a	5
<b>Total Growth Share</b>		<b>42</b>		<b>15</b>



### III. Fair Share Obligation

#### **Regional Income Limits and Pricing**

Regional income limits provide an initial basis for determining housing affordability. The 2009 income limits for Region 2 are provided on the following page. In addition to income, certain monthly costs must also be factored into units that are offered for sale; tenants in rental units are offered a utility allowance. For owner occupied units, the initial purchase price is calculated so that the monthly carrying costs do not exceed 28 percent of the eligible monthly income for a household of a certain size. Included in carrying costs are principal and interest, real estate taxes, homeowners and private mortgage insurance and condominium or homeowners association fees. For rental units, monthly costs cannot exceed 30 percent of income for a household of a certain size. In addition, the Department of Housing and Urban Development (HUD) sets forth allowances for tenant furnished utilities. Please see the Appendix for illustrative pricing for Region 2.

#### **COAH Requirements**

COAH's Substantive Rules and the Uniform Housing Affordability Controls (UHAC) set forth specific requirements for the provision of affordable housing units. At least 50 percent of the restricted units provided in an affordable housing development within each bedroom distribution must be available to low income persons, with the remainder available to moderate income persons. In addition, the following bedroom distribution is required for non age-restricted affordable housing developments:

- No more than 20 percent of the total number of affordable units shall be efficiency and 1 bedroom units
- At least 30 percent of the total number of affordable units shall be 2 bedroom units
- At least 20 percent of the total number of affordable units shall be 3 bedroom units
- The remainder shall be allocated at the developer's discretion

COAH - 2009 Regional Income Limits  
Region 2

#									Maximum Increase**	Regional Asset Limit			
	1	*1.5	2	*3	4	*4.5	5	6	7	8	Rent	Sales	
persons													
Median	\$61,260	\$65,636	\$70,011	\$78,763	\$87,514	\$91,015	\$94,515	\$101,516	\$108,517	\$115,518			
Moderate	\$49,008	\$52,508	\$56,009	\$63,010	\$70,011	\$72,812	\$75,612	\$81,213	\$86,814	\$92,415	3.30%	4.47%	\$167,895
Low	\$30,630	\$32,818	\$35,006	\$39,381	\$43,757	\$45,507	\$47,258	\$50,758	\$54,259	\$57,759			
Very Low	\$18,378	\$19,691	\$21,003	\$23,629	\$26,254	\$27,304	\$28,355	\$30,455	\$32,555	\$34,656			

\* These columns are for calculating the pricing for one, two and three bedroom sale and rental units per N.J.A.C. 5:80-26.4(a)

\*\* This column is used for calculating the pricing for resale and rent increases for units as per N.J.A.C. 5:97-9.3. However, low income tax credit developments may increase based on the low income tax credit regulations.

\*\*\* The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent of median income.

The following section details the Township's affordable housing obligation in accordance with COAH methodology for the following three categories: rehabilitation share, prior round obligation, and growth share obligation. The Township has chosen to utilize the Highlands Council build-out projection as a basis for planning for affordable housing.

**Rehabilitation Share**

The rehabilitation share is the number of existing housing units in a municipality as of April 1, 2000 that are both deficient and occupied by households of low or moderate income. As indicated in N.J.A.C. 5:97-1 et seq., based upon amendments effective October 20, 2008, the Township's rehabilitation share is six (6) units.

**Prior Round Obligation**

Based upon amendments effective October 20, 2008, the Township's Prior Round Obligation is two (2) units.

**Development Activity (2004-2009)**

The New Jersey Division of Codes and Standards issues monthly and annual reports on the number of Certificates of Occupancy issued by each construction official in New Jersey. This data is published in the New Jersey Construction Reporter and is the preferred means to document actual growth that has occurred, per COAH's substantive rules. Tables 1 and 2 show data for residential and nonresidential certificates of occupancy obtained from the New Jersey Construction Reporter.<sup>3</sup>

**Table III-1 Residential Certificates of Occupancy, 2004-2009**

	'04	'05	'06	'07	'08	'09	Total
CO's issued	4	9	2	3	1	0	19

**Table III-2 Nonresidential Certificates of Occupancy by Use, 2004-2009**

Use Group	'04	'05	'06	'07	'08	'09	Total
Education	0	18,850	0	0	0	0	18,850
S-Storage	960	0	224	0	0	0	1,184
Miscellaneous	960	0	1,425	2,076	2,132	1	6,594

To convert nonresidential floor area to jobs, COAH's substantive rules require application of jobs per square foot data provided in Appendix D. Table 3 details the number of jobs created from 2004 to 2009.

<sup>1</sup> Accessed at <http://www.state.nj.us/dca/codes/cr/conrep.shtml>

**Table III-3 Jobs Created, 2004-2009**

Use Group	Total	Jobs/1,000 Square Feet	Total Jobs	Growth Share
Education	18,850	Exclude	Exclude	0
S-Storage	1,184	1	1.18	0.07
Miscellaneous	6,594	Exclude	Exclude	0
		<b>Total Growth Share</b>		<b>0.07</b>

**Actual Growth Share (2004-2009)**

Based on the issuance of 19 Certificates of Occupancy and the creation of 1.18 jobs since January 1, 2004, the Township's actual growth share is 5 units  $((19/4)+(1.18/16)=4.82)$ . It should be noted that actual growth is divided by four to calculate growth share, whereas projected growth is divided by five.

**Projected Growth Share (2009-2018)**

As stated previously, the Township will utilize the Highlands Council build-out projection as a basis for planning for projected growth share. Table 4 details the projected growth share for Oxford.

**Table III-4 Projected Growth Share**

	Highlands	
	Projection	Growth Share
Housing	50	10
Employment	5	0.3
Actual Growth Share	n/a	5
<b>Total Growth Share</b>		<b>15</b>

See Workbook D in the Appendix for the required Growth Share calculator. It should be noted that the calculator indicates a growth share of 14 that should be 15. There is a formula error where actual growth was divided by 5 instead of 4.

**Oxford's Affordable Housing Obligation**

The Township's total Fair Share Obligation is a sum of the Rehabilitation Share, the Prior Round Obligation and the Third Round Obligation and can be summarized as follows:

Rehabilitation Share	6
Prior Round Obligation	2
<u>Growth Share</u>	<u>15</u>
<b>Total Fair Share Obligation</b>	<b>23 Units</b>

### **Affordable Housing Requirements**

COAH's Substantive Rules include a number of specific requirements and unit types that must be considered in planning to meet the Township's Fair Share obligation. These include the following:

- Prior Round Obligation = **2 units**
- Prior Round Rental Obligation = 25% (Prior Round Obligation - Prior Cycle Credits - Impact of 20% cap - Impact of 1,000 - unit limitation) or  $0.25 (2 - 32 - 0 - 0) = \mathbf{0 \text{ Units}}$
- Growth Share Obligation = **15 units**
- Growth Share Rental Obligation = 25% (Growth Share Obligation) or  $0.25 (15) = 3.75$  or **4 Units**
- Growth Share Family Rental Obligation = 50% (Growth Share Rental Obligation) or  $0.5 (4) = \mathbf{2 \text{ Units}}$
- Very Low Income Units Required = 13% (Growth Share Obligation) or  $0.13 (15) = 1.95$  or **2 Units**
- Family Housing Units Required = 50% (Growth Share Obligation) or  $0.5 (15) = 7.5$  or **8 Units**
- Age-Restricted Maximum = 25% (Growth Share Obligation) or  $0.25 (15) = 3.75$  or **4 units**

### **Capacity for Fair Share**

The Township intends to meet its required fair share by way of credits associated with projects that are already constructed and occupied. No additional water or sewer capacity is required. As such, no in-depth analysis of capacity for fair share is warranted, as any limitations that may exist will not affect those projects.

### **Summary of the Fair Share Plan**

In order to meet the rehabilitation obligation of six units, the Township will continue participation in the Warren County Housing Program. According to information provided by the Warren County Housing Program, six (6) units have been rehabilitated since April 1, 2000 and are eligible for credit. See the Appendix for required documentation.

There are two affordable housing projects in the Township that are constructed and occupied and are eligible for credit towards the prior round and growth share obligations.

1) **Oxford Heritage Manor** is a 32-unit affordable rental housing project for seniors and the disabled (any age) funded with HUD 202 monies. This project is located at 15 Pine Street, Block 10, Lot 1. [32 credits]

2) **ARC Group Home** -- the Association for Retarded Citizens (ARC) Warren County operates a 5 bedroom supportive housing facility located at 36 Bush Street, Block 25, Lot 28. Originally built as a private residence in 1975, it was subsequently sold and converted into a group home, with

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#### IV. Fair Share Plan

In accordance with N.J.A.C. 5:97-3.2, a municipal Fair Share Plan shall include at least the following:

1. Descriptions of any credits intended to address any portion of the fair share obligation, which shall include all information and documentation required by N.J.A.C. 5:97-4 for each type of credit;
  2. Descriptions of any adjustments to any portion of the fair share obligation, which shall include all information and documentation required by N.J.A.C. 5:97-5 for each adjustment sought;
  3. Descriptions of any mechanisms intended to address the prior round obligation, the rehabilitation share, and the growth share obligation;
  4. An implementation schedule that sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6, based on the following:
    - i. Documentation for mechanisms to address the prior round obligation, the rehabilitation share, and the growth share obligation up to the first plan review pursuant to N.J.A.C. 5:96-10 shall be submitted at the time of petition;
    - ii. Documentation for zoning for inclusionary development, an accessory apartment program, or a market to affordable program shall be submitted at the time of petition and implemented within 45 days of substantive certification;
    - iii. Documentation for the extension of expiring controls shall be submitted at the time of petition and implemented in accordance with an implementation schedule pursuant to (a)4iv below; and
    - iv. Documentation for all mechanisms not included in (a)4i through iii above shall be submitted according to an implementation schedule, but no later than two years prior to scheduled implementation of the mechanism, and shall consider the economic viability of the mechanisms and the actual growth share obligation that has or will occur as calculated pursuant to N.J.A.C. 5:97-2.5. Pursuant to N.J.A.C. 5:97-2.5(d), the municipality shall comply with the plan evaluation requirements and shall be subject to the enforcement remedies of N.J.A.C. 5:96-10.4.
  5. Notwithstanding (a)4iv above, a municipality with insufficient vacant land that has been granted or is seeking a vacant land adjustment pursuant to N.J.A.C. 5:97-5.1 or a household and employment growth projection adjustment pursuant to N.J.A.C. 5:97-5.6 shall submit all information and documentation required by N.J.A.C. 5:97-6 at the time of petition, unless it meets the requirements of (a)5i and ii below, in which case it shall submit the required information and documentation in accordance with an implementation schedule, but no later than two years prior to scheduled implementation of the mechanism, and shall consider the economic viability of the mechanisms and the actual growth share obligation that has or will occur as calculated pursuant to N.J.A.C. 5:97-2.5. Pursuant to N.J.A.C. 5:97-2.5(d), the municipality shall comply with the plan evaluation requirements and shall be subject to the enforcement remedies of N.J.A.C. 5:96-10.4.
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- i. The municipality demonstrates that the mechanism(s) does not rely upon the availability of vacant land (that is, redevelopment); or
  - ii. The municipality takes appropriate measures to reserve scarce resources that may be essential to implement the mechanisms that rely on the availability of vacant land to address the growth share obligation.
6. Draft and/or adopted ordinances necessary for the implementation of the mechanisms designed to satisfy the fair share obligation;
  7. A demonstration that existing zoning or planned changes in zoning provide adequate capacity to accommodate any proposed inclusionary developments pursuant to N.J.A.C. 5:97-6.4;
  8. A demonstration of existing or planned water and sewer capacity sufficient to accommodate all proposed mechanisms; and
  9. A spending plan pursuant to N.J.A.C. 5:97-8.10, if the municipality maintains or intends to establish an affordable housing trust fund pursuant to N.J.A.C. 5:97-8.
    - (b) The Fair Share Plan shall also include any other documentation pertaining to the review of the municipal Fair Share Plan as required by this chapter and N.J.A.C. 5:96 or requested by the Council.

A municipality's Fair Share Plan must address its (1) rehabilitation share, (2) prior round obligation, and (3) growth share obligation. COAH's regulations provide the means for a municipality to determine and address its new affordable housing obligation. Based on the previous chapter, the Township's Third Round Obligation is summarized in Table 1, below.

**Table IV-1 Third Round Affordable Housing Obligation for Oxford Township**

	Number of Units	
<b>Rehabilitation Share</b>	6	<i>(See Appendix B at N.J.A.C. 5:97. et seq.)</i>
<b>Prior Round Obligation</b>	2	<i>(See Appendix C at N.J.A.C. 5:97. et seq.)</i>
<b>Third Round Obligation</b>	15	<i>Source: NJ Highlands Council</i>

**Rehabilitation Share**

As outlined in amendments to 5:97 effective October 20, 2008, the Township's rehabilitation share is six (6) units. These 6 units represent the sum of substandard housing occupied by low and moderate income families in the Township.

Documentation provided by the Warren County Housing Program administrator shows that six (6) units were rehabilitated and issued final inspection after April 1, 2000. All units meet the requirements of 5:97-4.5(b) as they were funded and administered by the Warren County Housing Program. Signed monitoring forms issued by the County are included in the Appendix.

**Prior Round Obligation**

As outlined in amendments to 5:97 effective October 20, 2008, the Township's Prior Round Obligation is two (2) units. This includes a Prior Round Rental Obligation of zero (0) units. See Table IV-2 for corresponding credits fulfilling the Prior Round Obligation.

**Growth Share Obligation**

Oxford's Growth Share Obligation is fifteen (15) units. Within this number the Township is required to provide eight (8) family units, eight (8) low income units, two (2) of which must be affordable to very low income families and four (4) rental units, two (2) of which must be family rentals. See Table 2 below for corresponding credits fulfilling the Growth Share Obligation.

**Table IV-2 Satisfaction of Fair Share Obligation, Township of Oxford**

Project Name	Completion Date	Afford. Units	Family	Rental	Low/Mod.	Very Low	Bonus	Total
<b>Prior Round Obligation (2 Units – 0 Rental Units Required)</b>								
Oxford Heritage Manor	10/30/86	2 <sup>3</sup>	0	2	2/0	0	0	2
<b>Required</b>		<b>2</b>	<b>0</b>	<b>2</b>	<b>1/1</b>	<b>n/a</b>	<b>n/a</b>	<b>2</b>
<b>Provided</b>		<b>2</b>	<b>0</b>	<b>2</b>	<b>2/0</b>	<b>n/a</b>	<b>0</b>	<b>2</b>
<b>Growth Share Obligation (15 Units – 4 Rental Units Required)</b>								
Oxford Heritage Manor	10/30/86	19 <sup>4</sup>	0	19	19/0	0	0	19
Oxford Group Home	6/12/04	5	0	5	5/0	5	0	5
<b>Required</b>		<b>15</b>	<b>8</b>	<b>5</b>	<b>8/7</b>	<b>2</b>	<b>n/a</b>	<b>15</b>
<b>Provided</b>		<b>24</b>	<b>0</b>	<b>24</b>	<b>24/0</b>	<b>0</b>	<b>2</b>	<b>24</b>

See the Appendix for the Supportive and Special Needs Housing Survey for the Oxford Group Home, operated by the ARC of Warren County.

One element of the Growth Share Obligation not addressed in Table IV-2 is the family rental requirement. The Township is required provide two (2) family rental units per COAH's Substantive Rules. While a total of thirty-seven (37) rental units are provided by way of the Oxford Heritage Manor project and the Oxford Group Home project, these rental units do not qualify as family rentals, as they are not available to the general population. The Township is formally requesting a waiver from 5:97-3.4(b), as constructing or otherwise funding the creation of two (2) family rental units would be an unnecessary financial and practical hardship for the Township. The Township feels strongly that it meets the intent, if not the letter, of the Council's rules regarding family rental housing.

It should be noted that since the Township is requesting a waiver from the family rental requirement, no bonuses are sought for rental units in excess of the growth share rental obligation. Should that waiver not be granted, the Township reserves the right to recalculate the total number of credits in accordance with COAH's substantive rules.

<sup>3</sup> One unit is age restricted and one unit is for those with disabilities.

<sup>4</sup> Only four of the 15 age restricted units are eligible for credit. The remaining 15 units are available to those with disabilities.



### **Analysis of Sites Addressing the Prior Round Obligation**

There are two (2) sites proposed to address both the Prior Round and Third Round obligations. Since the use of these existing projects does not require additional water or sewer capacity, these sites are not required to be analyzed with the Highlands Council's Highlands Consistency Review web tool. The description and narrative below conforms to the Module 3 instructions provided by the Highlands Council.

#### ***Oxford Heritage Manor***

1. Method for providing units: The units are already constructed and occupied by income eligible senior and disabled residents. The units are for rent.
2. Units (Total and Affordable): The total number of units is thirty-two (32), all of which are affordable.
3. Block and Lot: Block 10, Lot 1, located at 15 Pine Street.
4. Utilities: The site currently has all required utilities.
5. Approvals and/or settlement agreements: N/A
6. Ownership: The site is owned by Oxford Heritage Manor and is listed as tax exempt, property class 15F.
7. Discussion of site consistency report: While the site consistency report shows forest resource area, critical habitat, water deficit and a number of other constraints, the site is constructed and has been occupied since October of 1986. It is located in the Planning Area within an Existing Community Zone, although a portion of the site that is vacant is within the Environmentally Constrained Subzone.

#### ***ARC of Warren County Site***

1. Method for providing units: The unit is constructed and occupied by income eligible disabled residents. The units are considered for rent.
  2. Units (Total and Affordable): While the dwelling is a single family home, it contains five (5) bedrooms considered "units" in the context of COAH's Substantive Rules.
  3. Block and Lot: Block 25, Lot 28.01 and 28.03, located at 34 Bush Street.
  4. Utilities: The site currently has all required utilities.
  5. Approvals and/or settlement agreements: N/A
  6. Ownership: The site is owned by the ARC of Warren County and is tax exempt.
  7. Discussion of site consistency report: While the site consistency report shows forest resource area, critical habitat, water deficit and a number of other constraints, the site is constructed and has been occupied since 2003. It is located in the Planning Area and the majority of the site is within the Conservation Zone, with the remainder in the Existing Community Zone, a portion of which is in the Environmentally Constrained Subzone.
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## V. APPENDIX

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## Workbook D



**Summary of Adjusted Growth Share Projection Based On Land Capacity**  
(Introduction to Workbook D)

**Municipality Code: 2117**

**Municipality Name: Oxford Township**

[Muni Code Lookup](#)

This workbook is to be used for determining the projected Municipal Growth Share Obligation by comparing growth projected by COAH with actual growth based on certificates of occupancy that have been issued from 2004 through 2008 and the RMP build-out analysis conducted under Module 2 of the Highlands RMP conformance process. Data must be entered via the "tabs" found at the bottom of this spreadsheet which may also be accessed through the highlighted links found throughout the spreadsheet. This workbook consists of five worksheets that, when combined on this introduction page, provide a tool that allows the user to enter exclusions permitted by N.J.A.C. 5:97-2.4 to determine the projected Growth Share Obligation. COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules, Highlands Council build-out figures based on Mod 2 Reports and actual growth based on COs as published by the DCA Division of Codes and Standards in The Construction Reporter are imported automatically upon entry of the Municipal Code.

[Click Here to enter COAH and Highlands Council data](#)

Municipalities seeking to request a revision to the COAH-generated growth projections based on opting in to the Highlands RMP may do so by providing this comparative analysis of COAH and RMP build-out projections. After completing this analysis, the growth projections may be revised based on the Highlands RMP build-out analysis. Actual growth must first be determined using the Actual Growth worksheet. The RMP adjustment applies only to RMP capacity limitations that are applied to growth projected from 2009 through 2018.

[Click Here to Enter Actual Growth to Date](#)

[Click Here to Enter Permitted Exclusions](#)

[Click Here to View Detailed Results from Analysis](#)

**Summary Of Worksheet Comparison**

	<b>COAH Projected Growth Share</b>	<b>Growth Share Based on Highlands RMP</b>
Residential Growth	170	69
Residential Exclusions	1	1
Net Residential Growth	169	68
Residential Growth Share	33.80	13.60
Non-Residential Growth	127	6
Non-Residential Exclusions	0	0
Net Non- Residential Growth	127	6
Non-Residential Growth Share	7.94	0.39
Total Growth Share	42	14

The Highlands RMP analysis results in a revision to the COAH-generated growth projection. Oxford Township may file this Workbook and use a Residential Growth Share of 13.6 plus a Non-residential Growth Share of 0.39 for a total Highlands Adjusted Growth Share Obligation of 14 affordable units

## Growth Projection Adjustment - Actual Growth

Actual Growth 01/01/04 to 12/31/08

**Municipality Name: Oxford Township**

### Residential COs Issued

As Published by D C S                                    19  
 Per Municipal Records (if different)           19

### Qualified Residential Demolitions

**Note:** To qualify as an offsetting residential demolition, the unit must be the primary residence of the household for which the demolition permit has been issued, it had to be occupied by that owner for at least one year prior to the issuance of the demolition permit, it has to continue to be occupied by that household after the re-build and there can be no change in use associated with the property. (See N.J.A.C. 5:97-2.5(a)1.v.) A Certification Form must be completed and submitted for each qualifying demolition.

Get Demolition Certification Form

Non-residential CO's by Use Group	Square Feet Added (COs Issued) As Published by D C S	Square Feet Added (COs Issued) per Municipal Records (if different)	Square Feet Lost Demolition Permits Issued)	Jobs Per 1,000 SF	Total Jobs
B	0	0		2.8	0.00
M	0	0		1.7	0.00
F	0	0		1.2	0.00
S	1,184	1,184		1.0	1.18
H	0	0		1.6	0.00
A1	0	0		1.6	0.00
A2	0	0		3.2	0.00
A3	0	0		1.6	0.00
A4	0	0		3.4	0.00
A5	0	0		2.6	0.00
E	18,850	18,850		0.0	0.00
I	0	0		2.6	0.00
R1	0	0		1.7	0.00
<b>Total</b>	<b>20,034</b>	<b>20,034</b>	<b>0</b>		<b>1.18</b>

Return to Main Page (Workbook D Intro)

Proceed to COAH Data and RMP Module 2 Build-out Data

Proceed to Exclusions Tab

## Affordable and Market-Rate Units Excluded from Growth

**Municipality Name: Oxford Township**

### Prior Round Affordable Units NOT included in Inclusionary Developments Built Post 1/1/04

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	1
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
<b>Total</b>	<b>1</b>

### Market and Affordable Units in Prior Round Inclusionary Development Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if affordable units are rentals)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
		0			0
		0			0
		0			0
		0			0
		0			0
		0			0
<b>Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
<b>Total</b>	<b>0</b>	<b>0</b>

[Return to Main Page \(Workbook D Intro\)](#)

[Return to COAH Data and RMP Module 2 Build-out Data](#)

[Return to Actual Growth](#)

[View Detailed Results from Analysis](#)

## COAH Growth Projections and Highlands Buildout Data

Must be used in all submissions

**Municipality Name: Oxford Township**

The COAH columns have automatically been populated with growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. The Highlands RMP Build-out columns have automatically been populated with residential and non-residential build-out figures from the municipal build-out results with resource and utility constraints found in Table 4 of the RMP Module 2 report. Always check with the Highlands Council for updates. If figures have been updated, enter updated build-out results. Use the Tabs at the bottom of this page or the links within the page to toggle to the exclusions worksheet of this workbook. After entering all relevant exclusions, toggle back to the introduction page to view the growth share obligation that has been calculated based on each approach.

### COAH Projections

From Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq.  
Allocating Growth To Municipalities

Residential	Non-Residential
170	127

### Highlands RMP Buildout Analysis

From Module 2  
Table 4 – Municipal Build-Out Results With Resource and Utility Constraints  
Updated as of December 17, 2009

	Preservation Area	Planning Area	Totals
<b>Residential units – Sewered</b>	0	8	8
<b>Septic System Yield</b>	2	40	42
<b>Total Residential Units</b>	2	48	50
<b>Non-Residential Jobs – Sewered</b>	0	5	5

Note: Always check with the Highlands Council for updated municipal Build-out numbers. Enter build-out figures in the appropriate boxes only if revised figures have been provided by the Highlands Council.

[Click Here to link to current Mod 2 Build-Out Reports](#)

[Proceed to Enter Prior Round Exclusions](#)  
[Retrun to Enter Actual Growth](#)  
[Return to Main Page \(Workbook D Intro\)](#)



### Comparative Analysis Detail For Oxford Township

The following chart applies the exclusions permitted pursuant to N.J.A.C. 5:97-2.4 to both the COAH growth projections and the projected growth that results from the Highlands RMP build-out analysis plus actual growth for the period January 1, 2004 through December 31, 2008.

	COAH			Highlands	
	Residential	Non-Residential		Residential	Non-Residential
<b>Projected Growth From COAH Appendix F(2)</b>	170	127	<b>RMP Build-out results from Mod2 Table 4</b>	50	5
			<b>Actual Growth from COs issued 2004 through 2008</b>	19	1
<b>Residential Exclusions per 5:97-2.4(a) from "Exclusions" tab</b>			<b>Residential Exclusions per 5:97-2.4(a) from "Exclusions" tab</b>		
COs for prior round affordable units built or projected to be built post 1/1/04			COs for prior round affordable units built or projected to be built post 1/1/04		
Inclusionary Development	0		Inclusionary Development	0	
Supportive/Special Needs Housing	1		Supportive/Special Needs Housing	1	
Accessory Apartments	0		Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0		Municipally Sponsored or 100% Affordable	0	
Assisted Living	0		Assisted Living	0	
Other	0		Other	0	
<b>Market Units in Prior Round Inclusionary development built post 1/1/04</b>	0		<b>Market Units in Prior Round Inclusionary development built post 1/1/04</b>	0	
<b>Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab</b>			<b>Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab</b>		
Affordable units	0		Affordable units	0	
Associated Jobs		0	Associated Jobs		0
<b>Net Growth Projection</b>	<b>169</b>	<b>127</b>	<b>Net Growth Projection</b>	<b>68</b>	<b>6</b>
<b>Projected Growth Share (Residential divided by 5 and jobs divided by 16)</b>	<b>33.80</b>	<b>7.94</b>	<b>Projected Growth Share (Residential divided by 5 and jobs divided by 16)</b>	<b>13.60</b>	<b>0.39</b>
<b>Total Projected Growth Share Obligation</b>		<b>42 Affordable Units</b>		<b>14 Affordable Units</b>	

[Return to Main Page \(Workbook D Intro\)](#)  
[Return to COAH Data and RMP Module 2 Build-out Data](#)  
[Return to Actual Growth](#)  
[Return to Exclusions](#)

Proof of Publication Notice in The Express Times  
Under Act No. 587, approved May 16, 1929

State of Pennsylvania  
County of Northampton

Jill Machado being duly sworn, deposes and says that The Express Times is a daily newspaper published at 30 N. 4<sup>th</sup> St, Northampton County, Easton, Pennsylvania which was established in the year 1855, since which date said daily newspaper has been regularly published and distributed in said County, and that copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of said daily newspaper on the following dates

May 14, 2010

Affiant further deposes and says that she is an employee of The publisher of said newspaper and has been authorized to Verify the foregoing statement and that she is not interested In the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

*Jill Machado*

Sworn to and subscribed before me  
this 19th. Day of May, 2010

*Pamela J. James*  
Notary Public

My Commission Expires:

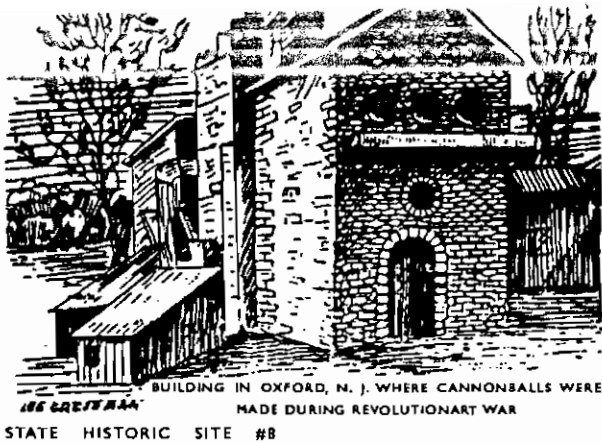
COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Pamela J. James, Notary Public  
City of Easton, Northampton County  
My Commission Expires Sept. 26, 2013  
Member, Pennsylvania Association of Notaries

OXFORD TOWNSHIP  
WARREN COUNTY NJ  
NOTICE OF LUB PUBLIC HEARING  
FOR THE PROPOSED AMENDMENT OF  
THE HOUSING ELEMENT AND FAIR  
SHARE PLAN OF THE OXFORD  
TOWNSHIP MASTER PLAN

PLEASE TAKE NOTICE, that the Land Use Board, Township of Oxford Warren County, New Jersey, will conduct a public hearing on May 25<sup>th</sup> 2010, at a regular meeting beginning at 7:00 p.m. in the Oxford Township Municipal Building located at 11 Green Street, Oxford, NJ 07863 for the purpose of considering and adopting revisions or amendments to the Housing Element and Fair Share Plan component of the Master Plan of the Township of Oxford. Please take further notice, that at said hearing, you may appear either personally or by agent or attorney, to be heard with respect to subject matter, thereof.

The documents of said hearing shall be on file and available for public inspection at the office of the secretary of the Oxford Township Land Use Board at the Oxford Township Municipal Building, 11 Green Street, Oxford, NJ 07863, at least ten (10) days prior to said hearing and may be examined during the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday or by contacting the Land Use Board Secretary at (908) 453-2797. This notice is being provided to you in accordance with the provisions of the Municipal Land Use Law (N.J.S.A.40:55-D-13).

Margaret Housman, LUB Secretary  
Oxford Township



## TOWNSHIP OF OXFORD

11 Green Street  
P.O. Box 119  
Oxford, New Jersey 07863

### Land Use Board

Phone: 908-453-3098  
Fax: 908-453-3787

May 12, 2010

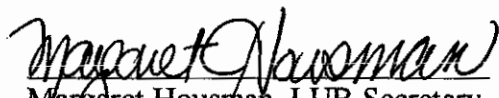
Warren County Planning Board  
Wayne Dumont Jr. Admin. Bldg.  
165 County Rt. 519 South  
Belvidere, NJ 07823

Municipal Clerk  
Township of Mansfield  
100 Port Murray Road  
Port Murray, NJ 07865

Municipal Clerk  
Township of White  
555 CR 519  
Belvidere, NJ 07823

Municipal Clerk  
Township of Liberty  
349 Mt. Lake Road  
Great Meadows, NJ 07838-9727

Municipal Clerk  
Township of Washington  
211 State Route 31 North  
Washington, NJ 07882

  
Margaret Housman, LUB Secretary  
Township of Oxford

OXFORD TOWNSHIP WARREN COUNTY NJ  
NOTICE OF LUB PUBLIC HEARING FOR  
THE PROPOSED AMENDMENT OF THE  
HOUSING ELEMENT AND FAIR SHARE PLAN  
OF THE OXFORD TOWNSHIP MASTER PLAN

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Margaret Housman, LUB Secretary  
Oxford Township

**Certified Governing Body Resolution endorsing the Housing  
Element and Fair Share Plan**

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RESOLUTION 2010-51

**WHEREAS**, the Land Use Board of *the Township of Oxford* State of New Jersey, adopted the Housing Element of the Master Plan on *May 25th, 2010* and

**WHEREAS**, a true copy of the resolution of the Land Use Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

**WHEREAS**, the Land Use Board adopted the Fair Share Plan on *May 25th, 2010*; and

**WHEREAS**, a true copy of the resolution of the Land Use Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of *the Township of Oxford, Warren County*, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the *Oxford Township* Land Use Board; and

**BE IT FURTHER RESOLVED** that the Governing Body of *the Township of Oxford*, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

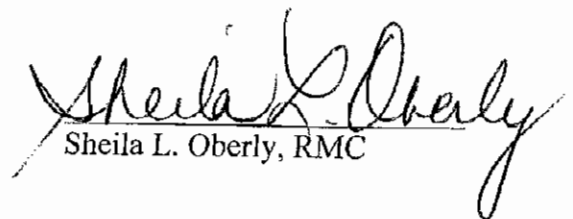
**BE IT FURTHER RESOLVED** that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

**BE IT FURTHER RESOLVED** that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the *Township of Oxford* Township Clerk's office located at *11 Green Street, Oxford, NJ 07863* during normal business hours on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

**CERTIFICATION**

I, Sheila L. Oberly, Township Clerk of the Township of Oxford, County of Warren and State of New Jersey, **DO HEREBY CERTIFY** that this is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Oxford at their Township Meeting held on June 2, 2010.

**WITNESS**, my hand and seal of the Township of Oxford on this 2<sup>nd</sup> day of June 2010.

  
Sheila L. Oberly, RMC

## Service List

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## Service List

### Oxford Township, NJ

Mayor Township of Oxford 11 Green Street Oxford, NJ 07863	Kevin Benbrook, Esq. Township Attorney Benbrook and Benbrook 1734 Route 31 North Suite 1 Clinton, NJ 08809
Sheila L. Oberly Township Clerk Township of Oxford 11 Green Street Oxford, NJ 07863	Peggy Housman Land Use Board Secretary Township of Oxford 11 Green Street Oxford, NJ 07863
New Jersey Highlands Council 100 North Road Route 513 Chester, NJ 07930	Warren County Planning Department Wayne Dumont Jr. Administration Building 165 County Route 519 Belvidere, NJ 07823
Michael B. Lavery, Esq. Land Use Board Attorney Courter, Kobert and Cohen 1001 Route 517 Hackettstown, NJ 07840	ARC of Warren County 319 West Washington Avenue, Suite 2 PO Box 389 Washington, NJ 07882
James Kyle, PP/AICP Kyle Planning and Design PO Box 236 Hopewell, NJ 08525	Office of Smart Growth NJ Department of Community Affairs 101 South Broad Street PO Box 204 Trenton, NJ 08625
Oxford Heritage Manor PO Box 392 Basking Ridge, NJ 07920	Linda Reilly Community Realty Management Apt. 12 Kinnaman Avenue Washington, NJ 07882



**Rehabilitation Program Information From The Warren County  
Housing Program**

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REHABILITATION

OXFORD TOWNSHIP

County: WARREN

1. The following units have been rehabilitated through the WARREN COUNTY HOUSING REHABILITATION PROGRAM  
 The administrative costs for rehabilitation between 01/01/06 and 12/31/06

Report Period: 01/01/06 through 12/31/06

2	3	4	5	6	7	8	9	10	11	12	13								
street address	case number	block	lot	unit number	owner	renter	very low	low	mod	final inspection date (mm/dd/yy)	funds expended on hard costs (\$)	development fees expended (\$)	funds recaptured (\$)	major system(s) repaired (use code)	was unit below code and raised to code? (y/n)	effective date of affordability controls (mm/dd/yy)	length of affordability controls (years)	affordability control removed (y/n)	creditworthy (y/n)
72 Mine Hill Rd.	OX 1-06	1.01	43	1	N	N	N	N	N	02/02/06	\$18,100.00		N	2, 4, 8	Y	02/09/06	99	Y	Y
38,36 Green St.	OX 2-06	38	2&2.01	2	N		N	N		11/29/05	\$9,200.00			3	Y	01/09/06	99	N	Y
41 Henry St.	OX 3-06	26	117,118,119,12.01	1	N		N	N		in progress	\$10,895.00			2	Y		99	N	Y
171 Jonestown Rd.	OX 4-06	1.02	10	1	N		N	N		in progress	\$14,310.00			1,2,4,8	Y		99	N	Y

Verification by Program Administrator that all households are income eligible, that appropriate affordability controls are in place and that rental prices conform to COAH regulations.

Program Administrator \_\_\_\_\_

Date \_\_\_\_\_

Unit Information - Rehabilitation

Municipality Name: OXFORD TOWNSHIP

County: WARREN

Project / Program: WARREN COUNTY HOUSING REHABILITATION PROGRAM

COAH Project Number (COAH use)

1. The following units have been rehabilitated through the

Total administrative costs for rehabilitation between

Address	Unit #	block	block suffix	lot	lot suffix	qualifier	rental / for-sale (select one)	income level (select one)	final inspection date (mm/dd/yyyy)	6 funds expended on hard costs (\$)	7 development fees expended	8 funds recaptured (\$)	9 major system repaired (pick only one) (select from list)	10 was unit newly code and raised to (Y/N)	11 effective date of affordability controls (mm/dd/yyyy)	12 perpetual lien (Y)	13 length of affordability controls (years)	14 date affordability controls removed (mm/dd/yyyy)	15 reason for removal of controls (pick reason)	16 creditworthy (COAH USE) (Y/N)
32 Buckley Ave.	10			13				Low	06/07/01	\$4,014.00			Weatherization (Insulation/Siding/Window)	Yes	06/28/01	Yes	99			
40 Belvidere Ave.	26			64				Low	10/04/02	\$27,632.00			Sanitary/Septic/Sewer Hookup	Yes	12/23/02	Yes	99			
36 Green St.	38			2				Med	11/29/05	\$9,200.00			Heating	Yes	01/10/06	Yes	99			
116 Belvidere Ave.	21			4				Low	4/3/2007	\$7,490.00			Roof	Yes	10/16/07	Yes	99			
171 Belvidere Ave.	24			29				Low	5/24/2007	\$49,065.00			Roof	Yes	06/16/07	Yes	99			
422 Mechanic St.	4			6				Low	5/13/2008	\$10,845.00			Plumbing/Wells	Yes	06/26/08	Yes	99			

Verification by Municipal Housing Liaison that all households are income eligible, that appropriate affordability controls are in place and that rental prices conform to COAH regulations

Municipal Housing Liaison \_\_\_\_\_

Date (mm/dd/yyyy)

Verification by Building Code Official that units were below code and raised to code per the NJ State Housing Code or the Rehabilitation Subcode and that the work involved major systems.

Date (mm/dd/yyyy)

## **Supportive and Special Needs Housing Surveys**

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## Council on Affordable Housing (COAH) Supportive and Special Needs Housing Survey

Municipality: Oxford County: Warren

Sponsor: ARC of Warren County Developer: ARC of Warren County

Block: 25 Lots: 28.01 and 28.03 Street Address: 34 Bush Street

Facility Name: Oxford Group Home

<p><b>Section 1: Type of Facility:</b></p> <p><input checked="" type="checkbox"/> Licensed Group Home</p> <p><input type="checkbox"/> Transitional facility for the homeless (not eligible for COAH credit after June 2, 2008)</p> <p><input type="checkbox"/> Residential health care facility (licensed by NJ Dept. of Community Affairs or DHSS)</p> <p><input type="checkbox"/> Permanent supportive housing</p> <p><input type="checkbox"/> Supportive shared housing</p> <p><input type="checkbox"/> Other – Please Specify: _____</p>	<p><b>Section 2: Sources and amount of funding committed to the project :</b></p> <p><input type="checkbox"/> Capital Application Funding Unit \$ _____</p> <p><input type="checkbox"/> HMFA Special Needs Housing Trust Fund \$ _____</p> <p><input type="checkbox"/> Balanced Housing – Amount \$ _____</p> <p><input type="checkbox"/> HUD – Amount \$ _____ Program _____</p> <p><input type="checkbox"/> Federal Home Loan Bank – Amount \$ _____</p> <p><input type="checkbox"/> Farmers Home Administration – Amount \$ _____</p> <p><input type="checkbox"/> Development fees – Amount \$ _____</p> <p><input type="checkbox"/> Bank financing – Amount \$ _____</p> <p><input type="checkbox"/> Other – Please specify: _____</p> <p><input type="checkbox"/> For proposed projects, please submit a pro forma</p> <p><input type="checkbox"/> Municipal resolution to commit funding, if applicable</p> <p><input type="checkbox"/> Award letter/financing commitment (proposed new construction projects only)</p>
<p><b>Section 3: For all facilities other than permanent supportive housing:</b></p> <p>Total # of bedrooms reserved for:</p> <p>Very low-income clients/households _____</p> <p>Low-income clients/households _____</p> <p>Moderate-income clients/households _____</p> <p>Market-income clients/households _____</p>	<p><b>Section 4: For permanent supportive housing:</b></p> <p>Total # of units <u>5</u>, including:</p> <p># of very low-income units <u>5</u></p> <p># of low-income units _____</p> <p># of moderate-income units _____</p> <p># of market-income units _____</p>
<p><b>Section 5:</b></p> <p>Length of Controls: _____ years (<u>Indefinite</u>)</p> <p>Effective Date of Controls: ___/___/___</p> <p>Expiration Date of Controls: ___/___/___</p> <p>Average Length of Stay: _____ months (transitional facilities only)</p> <p>(<u>Permanent Residents</u>)</p>	<p><b>Section 6:</b></p> <p><input type="checkbox"/> CO Date: <u>6/24/04</u></p> <p>For licensed facilities, indicate licensing agency:</p> <p><input checked="" type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p><input type="checkbox"/> Other _____</p> <p>Initial License Date: <u>6/25/04</u></p> <p>Current License Date: <u>11/30/09 - 11/30/10</u></p>

Section 7:

Has the project received project-based rental assistance? \_\_\_ Yes \_\_\_ No; Length of commitment: \_\_\_\_\_

Other operating subsidy sources: \_\_\_\_\_; Length of commitment: \_\_\_\_\_

Is the subsidy renewable? \_\_\_ Yes \_\_\_ No

Section 8: The following verification is attached:

- Copy of deed restriction or mortgage and/or mortgage note with deed restriction (30-year minimum, HUD, FHA, FHLB, UHAC deed restriction, etc.)
- Copy of Capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum, no deed restriction required)

Section 9:

Residents 18 yrs or older?  Yes \_\_\_ No

Age-restricted? \_\_\_ Yes  No

Population Served (describe): \_\_\_\_\_

Accessible (in accordance with NJ Barrier Free Subcode)?  Yes \_\_\_ No

Section 10: Affirmative Marketing Strategy (check all that apply):

- DDD/DMHS/DHSS waiting list
- Affirmative Marketing Plan approved by the Council's Executive Director

**CERTIFICATIONS**

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

Certified by: Bonnie Hill 5/25/10  
Project Administrator Date

Certified by: \_\_\_\_\_  
Municipal Housing Liaison Date

**DEED**

191549

This Deed is made on Dec. 2, 2002,

**BETWEEN**OUTLOOK AMERICA OF NEW JERSEY, INC.,  
a corporation of the State of New Jerseyhaving its principal office at % Life Bridge Christian Church, 10345 UTE Highway,  
Longmont, CO 80501

referred to as the Grantor,

**AND**

THE ARC, WARREN COUNTY CHAPTER, INC.,

whose post office address is P.O. Box 389, Washington, NJ 07882

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

- 1. TRANSFER OF OWNERSHIP.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of ONE AND NO/100 (\$1.00) DOLLAR.

The Grantor acknowledges receipt of this money.

- 2. TAX MAP REFERENCE.** (N.J.S.A. 46:15-2.1) Municipality of Oxford Township.

Block No. 25

Lot Nos. 28.01 and 28.03

Account No.

- 3. PROPERTY.** The property consists of the land and all the buildings and structures on the land in the Township of Oxford, County of Warren and State of New Jersey. The legal description is:

Please see attached Legal Description annexed hereto and made a part hereof

BEING the same premises conveyed to the Grantor herein by Deed from Salvatore Palumbo and Barbara J. Palumbo, both unmarried, dated 11/05/97, recorded 11/07/97, in Deed Book 1541, Page 190, in the Warren County Clerk's Office.

SUBJECT to covenants, easements and restrictions of record, if any.

SUBJECT to State statutes and municipal ordinances affecting the use of said premises, if any.

SUBJECT to utility easements and grants, if any.

SUBJECT to such state of facts as an accurate survey would disclose.

The street address of the Property is: 34 AND 36 BUSH STREET, OXFORD, NJ 07863.

Consideration : \$1.00 Exempt Code: E

County	State	N.P.N.R.F	Total
0.00	0.00	0.00	0.00
rosie	Date: 03/19/2003		

# Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS  
RICHMOND, VIRGINIA

SCHEDULE A  
Continued

## COMMITMENT FOR TITLE INSURANCE

ALL that tract or parcel of land and premises situate, lying and being in the Township of Oxford, County of Warren and State of New Jersey, more particularly described as follows:

BEGINNING at a point in the line of lands of Tax Map Lot 19 (now or formerly of William A. Haslen), said beginning point being located South 87 degrees, 27 minutes, 30 seconds West, a distance of 238.86 feet from an iron pipe found being the Beginning Point of Parcel Two of lands conveyed to Salvatore Palumbo and Barbara J. Palumbo, his wife, as recorded in Deed Book 1374, page 49; and running thence

- (1) Along Tax Map Lot 19 and along Tax Map Lot 18 (now or formerly William A. Haslen) and along lands now or formerly of Harry Opitz and along Tax Map Lot 16 (now or formerly Samuel Race), South 87 degrees, 13 minutes, 57 seconds West, a distance of 611.12 feet to a point; thence
- (2) Along Tax Map Lot 15 (now or formerly Samuel Race), South 04 degrees, 31 minutes, 50 seconds West, a distance of 136.78 feet to a point; thence
- (3) Along lands now or formerly of Edward R. McConnell, South 30 degrees, 36 minutes, 37 seconds East, a distance of 376.23 feet to a capped bar found; thence
- (4) Partly along lands now or formerly of Alma Properties, South 18 degrees, 15 minutes, 17 seconds East, a distance of 122.41 feet to a point; thence
- (5) Along lands now or formerly of Eric M. Cliff, North 89 degrees, 40 minutes, 07 seconds East, a distance of 427.03 feet to a point; thence
- (6) Along the Westerly boundary line of Parcel Two of lands to be described later, North 03 degrees, 23 minutes, 20 seconds East, a distance of 604.51 feet to the point and place of BEGINNING.

BEING known as Lot 28.01 in Block 25 as shown on Sheet No. 1 of the Oxford Township Tax Map.

PARCEL TWO: LOT 28 IN BLOCK 25:

BEGINNING at an iron pipe found, said found iron pipe being the Beginning Point of Parcel Two of Lands conveyed to Salvatore Palumbo and Barbara J. Palumbo, his wife, as recorded in Deed Book 1374, page 49; and running thence

- (1) Along Tax Map Lot 29 (now or formerly of United Telephone Company of New Jersey, Inc.), South 02 degrees, 20 minutes, 30 seconds East, a distance of 696.51 feet to an iron pipe found; thence
- (2) Along Tax Map Lot 28 (now or formerly of United Telephone Company of New Jersey, Inc.) South 87 degrees, 00 minutes, 20 seconds West, a distance of 200.67 feet to a point; thence
- (3) Along lands now or formerly of Eric M. Cliff; North 01 degrees, 16 minutes, 00 seconds East, a distance of 93.00 feet to a point; thence

(4) Continuing along same, and crossing a broken pavement and gravel driveway, South 88 degrees, 56 minutes, 50 seconds West, a distance of 33.02 feet to a point; thence

(5) Along the Easterly boundary line of Parcel One, North 03 degrees, 23 minutes, 20 seconds East, a distance of 604.51 feet to a point; thence

(6) Partly along lands now or formerly of William A. Haslen and along Tax Map Lot 20 (now or formerly of T. Stiers) and along Tax Map Lot 21 (now or formerly of T. Stiers, North 87 degrees, 27 minutes, 30 seconds East, a distance of 238.86 feet to the point and place of BEGINNING.

BEING known as Lot 28.03, Block 25 as shown on Sheet No. 1 of the Oxford Township Tax Map.

THIS description was drawn in accordance with a survey prepared by Ronald L. Haffling, P.L.S., P.P., dated August 1, 1997.

This page was received in the Warren County Clerk's Office in a condition unsatisfactory for micro-film recording

Subscribed and sworn to before me

this 17th day of March 2003

*Marianne Eisel*  
Marianne Eisel  
Notary Public

MARIANNE EISEL  
NOTARY PUBLIC OF NEW JERSEY  
COMMISSION EXPIRES 06/30/03

*Christopher M. Troxell*  
Name of Deponent (sign above line)  
Christopher M. Troxell  
235 Frost Ave., Phillipsburg, NJ

Address of Deponent

Name of Grantor (type above line)  
Christopher M. Troxell

235 Frost Ave.  
Phillipsburg, NJ 08865

Address of Grantor at Time of Sale

FOR OFFICIAL USE ONLY This space for use of County Clerk or Register of Deeds.			
Instrument Number	191549	County	Warren
Deed Number		Book	1858
		Page	104
Deed Dated	12-2-2002	Date Recorded	3-19-2003

IMPORTANT - BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE HEREOF. This format is prescribed by the Director, Division of Taxation in the Department of the Treasury, as required by law, and may not be altered without the approval of the Director.

ORIGINAL - To be retained by County.

DUPLICATE - To be forwarded by County to Division of Taxation on partial exemption from fee (N.J.A.C. 18:16 - 8.12)

TRIPPLICATE - Is your file copy.



STATE OF NEW JERSEY  
AFFIDAVIT OF CONSIDERATION OR  
EXEMPTION  
(c. 49, P.L. 1968)  
or  
PARTIAL EXEMPTION  
(c. 176, P.L. 1975)

ALL-STATE Legal, A Division of  
ALL-STATE® International, Inc.  
908-272-0800

To Be Recorded With Deed Pursuant to c. 49, P.L. 1968, as amended by c. 225, P.L. 1985 (N.J.S.A. 46:15-5 et seq.)

STATE OF NEW JERSEY  
COUNTY OF WARREN

SS.

FOR RECORDER'S USE ONLY	
Consideration \$	1-
Realty Transfer Fee \$	exempt
Date	3-19-2003
By	ecu

\* Use symbol "C" to indicate that fee is exclusively for county use.

**(1) PARTY OR LEGAL REPRESENTATIVE** (See Instructions #3, 4 and 5 on reverse side.)

Deponent Christopher M. Troxell, being duly sworn according to law upon his/her oath  
(Name)

deposes and says that he/she is the legal representative in a deed dated 12/2/0225  
(State whether Grantor, Grantee, Legal Representative, Corporate Officer, Officer of Title Co., Lending Institution, etc.)

transferring real property identified as Block No. 25 Lot No. 28.01 and 28.03

located at 34 and 36 Bush St., Oxford, Warren County, New Jersey  
(Street Address, Municipality, County)

and annexed hereto.

**(2) CONSIDERATION** (See Instruction #6.)

Deponent states that, with respect to deed hereto annexed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is to be assumed and agreed to be paid by the grantee and any other lien or encumbrance thereon not paid, satisfied or removed in connection with the transfer of title is \$ 1.00

**(3) FULL EXEMPTION FROM FEE** Deponent claims that this deed transaction is fully exempt from the Realty Transfer Fee imposed by c.49, P.L. 1968, for the following reason(s): Explain in detail. (See Instruction #7.) Mere reference to exemption symbol is not sufficient.

(a.) for a consideration of less than \$100.00

**(4) PARTIAL EXEMPTION FROM FEE**

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. (See Instructions #8 and #9.)

Deponent claims that this deed transaction is exempt from the increased portion of the Realty Transfer Fee imposed by c. 176, P. L. 1975 for the following reason(s):

- A) **SENIOR CITIZEN** (See Instruction #8.)
  - Grantor(s) 62 yrs. of age or over. \*
  - One or two-family residential premises.
  - Owned and occupied by grantor(s) at time of sale.
  - No joint owners other than spouse or other qualified exempt owners.
- B) **BLIND** (See Instruction #8.)
  - Grantor(s) legally blind. \*
  - One- or two-family residential premises.
  - Owned and occupied by grantor(s) at time of sale.
  - No joint owners other than spouse or other qualified exempt owners.
- DISABLED** (See Instruction #8.)
  - Grantor(s) permanently and totally disabled. \*
  - One or two-family residential premises.
  - Receiving disability payments.
  - Owned and occupied by grantor(s) at time of sale.
  - Not gainfully employed.
  - No joint owners other than spouse or other qualified exempt owners.
- C) **LOW AND MODERATE INCOME HOUSING** (See Instruction #8.)
  - Affordable According to HUD Standards.
  - Meets Income Requirements of Region.
  - Reserved for Occupancy.
  - Subject to Resale Controls.
- D) **NEW CONSTRUCTION** (See Instruction #9.)
  - Entirely new improvement.
  - Not previously used for any purpose.
  - Not previously occupied.

Deponent makes this Affidavit to induce the County Clerk or Register of Deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of c. 49, P.L. 1968.

Subscribed and sworn to before me this 17th day of March, 2003  
Jameann Eisel  
Notary Public

Christopher M. Troxell  
Name of Deponent (sign above line)  
Christopher M. Troxell  
235 Frost Ave., Phillipsburg, NJ

Christopher M. Troxell  
Name of Grantor (type above line)  
235 Frost Ave.  
Phillipsburg, NJ 08865

Address of Deponent

Address of Grantor at Time of Sale

FOR OFFICIAL USE ONLY This space for use of County Clerk or Register of Deeds.			
Instrument Number	<u>191549</u>	County	<u>Warren</u>
Deed Number	<u>1858</u>	Book	<u>104</u>
Deed Dated	<u>12-2-2002</u>	Date Recorded	<u>3-19-2003</u>

JAMEANN EISEL  
NOTARY PUBLIC OF NEW JERSEY  
COMMISSION EXPIRES 03/03/08

IMPORTANT - BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE HEREOF. This format is prescribed by the Director, Division of Taxation in the Department of the Treasury, as required by law, and may not be altered without the approval of the Director.

ORIGINAL - To be retained by County.  
DUPLICATE - To be forwarded by County to Division of Taxation on partial exemption from fee (N.J.A.C. 18:16 - 8.12)  
TRIPLICATE - Is your file copy.

ORIGINAL AND COPY MUST BE SUBMITTED WITH DEED TO COUNTY RECORDING OFFICER

**PROMISES BY GRANTOR.** The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the Property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

5. **SIGNATURES.** This Deed is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed.

ATTESTED BY:

OUTLOOK AMERICA OF NEW JERSEY, INC.

Claudia Shelton  
CLAUDIA SHELTON Asst. Secretary

By: Rick Rusaw (Seal)  
RICK RUSAW, President

STATE OF COLORADO, COUNTY OF BOULDER

SS.:

I CERTIFY that on Dec. 2, 2002, Claudia Shelton, personally came before me and stated to my satisfaction that :

- (a) this person is the Assistant Secretary of OUTLOOK AMERICA OF NEW JERSEY, INC., the corporation named in this Deed;
- (b) this person is the attesting witness to the signing of this Deed by the proper corporate officer who is RICK RUSAW, President of the corporation;
- (c) this Deed was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of the Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this Deed;
- (e) this person signed this proof to attest to the truth of these facts; and
- (f) the full and actual consideration paid or to be paid for the transfer of title is \$1.00.

Claudia Shelton  
(print name of attesting witness below signatures)  
Claudia Shelton Asst. Secretary

Signed and sworn to before me on Dec 2, 2002.

Chris Ann Bass  
NOTARY

Chris Ann Bass, Notary Public  
State of Colorado  
My Commission Expires 5/11/2006  
Record & Return to:  
Christopher M. Troxell, Esq.  
235 Frost Avenue  
Phillipsburg, New Jersey 08865

45

TERRANCE D. LEE  
WARREN COUNTY CLERK  
BELLEVILLE, N.J.

03 MAR 19 AM 30

RECORDED

## Illustrative Pricing

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**Illustrative\***  
**2009**  
**Low and Moderate Income**  
**Sales Prices for New Construction**

**Region 2 Essex - Morris - Union - Warren**

*Median Income 1.5 person*                    \$65,636  
*Median Income 3 person*                    \$78,763  
*Median Income 4.5 person*                    \$91,015

<b>Size</b>	<b>Very Low Income (30%)</b>	<b>Low Income (40%)</b>	<b>Max. Low (50%)</b>	<b>Average (55%)</b>	<b>Max. Moderate (70%)</b>
1 bedroom	\$44,304	\$59,072	\$73,840	\$81,224	\$103,376
2 bedroom	\$53,165	\$70,886	\$88,608	\$97,469	\$124,051
3 bedroom	\$61,435	\$81,913	\$102,391	\$112,631	\$143,348

**NOTE:** One bedroom housing is affordable to a 1.5 person household  
Two bedroom housing is affordable to a 3 person household  
Three bedroom housing is affordable to a 4.5 person household

\*Illustrative Only: The prices will vary depending upon municipal tax rate, county equalization ratio, permanent interest rate and condominium association fee, if applicable.

Illustrative\*  
2009  
Low and Moderate Income  
Rents for New Construction and/or Reconstruction

**Region 2 Essex - Morris - Union - Warren**

Median Income 1.5 person                      \$65,636  
Median Income 3 person                         \$78,763  
Median Income 4.5 person                       \$91,015

**Low Income (30% Median)**

Size	Gross Rent	Utility Allowance*	Net Rents
1 bedroom	\$492	\$100	\$392
2 bedroom	\$591	\$125	\$466
3 bedroom	\$683	\$151	\$532

**Low Income (35% Median)**

Size	Gross Rent	Utility Allowance*	Net Rents
1 bedroom	\$574	\$100	\$474
2 bedroom	\$689	\$125	\$564
3 bedroom	\$796	\$151	\$645

**Low Income (46% Median)**

Size	Gross Rent	Utility Allowance*	Net Rents
1 bedroom	\$755	\$100	\$655
2 bedroom	\$906	\$125	\$781
3 bedroom	\$1,047	\$151	\$896

**Moderate Income (60% Median)**

Size	Gross Rent	Utility Allowance*	Net Rents
1 bedroom	\$985	\$100	\$885
2 bedroom	\$1,181	\$125	\$1,056
3 bedroom	\$1,365	\$151	\$1,214

At least one rent shall be set for low-income units by bedroom size and at least one rent shall be set for moderate-income units by bedroom size. However, the rents must average no more than 52 percent of median income. At least 10 percent of all low- and moderate-income units shall be affordable to households earning no more than 35 percent of median income.

**NOTE:** One bedroom housing is affordable to a 1.5 person household  
Two bedroom housing is affordable to a 3 person household  
Three bedroom housing is affordable to a 4.5 person household

\*Illustrative Only - Use the HUD Utility Allowances for the appropriate unit type

**Certified Land Use Board Resolution adopting the Housing  
Element and Fair Share Plan**

---

**WHEREAS**, the Land Use Board of *the Township of Oxford, Warren County*, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on *January 11, 2000*; and

**WHEREAS**, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b (3); and

**WHEREAS**, N.J.A.C. 5:97-2.1(a) requires the adoption of the Housing Element by the Land Use Board and endorsement by the Governing Body; and

**WHEREAS**, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the total 1987-2018 fair share obligation of *the Township of Oxford*; and

**WHEREAS**, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Land Use Board and endorsement by the Governing Body; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Land Use Board of *the Township of Oxford* held a public hearing(s) on the Housing Element and Fair Share Plan on *May 25th, 2010*, and;

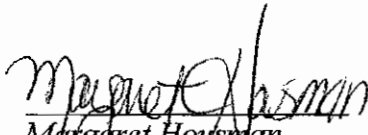
**WHEREAS**, the Land Use Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the *Township of Oxford's* latest Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

**NOW THEREFORE BE IT RESOLVED** by the Land Use Board of *the Township of Oxford*, State of New Jersey, that the Land Use Board hereby adopts the *May 25<sup>th</sup>, 2010* Housing Element and Fair Share Plan.



Alex Lazorizak, Chairman of the Land Use Board

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of *the Township of Oxford*, on *May 25, 2010*.



Margaret Housman  
Land Use Board Secretary



August 31, 2010

Mr. Sean Thompson (via overnight mail)  
Acting Executive Director  
New Jersey Council on Affordable Housing  
101 South Broad Street  
PO Box 803  
Trenton, NJ 08628

Re: Additional Information for Petition Review  
Township of Oxford – Warren County, NJ

Dear Mr. Thompson:

Pursuant to your letter of July 20, 2010, attached you will find additional information related to the Township of Oxford's petition for substantive certification. Included are the following items:

1. A service list in the form prescribed by COAH
2. A copy of the municipal master plan (adopted January 10, 2000)
3. A proposed development fee ordinance (note the existing ordinance is proposed to be repealed and replaced in its entirety with the enclosed draft)
4. A spending plan
5. A draft affordable housing ordinance

Should you require additional information or have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Kyle", is written over a light blue rectangular background.

James T. Kyle, PP/AICP  
Principal

#### Attachments

Cc: Peggy Housman, Land Use Board Secretary (via e-mail w/o Master Plan)  
Mike Finelli, PE, Township Engineer (via e-mail w/o Master Plan)  
Sheila Oberly, Township Clerk (via e-mail w/o Master Plan)

PO Box 236  
Hopewell, NJ 08525  
Ph: 609.529.8692  
Fx: 609.751.9022  
[jkyle@kyleplanning.com](mailto:jkyle@kyleplanning.com)  
[www.kyleplanning.com](http://www.kyleplanning.com)





**Oxford Township, Warren County  
SERVICE LIST**

N.J.A.C. 5:96-3.7



A municipality that petitions the Council on Affordable Housing (COAH) for substantive certification or is otherwise participating in COAH’s substantive certification process must include an updated service list in order for COAH to review its submittal. At the time it files or petitions for substantive certification a municipality must provide COAH with a Service List which includes the following information (Please print clearly):

1. Current names and addresses of owners of sites included in previously certified or court settled plans that were zoned for low- and moderate-income housing and/or were to pay a negotiated fee(s). Owners of sites that have been completely developed may be excluded;

<b>PROJECT NAME</b>	<u>Oxford Group Home</u>	<b>BLOCK</b>	<u>25</u>
		<b>LOT</b>	<u>28</u>
<b>PROPERTY OWNER</b>	<u>ARC of Warren County</u>	<b>TITLE</b>	<u>John Whitehead</u>
<b>EMAIL</b>	<u>jwhitehead@arcwarren.org</u>	<b>PHONE NO.</b>	<u>(908) 689-7525</u>
<b>ADDRESS</b>	<u>319 West Washington Avenue, Suite 2, PO Box 389, Washington, NJ 07882</u>	<b>FAX NO.</b>	<u>(908) 689-4898</u>
	_____		

<b>PROJECT NAME</b>	<u>Oxford Heritage Manor</u>	<b>BLOCK</b>	<u>10</u>
		<b>LOT</b>	<u>1</u>
<b>PROPERTY OWNER</b>	<u>Oxford Heritage Manor</u>	<b>TITLE</b>	<u>n/a</u>
<b>EMAIL</b>	<u>n/a</u>	<b>PHONE NO.</b>	<u>n/a</u>
<b>ADDRESS</b>	<u>PO Box 392</u>	<b>FAX NO.</b>	<u>n/a</u>
	<u>Basking Ridge, NJ 07920</u>		

<b>PROJECT NAME</b>	<u>Oxford Heritage Manor</u>	<b>BLOCK</b>	<u>10</u>
		<b>LOT</b>	<u>1</u>
<b>PROPERTY OWNER</b>	<u>Oxford Heritage Manor</u>	<b>TITLE</b>	<u>Linda Reilly, Community Realty Management</u>
<b>EMAIL</b>	<u>n/a</u>	<b>PHONE NO.</b>	<u>(908) 835-8001</u>
<b>ADDRESS</b>	<u>Apartment 12, Kinnaman Avenue</u>	<b>FAX NO.</b>	<u>n/a</u>
	<u>Washington, NJ 07882</u>		



**Oxford Township, Warren County**  
**SERVICE LIST**  
N.J.A.C. 5:96-3.7



2. The names and addresses of owners of all new or additional sites included in the Fair Share Plan;

		<b>BLOCK</b>	_____
<b>PROJECT NAME</b>	_____	<b>LOT</b>	_____
<b>PROPERTY OWNER</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____ _____	<b>FAX NO.</b>	_____



**Oxford Township, Warren County  
SERVICE LIST**

N.J.A.C. 5:96-3.7



3. Except for Mayors, Clerks, Municipal Attorneys and Municipal Housing Liaisons, which are automatically added to every Service List by COAH, the names and addresses of all municipal employees or designees that the municipality would like notified of all correspondence relating to the filing or petition;

<b>NAME</b>	<u>Peggy Housman</u>	<b>TITLE</b>	<u>Land Use Board Secretary</u>
<b>EMAIL</b>	<u>planningboard@oxfordnj.org</u>	<b>PHONE NO.</b>	<u>908 453 2797</u>
<b>ADDRESS</b>	<u>11 Green Street</u>	<b>FAX NO.</b>	<u>908 453-3787</u>
	<u>Oxford, NJ 07863</u>		

<b>NAME</b>	<u>James Kyle, PP/AICP</u>	<b>TITLE</b>	<u>Planning Consultant</u>
<b>EMAIL</b>	<u><a href="mailto:jkyle@kyleplanning.com">jkyle@kyleplanning.com</a></u>	<b>PHONE NO.</b>	<u>609-529-8692</u>
<b>ADDRESS</b>	<u>PO Box 236</u>	<b>FAX NO.</b>	<u>609-751-9022</u>
	<u>Hopewell, NJ 08525</u>		

<b>NAME</b>	<u>Mike Finelli, PE</u>	<b>TITLE</b>	<u>Township Engineer</u>
<b>EMAIL</b>	<u><a href="mailto:mikef@finellicon.com">mikef@finellicon.com</a></u>	<b>PHONE NO.</b>	<u>908 835 9500</u>
<b>ADDRESS</b>	<u>205 Route 31 North</u>	<b>FAX NO.</b>	<u>908 835 9909</u>
	<u>Washington, NJ 07882</u>		

<b>NAME</b>	<u>Michael Lavery, Esq.</u>	<b>TITLE</b>	<u>Land Use Board Attorney</u>
<b>EMAIL</b>	<u><a href="mailto:mlavery@ckclaw.com">mlavery@ckclaw.com</a></u>	<b>PHONE NO.</b>	<u>(908) 852-2600</u>
<b>ADDRESS</b>	<u>1001 Route 517</u>	<b>FAX NO.</b>	<u>(908) 852-8225</u>
	<u>Hackettstown, NJ 07840</u>		



**Oxford Township, Warren County  
SERVICE LIST**

N.J.A.C. 5:96-3.7



4. The names and addresses of relevant County, Regional and/or State entities; AND

<b>NAME</b>	<u>New Jersey Highlands Council</u>	<b>TITLE</b>	<u>James Humphries</u>
<b>EMAIL</b>	<u>james.humphries@highlands.state.nj.us</u>	<b>PHONE NO.</b>	<u>(908) 879-6737 x112</u>
<b>ADDRESS</b>	<u>100 North Road</u>	<b>FAX NO.</b>	<u>(908) 879-4205</u>
	<u>Chester, NJ 07930</u>		

<b>NAME</b>	<u>Warren County Planning Department</u>	<b>TITLE</b>	<u>n/a</u>
<b>EMAIL</b>	<u>planning@co.warren.nj.us</u>	<b>PHONE NO.</b>	<u>908-475-6532</u>
<b>ADDRESS</b>	<u>Wayne Dumont, Jr. Administration Building, 165 County Route 519 South</u>	<b>FAX NO.</b>	<u>908-475-6537</u>
	<u>Belvidere, NJ 07823</u>		

<b>NAME</b>	<u>NJ Office of Smart Growth</u>	<b>TITLE</b>	<u>n/a</u>
<b>EMAIL</b>	<u>osgmail@dca.state.nj.us</u>	<b>PHONE NO.</b>	<u>609-292-7156</u>
<b>ADDRESS</b>	<u>101 South Broad Street, PO Box 204</u>	<b>FAX NO.</b>	<u>609-292-3292</u>
	<u>Trenton, NJ 08625-0204</u>		



**Oxford Township, Warren County**  
**SERVICE LIST**  
N.J.A.C. 5:96-3.7



5. Names of known interested party(ies).

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

**CHAPTER 100 AFFORDABLE HOUSING, Article I is hereby repealed and replaced in its entirety as follows:**

**§ 100-1 Purpose**

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

**§ 100-2. Basic requirements**

- a) This amended ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C. 5:96-5.1*.
- b) The Township of Oxford shall not spend development fees until COAH has approved an amended plan for spending such fees in conformance with *N.J.A.C. 5:97-8.10* and *N.J.A.C. 5:96-5.3*.

**§ 100-3. Definitions**

- a) The following terms, as used in this ordinance, shall have the following meanings:
  - i. "**Affordable housing development**" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
  - ii. "**COAH**" or the "**Council**" means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
  - iii. "**Development fee**" means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:97-8.3*.
  - iv. "**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.

- v. **“Equalized assessed value”** 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 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
- vi. **“Green building strategies”** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

**§ 100-4. Residential Development fees**

- a) Imposed fees
  - i. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one-half (1.5) percent of the equalized assessed value for residential development provided no increased density is permitted.
  - ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six (6) percent of the equalized assessed value for each additional unit that may be realized. However, 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.
- b) Eligible exactions, ineligible exactions and exemptions for residential development
  - i. 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 a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
  - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
  - iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
  - iv. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee

requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

**§ 100-5. Non-residential Development fees**

- a) Imposed fees
- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
  - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
  - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b) Eligible exactions, ineligible exactions and exemptions for non-residential development
- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
  - ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
  - iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
  - iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time 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.
  - v. If a property which 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 Township of Oxford as a lien against the real property of the owner.

**§ 100-6. 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 as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should the Township of Oxford 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 (C.40:55D-8.6).
- h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i) Appeal of development fees
  - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township of Oxford. 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.

- 2) 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 Township of Oxford. 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.

**§ 100-7. Affordable Housing trust fund**

- a) There is an existing separate, interest-bearing housing trust fund maintained by the Chief Financial Officer 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 Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  1. payments in lieu of on-site construction of affordable units;
  2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
  3. rental income from municipally operated units;
  4. repayments from affordable housing program loans;
  5. recapture funds;
  6. proceeds from the sale of affordable units; and
  7. any other funds collected in connection with the Township of Oxford's affordable housing program.
- c) Within seven days from the opening of the trust fund account, the Township of Oxford shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, Skylands Bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

**§ 100-8. Use of funds**

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Township of Oxford's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment,

market to affordable, or regional housing partnership programs, conversion of existing 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, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

- b) Funds shall not be expended to reimburse the Township of Oxford for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
  - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
  - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
  - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) The Township of Oxford may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

**§ 100-9. Monitoring**

- a) The Township of Oxford shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees

from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township of Oxford's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

**§ 100-10. Ongoing collection of fees**

- a) The ability for the Township of Oxford to impose, collect and expend development fees shall expire with its substantive certification unless the Township of Oxford has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Township of Oxford fails to renew substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Township of Oxford shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Township of Oxford retroactively impose a development fee on such a development. The Township of Oxford shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

June 22, 2010

## **Draft Affordable Housing Trust Fund Spending Plan for the Township of Oxford, Warren County, N. J.**

### **INTRODUCTION**

Oxford Township, Warren County has prepared a Housing Plan Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was adopted by the Township Committee on December 15, 2004

As of February 28, 2010, the Township had a balance of \$8,633.79 in the affordable housing trust fund, all of which was collected in 2006. All development fees, payments in lieu of constructing affordable units on site, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Skylands Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7 to 8.9 as described in the sections that follow.

### **1. REVENUES FOR CERTIFICATION PERIOD**

To calculate a projection of revenue anticipated during the period of third round substantive certification, the Township of Oxford considered the following:

(a) Development fees:

1. Residential and nonresidential 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): The Township has a growth share ordinance in place, although no payments-in-lieu were collected during the certification period.
- (c) Other funding sources: No funds from other sources, including the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, or proceeds from the sale of affordable units have been collected. It is anticipated that some rehabilitation loans may be repaid in time, but this source is uncertain since it is based on when the loan recipient sells the rehabilitated unit.
- (d) Projected interest: During 2009 the Township received \$46.78 in interest based on an average trust fund account balance of \$8,626.82. The amount of interest earned per year varied from \$14.55 to \$84.58. An average of \$80.00 per year is used below based on the anticipation of additional development fees.

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2009 THROUGH 2018										
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development fees:											
1. Approved Development											
2. Development Pending Approval											
3. Projected Development			\$20,250	\$20,250							\$40,500
(b) Payments in Lieu of Construction											
(c) Other Funds (Specify source(s))											
(d) Interest		\$80	\$80	\$80	\$80	\$80	\$80	\$80	\$80	\$80	\$720
<b>Total</b>											\$41,220

(A)= Actual

The Township projects a total of \$41,220 in revenue, including interest, to be collected between January 1, 2010 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

## **2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS**

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

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the Township's 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).

(b) Distribution of development fee revenues:

The municipal housing liaison makes an initial request for funding to the Township Committee. He/she reviews the request for the disbursement of funds from the affordable housing trust fund for consistency with the spending plan, and adopts the recommendation by resolution.

The release of funds requires the adoption of the Council resolution in accordance with the COAH-approved spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

## **3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS**

(a) **Rehabilitation program**

The Township receives its rehabilitation funding through the Warren County Housing Program. With no additional compliance mechanisms required at this time, the Township will dedicate development fee revenue beyond that required for affordability assistance and administration to the rehabilitation of additional units.

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households, at least half of which shall be available to low- and moderate-income households in affordable units included in the Township’s Fair Share Plan. One-third of the affordability assistance portion shall be used to provide affordability assistance to very low income households.

Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.

Projected minimum affordability assistance requirement:

Actual development fees through 12/31/2009		\$ 8,626.82
Actual interest earned through 12/31/2009	+	\$ 226.82
Development fees projected 2010-2018	+	\$40,500
Interest projected 2010-2018	+	\$ 720
Less housing activity expenditures through 6/2/2008	-	0
<b>Total</b>	=	\$50,073.64
30 percent requirement	x 0.30 =	\$15,022.09
Less Affordability assistance expenditures through 12/31/2009	-	\$ 0
<b>PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2010 through 12/31/2018</b>	=	\$15,022.09
<b>PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2009 through 12/31/2018</b>	÷ 3 =	\$ 5,007.36

The Township will dedicate \$15,022 from the affordable housing trust fund to render units more affordable, including \$5,007 to render units more affordable to households earning 30 percent or less of median income by region, as outlined above.



**(c) Administrative Expenses (N.J.A.C. 5:97-8.9)**

The Township projects that \$10,014.73 will be available from the affordable housing trust fund for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are the administrative costs for the preparation of the Housing Plan Element, Fair Share Plan and COAH petition for substantive certification, which is estimated at an additional \$10,000. Remaining administrative expenses may include funding the position of municipal housing liaison or other administrative costs approved by COAH.

**4. EXPENDITURE SCHEDULE**

The Township intends to use the affordable housing trust fund revenues for the creation, conversion and rehabilitation of affordable housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized below. All funds in the Township's affordable housing trust fund will be expended or committed to be expended within four years of COAH's approval of this spending plan.

Program	Number of Units Projected	Funds Expended and/or Dedicated	PROJECTED EXPENDITURE SCHEDULE 2009 -2018											
			2005-2009	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
<i>Rehabilitation</i>														
<b>Total Programs</b>														
Affordability Assistance *								\$5,007	\$5,007	\$5,007				\$15,022
Administration				\$10,015										\$10,015
<b>Total</b>				\$10,015				\$5,007	\$5,007	\$5,007				\$25,037

## **5. EXCESS OR SHORTFALL OF FUNDS**

Since the Township is not relying on development fees to fund mechanisms required for compliance bonding for a shortfall in development fees is not required. Development fees will be utilized to fund programs above and beyond that required to meet the fair share obligation. As indicated in this spending plan, development fees will be utilized to render units more affordable through the offering of affordability assistance. Any excess funds will be utilized to rehabilitate substandard units.

## **6. BARRIER FREE ESCROW**

Collection and distribution of barrier free funds is not anticipated in the Township's housing program.

## **SUMMARY**

The Township intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing plan element and fair share plan dated May 25, 2010.

The Township has a balance of \$8,626.82 as of December 31, 2009 and anticipates an additional \$41,220 in revenues before the expiration of substantive certification for a total of \$50,073.64. The Township will dedicate \$15,022 for affordability assistance to render units more affordable and \$10,015 to administrative costs. The Township will dedicate any excess funds toward rehabilitation of substandard units.

<b>SPENDING PLAN SUMMARY</b>	
Balance as of December 31, 2009	\$ 8,626.82
<b>PROJECTED REVENUE 2009-2018</b>	
Development fees	+ \$40,500
Payments in lieu of construction	+ \$
Other funds	+ \$
Interest	+ \$ 720
<b>TOTAL REVENUE</b>	<b>= \$50,073.64</b>
<b>EXPENDITURES</b>	
Funds used for Rehabilitation	-
Funds used for New Construction	
1.	- \$
2.	- \$
3.	- \$
4.	- \$
5.	- \$
6.	- \$
7.	- \$
8.	- \$
9.	- \$
10.	- \$
Affordability Assistance	- \$15,022
Administration	- \$ 10,015
Excess Funds for Additional Housing Activity	= \$
1.	- \$
2.	- \$
3.	- \$
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>= \$25,037</b>
<b>REMAINING BALANCE</b>	<b>= \$ 25,036</b>

## **Township of Oxford Draft Growth Share Ordinance**

### **Section 1. Affordable Housing Obligation**

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Oxford Township Land Use Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways that the Township shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.

### **Section 2. Definitions**

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

“Accessory apartment” means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

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

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

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

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 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 the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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

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

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

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

“Deficient housing unit” means a housing unit with health and safety code violations that 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.

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

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

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

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

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

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

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

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

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

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

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

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

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with

allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

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

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

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

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

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

### **Section 3. Affordable Housing Programs**

The Township has determined that it will use the following mechanisms to satisfy its affordable housing obligations.

- (a) A Rehabilitation program.
  1. The Township’s rehabilitation program shall be designed to renovate deficient housing units occupied by 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.
  2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
  3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
  4. The Township shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
  5. The Township shall adopt a resolution committing to fund any shortfall in the rehabilitation programs.
  6. The Township shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted



by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
  - i. 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 rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
  - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
  - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
  - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.
8. The Township participates with the Warren County Housing Program in its rehabilitation program.

#### **Section 4. Growth Share Requirements**

- (a) Residential subdivisions.
  1. Residential subdivisions between two and four lots shall be required to make a payment-in-lieu of providing required affordable housing to the Township of Oxford's affordable housing trust fund in the amount of \$29,737 for each lot created.
  2. Residential subdivisions of five lots or more shall be required to construct one among every five housing lots/units (20%) as an affordable unit. Where requirements for affordable housing units result in fractional remainders, the per lot payment-in-lieu fee shall be applied proportionally and said fee deposited into the Township of Oxford's affordable housing trust fund.
- (b) Deed restriction.

All affordable units shall be deed restricted as required by the Substantive Rules of the Council on Affordable Housing, depending on the type of unit constructed.

- (c) Percentages of affordable units.

Affordable units: 50% of the units shall be low-income and 50% moderate-income.

- (d) Bedroom mix.

Bedroom mix shall be in accordance with current COAH rules.

- (e) Size and architectural features.

The affordable housing structures shall be consistent in size and architectural features with the neighborhood or as approved by the Land Use Board.

- (f) Extensions.

In the event that an applicant seeks an extension of an approval that is to expire, such extension shall be considered in accordance with the provisions of this article. Any such extension, if so granted, shall be conditioned upon the developer complying with the provisions of this article.

### **Section 5. New Construction**

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- (a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
  1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
  2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
  3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
    - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
    - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
    - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
    - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
  4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(b) Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - 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 on the first floor;
  - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
  - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
  - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Township has collected funds from the developer sufficient to make 10 percent 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 Township's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
    - C. The funds deposited under paragraph B. above shall be used by the Township for the sole purpose of making the adaptable entrance of any 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 a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township.
    - E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are

deposited into the affordable housing trust fund and appropriately earmarked.

- F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum Rents and Sales Prices

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
  - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.  
  
\*\*NOTE: N.J.S.A. 52:27D-329.1 (P.L. 2008, C. 46) includes the requirement that all municipal fair share plans provide for the reservation of at least 13% of the affordable units for very low income households, i.e. households earning 30% or less of the median income. The new statute states that the requirement is not project-specific. Each municipality's version of this ordinance must reflect the determinations made in the Fair Share Plan as to the percentage of units necessary for very low income units in rental projects. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
  - i. A studio shall be affordable to a one-person household;

- ii. A one-bedroom unit shall be affordable to a one and one-half person household;
  - iii. A two-bedroom unit shall be affordable to a three-person household;
  - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
  - v. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
  - i. A studio shall be affordable to a one-person household;
  - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
  - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. Utilities. 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 approved by DCA for its Section 8 program.

## **Section 6. Affirmative Marketing Requirements**

- (a) 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 also 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 COAH Housing Region 2 and covers the period of deed restriction.
- (b) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 2 comprised of Essex, Morris, Union and Warren Counties.
- (c) The Administrative Agent designated by the Township shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (d) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (e) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (f) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township.

## **Section 7. Occupancy Standards**

- (a) 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:
  - 1. Provide an occupant for each bedroom;
  - 2. Provide children of different sex with separate bedrooms; and
  - 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) are provided in the municipal Operating Manual.

## **Section 8. Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Township elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

**Section 9. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices**

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

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

### **Section 10. Buyer Income Eligibility**

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

### **Section 11. Limitations on indebtedness secured by ownership unit; subordination**

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

### **Section 12. Control Periods for Restricted Rental Units**

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Township elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental



unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.

- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Somerset. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
  - 1. Sublease or assignment of the lease of the unit;
  - 2. Sale or other voluntary transfer of the ownership of the unit; or
  - 3. The entry and enforcement of any judgment of foreclosure.

### **Section 13. Price Restrictions for Rental Units; Leases**

- (a) 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 provided to the Administrative Agent.
- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

### **Section 14. Tenant Income Eligibility**

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
  - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
  - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  3. The household is currently in substandard or overcrowded living conditions;
  4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  5. The household documents 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.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

### **Section 15. Administration**

- (a) The position of Municipal Housing Liaison (MHL) for the Township is established by this ordinance. The Mayor and Council shall make the actual appointment of the MHL by means of a resolution.
1. The MHL must be either a full-time or part-time employee of the Township.
  2. The person appointed as the MHL must be reported to COAH for approval.
  3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
  4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township, including the following responsibilities which may not be contracted out to the Administrative Agent:
    - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
    - ii. The implementation of the Affirmative Marketing Plan and affordability controls.

- iii. When applicable, supervising any contracting Administrative Agent.
  - iv. Monitoring the status of all restricted units in the Township's Fair Share Plan;
  - v. Compiling, verifying and submitting annual reports as required by COAH;
  - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
  - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (b) The Township shall designate by resolution of the Mayor and Council, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
- 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
  - 2. Affirmative Marketing;
  - 2. Household Certification;
  - 3. Affordability Controls;
  - 4. Records retention;
  - 5. Resale and re-rental;
  - 6. Processing requests from unit owners; and
  - 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
  - 8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

**Section 16. Enforcement of Affordable Housing Regulations**

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, 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.

- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is 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 *[insert amount]* or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing 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 Township's 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 low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
  2. The municipality may file a court action in the Superior Court seeking a judgment, 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- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall

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

- (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

### **Section 17. Appeals**

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

### **REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**EFFECTIVE DATE**

This ordinance shall take effect upon passage and publication as provided by law.

DRAFT