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MEMORANDUM

To: Readington Township Planning Board

From: Michael Sullivan, ASLA, AICP
Emily R. Goldman, PP, AICP

Re: Minor Revisions
Amended Third Round Housing Element & Fair Share Plan

Date: May 21, 2020

The following minor revisions have been made to the draft Amended Third Round Housing Element and Fair Share Plan, scheduled for a public hearing on Tuesday, May 26, 2020, to reflect the executed Settlement Agreement with Fair Share Housing Center.

- **Credits Without Controls:** On April 30, 2020, Frank Banisch, the Court-appointed Master, indicated he would certify 32 credits without controls. The Settlement Agreement with Fair Share Housing Center claimed 30 credits without controls, but also anticipated "at least 30 credits" with the understanding that the figure could be higher. As a result, the project description for this program shall be updated to indicate the Township may obtain credit for 32 credits without controls. This revision will also be reflected in the crediting table that starts on page 85. The 32 credits create a two-unit surplus which was carried to the Third Round obligation (Prospective Need + Gap Present Need).

- **Township-wide Market-to-Affordable Program:** Since the Court-appointed Master certified 32 credits without controls whereas only 30 credits without controls were anticipated, the Township has a two-unit surplus in the Prior Round that will be carried to the Third Round obligation (Prospective Need + Gap Present Need). As a result, the Township-wide Market-to-Affordable Program shall be reduced by two units. This revision shall be reflected in the project description for the Township-wide Market-to-Affordable program as well as the crediting table that starts on page 85 of the draft Housing Element and Fair Share Plan.

- **Appendices**. Subsequent to the draft Housing Element and Fair Share Plan being put on file at the Township, the following project documentation has been received and the appendices shall be updated as follows:

Philip Caton, FAICP
John Hatch, FAIA
George Hibbs, AIA
Brian Slaugh, AICP
Michael Sullivan, AICP

Emeriti
John Clarke, FAIA
Carl Hintz, AICP, ASLA

- **Appendix 12** – The executed agreement with Allies, Inc., for an additional 17 bedrooms, will be added to the appendix.
- **Appendix 22** – The Township Committee adopted Ordinance 12-2020 establishing the Age-Restricted Affordable Housing-2 (ARAH-2) District for the BCUW/Madeline Housing Partners, LLC project on May 4, 2020. The adopted zoning ordinance will be added to the appendix.
- **Appendix 31** – The Township Committee adopted Ordinance 14-2020 establishing the Multi-Family Affordable Housing-4 (MFAH-2) District for the Hionis project on May 4, 2020. The adopted zoning ordinance will be added to the appendix.
- **Appendix 43** – The Township Committee adopted Ordinance 13-2020 establishing the Multi-Family Affordable Housing-5 (MFAH-5) District for the Three Bridges - Diaz project on May 4, 2020. The adopted zoning ordinance will be added to the appendix.
- **Appendix 44** – The Township Committee adopted Ordinance 15-2020 establishing the Multi-Family Affordable Housing-2 (MFAH-2) District for the Three Bridges Inclusionary Overlay project on May 4, 2020. The adopted zoning ordinance will be added to the appendix.
- **Appendix 47** – The deed restriction for 181 Aster Court will be added to the appendix.
- **Appendix 50** – The Township Committee adopted the Spending Plan and a Resolution of Intent to Fund at its March 16, 2020 meeting. A copy of the adopted Spending Plan as well as the adopted Resolution of Intent to Fund will replace the draft documents within the appendix.
- **Appendix 51** – The Township Committee adopted Ordinance 09-2020 to establish the affordable housing ordinance regulations consistent with the Settlement Agreement with Fair Share Housing Center. The adopted Affordable Housing Ordinance will be added to the appendix.

DEVELOPER AGREEMENT

THIS DEVELOPER AGREEMENT ("AGREEMENT") made this 27 day of April, 2020, by and between:

The TOWNSHIP OF READINGTON (hereinafter "Township"), a municipal corporation of the State of New Jersey, County of Hunterdon, having an address at 509 Route 523, Whitehouse Station, NJ, 08889 ;

And

Allies, Inc. (hereinafter "Allies"), a non-profit corporation providing group homes in the Township of Readington to assist persons with developmental disabilities, in addition to other such services, and having an address at 1262 Whitehorse-Hamilton Square Road, Suite 101, Bldg. A, Hamilton, New Jersey 08690;

Collectively, the Township and Allies, LLC shall be referred to as the "**Parties**."

WHEREAS, in response to the New Jersey Supreme Court's decision In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 2, 2015, the Township filed an action with the Superior Court of New Jersey ("Court"), entitled In the Matter of the Application of the Township of Readington, County of Hunterdon, Docket No. HNT-L-301-15, seeking a Judgment of Compliance and Repose approving its Affordable Housing Plan (as defined herein), in addition to related reliefs (the "Compliance Action"); and

WHEREAS, the Township simultaneously sought and ultimately secured an Order protecting Readington from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, the Township entered a Settlement Agreement with Fair Share Housing Center (hereinafter "FSHC") on or about July 16, 2019 (hereinafter "FSHC Agreement"), which resolves the aforementioned DJ Action globally and which was approved by Court Order dated October 15, 2019; and

WHEREAS, the FSHC Agreement lays out the Township's affordable housing obligations and methods by which that obligation will be satisfied; and

WHEREAS, one such mechanism are special needs housing credits generated by 13 existing special needs bedrooms owned and operated by Allies; and

WHEREAS, the FSHC Agreement also provides for 28 additional proposed group home bedrooms; and

WHEREAS, Allies currently operates 13 special needs bedrooms (hereinafter "Existing Bedrooms") all of which are credit-worthy against the Township's affordable housing obligation; and

WHEREAS, the Township and Allies entered an amended agreement, dated February 12, 2009 (hereinafter "2009 Agreement"), which permits Allies to provide up to 30 total bedrooms of special needs housing; and

WHEREAS, the parties wish to modify the 2009 Agreement by adding a commitment to produce the remaining 17 special needs and credit-worthy bedrooms prior to the expiration of Round 3 (July 2, 2025) (hereinafter "Proposed 13 Bedrooms"); and

WHEREAS, to ensure that all 30 bedrooms contemplated by this Developer's Agreement generate affordable housing credits to be applied as Very Low Income (hereinafter "VLI") bedrooms to the Township's Gap (1999-2015) and Round 3 (2015-2025) affordable housing obligations, the affordable bedrooms within each group home shall be developed in accordance with the COAH Prior Round regulations, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC") and all other applicable law except that all 30 bedrooms shall be deed restricted for a period of at least 30 years as affordable to very low income households as defined by UHAC, the FHA and COAH regulations (households earning 30% of the regional median income or less).

NOW, THEREFORE, in consideration of the promises, the mutual obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Parties, the Parties hereto, agree in this Developer's Agreement to the terms set forth as follows:

ARTICLE I –"BASIC TERMS AND CONDITIONS"

1.1 Purpose The purpose of this Agreement is to create a realistic opportunity for the Proposed 17 Bedrooms, in addition to the 13 Existing Bedrooms, and to generate VLI affordable housing credits for the Township to apply to its Gap (1999-2015) and Round 3 (2015-2025) affordable housing obligations.

ARTICLE II – ALLIES OBLIGATIONS

2.1 Affordable Units. Allies shall have an obligation to deed-restrict 17 bedrooms as very low income, in addition to the existing 13 bedrooms, which are already deed restricted. Any such affordable bedrooms shall comply with UHAC, applicable COAH affordable housing regulations, any applicable order of the Court, and other applicable laws, except that all units must be affordable to very low income households as defined by the FHA and COAH regulations. In addition, the affordable bedrooms shall remain affordable for a period of at least thirty (30) years from the date of their initial occupancy (hereinafter "Deed-Restriction Period"). Allies shall provide the 17 deed-restricted bedrooms described in this paragraph by July 2, 2025.

2.2 Administrative Agent. Unless otherwise agreed to in writing by the parties, Allies shall be primarily responsible for administering the affordability controls on the units and ensuring that they are occupied by very low income households/individuals in accordance with FHA and COAH regulations. Allies shall have a continuing duty to supply the Township's Administrative Agent with copies of documentation evidencing that such occupants meet these regulations. At closing on the deed restriction, the parties shall sign an appropriate Administrative Agent

agreement.

2.3 Identifying Potential Sites for the 17 Proposed Bedrooms. Once Allies indentfies a property for development, Allies shall notify the Township by mail at the address provided in this Agreement. Once identified as a property for development, Allies shall have a period of sixty (60) calendar days, or as may be extended by mutual agreement of the parties, in which to conduct such due diligence and feasibility studies as it deems necessary and appropriate for its purposes. Following completion of the feasibility studies, including obtaining approval from the New Jersey Division of Developmental Disabilities, Allies shall notify the Township, in writing, and confirm its interest in the potential site. To the extent Allies requires the Township's assistance to obtain the site, the Township shall have the right to approve or reject the potential site. Nothing in this provision or this settlement shall require nor preclude the Township providing financial assistance for site acquisition in excess of the sum provided for in Section 3.1 of this Agreement.

2.4 Closing date. Prior to receipt of payment identified in Paragraph 3.1 below, Allies shall sign all necessary agreements and affordable housing restriction documents, in recordable form. Closing documents may include Note, Repayment Mortgage, Deed Restriction and an Agreement for the Administrative Agent of Affordable Housing Units.

ARTICLE III – TOWNSHIP OBLIGATIONS

3.1 Payment per bedroom: The Township agrees to pay a sum of thirty-five thousand dollars ($35,000) per bedroom from its affordable housing trust fund or through other funds to subsidize the administration of the affordable bedroom/units. The Parties recognize and acknowledge that, to effectuate such payment, the Township must adopt an appropriate ordinance authorizing acceptance of the deed restriction and payment of funds, and will not be able to effectuate such payment until after the expiration of the appeal period regarding the adoption of such an ordinance (See Rule 4:69-6 of the Rules Governing the Courts of the State of New Jersey). Payment in full shall be made by the Township at the time of closing on the property, and after Allies has fulfilled its obligations pursuant to Paragraph 2.4 above.

3.2 The Township agrees to waive all local permit fees within its control in order to help facilitate this development.

3.3 Adoption of Housing Element and Fair Share Plan; Submission to Court: In connection with the judicial rules established for the determination of New Jersey municipalities' "Round 3" affordable housing obligations under the FHA, the "Mount Laurel" line of cases and Mount Laurel IV, the Township agrees to adopt and transmit to the designated New Jersey Superior Court judge appointed to hear affordable housing cases for municipalities in Hunterdon County (the "Court") a Housing Element and Fair Share Plan and Spending Plan (collectively, the

"Plan"). The Plan shall include the Projects and the Township's commitment to make the Municipal Contribution in support of the Projects. The Plan shall be submitted in accordance with the deadlines set by the Court, and the Plan shall have also been adopted by the Planning Board and endorsed by the Township Committee prior to such date.

3.4 Obligation to identify suitable sites: The Township shall work collaboratively with and support Allies efforts to identify and obtain sites suitable for additional special needs housing.

ARTICLE IV: REGULATORY TERMS AND CONDITIONS

4.1. Limitation on the Township's Obligation. The Township shall not be liable under this Agreement to Allies or any other party for the completion of, or failure to complete, any activities which are part of the Projects except the making of the Municipal Contribution and the administration of its responsibilities pursuant to this Agreement.

4.2 Maintenance of the Projects. Allies shall maintain the Projects in good condition and in compliance with all applicable health, safety, building, fire, zoning, subdivision, and environmental laws, regulations, codes and ordinances.

4.3 Equal Opportunity. During the construction of the Projects, neither IDC nor the Owner Entity shall discriminate on the basis of race, color, creed, religion, sex, sexual orientation, age, disability, marital status, condition of Acquired Immune Deficiency Syndrome (AIDS) or AIDS-related complex, national origin or ancestry in the hiring, firing, promoting, or demoting, of any person engaged in the construction work.

ARTICLE V: DEFAULT AND REMEDIES

5.1 Events of Default. Each of the following shall constitute an "Event of Default" hereunder:

(a) Failure of Allies or the Township to materially comply with terms, provisions, or conditions of this Agreement and failure to cure the same within thirty (30) calendar days of receipt of written notice by the non-defaulting party specifying such failure (or if such failure to perform cannot be cured within thirty (30) calendar days, failure to commence cure within thirty (30) calendar days after receipt of such notice and thereafter diligently pursue such cure within 90 calendar days after receipt of such notice, as said 90-day period may be extended by mutual agreement of the parties hereto);

(b) Failure of Allies or the Township to pay any amounts due hereunder, after ten (10) calendar days following the defaulting party's receipt of written notice by the non-defaulting party, subject to all applicable notice and cure periods.

(c) Misrepresentation or misstatement of fact when made in any written document and/or written agreement by IDC, the Owner Entity or any of its managing members to the Township that has a material adverse effect on the Township;

5.2 Remedies. Upon the occurrence and during the continuance of an Event of Default under this Agreement:

(a) In the event that the defaulting party is Allies, then the Township shall have the right to: (i) Institute appropriate proceedings to specifically enforce performance hereof; (ii) Withhold and/or refuse to make any advances hereunder; (iii) Institute proceedings to recover disbursements made in connection with the Municipal Contribution and pursue all other rights and remedies available to the Township at law or in equity.

(b) In the event that the defaulting party is the Township, then Allies shall have the right to institute appropriate proceedings to specifically enforce the performance hereof (i.e., pursue the remedy of specific performance) and pursue all other rights remedies available at law or in equity.

ARTICLE VI: MISCELLANEOUS PROVISIONS

6.1 Hold the Township Harmless from Claims. Allies hereby agrees to defend and hold the Township harmless from and against any and all claims, actions, damages, liability and expense, including attorney's fees, in connection with any loss of life, personal injury, damage to property, breach of contract or any other claims, actions, or damages arising from or out of the construction or operation of the Projects by Allies other than and to the extent of those caused by the willful actions or negligence of the Township. Allies's obligations under this Section 6.1 shall terminate upon the issuance of final Certificates of Occupancy for the Projects by the Township. This provision shall survive the termination of this Agreement.

6.2 Notices. All notices given in connection herewith shall be deemed effective upon receipt (as evidenced by the U.S. Mail return receipt or commercial delivery service receipt) or refusal to accept delivery, and shall be given by personal delivery, express overnight delivery service, or placed in the U.S. Mail, registered, with return receipt requested, and postage prepaid. Any of the following parties may effect a change of address for notice purposes by written notice thereof to all of the other following parties:

If to DEVELOPER: Allies, Inc.
Attn: Elise M. Tretola
1262 Whitehorse – Hamilton Sq. Rd.

Bldg A, Suite 101
Hamilton, NJ 08690

With Copies to: Maniaci, Ciccotta & Schweitzer, LLP
6720 Frankford Avenue
Philadelphia, PA 19135
Attn: David Schweizer

If to the Township: Township of Readington
509 Route 323
Whitehouse Station, NJ 08889
Attn: Municipal Clerk

With Copies to: Surenian, Edwards & Nolan, LLC
707 Union Ave, Suite 301
Brielle, NJ 08730
Attn: Michael J. Edwards, Esq.

6.3 Entire Agreement. This Agreement, including the Exhibits incorporated herein, expresses the entire understanding and agreement between the parties hereto with respect to the subject matter hereof and supersedes all prior understandings, agreements, representations, or arrangements, oral or written, between the parties hereto relating to the subject matter of this Agreement, all of which are merged into this Agreement.

6.4 Severability. Each provision of this Agreement is intended to be severable to the extent that such Severability does not materially affect the basic understanding of the parties as reflected in this Agreement. In the event that any one or more provisions contained in this Agreement shall be held to be invalid, illegal, or unenforceable in any respect by a final, non-appealable decision of a court of competent jurisdiction, the same shall not invalidate or otherwise affect any other provision of this Agreement, and this Agreement shall be construed as if such an invalid, illegal, or unenforceable provision had never been contained herein, provided such Severability does not materially affect the basic understanding of the parties as reflected in this Agreement.

6.5 Counterparts. This Agreement and any amendments hereto may be executed by the parties hereto in two or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument.

6.6 Conflicts. To the extent that there may be any inconsistency or conflict between the terms of this Agreement and the Deed Restriction, the terms of the Deed Restriction shall control.

6.7 Further Assurances. The parties hereto shall cooperate and take such action, give assurances and execute and deliver such documents as may be reasonably required by the other party in order to effectuate the purposes and provisions of this Agreement and to confirm to third parties the existence and good standing of this Agreement.

6.8 Not Assignable. This Agreement is not assignable by Allies.

6.9 Successors. This Agreement shall be binding upon and inure to the benefit of Allies and the Township and their respective successors and assigns.

6.10 The Township Not a Joint Venturer. The Township, by making this Agreement or by any action pursuant hereto, will not be deemed a partner or joint venturer with Allies and Allies and the Township each agree to hold the other harmless for any damages and expenses resulting from such a construction of the relationship of the parties or any assertion thereto.

6.11 Applicable Law. The parties hereto consent to be sued in New Jersey Superior Court - Hunterdon County in any action to enforce the provisions of this Agreement.

6.12 Modification and Assignment. The terms of this Agreement may not be waived, modified, or changed in any way by implication, correspondence, or otherwise unless such waiver, modification, or change is made in the form of a written amendment to this Agreement signed by both parties. Except as otherwise set forth in this Agreement, neither Allies nor the Owner Entity shall assign or transfer this Agreement without the prior written consent of the Township. Any attempted assignment or transfer shall be void.

6.13 Captions and Headings. The captions and headings contained in this Agreement are included herein for convenience of reference only and shall not be considered a part hereof and are not in any way intended to limit or enlarge the terms hereof.

6.14 Waiver. A waiver by the Township of any of the terms and conditions herein shall be in writing and shall not constitute a continuing waiver of said terms and conditions.

6.15 Attorney's Fees and Costs. In the event of a dispute hereunder, the prevailing party shall be entitled to reasonable attorney's fees and all other reasonable costs and expenses incurred in connection with the adjudication of such dispute.

6.16 Right to Cure Defaults. In the event of a default under this Agreement where no timeline for cure is given, the defaulting party shall have 90 days from the date of the receipt of written notice of default to cure such default

signature page follows

IN WITNESS WHEREOF, the Parties hereto have caused this Developer's Agreement to be properly executed, their corporate seals affixed and attested and this Agreement to be effective as of the Effective Date.

Witness/Attest:

Patricia DeGeorge

Title: Exec. Asst.

Dated: _____

ALLIES, INC.

By: _____

ELISE M. TRETOLA
President & CEO

Witness/Attest:

Lisa McCarty

Dated: 4-27-00

TOWNSHIP OF READINGTON
By:
MAYOR

By: _____

JONATHAN HELLER, Mayor

AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV "DISTRICT REGULATIONS" OF CHAPTER 148 "LAND DEVELOPMENT", TO CREATE AN INCLUSIONARY HOUSING ZONE ALSO KNOWN AS AGE-RESTRICTED AFFORDABLE HOUSING-2 DISTRICT (ARAH-2)

ORDINANCE #12-2020

BE IT ORDAINED by the Township Committee of the Township of Readington, Hunterdon County New Jersey that Article IV (District Regulations) of Chapter 148 of the Code of the Township of Readington entitled "Land Development" is hereby amended to establish the "Age-Restricted Affordable Housing-2 (ARAH-2) District" as an additional district, to establish a new sub-section, Sec. 148-27.___ to provide zoning requirements and to amend the Zoning Map to provide for said district as follows:

SECTION I. Section 148-11 (Zoning Map) is hereby amended to add the Age-Restricted Affordable Housing-2 (ARAH-2) District for Block 22, Lot 16.

SECTION II. Chapter 148, Article IV of the Code of the Township of Readington entitled "District Regulations" is hereby amended to add the following new section:

Sec. 148-27.____. Age-Restricted Affordable Housing-2 (ARAH-2)

A. Applicability

The use, bulk, design and performance standards of the ARAH-2 District shall supersede the zoning provisions of the Readington Township Land Use Development Ordinance (Chapter 148). However, where the regulations and standards of the ARAH-2 are silent, the standards of Chapter 148 shall apply.

B. Purpose

The ARAH-2 District provides for the municipally-sponsored redevelopment of the zone for 100% affordable housing through the creation of multi-family dwellings consisting of independent age-restricted apartments, independent living supportive apartments and supportive housing group homes. The total number of dwelling units/bedrooms shall be up to 43 and, along with anticipated bonuses, should result in the creation of 63 affordable housing credits. Redevelopment of this zone shall be substantially consistent with the plan entitled "BCUW Readington" consisting of two sheets, dated February 13, 2020 ("Concept Plan")

C. Permitted Principal Uses.

(1) Affordable, multi-family dwellings consisting of the following:

(a) Age-restricted housing. Age-restricted dwellings shall be age-restricted to persons 62 and older via deed as defined by the Secretary of HUD as "housing for older persons" pursuant to Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. §§ 3607, and in

compliance with the Fair Housing Amendments Act of 1988 and amendments thereto, including but not limited to the Housing for Older Persons Act of 1995.

(b) Supportive housing for individuals with developmental disabilities, as defined by the State of New Jersey.

D. Permitted Accessory Uses.

(1) Passive and active common recreational facilities for the use and enjoyment of residents and their guests.

(2) Business office.

(3) Fences and walls as regulated in Article VI.

(4) Tenant storage, maintenance/superintendent office and/or storage of maintenance equipment.

(5) Off-street parking.

(6) Signs.

(7) Site Furnishings (seating, trash & recycling enclosures, etc.).

(8) Conservation, open space and public purpose uses.

(9) Accessory uses customarily incidental to the principal use.

E. Area and Yard Requirements

(1) Minimum Tract Size: The minimum tract size shall be equal to the tract size of Block 22, Lot 66. All lands within the tract shall be included as part of a development application for development provided for herein. All proposals for land use and development/redevelopment within the tract shall be fully articulated within the development application.

(2) Maximum Number of Dwelling Units: 43

(3) Maximum building height: 35 feet and 2 1/2 stories

(4) Minimum front yard setback: 20 feet

(5) Minimum rear yard setback: 20 feet

(6) Minimum side yard setback: 30 feet

(7) Maximum impervious coverage: 70%

(8) Maximum building coverage: 40%

F. Off-street parking.

(1) Off-street parking shall be provided and shall be designed, to comply with the New Jersey Residential Site Improvement Standards (RSIS N.J.A.C. 5:21). Minor deviations from RSIS shall be permitted to reflect actual anticipated usage as projected by the developer.

(2) Minimum front yard setback for off-street parking: 50 feet except where connectivity to adjacent properties or streets is necessary.

(3) Minimum side and rear yard setback for off-street parking: 0 feet

G. Open Space.

(1) Minimum: 10% of the tract area

(2) The stormwater management elements may be located in open space and the land area of any detention or retention basin shall be counted toward the minimum open space area requirements.

H. Design Standards. Deviations from these design standards shall be considered exceptions pursuant to the procedure articulated in the New Jersey Municipal Land Use Law (MLUL) at NJSA 40:55D-51.

(1) Building Design.

(a) Buildings shall have a gable or hipped roof.

(b) Principal roof eaves shall project at least one foot beyond the building facade or a supporting column. Secondary roof eaves (i.e., balconies, porches and patios) shall project at least one foot.

(c) Primary roofs shall have a minimum pitch of 6/12.

(d) Secondary roofs may have a pitch below 4/12.

(e) Apartment storage. For each apartment, in addition to any storage areas contained within the apartment, there shall be provided 200 cubic feet of storage in a conveniently accessible area, either within the building or in a separate building where belongings can be kept locked and separated from the belongings of other occupants.

(2) Lighting.

(a) General. All outdoor lighting should be coordinated as to style, material and color. Lighting throughout the site should overlap, creating an even level of illumination throughout the parking area. All exterior lighting shall be designed, located, installed and directed in such a manner as to prevent objectionable light at and across the property lines and to prevent glare at any location on or off the property. LED fixtures are required for energy efficiency and uniform illumination.

(b) Parking lots shall be illuminated with an average of no less than two tenths (0.2) foot-candle. The ratio between maximum foot-candles and average foot-candles shall be no greater than 20 to 1.

(c) Illumination at property lines shall not exceed one-tenth (0.1) foot-candle, excluding streets or driveways.

(d) Lighting shall be provided by fixtures in parking lots with a mounting height not more than 16 feet measured from the ground level to the center line of the light source and lighting fixtures no to exceed twelve (12) feet in height shall be provided for pedestrian walkways and residential areas outside of parking lots.

(e) Fixtures for illumination shall be full cutoff luminaires.

(3) Signs

(a) Project identification: There may be a maximum of one permanent freestanding project identification sign located at the entrance to the project. Such sign shall be set back at least 3 feet from any property line, shall not exceed 32 square feet in sign area and shall not exceed 5 feet in height.

(b) Directional Signs: Up to 2 directional signs shall be allowed at the driveway frontage from which vehicular access is derived. A directional sign shall not exceed 4 square feet in sign area and shall not exceed 4 feet in height. A directional sign shall be set back from any lot line by at least 3 feet.

(d) Residential building identification: Each residential building may have up to 2 attached identification signs. The maximum sign area of each shall not exceed 6 square feet. Such signs shall be integrated within the architecture of the buildings.

I. Affordable Housing.

(1) Minimum number of affordable dwelling units: 43

(2) Minimum percentage of affordable dwellings: 100% of the total number of dwelling units.

(3) Affordable dwelling units shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq.

(4) Affordable dwelling unit household income breakdown:

a. At least 13% of the affordable units shall be affordable to very low income (VLI) households at 30% of the median income;

b. At least 50% of the affordable units shall be made affordable to low income units (the 50% requirement is inclusive of the 13% VLI requirement); and

c. The balance of units permitted at moderate income shall not exceed maximum of 50% of all affordable units.

(5) Affordable dwelling bedroom distribution: Bedroom distribution shall be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law. Age restricted low and moderate income units may utilize a modified bedroom distribution consisting of one and two bedroom units, with no three bedroom units. At a minimum, the number of bedrooms shall equal the number of age restricted low and moderate income units within the inclusionary development.

(6) The range of affordability, pricing and rent of units, affirmative marketing, 50-year minimum affordability controls and construction phasing with the market rate units developed on the tract shall also be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.

(7) The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

SECTION III. The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

SECTION IV. All ordinance or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION V. If any provisions of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such ordinance or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are declared to be severable.

SECTION VI. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

I hereby certify that the attached ordinance is a true and correct copy of an ordinance entitled ***AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV "DISTRICT REGULATIONS" OF CHAPTER 148 "LAND DEVELOPMENT", TO CREATE AN INCLUSIONARY HOUSING ZONE ALSO KNOWN AS AGE-RESTRICTED AFFORDABLE HOUSING-2 DISTRICT (ARAH-2)*** which was introduced at the meeting of Readington Township Committee on April 6, 2020 adopted at the meeting of the Readington Township Committee on May 4, 2020.

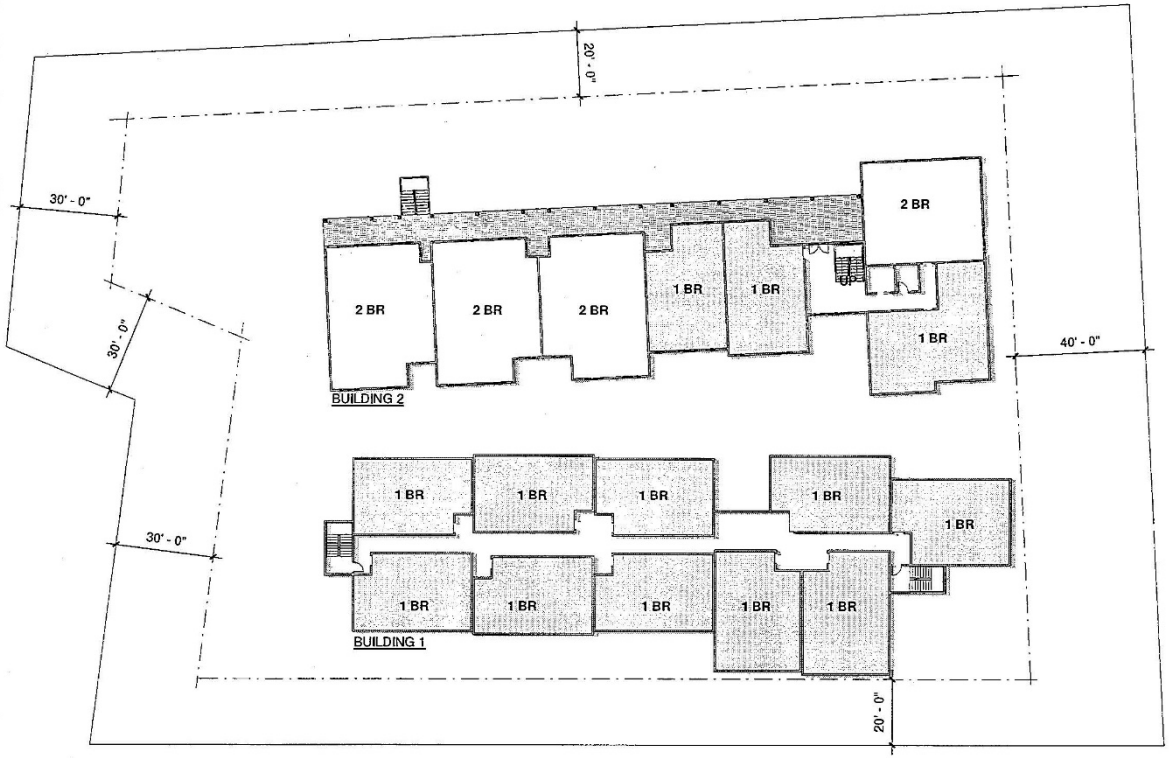
Vita Mekovetz

Vita Mekovetz, RMC/MMC/QPA
Municipal Clerk

Z:\2019\1942 - BCUW Readington\Revit\1942 - BCUW Readington - Site Plan.rvt

APARTMENT KEY

- BLDG 1: ONE BEDROOM SENIOR APARTMENTS (20 APTS)
- BLDG 2: ONE BEDROOM INDEPENDENT LIVING SUPPORTIVE HOUSING APARTMENTS (5 APTS)
- BLDG 2: TWO BEDROOM INDEPENDENT LIVING SUPPORTIVE HOUSING APARTMENTS (7 APTS)
- BLDG 2: FOUR BEDROOM GROUP HOME



1 / SK-2 2ND FLOOR
1" = 30'-0"

ZPLUS ARCHITECTS

WWW.ZPLUSARCHITECTS.COM
T: 201.785.8855

BCUW - READINGTON

SITE PLAN

2ND FLOOR

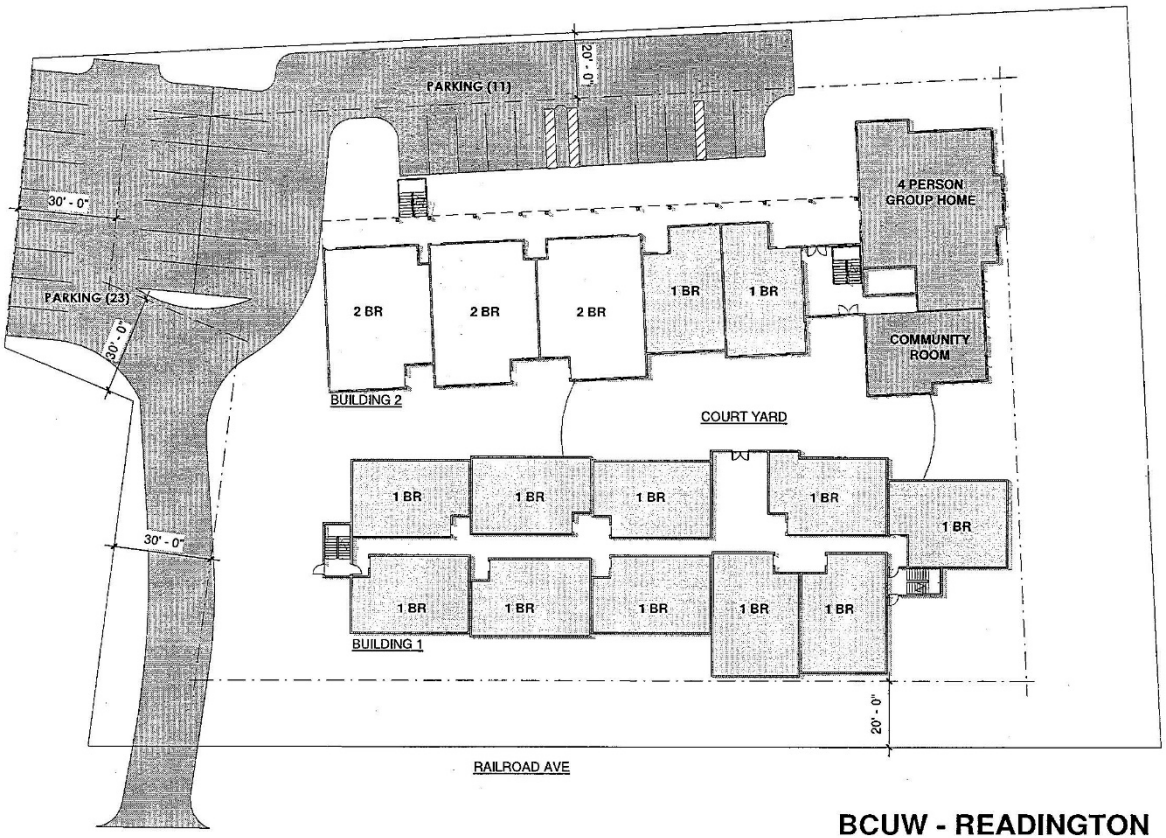
02/13/2020

SCALE: As indicated

Z:\2019\1942 - BCUW Readington\Revit\1942 - BCUW Readington - Site Plan.rvt

APARTMENT KEY

- BLDG 1: ONE BEDROOM SENIOR APARTMENTS (20 APTS)
- BLDG 2: ONE BEDROOM INDEPENDENT LIVING SUPPORTIVE HOUSING APARTMENTS (5 APTS)
- BLDG 2: TWO BEDROOM INDEPENDENT LIVING SUPPORTIVE HOUSING APARTMENTS (7 APTS)
- BLDG 2: FOUR BEDROOM GROUP HOME



1 SK-1 1ST FLOOR
1" = 30'-0"

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BCUW - READINGTON

SITE PLAN

FIRST FLOOR

02/13/2020

SCALE: As indicated

AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV "DISTRICT REGULATIONS" OF CHAPTER 148 "LAND DEVELOPMENT", TO CREATE A NEW INCLUSIONARY HOUSING ZONE ALSO KNOWN AS MULTI-FAMILY AFFORDABLE HOUSING-4 DISTRICT (MFAH-4)

ORDINANCE #14 -2020

BE IT ORDAINED by the Township Committee of the Township of Readington, Hunterdon County, New Jersey, that Article IV (District Regulations) is hereby amended to establish the "Multi-Family Affordable Housing-4 (MFAH-4) District" as an additional district, to establish a new sub-section, Sec. 148-27.8 to provide zoning requirements and to amend the Zoning Map to provide for said district as follows:

SECTION I. Section 148-11 (Zoning Map) is hereby amended to add the Multi-Family Affordable Housing-4 (MFAH-4) District for Block 36, Lot 4.

SECTION II. Chapter 148, Article IV of the Code of the Township of Readington entitled "District Regulations" is hereby amended to add the following new section:

Sec. 148-27.8. Multi-Family Affordable Housing-4 (MFAH-4)

A. Applicability

The use, bulk, design and performance standards of the MFAH-4 District constitute an overlay zoning district for the creation of market-rate and affordable housing. The land development rights as articulated herein are contingent upon the availability of public sanitary sewer service to accommodate all development within the zone. In such a case, the standards herein shall supersede the zoning provisions of the Readington Township Land Use Development Ordinance (Chapter 148). However, where the regulations and standards of the MFAH-4 are silent, the standards of Chapter 148 shall apply.

B. Purpose

The MFAH-4 district is intended to provide for the development of up to 165 dwelling units, composed of townhouses or apartment dwellings, which includes the creation of no less than 33 dwelling units affordable to qualifying low- and moderate-income households. Although no maximum density requirements are promulgated herein, the maximum gross density anticipated is approximately 6.4 dwelling units per acre. The MFAH-4 district contains land use regulations for the redevelopment of Block 36 Lot 4.

C. Requirement for use of MFAH-4 regulations

Prior to making an application for development pursuant to the regulations herein, a developer shall demonstrate that there is adequate public sanitary sewer capacity to develop all permitted and required uses within the zone and that such capacity has been allocated to said developer by the body holding authority over such allocations. No development applications will be processed by the Township that fail to comply with this threshold provision prior to application.

D. Permitted Principal Uses.

(1) Townhouses.

(2) Multifamily apartments

E. Permitted Accessory Uses.

(1) Active common recreational facilities for the use and enjoyment of residents and their guests, including, but not limited to pools, tennis courts, tot lots, fitness trails and bikeways. "Sports" lighting (high-mast, high illumination) is not permitted for these facilities.

(2) Clubhouse, community building, rental/business office and model unit(s) to be converted into residential units.

(3) Patios.

(4) Fences and walls as regulated in Article VI.

(5) Tenant storage, maintenance/superintendent office and/or storage of maintenance equipment.

(6) Private garages and off-street parking.

(7) Signs.

(8) Site Furnishings (seating, trash & recycling enclosures, etc.).

(9) Conservation, open space and public purpose uses.

(10) Accessory uses on the same lot and customarily incidental to a principal use.

(11) Stormwater Management, Sanitary Sewer Facilities including treatment and disposal, and other public or private utilities.

F. Tract Requirements

(1) Minimum Tract Size: The minimum tract size shall be equal to the tract size of Block 36 Lot 4. All lands within the tract shall be included as part of a development application for development provided for herein. All proposals for land use and development/redevelopment within the tract shall be fully articulated within the development application.

(2) Maximum permitted number of dwelling units: 165 dwellings

(3) Minimum required number of affordable dwelling units: 33

(4) Maximum building coverage for tract: 20%.

(5) Maximum impervious coverage for tract: 30%.

(6) Minimum tract boundary setback and buffer: 100 feet

(7) Minimum building setback from community amenity: 75 feet (not applicable to paths, walks and seating)

(8) Minimum planted buffer to single-family residential zone or use: 50 feet

(9) Minimum setback from parking areas and driveways to single-family zones or uses: 50 feet

(10) Minimum setback from parking areas and driveways to multi-family zones or uses: 25 feet

(11) Minimum open space.

(a) 40% of the gross tract area shall consist of conservation, passive or active recreation and/or other common open space.

(b) No more than 25% of the open space area shall be critical lands including floodplains, wetlands, wetlands buffers, streams, bodies of water, stream corridor buffers and steep slopes (90% of slopes between 15% and 25% and all slopes greater than 25%).

(c) The stormwater management system may be located in the open space area, however, the land area of any detention or retention basin shall not be counted toward the minimum open space area requirements.

(d) Open space shall comply with Section 148-50, 148-59 and 148-60 of the Land Development Ordinance.

G. Area and Yard Requirements for Dwelling Types

(1) Townhouses

(a) Minimum distances between townhouse buildings:

[1] Side-to-side: 30feet

[2] Side-to-rear: 50 feet

[3] Rear-to-rear: 30 feet

(b) Maximum number of dwelling units in one townhouse building: eight (8)

(c) Minimum driveway length:

[1] 20 feet between building and front sidewalk;

[2] 25 feet between building and cartway of street providing access to driveway.

(d) Townhouses shall have at least one (1) enclosed garage parking space measuring a minimum of 12 feet wide and 270 square feet.

(e) Maximum building height: 2 ½ stories and 35 feet

(2) Apartments

(a) Minimum setback between building and sidewalk: 10 feet

(b) Maximum building height: 45 feet and three (3) stories

(c) Minimum distances between buildings
[1] Side-to-side: 40 feet
[2] Side-to-rear: 35 feet
[3] Rear-to-rear: 35 feet

(d) Maximum dwelling units in one building: 24

(e) For each apartment, in addition to any storage areas contained within the apartment, there shall be provided 300 cubic feet of storage in a conveniently accessible area, either within the apartment building or in a separate building where belongings can be kept locked and separated from the belongings of other occupants.

(3) Permitted building encroachments for residential buildings.
(a) Entry steps, covered entries, porches and decks projecting no more than 6 feet from an exterior building wall are permitted to encroach up to 6 feet in a front, rear or side setback.

(b) Bay windows and chimneys projecting no more than 2 feet from an exterior building wall are permitted in a front, rear or side setback.

(4) Community building
(a) Maximum height: 25 feet and 1 ½ stories

(b) Setbacks shall conform to those applicable to apartments

H. Parking and Circulation.
(1) Parking shall be provided, and circulation elements (such as streets and thoroughfares) shall be designed, to comply with the New Jersey Residential Site Improvement Standards (RSIS N.J.A.C. 5:21).

(2) Parking areas and driveways shall be located a minimum of 25 feet from any tract boundary, except where connectivity to adjacent properties or streets is necessary.

(3) All streets, thoroughfares and parking areas shall be owned and maintained by a private entity.

(4) Townhouses shall provide at least one on-site parking space within an enclosed garage located in the rear yard with access from a lane/alley.

(5) While off-street parking is preferred, on-street parking may be delineated, calculated and included towards meeting the RSIS requirements. No striping of on-street parking is required.

(6) Off-street parking may be located beneath the ground floor provided:

(a) It is accessible only from the building elevation opposite from street frontage; and

(b) The parking area beneath the building is not visible from a street.

I. Open Space.

(1) Minimum: 25% of the tract area

(2) Permitted open space uses:

(a) Conservation
(b) Passive recreation
(c) Active recreation

(3) The stormwater management and sanitary sewer systems may be located in open space and the land area of any detention or retention basin may be counted toward the minimum open space area requirements.

J. Design Standards. Deviations from these design standards shall be considered exceptions pursuant to the procedure articulated in the New Jersey Municipal Land Use Law (MLUL) at NJSA 40:55D-51.

(1) Neighborhood Design

(a) Concept Plan Consistency. The location of buildings, facilities, thoroughfares, streets and parking within in the MFAH-4 Zone shall be substantially in accordance with the exhibit entitled “Concept Plan, Hionis Property” dated July 2019, prepared for Premier Development (the "Concept Plan"). Minor deviations shall be permitted provided they are deemed consistent with the design principles expressed in the concept plan.

(b) Vehicular Access to US Route 22. Development within the VRAH-2 District will require vehicular access to US Route 22 via a public street. Currently, the only abutting public street is Maple Lane, having a ROW of 40 feet and a cartway off approximately 20 feet. However, Readington Township is developing plans for a new public Minor Collector Road that would provide access between the VRAH-2 and VRAH-1 Districts and US Route 22. This route is preferred over access from Maple Lane. Since the new public road is not yet memorialized in terms of design and permitting, this ordinance provides two options for access, as articulated as follows:

[1] Option A: Planned Public New Minor Collector Road. Access to Block 36 Lot 4 shall be from an alternate access (See exhibit entitled “Block 36 Redevelopment: Proposed Multi-Family Housing + Circulation” dated February 2019, prepared by Clarke Caton Hintz). Said collector road would be located on the adjacent tract to the southeast of Block 36 Lot 4, under separate ownership and will be configured to allow access from Block 46 Lot 4. As part of this option, Maple Lane would be terminate in a cul-de-sac at its terminus with Block 36 Lot 4. The new Minor Collector would be improved to meet RSIS standards for Residential Access and include the following:

[a] On-street parking shall not be required;
[b] Emergency access width shall be 20 feet; and
[c] A six (6) foot sidewalk shall be provided on one side of the access.

[2]. Option B: Maple Lane Access. Access from Maple Lane shall only be permitted if Option A Alternate Access does not receive the necessary outside agency approvals and efforts to construct the alternate access. Should this option be triggered, Maple Lane shall be improved to meet RSIS standards for a Residential Access street classification and include the following:

[a] Access shall accommodate on-street parking on both sides of the street;
[b] Access width shall be 30 feet; and
[c] Sidewalks on one side of the street shall be provided

(c) Pedestrian Connectivity. Pedestrian walkways connecting streets and the dwellings shall be provided. Sidewalks and paths shall be provided substantially in accordance with the Concept Plan.

(2) Building Design. The purpose of these building design standards is to ensure that the design of townhouse and apartment buildings promotes a desirable visual and spatial environment.

(a) Design standards applicable to all buildings:

[1] Buildings shall have a gable or hipped roof.

[2] Principal roof eaves shall project at least one foot beyond the building facade or a supporting column. Secondary roof eaves (i.e., balconies, porches and patios) shall project at least one foot.

[3] Primary roofs shall have a minimum pitch of 6/12.

[4] Secondary roofs may have a pitch below 4/12.

[5] Within each front building elevation, the maximum ratio of windows to wall shall be 25% window to 75% wall.

[6] Balconies and patios shall be designed as integral subcomponents of the building facade.

[7] Cantilevered balconies are not permitted.

(b) Townhouse Standards.

[1] Townhouse buildings shall be designed to create a unified architectural theme, in terms of design, composition, color, materials and elements. Variety among dwelling units should be expressed through the manipulation of common elements such as porches, roofs, bays, eyebrows, trim, accents, etc. that create interest without creating disparate architectural approaches among units or buildings.

[2] Each building shall contain, at a minimum, one end unit model and one interior model. Each base model type home in any block shall have at least two alternative front elevations containing different design features, including, but not limited to, the following:

Porches
Porticos
Columns
Dormers
Accent windows
Door color

[3] Materials, finishes and colors shall be unified among all townhouses.

[4] Finished first floor shall be a minimum of 18 inches above the front sidewalk elevation, but shall not exceed 60 inches.

[5] Townhouse unit facades facing streets (not lanes or alleys) shall be offset from each other by at least 2 feet (projection or recess) between units.

(c) Apartment Standards.

[1] Buildings shall be designed to create a unified architectural theme, in terms of design, composition, color, materials and elements.

[2] Storage. For each apartment, in addition to any storage areas contained within the unit, there shall be provided 200 cubic feet of storage in a conveniently accessible area, either within the apartment building or in a separate building where belongings can be kept locked and separated from the belongings of other occupants.

(2) Lighting.

(a) General. All outdoor lighting should be coordinated as to style, material and color. Lighting throughout the site should overlap, creating an even level of illumination throughout the parking area. All exterior lighting shall be designed, located, installed and directed in such a manner as to prevent objectionable light at and across the property lines and to prevent glare at any location on or off the property. LED fixtures are required for energy efficiency and uniform illumination.

(b) Parking lots shall be illuminated with an average of no less than two tenths (0.2) foot-candle. The ratio between maximum foot-candles and average foot-candles shall be no greater than 20 to 1.

(c) Illumination at property lines shall not exceed one-tenth (0.1) foot-candle, excluding streets or driveways.

(d) Lighting shall be provided by fixtures in parking lots with a mounting height not more than 16 feet measured from the ground level to the center line of the light source and lighting fixtures no to exceed twelve (12) feet in height shall be provided for pedestrian walkways and residential areas outside of parking lots.

(e) Fixtures for illumination shall be full cutoff luminaires

(3) Signs

(a) Neighborhood Identification: There may be a maximum of 1 permanent freestanding neighborhood identification sign located at the entrance to the community. Neighborhood identification signs shall be set back at least 3 feet from any property line, shall not exceed 60 square feet in sign area and shall not exceed 5 feed in height. Neighborhood identification signs may be mounted on brick or masonry walls or buildings.

(b) Community/Recreation/Clubhouse Building: The community/recreation/clubhouse building may have 1wall identification sign. The permanent wall identification sign shall not exceed 20 square feet in sign area.

(c) Directional Signs: Up to 2 directional signs shall be allowed on each driveway frontage from which vehicular access is derived. A directional sign shall not exceed 6 square feet in sign area and shall not exceed 6 feet in height. A directional sign shall be set back from any lot line by at least 3 feet.

(d) Residential Building Identification: Each residential building may have up to 2 attached identification signs. The maximum sign area of each shall not exceed 6 square feet. Such signs shall be appropriately integrated within the architecture of the buildings.

(4) Open Space

(a) Open spaces shall be planted with double rows of shade trees along thoroughfare frontages.

(b) A detailed site plan for open spaces shall be submitted for review and approval.

(c) Common open space shall be provided, and shall include at a minimum:

[1] Children’s play area

[2] Community building, which may include, but is not limited to, a clubhouse, leasing office, and model, of which a minimum of 2,500 square feet

[3] Central open space for passive uses.

(d) Stormwater facilities shall not impede function of open space.

K. Affordable Housing.

(1) Minimum required number of affordable dwelling units: 33

(2) Anticipated percentage of affordable dwellings: 20% of the total number of dwelling units.

(3) Affordable dwelling units shall be constructed and sold or rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq.

(4) Affordable dwelling unit household income breakdown:

(a) At least 13% of the affordable units shall be affordable to very low income (VLI) households at 30% of the median income;

(b) At least 50% of the affordable units shall be made affordable to low income units (the 50% requirement is inclusive of the 13% VLI requirement); and

(c) The balance of units permitted at moderate income up shall not exceed maximum of 50% of all affordable units.

(5) Affordable dwelling bedroom distribution: Bedroom distribution shall be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.

(6) The range of affordability, pricing and rent of units, affirmative marketing, 30-year minimum affordability controls and construction phasing with the market rate units developed on the tract shall also be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.

(7) The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

SECTION III. The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

SECTION IV. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION V. If any provisions of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such ordinance or judgment shall not affect, impair or invalidate the remainder of any such article,

subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are declared to be severable.

SECTION VI. This ordinance shall take effect immediately upon final passage and publication in accordance with the law and upon filing with the Hunterdon County Planning Board.

I hereby certify that the attached ordinance is a true and correct copy of an ordinance entitled ***AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV "DISTRICT REGULATIONS" OF CHAPTER 148 "LAND DEVELOPMENT", TO CREATE A NEW INCLUSIONARY HOUSING ZONE ALSO KNOWN AS MULTI-FAMILY AFFORDABLE HOUSING-4 DISTRICT (MFAH-4)*** which was introduced at the meeting of Readington Township Committee on April 6, 2020 adopted at the meeting of the Readington Township Committee on May 4, 2020.

Vita Mekovetz

Vita Mekovetz, RMC/MMC/QPA
Municipal Clerk

AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV "DISTRICT REGULATIONS" OF CHAPTER 148 "LAND DEVELOPMENT", TO CREATE A NEW INCLUSIONARY HOUSING ZONE ALSO KNOWN AS MULTI-FAMILY AFFORDABLE HOUSING-5 DISTRICT (MFAH-5)

ORDINANCE #13- 2020

BE IT ORDAINED by the Township Committee of the Township of Readington, Hunterdon County, New Jersey, that Article IV (District Regulations) is hereby amended to establish the "Multi-Family Affordable Housing-5 (MFAH-5) District" as an additional district, to establish a new sub-section, Sec. 148-27.___ to provide zoning requirements and to amend the Zoning Map to provide for said district as follows:

SECTION I. Section 148-11 (Zoning Map) is hereby amended to add the Multi-Family Affordable Housing-5 (MFAH-5) District for Block 81, Lot 1.

SECTION II. Chapter 148, Article IV of the Code of the Township of Readington entitled "District Regulations" is hereby amended to add the following new section:

Sec. 148-27.__. Multi-Family Affordable Housing-5 (MFAH-5)

A. Applicability

The use, bulk, design and performance standards of the MFAH-5 District shall supersede the zoning provisions of the Readington Township Land Use Development Ordinance (Chapter 148). However, where the regulations and standards of the MFAH-5 are silent, the standards of Chapter 148 shall apply.

B. Purpose

The MFAH-5 District includes the entirety of Block 81 Lot 1, which is owned by the Township of Readington. This zone provides for the development of 80 family rental apartments, with 100% of the dwellings affordable to low- and moderate-income households.

C. Permitted Principal Uses.

(1) Multi-family rental apartments affordable to low-and moderate-income eligible households

D. Permitted Accessory Uses.

(1) Passive and active common recreational facilities for the use and enjoyment of residents and their guests.

(2) Business office.

(3) Fences and walls as regulated in Article VI.

(4) Tenant storage, maintenance/superintendent office and/or storage of maintenance equipment.

(5) Off-street parking.

(6) Signs.

(7) Site Furnishings (seating, trash & recycling enclosures, etc.).

(8) Conservation, open space.

(9) Accessory uses customarily incidental to the principal use.

E. Area and Yard Requirements

(1) Maximum Number of Dwelling Units: 80

(2) Maximum building height: 50 feet and 3 stories

(3) Minimum front yard setback: 60 feet

(4) Minimum rear yard setback: 50 feet

(5) Minimum side yard setback: 40 feet

(6) Maximum impervious coverage: 70%

(7) Maximum building coverage: 50%

(8) Minimum buffer width to single-family residential zone or use: 50 feet

F. Off-street parking.

(1) Off-street parking shall be provided and shall be designed, to comply with the New Jersey Residential Site Improvement Standards (RSIS N.J.A.C. 5:21). Minor deviations from RSIS shall be permitted to reflect actual anticipated usage as projected by the developer.

(2) Minimum front yard setback for off-street parking: 60 feet except where connectivity to adjacent properties or streets is necessary.

(3) Minimum side and rear yard setback for off-street parking: 50 feet

G. Design Standards. Deviations from these design standards shall be considered exceptions pursuant to the procedure articulated in the New Jersey Municipal Land Use Law (MLUL) at NJSA 40:55D-51.

(1) Building Design.

(a) Buildings shall have a gable or hipped roof.

(b) Principal roof eaves shall project at least one foot beyond the building facade or a supporting column. Secondary roof eaves (i.e., balconies, porches and patios) shall project at least one foot.

(c) Primary roofs shall have a minimum pitch of 6/12.

(d) Secondary roofs may have a pitch below 4/12.

(e) Apartment storage. For each apartment, in addition to any storage areas contained within the apartment, there shall be provided 200 cubic feet of storage in a conveniently accessible area, either within the building or in a separate building where belongings can be kept locked and separated from the belongings of other occupants.

(2) Lighting.

(a) General. All outdoor lighting should be coordinated as to style, material and color. Lighting throughout the site should overlap, creating an even level of illumination throughout the parking area. All exterior lighting shall be designed, located, installed and directed in such a manner as to prevent objectionable light at and across the property lines and to prevent glare at any location on or off the property. LED fixtures are required for energy efficiency and uniform illumination.

(b) Parking lots shall be illuminated with an average of no less than two tenths (0.2) foot-candle. The ratio between maximum foot-candles and average foot-candles shall be no greater than 20 to 1.

(c) Illumination at property lines shall not exceed one-tenth (0.1) foot-candle, excluding streets or driveways.

(d) Lighting shall be provided by fixtures in parking lots with a mounting height not more than 16 feet measured from the ground level to the center line of the light source and lighting fixtures no to exceed twelve (12) feet in height shall be provided for pedestrian walkways and residential areas outside of parking lots.

(e) Fixtures for illumination shall be full cutoff luminaires.

(3) Signs

(a) Project identification: There may be a maximum of two permanent freestanding project identification signs located at the entrances to the project. Such signs shall be set back at least 3 feet from any property line, shall not exceed 32 square feet in sign area and shall not exceed 5 feet in height.

(b) Directional Signs: Up to 2 directional signs shall be allowed at each driveway frontage from which vehicular access is derived. A directional sign shall not exceed 4 square feet in sign area and shall not exceed 4 feet in height. A directional sign shall be set back from any lot line by at least 3 feet.

(c) Residential building identification: Each residential building may have up to 2 attached identification signs. The maximum sign area of each shall not exceed 6 square feet. Such signs shall be integrated within the architecture of the buildings.

H. Affordable Housing.

(1) Minimum number of affordable dwelling units: 80

(2) Minimum percentage of affordable dwellings: 100% of the total number of dwelling units.

(3) Affordable dwelling units shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq.

(4) Affordable dwelling unit household income breakdown:

a. At least 13% of the affordable units shall be affordable to very low income (VLI) households at 30% of the median income;

b. At least 50% of the affordable units shall be made affordable to low income units (the 50% requirement is inclusive of the 13% VLI requirement); and

c. The balance of units permitted at moderate income shall not exceed maximum of 50% of all affordable units.

(5) Affordable dwelling bedroom distribution: Bedroom distribution shall be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law. Age restricted low and moderate income units may utilize a modified bedroom distribution consisting of one and two bedroom units, with no three bedroom units. At a minimum, the number of bedrooms shall equal the number of age restricted low and moderate income units within the inclusionary development.

(6) The range of affordability, pricing and rent of units, affirmative marketing, 50-year minimum affordability controls and construction phasing with the market rate units developed on the tract shall also be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.

(7) The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

SECTION III. The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

SECTION IV. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION V. If any provisions of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such ordinance or

judgment shall not affect, impair or invalidate the remainder of any such article, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are declared to be severable.

SECTION VI. This ordinance shall take effect immediately upon final passage and publication in accordance with the law and upon filing with the Hunterdon County Planning Board.

I hereby certify that the attached ordinance is a true and correct copy of an ordinance entitled ***AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV "DISTRICT REGULATIONS" OF CHAPTER 148 "LAND DEVELOPMENT", TO CREATE A NEW INCLUSIONARY HOUSING ZONE ALSO KNOWN AS MULTI-FAMILY AFFORDABLE HOUSING-5 DISTRICT (MFAH-5)***
which was introduced at the meeting of Readington Township Committee on April 6, 2020 adopted at the meeting of the Readington Township Committee on May 4, 2020.

Vita Mekovetz

Vita Mekovetz, RMC/MMC/QPA
Municipal Clerk

AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV "DISTRICT REGULATIONS" OF CHAPTER 148 "LAND DEVELOPMENT", TO CREATE A NEW INCLUSIONARY HOUSING ZONE ALSO KNOWN AS MULTI-FAMILY AFFORDABLE HOUSING-2 DISTRICT (MFAH-2)

ORDINANCE #15 - 2020

BE IT ORDAINED by the Township Committee of the Township of Readington, Hunterdon County, New Jersey, that Article IV (District Regulations) is hereby amended to establish the "Multi-Family Affordable Housing-2(MFAH-2) District" as an additional district, to establish a new sub-section, Sec. 148-27.8 to provide zoning requirements and to amend the Zoning Map to provide for said district as follows:

SECTION I. Section 148-11 (Zoning Map) is hereby amended to add the Multi-Family Affordable Housing-2 (MFAH-2) District for Block 81, Lots 2 & 3.

SECTION II. Chapter 148, Article IV of the Code of the Township of Readington entitled "District Regulations" is hereby amended to add the following new section:

Sec. 148-27.8. Multi-Family Affordable Housing-2 (MFAH-2)

A. Applicability

The use, bulk, design and performance standards of the MFAH-2 District constitute an overlay zoning district for the creation of market-rate and affordable housing. The land development rights as articulated herein are contingent upon the availability of public sanitary sewer service to accommodate all development within the zone. In such a case, the standards herein shall supersede the zoning provisions of the Readington Township Land Use Development Ordinance (Chapter 148). However, where the regulations and standards of the MFAH-2 are silent, the standards of Chapter 148 shall apply.

B. Purpose

The MFAH-2 District provides for the development of multifamily residential land uses with a portion of such housing restricted to occupancy by households of very low, low and moderate income. As an inclusionary zone, MFAH-2 provides for a gross density of 14.25 dwelling units per acre and that 25% of the total number of dwelling units developed be available to qualifying households. The MFAH-2 Zone will create no less than 42 affordable dwelling units.

C. Requirement for use of MFAH-2 regulations

Prior to making an application for development pursuant to the regulations herein, a developer shall demonstrate that there is adequate public sanitary sewer capacity to develop all permitted and required uses within the zone and that such capacity has been allocated to said developer by the body holding authority over such allocations. No development applications will be processed by the Township that fail to comply with this threshold provision prior to application.

D. Permitted Principal Uses.

(1) Townhouses.

(2) Multifamily apartments

E. Permitted Accessory Uses.

(1) Active common recreational facilities for the use and enjoyment of residents and their guests, including, but not limited to pools, tennis courts, tot lots, fitness trails and bikeways. "Sports" lighting (high-mast, high illumination) is not permitted for these facilities.

(2) Clubhouse, community building, rental/business office and model unit(s) to be converted into residential units.

(3) Patios.

(4) Fences and walls as regulated in Article VI.

(5) Tenant storage, maintenance/superintendent office and/or storage of maintenance equipment.

(6) Private garages and off-street parking.

(7) Signs.

(8) Site Furnishings (seating, trash & recycling enclosures, etc).

(9) Conservation, open space and public purpose uses.

(10) Accessory uses on the same lot and customarily incidental to a principal use.

(11) Stormwater Management, Sanitary Sewer Facilities including treatment and disposal, and other public or private utilities.

F. Tract Requirements

(1) Minimum Tract Size: The minimum tract size shall be equal to the tract size of Block 81, Lots 2 & 3. All lands within the tract shall be included as part of a development application for development provided for herein. All proposals for land use and development/redevelopment within the tract shall be fully articulated within the development application.

(2) Maximum permitted density: 14.25 DU/Acre

(3) Minimum required number of affordable dwelling units: 42

(4) Maximum building coverage for Tract: 20%.

(5) Maximum impervious coverage for Tract: 50%.

(6) Minimum tract boundary setback and buffer: 25 feet

(7) Minimum building setback from community amenity: 75 feet (not applicable to paths, walks and seating)

G. Area and Yard Requirements for Dwelling Types

(1) Townhouses

(a) Maximum height: 35 feet and 2 ½ stories

(b) Maximum garage height: 20 feet and 1 story

(c) Maximum dwelling units per building: 8

(d) Minimum lot area: 2,000 square feet

(e) Minimum lot depth: 110 feet

(f) Minimum distances for side facade(s):

Building to building: 28 feet

Building to street: 15 feet

(g) Minimum distances from front facade to streets:

Building to sidewalk: 14 feet

Building to curb: 21 feet

(h) Minimum distance from a garage facade to curb, edge of lane/alley pavement or edge of sidewalk: 20 feet

(i) Maximum impervious coverage: 90%

(j) Maximum building coverage: 70%

(k) Vehicular access required: Rear-loaded from lane or alley; no driveway access is permitted from the front of dwellings

(2) Apartments

(a) Maximum height: 45 feet and 3 stories

(b) Maximum dwelling units per building: 30

(c) Minimum distance between buildings:

[1] Front-to-front: 60 feet

[2] Front-to-side: 40 feet

[3] Side-to-side: 30 feet

[4] Rear-to-rear: 40 feet

(d) Minimum setback to sidewalk, street right-of-way, access driveway or parking area: 15 feet

(3) Permitted building encroachments for residential buildings.

(a) Entry steps, covered entries, porches and decks projecting no more than 6 feet from an exterior building wall are permitted to encroach up to 6 feet in a front, rear or side setback.
(b) Bay windows and chimneys projecting no more than 2 feet from an exterior building wall are permitted in a front, rear or side setback.

(4) Community building

(a) Maximum height: 25 feet and 1 ½ stories

(b) Setbacks shall conform to those applicable to apartments

H. Parking and Circulation.

(1) Parking shall be provided, and circulation elements (such as streets and thoroughfares) shall be designed, to comply with the New Jersey Residential Site Improvement Standards (RSIS N.J.A.C. 5:21).

(2) Parking areas and driveways shall be located a minimum of 25 feet from any tract boundary, except where connectivity to adjacent properties or streets is necessary.

(3) All streets, thoroughfares and parking areas shall be owned and maintained by a private entity.

(4) Townhouse units shall utilize rear lanes/alleys for vehicular access to parking.

(5) Townhouses shall provide at least 1 on-site parking space within an enclosed garage located in the rear yard with access from a lane/alley.

(6) Townhouse parking may occur within the driveway leading to a garage, in which case said garage shall be set back no less than 20 feet from curb or between the garage door and a sidewalk, whichever distance is less, to accommodate a car without projecting into the right-of-way.

(7) While off-street parking is preferred, on-street parking may be delineated, calculated and included towards meeting the RSIS requirements. No striping of on-street parking is required.

(8) Off-street parking may be located beneath the ground floor provided:
(a) It is accessible only from the building elevation opposite from street frontage; and

(b) The parking area beneath the building is not visible from a street.

I. Open Space.

(1) Minimum: 25% of the tract area

(2) Permitted open space uses:
(a) Conservation
(b) Passive recreation

(c) Active recreation

(3) The stormwater management and sanitary sewer systems may be located in open space and the land area of any detention or retention basin may be counted toward the minimum open space area requirements.

J. Design Standards. Deviations from these design standards shall be considered exceptions pursuant to the procedure articulated in the New Jersey Municipal Land Use Law (MLUL) at NJSA 40:55D-51.

(1) Building Design. The purpose of these building design standards is to ensure that the design of townhouse and apartment buildings promotes a desirable visual and spatial environment.

(a) Design standards applicable to all buildings:

[1] Buildings shall have a gable or hipped roof.

[2] Principal roof eaves shall project at least one foot beyond the building facade or a supporting column. Secondary roof eaves (i.e., balconies, porches and patios) shall project at least one foot.

[3] Primary roofs shall have a minimum pitch of 6/12.

[4] Secondary roofs may have a pitch below 4/12.

[5] Within each front building elevation, the maximum ratio of windows to wall shall be 25% window to 75% wall.

[6] Balconies and patios shall be designed as integral subcomponents of the building facade.

[7] Cantilevered balconies are not permitted.

(b) Townhouse Standards.

[1] Townhouse buildings shall be designed to create a unified architectural theme, in terms of design, composition, color, materials and elements. Variety among dwelling units should be expressed through the manipulation of common elements such as porches, roofs, bays, eyebrows, trim, accents, etc. that create interest without creating disparate architectural approaches among units or buildings.

[2] Each building shall contain, at a minimum, one end unit model and one interior model. Each base model type home in any block shall have at least two alternative front elevations containing different design features, including, but not limited to, the following:

Porches

Porticos
Columns
Dormers
Accent windows
Door color

[3] Materials, finishes and colors shall be unified among all townhouses.

[4] Finished first floor shall be a minimum of 18 inches above the front sidewalk elevation, but shall not exceed 60 inches.

[5] Townhouse unit facades facing streets (not lanes or alleys) shall be offset from each other by at least 2 feet (projection or recess) between units.

(c) Apartment Standards.

[1] Buildings shall be designed to create a unified architectural theme, in terms of design, composition, color, materials and elements.

[2] Storage. For each apartment, in addition to any storage areas contained within the unit, there shall be provided 200 cubic feet of storage in a conveniently accessible area, either within the apartment building or in a separate building where belongings can be kept locked and separated from the belongings of other occupants.

(2) Lighting.

(a) General. All outdoor lighting should be coordinated as to style, material and color. Lighting throughout the site should overlap, creating an even level of illumination throughout the parking area. All exterior lighting shall be designed, located, installed and directed in such a manner as to prevent objectionable light at and across the property lines and to prevent glare at any location on or off the property. LED fixtures are required for energy efficiency and uniform illumination.

(b) Parking lots shall be illuminated with an average of no less than two tenths (0.2) foot-candle. The ratio between maximum foot-candles and average foot-candles shall be no greater than 20 to 1.

(c) Illumination at property lines shall not exceed one-tenth (0.1) foot-candle, excluding streets or driveways.

(d) Lighting shall be provided by fixtures in parking lots with a mounting height not more than 16 feet measured from the ground level to the center line of the light source and lighting fixtures no to exceed twelve (12) feet in height shall be provided for pedestrian walkways and residential areas outside of parking lots.

(e) Fixtures for illumination shall be full cutoff luminaires.

(3) Signs

(a) Neighborhood Identification: There may be a maximum of 1 permanent freestanding neighborhood identification sign located at the entrance to the community. Neighborhood identification signs shall be set back at least 3 feet from any property line, shall not exceed 60 square feet in sign area and shall not exceed 5 feed in height. Neighborhood identification signs may be mounted on brick or masonry walls or buildings.

(b) Community/Recreation/Clubhouse Building: The community/recreation/clubhouse building may have 1wall identification sign. The permanent wall identification sign shall not exceed 20 square feet in sign area.

(c) Directional Signs: Up to 2 directional signs shall be allowed on each driveway frontage from which vehicular access is derived. A directional sign shall not exceed 6 square feet in sign area and shall not exceed 6 feet in height. A directional sign shall be set back from any lot line by at least 3 feet.

(d) Residential Building Identification: Each residential building may have up to 2 attached identification signs. The maximum sign area of each shall not exceed 6 square feet. Such signs shall be appropriately integrated within the architecture of the buildings.

(4) Open Space

(a) Open spaces shall be planted with double rows of shade trees along thoroughfare frontages.

(b) A detailed site plan for open spaces shall be submitted for review and approval.

(c) Common open space shall be provided, and shall include at a minimum:

[1] Children's play area

[2] Community building, which may include, but is not limited to, a clubhouse, leasing office, and model, of which a minimum of 2,500 square feet

[3] Central open space for passive uses.

(d) Stormwater facilities shall not impede function of open space.

K. Affordable Housing.

(1) Minimum required number of affordable dwelling units: 42

(2) Minimum percentage of affordable dwellings: 25% of the total number of dwelling units.

(3) Affordable dwelling units shall be constructed and sold or rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq.

(4) Affordable dwelling unit household income breakdown:

(a) At least 13% of the affordable units shall be affordable to very low income (VLI) households at 30% of the median income;

(b) At least 50% of the affordable units shall be made affordable to low income units (the 50% requirement is inclusive of the 13% VLI requirement); and

(c) The balance of units permitted at moderate income up shall not exceed maximum of 50% of all affordable units.

(5) Affordable dwelling bedroom distribution: Bedroom distribution shall be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.

(6) The range of affordability, pricing and rent of units, affirmative marketing, 30-year minimum affordability controls and construction phasing with the market rate units developed on the tract shall also be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.

(7) The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

SECTION III. The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

SECTION IV. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency,

SECTION V. If any provisions of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such ordinance or judgment shall not affect, impair or invalidate the remainder of any such article, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are declared to be severable.

SECTION VI. This ordinance shall take effect immediately upon final passage and publication in accordance with the law and upon filing with the Hunterdon County Planning Board.

I hereby certify that the attached ordinance is a true and correct copy of an ordinance entitled ***AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV "DISTRICT REGULATIONS" OF CHAPTER 148 "LAND DEVELOPMENT", TO CREATE A NEW INCLUSIONARY HOUSING ZONE ALSO KNOWN AS MULTI-FAMILY AFFORDABLE HOUSING-2 DISTRICT (MFAH-2)*** which was introduced at the meeting of Readington Township Committee on April 6, 2020 adopted at the meeting of the Readington Township Committee on May 4, 2020.

Vita Mekovetz

Vita Mekovetz, RMC/MMC/QPA
Municipal Clerk

AGREEMENT TO EXTEND AFFORDABILITY CONTROLS

This Agreement is made on *March 11, 2020*, by and between the TOWNSHIP OF READINGTON, a municipal corporation and body politic, with offices at the Municipal Building, 509 Route 523, Whitehouse Station, N.J. 08889 (hereinafter referred to as "Township") and KATHLEEN M. RILEY, residing at 180 Aster Court, Whitehouse Station N.J. 08889, referred to as "Owner."

WITNESSETH:

WHEREAS, Owner owns a condominium unit having an address of *181 Aster Court, Whitehouse Station, N.J. 08889* (Block 34, Lot 36.181) located within the Whitehouse Village condominium development in the Township of Readington (hereinafter the "Unit"); and

WHEREAS, the Unit was subject to a 20 year deed restriction which restricted its sale to low and moderate income households in accordance with N.J. Council on Affordable Housing ("COAH") rules and regulations then in effect; and

WHEREAS the aforementioned deed restriction expired on or about October 18, 2008 per the terms set forth in a Deed dated October 18, 1988 and recorded in the Hunterdon County Clerk's Office on October 27, 1988 in Deed Book 1016, page 881; and

WHEREAS, the Township has proposed to extend affordability controls on properties previously designated as low or moderate income units located within the Whitehouse Village development as part of its amended third round Affordable Housing and Fair Share Plan (hereinafter "Affordable Housing Plan") being adopted in accordance with a settlement agreement entered into with Fair Share Housing Center ("FSHC") on July 6, 2019 in resolution of an affordable housing action entitled In the Matter of the Application of the Township of Readington, County of Hunterdon, Docket No. HNT-L-301-15, which action was instituted in response to the New Jersey Supreme Court's decision In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015). The Township seeks to extend the affordability controls for a period of at least 30 years on each previously restricted unit in the Whitehouse Village development in order to keep them available for purchase by low and moderate income households in exchange for the payment of $35,000 per unit; and

WHEREAS, the Owner is willing to: a) accept the extension of affordability controls on the Unit and; b) place appropriate deed restrictions of record in consideration of the payment of $35,000.00 and thereafter sell the unit as an affordable housing unit to qualified purchasers, in order to assist the Township in meeting its affordable housing obligations.

WHEREAS, the terms and conditions of the aforesaid proposal, as outlined more specifically in the Affordable Housing Plan, are subject to the acceptance and approval of the Court, or its successor in interest or responsibility; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree as follows:

1. The Township agrees to contribute to Owner , the amount of $35,000 to extend the affordability controls on the Unit for at least 30 years in order to keep it available as a *low* income for-sale unit to a qualified purchaser, subject to the Township's successful adoption of any necessary bond or other authorizing ordinance for this purpose within sixty (60) days of the date of this agreement.

2. In return for the aforesaid contribution, Owner agrees to designate the Unit, as an affordable for-sale unit for *moderate income* qualified households, in accordance with COAH's or the Court, its designee and/or its analogous successor in interest/responsibility's, rules and regulations. The Township shall provide affordable housing administrative responsibilities including affirmative marketing and monitoring the income levels of any future purchasers of the Unit to ensure compliance with COAH or the Court, its designee and/ or its analogous successor in interest/responsibility's, income requirements. Owner further agrees to place a thirty-year deed restriction on the Unit in the form as similarly set forth in the sample documents attached hereto as Schedule A, subject to any necessary updates required by UHAC/COAH or analogous rules pertaining to affordable housing. The Township represents that its third round affordable housing plan is currently subject to litigation pursuant to the recent 2015 Supreme Court decision which affects third round affordable housing obligations throughout New Jersey. Therefore, the Township may be required to change its form of affordable housing documents in the future to comply with any Court orders/rule changes and receive affordable housing credit for this unit. If this occurs while Seller owns the property, Seller agrees to cooperate with the Township to effectuate compliance. Seller and/or Seller's purchaser shall sign a post-Closing agreement to cooperate with any revisions to affordable housing documents which may be required as a result of the pending litigation.

3. With respect to the attached sample documents, Owner shall comply with any requirements determined necessary by Township's title company.

4. Funding shall not be due from the Township until: a) the Owner provides the Township with a copy of its Owner's Policy of Title Insurance and the Township orders and receives an acceptable title search; b) Owner executes an acceptable deed restriction and all other required affordable housing documents on the condominium unit in recordable form; and c) within 30 days of the adoption the necessary funding ordinance and successful expiration of the appeal period.

5. The parties have read and understand this Agreement fully. It is signed and sealed

in accordance with New Jersey law by the duly authorized officers of the Township and by the Owner .

WITNESS, the parties have set their hands and seals, the day and year first above written.

ATTEST:

Vita Mekovetz, Twp. Administrator/Clerk

TOWNSHIP OF READINGTON

By: Jonathan Heller, Mayor

WITNESS:

Kathleen M. Riley

Ordinance #09-2020 cont'd:

SECTION V. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI. If any provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such ordinance or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION VII. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

A MOTION was made by Mrs. Fort to introduce this ordinance, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

The Public Hearing was scheduled for April 20, 2020 at 7:45 p.m.

3. ***A Resolution of the Township Committee of the Township of Readington Adopting an Affordable Housing Spending Plan***

   Attorney Dragan maintained that there is a spending plan in place which designates how the Township will take in the monies received through the affordable housing development fees.

   The following resolution was offered for consideration:

#R-2020-44

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF READINGTON ADOPTING AN AFFORDABLE HOUSING SPENDING PLAN

WHEREAS, regulations adopted by the New Jersey Council on Affordable Housing (COAH) required a municipality with an Affordable Housing Trust Fund to receive approval of a Spending Plan by COAH prior to spending any of the funds in its trust fund; and

WHEREAS, these regulations required a Spending Plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;

2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;

3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;

4. A description of the anticipated use of all affordable housing trust funds;

5. A schedule for the expenditure of all affordable housing trust funds;

Resolution #R-2020-44 cont'd:

6. A plan to spend the trust fund balance in accordance with the implementation schedule within the Spending Plan and approved by a settlement agreement;

7. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan; and

8. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and

WHEREAS, the Township of Readington has prepared a Spending Plan consistent with the Township's Settlement Agreement with Fair Share Housing Center, dated July 19, 2019; and

WHEREAS, because COAH is no longer a functioning administrative agency, it will not approve any spending plan, including the Township's; and

WHEREAS, the Township of Readington shall therefore seek review and approval of its adopted and endorsed Spending Plan as part of its obligations under the terms of the Court-approved Settlement Agreement between the Township of Readington and Fair Share Housing Center.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Readington hereby adopt and endorse the Spending Plan attached hereto; and

BE IT FURTHER RESOLVED that the Township of Readington hereby requests that the Special Master and/or the Court review and approve its Spending Plan.

A MOTION was made by Mrs. Fort to adopt this resolution, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

4. ***Resolution of the Committee of the Township of Readington, Hunterdon County, New Jersey, of Intent to Fund Spending Plan Shortfall for Affordable Housing Programs in the Township's Housing Element and Fair Share Plan***

   Attorney Dragan explained that this is a mandated resolution stating that in the event the Township be unable to raise the money through the affordable housing trust fund, the Township will bond to cover the funding.

   The following resolution was offered for consideration:

#R-2020-45

RESOLUTION OF THE COMMITTEE OF THE TOWNSHIP OF READINGTON, HUNTERDON COUNTY, NEW JERSEY, OF INTENT TO FUND SPENDING PLAN SHORTFALL FOR AFFORDABLE HOUSING PROGRAMS IN THE TOWNSHIP'S HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, pursuant to the substantive regulations of the New Jersey Council on Affordable Housing ("COAH"), certain portions of the Township's amended Housing Element and Fair Share Plan scheduled for public hearing at the Planning Board on March 23, 2020 may require a financial commitment by the Township; and

Resolution #R-2020-45 cont'd:

WHEREAS, the municipality must resolve to address and shortfall in the funding of its affordable housing programs as set forth in the Spending Plan and the Fair Share Plan, including its willingness to incur bonded indebtedness, if necessary, to provide the funds required for the timely implementation of the Fair Share Plan;

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Readington, in the County of Hunterdon, and State of New Jersey, as follows:

1. To the degree that the funds required for the implementation of the Township's Fair Share Plan, as will be more particularly set forth in the Township's approved Spending Plan, are not available at the time they are needed from all available affordable housing funding sources, the Township resolves to provide the funding needed to cover any shortfall through appropriations in the Township's annual budget, bonding, or any other legal means, with the understanding that any future affordable housing funding which becomes available may be used to reimburse the Township for the costs incurred.

A MOTION was made by Mrs. Fort to adopt this resolution, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

5. ***An Ordinance to Adopt an Air Safety and Hazardous Zoning Ordinance***

Mr. Smith explained that this is to bring the Township into compliance with the Air Safety and Zone Act of 1983, previously passed but invalidated in the Prerogative Writ case.

The following ordinance was offered for introduction:

ORDINANCE TO ADOPT AN AIR SAFETY AND HAZARDOUS ZONING ORDINANCE

ORDINANCE #10-2020

WHEREAS, Solberg-Hunterdon Airport is the only public-use airport in Readington Township; and

WHEREAS, the Air Safety and Zoning Act of 1983, N.J.S.A. 6:1-80 et seq. ("Act"), and its accompanying regulations, N.J.A.C. 16:62-1 et seq., require municipalities with an airport to enact an Air Safety and Hazardous Zoning ordinance; and

WHEREAS, the Township seeks to comply with the requirements of this legislation; and

WHEREAS, the bounds of the Air Safety Zone are measured from an airport's runways and the Township recently received confirmation from the New Jersey Department of Transportation as to the official approved length of Solberg-Hunterdon Airport's runways (see Exhibit 1);

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Readington, in the County of Hunterdon and State of New Jersey, that the Air Safety and Hazardous Zoning Ordinance will be adopted as follows:

An Ordinance Repealing and Replacing Chapter 137, Housing, Affordable, Article III "Municipal Housing Liaison" of the Code of the Township of Readington and Chapter 148, Article XI, Section 148-111 "COAH Development Fees", Chapter 148, Article XIII "Affordable Housing" and Amending Article II "Definition of Terms" Section 148-9 "Definitions" of the Township of Readington's Land Development Ordinance to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Township's Affordable Housing Obligations

♦ ***Ordinance #09-2020***

A MOTION was made by Mrs. Fort to adopt this ordinance, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mr. Albanese - Aye
Mrs. Fort - Aye
Mr. Huelsebusch - Aye
Mr. Smith - Aye
Mayor Heller - Aye

A MOTION was made by Mr. Smith to adjourn the regular meeting to hold a Public Hearing, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

Clerk read by Title:

An Ordinance to Adopt an Air Safety and Hazardous Zoning Ordinance

♦ ***Ordinance #10-2020***

Mayor Heller asked if there were any comments from the governing body.

Mayor Heller read a letter from Edward R. Nagle, High Ridge Court, dated April 6, 2020 (on file in the Municipal Clerk's office) into the record. Mayor Heller noted that this letter does not reflect the position of the Township.

Mayor Heller asked if there were any comments from the public.

Bob Schoenfleld, Oldwick Road, commented that he was unsure of the purpose of the ordinance and requested an explanation as to the requirement of the ordinance.

John Broten, Dogwood Drive, commented on the language of "airport hazardous area" as there is no definition that speaks to this in the ordinance.

Paula Baldwin, Morning Star Road, commented on the letter written by Edward Nagle and indicated that he has valid points that should be addressed.

A MOTION was made by Mrs. Fort to adjourn the Public Hearing to the next meeting, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mr. Albanese - Aye
Mrs. Fort - Aye
Mr. Huelsebusch - Aye
Mr. Smith - Aye
Mayor Heller - Aye

CORRESPONDENCE / OTHER INFORMATION

1. Public Notice from Guliet Hirsch, Esq., Archer & Greiner, PC, Attorney for Pleasant Run LLC ***regarding Amended Preliminary Site Plan and Amended Final Site Plan of Pleasant Run, LLC (Profeta Farms).*** No action taken.

AN ORDINANCE REPEALING AND REPLACING CHAPTER 137, HOUSING, AFFORDABLE, ARTICLE III "MUNICIPAL HOUSING LIAISON" OF THE CODE OF THE TOWNSHIP OF READINGTON AND CHAPTER 148, ARTICLE XI, SECTION 148-111 "COAH DEVELOPMENT FEES", CHAPTER 148, ARTICLE XIII "AFFORDABLE HOUSING" AND AMENDING ARTICLE II "DEFINITION OF TERMS' SECTION 148-9 'DEFINITIONS' OF THE TOWNSHIP OF READINGTON'S LAND DEVELOPMENT ORDINANCE TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS

Ordinance # 09- 2020

BE IT ORDAINED by the Township Committee of the Township of Readington, Hunterdon County, New Jersey, that the Code of the Township of Readington is hereby amended to include provisions addressing Readington's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with *N.J.A.C.* 5:93-1, et seq., as amended and supplemented, *N.J.A.C.* 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that very-low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low-, low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

SECTION I. This Ordinance implements and incorporates the Housing Element and Fair Share Plan adopted by the Planning Board pursuant to the Municipal Land Use Law at *N.J.S.A.* 40:55D-1 et seq. and endorsed by the Governing Body. It addresses the requirements of *N.J.A.C.* 5:93-1, et seq., as amended and supplemented, *N.J.A.C.* 5:80-26.1, et seq. as amended and supplemented, with one exception regarding the provision of very-low income housing as described in more detail below, and the New Jersey Fair Housing Act of 1985.

SECTION II. Chapter 137 of the Code of the Township of Readington entitled "Housing, Affordable Article III Municipal Housing Liaison" is hereby deleted in its entirety and shall be replaced with the following:

CHAPTER 137 HOUSING, AFFORDABLE,ARTICLE III MUNICIPAL HOUSING LIASION, ADMINISTRATIVE AGENT, AFFIRMATIVE MARKETING ENFORCEMENT.

Section 137-13. Definitions. As used in this article, terms and definitions shall be the same as set forth in Section 148-9, "Definitions" found in Article II "Definition of Terms ", Chapter 148 of the Land Use Code.

§ Section 137-14 Municipal Housing Liaison

A. The Township shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the Township's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the Township's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). The Township of Readington shall adopt this Ordinance which creates the position of Municipal Housing Liaison and the Township of Readington shall adopt a Resolution which appoints the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

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

(1) Serving as Readington Township's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;

(2) Monitoring the status of all restricted units in Readington Township's Fair Share Plan;

(3) Compiling, verifying, submitting and posting all monitoring reports as required by the Court and by this Ordinance;

(4) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and

(5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

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

D. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.

§ Section 137-15 Administrative Agent

The Township shall designate one or more Administrative Agents to implement the terms of this Ordinance, subject to Court approval. The Township may act as Administrative Agent for some or all restricted units within the Township; in that case, the Township shall designate the Municipal Housing Liaison to serve on its behalf. Otherwise, the Township may designate an independent entity to serve as Administrative Agent, which entity shall serve under contract and shall report to the municipality. All Administrative Agents shall be properly qualified to serve in this capacity. ***The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.*** The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

A. Affirmative Marketing:

(1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township and the provisions of N.J.A.C. 5:80-26.15; and

(2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household Certification:

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

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

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

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

(5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;

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

(7) Notifying the following entities of the availability of affordable housing units in the Township: Fair Share Housing Center, the New Jersey State Conference of the NAACP, including the New Brunswick, Plainfield Area, Perth Amboy and Metuchen/Edison branches, the Latino Action Network, NORWSCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

C. Affordability Controls:

(1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

(2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

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

(4) Communicating with lenders regarding foreclosures; and

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

D. Resales and Re-rentals:

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

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

E. Processing Requests from Unit Owners:

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

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

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

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

F. Enforcement:

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

(2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

(3) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;

(4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in *N.J.A.C.* 5:80-26.18(d)4;

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

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

A. Additional Responsibilities:

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

(2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.

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

§ Section 137-16 Affirmative Marketing Requirements

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

B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction.

C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Hunterdon, Middlesex, and Somerset Counties.

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

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

F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan,

the Administrative Agent shall consider the use of language translations where appropriate.

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

H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

I. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Township, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, including the New Brunswick, Plainfield Area, Perth Amboy and Metuchen/Edison branches, the Latino Action Network, NORWSCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

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

§ Section 137-17 Enforcement of Affordable Housing Regulations

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

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

(1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

(a) A fine of not more than $500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the

violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

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

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

(2) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

(a) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

(b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow

shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

(c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

(d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

(e) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

(f) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

SECTION III. Article II entitled "Definition of Terms" in Chapter 148 of the Land Development Ordinance is hereby amended as follows:

§ Section 148-9 Definitions

1. The following new terms shall be added as follows:

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

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

“Administrative agent" means the entity designated by the Township to administer affordable units in accordance with this Ordinance, *N.J.A.C*. 5:93, and UHAC (*N.J.A.C*. 5:80-26.1).

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

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

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within *N.J.A.C*. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in *N.J.A.C*. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in *N.J.A.C*. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, inclusionary development, municipal construction projects or a one hundred percent (100%) affordable housing developments, supportive and special needs projects, extensions of controls, and market-to-affordable projects.

“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 Housing Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

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

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

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

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

"Certified household" means a household that has been certified by an Administrative Agent as a very-low, low-income household or moderate-income household.

"COAH" of the "Council" mean the New Jersey Council on Affordable Housing, as established by the New Jersey Fair Housing Act (*N.J.S.A*. 52:27D-301, et seq.) which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

"DCA" means the State of New Jersey Department of Community Affairs.

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

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

"Development fee" means money paid by a developer for the improvement of property as permitted in *N.J.A.C*. 5:93-8.8.

"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).

"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.

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

"Low-income household" means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

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

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

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

“Median income” means the median income by household size for the applicable housing region, as adopted annually by the Township pursuant to this ordinance, by COAH or a successor entity approved by the Court.

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

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

“Municipal Housing Liaison” means an employee charged by the governing body with the responsibility for oversight and administration of the Affordable Housing Program for the Township of Readington.

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

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

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

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

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

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

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

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

"Very low-income household" means a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

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

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

2. The following terms shall be deleted from section 148-9 and shall be replaced by the terms set forth above:

COAH
The New Jersey Council of Affordable Housing.
[Added 5-17-1993]

DEVELOPER
The legal or beneficial owner or owners of a lot or of any land proposed to be Included in a proposed development, including the holder of any option or contract to purchase or any other person having enforceable proprietary interest in such land.

DEVELOPMENT FEES
Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.
[Added 5-17-1993]

EQUALIZED ASSESSED VALUE
The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.
[Added 5-17-1993]

SECTION IV. Article XIII entitled "Affordable Housing " in Chapter 148 of the Land Development Ordinance is deleted in its entirety and shall be replaced with the following:

ARTICLE XIII AFFORDABLE HOUSING

§ Section 148-117 Short Title

This section of the "Code of the Township of Readington" shall be known as the "Affordable Housing Ordinance of the Township of Readington."

§ Section 148-117.1 Purpose

A. This section of the Readington Code sets forth regulations regarding the very-low-, low-, and moderate-income housing units in the Township consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing", N.J.A.C. 5:93 et seq., the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq., except where modified by the requirements for very-low income housing as established in P.L. 2008, c.46 (the "Roberts Bill", codified at N.J.S.A. 52:27D-329.1) as reflected in the terms of a Settlement Agreement between the Township and Fair Share Housing Center ("FSHC") such that the statutory requirement to provide very-low income units equal to 13% of affordable units approved and constructed after July 17, 2008, to be affordable households at 30% of the regional median income, overrides the UHAC requirement that 10% of all low- and moderate-income units must be affordable at 35% of the regional median income, and the Township's constitutional obligation to provide a fair share of affordable housing for very-low-, low-, and moderate-income households.

B. This Ordinance is intended to assure that very-low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low, low- and moderate-income households shall occupy these units. This Ordinance shall apply to all inclusionary developments and 100% affordable developments (including those funded with low-income housing tax credit financing) except where inconsistent with applicable law.

C. This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.

§ Section 117.2 Monitoring and Reporting Requirements

The Township shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

A. Beginning on July 19, 2019, and on every anniversary of that date through July 19, 2025, the Township agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs ("NJDCA"), Council on Affordable Housing ("COAH"), or Local Government Services ("NJLGS"), or other

entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed for this purpose by the NJDCA, COAH, or NJLGS. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

B. Beginning on July 19, 2019, and on every anniversary of that date through July 19, 2025, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.

C. By July 1, 2020, as required pursuant to *N.J.S.A*. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity. Any interested party may by motion request a hearing before the Court regarding these issues.

D. As part of its annual reporting and midpoint review reporting, the Township will include annual reports as to (1) changes in circumstances relative to sewer including any already existing or anticipated increase in capacity through reclaimed sewer or plant expansion; and (2) reporting on applications for existing or anticipated capacity.

E. By July 19, 2022, and every third year thereafter, as required by *N.J.S.A.* 52:27D-329.1, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income and family very low income housing obligations.

§ Section 148-117.3 Applicability

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

B. Moreover, this Ordinance shall apply to all developments that contain very-low-, low-and moderate-income housing units, including any currently unanticipated future developments that will provide very-low, low- and moderate-income housing units.

C. Projects receiving Federal Low Income Housing Tax Credit financing shall comply with the income and bedroom distribution requirements of UHAC at *N.J.A.C*. 5:80-26.3 (with the exception that the UHAC requirement for 10 percent of the affordable units in rental projects being required to be at 35 percent of median income be modified as required by

the statutory requirement, *N.J.S.A.* 52:27D-329.1 to 13 percent of affordable units in such projects shall be required to be at 30 percent of median income) and the length of the affordability controls applicable to such projects shall be not less than a thirty (30) year compliance period plus a 15 year extended use period.

Section 148-117.4 Township-wide Mandatory Set-Aside

A. Any multi-family development, including single-family attached residential development, providing a minimum of five (5) new housing units created through any Planning Board action on subdivision or site plan applications; municipal rezoning; Zoning Board use or density variance; redevelopment plan or rehabilitation plan with a minimum density of six (6) units per acre is required to include a minimum affordable housing set-aside of 20%.

B. At least 50% of the affordable units in each development shall be affordable to low-income housing. At least 13% of all affordable units in rental developments shall be affordable to very-low-income households.

C. All such affordable units, including bedroom distribution, shall be governed by the controls on affordability and affirmatively marketed in conformance with UHAC, *N.J.A.C.* 5:80-26.1 et seq., or any successor regulation, and all other applicable law.

D. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.

E. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of the Township to grant such rezoning, variance or other relief.

F. This Township-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the Township's Settlement Agreement with FSHC or Fair Share Plan, for which density and set-aside requirements shall be governed by the specific standards as set forth therein. The Township shall maintain this mandatory set-aside provision through at least July 8, 2025 at which time the Township may determine to extend the applicability of the provision.

§ Section 148-117.5 Alternative Living Arrangements

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

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

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

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

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

§ Section 148-117.6 Phasing Schedule for Inclusionary Zoning

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

§ Section 148-117.7 New Construction

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

(1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very-low income units (affordable to a household earning 30 percent or less of regional median income by household size). The very-low income units shall be counted as part of the required number of low-income units within the development.

(2) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very-low or low-income units.

(3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

(a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

(b) At least 30 percent of all low- and moderate-income units shall be two bedroom units;

(c) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

(d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

(4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility Requirements:

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

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

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

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

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

(d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

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

(f) An accessible entranceway as set forth at P.L. 2005, c. 350 (*N.J.S.A.* 52:27D-311a, et seq.) and the Barrier Free SubCode, *N.J.A.C.* 5:23-7, or evidence that the Township has collected funds from the developer

sufficient to make 10 percent of the adaptable entrances in the development accessible:

[1] 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.

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

[3] The funds deposited under paragraph 6)b) above shall be used by the Township of Readington for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

[4] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township for the conversion of adaptable to accessible entrances.

[5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, *N.J.A.C.* 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township's Director of Finance, or their designee, who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

[6] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, *N.J.A.C.* 5:23-7.

C. Design:

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

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

D. Maximum Rents and Sales Prices:

(1) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures as approved by the Court and detailed herein.

"Regional income units shall be established for the region that the Township is located within (i.e. Region 3) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year."

(2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

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

(4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at

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

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

(a) A studio shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one and one-half person household;

(c) A two-bedroom unit shall be affordable to a three-person household;

(d) A three-bedroom unit shall be affordable to a four and one-half person household; and

(e) A four-bedroom unit shall be affordable to a six-person household.

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

(a) A studio shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one and one-half person household; and

(c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

(7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under *N.J.A.C.* 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of *N.J.A.C.* 5:80-26.3, as may be amended and supplemented.

(8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under *N.J.A.C.* 5:80-26.4, as may be amended and supplemented; provided, however, that the

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

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

(10) The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

§ Section 148-117.8 Utilities

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

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

§ Section 148-117.9 Occupancy Standards

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

A. Provide an occupant for each bedroom;

B. Provide children of different sexes with separate bedrooms;

C. Provide separate bedrooms for parents and children; and

D. Prevent more than two persons from occupying a single bedroom.

§ Section 148-117.10 Control Periods for Restricted Ownership Units and Enforcement Mechanisms

A. Control periods for restricted ownership units shall be in accordance with *N.J.A.C.* 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until the Township takes action to release the unit from such requirements; prior to

such action, a restricted ownership unit must remain subject to the requirements of *N.J.A.C.* 5:80-26.1, as may be amended and supplemented.

B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

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

F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under *N.J.A.C.* 5:80-26.5(a), as may be amended and supplemented.

§ Section 148-117.11 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

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

A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. (See Section 148-117.4 Capital Improvements to Ownership Units).

§ Section 148-117.12 Buyer Income Eligibility

A. Buyer income eligibility for restricted ownership units shall be in accordance with *N.J.A.C.* 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

B. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Governing Body, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.

C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

§ Section 148-117.13 Limitations on Indebtedness Secured by Ownership Unit; Subordination

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

B. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with *N.J.A.C.* 5:80-26.6(b).

§ Section 148-117.14 Capital Improvements To Ownership Units

A. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

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

§ Section 148-117.15 Control Periods for Restricted Rental Units

A. Control periods for restricted rental units shall be in accordance with *N.J.A.C.* 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until the Township takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of *N.J.A.C.* 5:80-26.1, as may be amended and supplemented.

B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Hunterdon. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

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

(1) Sublease or assignment of the lease of the unit;

(2) Sale or other voluntary transfer of the ownership of the unit; or

(3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

§ Section 148-117.16 Rent Restrictions for Rental Units; Leases

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

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

C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

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

§ Section 148-117.17 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 the regional median household income by household size.

(2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.

(3) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.

B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to *N.J.A.C.* 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

(1) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

(2) The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

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

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

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

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

§ Section 148-117.18 Development Fees

A. Purpose:

(1) 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 COAH's adoption of rules.

(2) COAH was authorized by P.L. 2008, c. 46, Section 8 (*N.J.S.A.* 52:27D-329.2), and the Statewide Nonresidential Development Fee Act (*N.J.S.A.* 40:55D-8.1 through 40:55D-8.7) 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 COAH or a court of competent jurisdiction and have a COAH- or court-approved spending plan may retain fees collected from nonresidential development.

(3) In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the "Mount Laurel IV" decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 7, 2025 are under the Court's jurisdiction and are subject to approval by the Court.

(4) This section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. This chapter shall be interpreted within the framework of COAH's rules on development fees, codified at *N.J.A.C.* 5:93-8.

B. Basic Requirements:

(1) COAH had previously approved ordinances adopting and amending Section 148-111, which established the Township's affordable housing trust fund. The Township's development fee ordinance which has been further amended remains effective pursuant to the Superior Court's jurisdiction in accordance with *N.J.A.C.* 5:93.8.

(2) At such time that the Court approves the Township's Amended Third Round Housing Element and Fair Share Plan and the Amended Third Round Spending Plan, the Township may begin spending development fees in conformance with N.J.A.C. 5:93-8 for the new 2020 Plan activities.

C. Residential Development Fees:

(1) Imposed fees.

(a) Within all Zoning Districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.

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

(2) Eligible exactions, ineligible exactions and exemptions for residential development.

(a) 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.

(b) 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.

(c) In addition to the construction of new principal and/or accessory buildings, development fees shall be imposed and collected for the construction of additions or expansions to existing buildings, for the change or conversion of an existing building to accommodate a more intense use, and/or for the demolition and replacement of an existing building provided that:

[1] The development fee shall be calculated on the increase in the equalized assessed value of the improved building.

[2] No development fee shall be collected for a demolition and replacement of a residential building resulting from a natural disaster.

[3] No development fee shall be collected for the construction of an “accessory structure” which is not a “building” as these terms are defined in the Township “Land Development Ordinance.”

D. Nonresidential Development Fees:

(1) Imposed fees.

(a) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.

(b) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

(c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

(2) Eligible exactions, ineligible exactions and exemptions for nonresidential development.

(a) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two-and-one-half-percent (2.5%) development fee, unless otherwise exempted below.

(b) The two-and-one-half-percent (2.5%) fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

(c) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.

(d) A developer of a nonresidential development exempted from the nonresidential 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 nonresidential development fee, in that event, within three years after that event or after the issuance of the final

certificate of occupancy of the nonresidential development, whichever is later.

(e) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner.

E. Collection Procedures:

(1) 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.

(2) For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption," to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) Should the Township of Readington fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated

amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (*N.J.S.A*. 40:55D-8.6).

(8) Fifty percent (50%) 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.

(9) Appeal of development fees.

(a) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township of Readington. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, *N.J.S.A*. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

(b) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Township of Readington. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, *N.J.S.A*. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

F. Affordable Housing Trust Fund:

(1) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Director of Finance, or their designee, for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.

(2) The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:

(a) Payments in lieu of on-site construction of affordable units;

(b) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;

(c) Rental income from municipally operated units;

(d) Repayments from affordable housing program loans;

(e) Recapture funds;

(f) Proceeds from the sale of affordable units; and

(g) Any other funds collected in connection with the Township of Readington's affordable housing program.

(3) The Township of Readington previously provided COAH with written authorization, in the form of three-party escrow agreements between the municipality, Unity Bank, and COAH, to permit COAH to direct the disbursement of the funds as provided for in *N.J.A.C.* 5:93-8. The Superior Court shall now have such jurisdiction to direct the disbursement of the Township's trust funds per *N.J.A.C.* 5:93-8.

(4) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Court.

G. Use of Funds:

(1) The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market-to-affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to *N.J.A.C.* 5:93-8.16 and specified in the approved spending plan.

(2) Funds may be expended to reimburse the Township of Readington for past housing activities.

(3) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

(a) Affordability assistance programs may include closing cost assistance, rental assistance, assistance with homeowners' association or condominium fees and special assessments and assistance with emergency repairs.

(b) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.

(c) 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.

(4) The Township of Readington 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.* 5:93-8.16.

(5) No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the monitoring requirements set forth in the Court-approved July 19, 2019 executed Settlement Agreement with Fair Share Housing Center. 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.

H. Monitoring:

(1) On or about July 19 of each year through 2025, the Township of Readington shall provide annual reporting of trust fund activity to the DCA, COAH, or NJLGS, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or NJLGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of

development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township of Readington's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the Court.

I. Ongoing Collection of Fees:

(1) The ability for the Township of Readington to impose, collect and expend development fees shall expire with its Court-issued Judgment of Compliance and Repose unless the Township of Readington has filed an adopted Housing Element and Fair Share Plan with the Court or other appropriate jurisdiction, has filed a Declaratory Judgment Action, and has received the Court's approval of its development fee ordinance. If the Township of Readington fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, 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 (N.J.S.A. 52:27D-320). The Township of Readington shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment Compliance and Repose, nor shall the Township of Readington retroactively impose a development fee on such a development. The Township of Readington shall not expend development fees after the expiration of its Judgment Compliance and Repose.

§ Section 148-117.19 Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing as an action in lieu of prerogative writ in the Superior Court, Law Division in the County with jurisdiction over the Township's affordable housing proceedings, or in such other manner as the Superior Court may direct.

SECTION IV. The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

SECTION V. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI. If any provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such ordinance or judgment shall not affect, impair or invalidate the remainder of any such

article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION VII. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

I hereby certify that the attached ordinance is a true and correct copy of an ordinance entitled **AN ORDINANCE REPEALING AND REPLACING CHAPTER 137, HOUSING, AFFORDABLE, ARTICLE III "MUNICIPAL HOUSING LIAISON" OF THE CODE OF THE TOWNSHIP OF READINGTON AND CHAPTER 148, ARTICLE XI, SECTION 148-111 "COAH DEVELOPMENT FEES", CHAPTER 148, ARTICLE XIII "AFFORDABLE HOUSING" AND AMENDING ARTICLE II "DEFINITION OF TERMS' SECTION 148-9 'DEFINITIONS' OF THE TOWNSHIP OF READINGTON'S LAND DEVELOPMENT ORDINANCE TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS**which was introduced at the meeting of Readington Township Committee on March 16, 2020 adopted at the meeting of the Readington Township Committee on April 20, 2020.

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Vita Mekovetz, RMC/MMC/QPA
Municipal Clerk