ORDINANCE #2163-2026

AN ORDINANCE AMENDING CHAPTER 233, "LAND MANAGEMENT," ARTICLE XII "AFFORDABLE HOUSING," OF THE TOWNSHIP CODE REGARDING AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, in 1975, the New Jersey Courts announced in Southern Burlington County N.A.A.C.P., et al, v. Township of Mount Laurel, 67 N.J. 151 (1975), that New Jersey municipalities have a constitutional obligation to affirmatively plan and provide for its fair share of affordable housing for low- and moderate-income households; and

WHEREAS, the New Jersey Legislature codified this constitutional obligation in 1985 through the adoption of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA"); and

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted an amendment to the FHA, which abolished the Council on Affordable Housing ("COAH"), created an Affordable Housing Dispute Resolution Program within the Courts (the "Program"), and codified standards for complying with a municipality's affordable housing obligation ("FHA Amendments"); and

WHEREAS, the Department of Community Affairs adopted regulations set forth at N.J.A.C. 5:99-1 et seq. ("Affordable Housing Regulations"), implementing the FHA Amendments and the New Jersey Housing and Mortgage Finance Agency also adopted amendment to the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC") to implement the FHA Amendments; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a) requires municipalities seeking to participate in the Program and secure immunity from exclusionary zoning lawsuits to prepare and adopt a housing element and fair share plan that sets forth a plan for providing for a municipality's fair share of affordable housing, and N.J.S.A. 52:27D-304.1(f)(2)(c) requires municipalities to adopt ordinances to implement the housing element and fair share plan; and

WHEREAS, pursuant to that authority, the Township previously adopted an affordable housing ordinance for the Township by way of Ordinance No. 1993-2018, adopted on August 14, 2018 ("Affordable Housing Ordinance"), which set forth standards for the construction and administration of very-low-, low- and moderate-income affordable housing units; and

WHEREAS, the Affordable Housing Ordinance must be updated to reflect the changes set forth in the FHA, the Affordable Housing Regulations and the amendments to UHAC; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township of Galloway to amend Article XII, ""Affordable Housing" of Chapter 233, "Land Management" of the Township Code to reflect the current laws as they relate to the provision of affordable housing.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Galloway, Atlantic County, State of New Jersey, as follows:

1. The Township hereby amends Article XII, ""Affordable Housing" of Chapter 233, "Land Management" of the Code of the Township of Galloway to replace Article XII, ""Affordable Housing" of Chapter 233, "Land Management" in its entirety with Exhibit A attached hereto,

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

3. In the event any clause, section, or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

4. This Ordinance shall take effect after final adoption and publication according to law which can be found on https://www.gtnj.org/notices and www.nj.gov/state/statewide-legal-notices-list.shtml.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed first reading at a meeting of the Township Council of the Township of Galloway, County of Atlantic and State of New Jersey, held on February 10, 2026 and said Ordinance was adopted on March 10,2026 at 6:30 PM

TOWNSHIP OF GALLOWAY

Kelli Danieli, RMC /s/
Kelli Danieli, RMC
Municipal Clerk

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Amato	1	X			
Clute		X			
DiPietro		X			
Goldberg	2	X			
Jordan		X			
Pratt		X			
Coppola		X			

EXHIBIT A

ARTICLE XII Affordable Housing

§ 233-94. General program purposes, procedures.

A. Affordable housing obligation.

(1) This section of the Township Code sets forth regulations regarding provision and administration of very-low-, low- and moderate-income housing units in the Township consistent with the Constitutional obligation set forth in N.A.A.C.P., et al, v. Township of Mount Laurel, 67 N.J. 151 (1975) (the Mount Laurel Doctrine), the “Fair Housing Act,” P.L.1985, c.222 (C.52:27D-301 et al.), as amended and supplemented by P.L.2024, c.2 (C.52:27D-304.1 et al.), as amended and supplemented (the “Fair Housing Act”), the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented (“UHAC”); and N.J.A.C. 5:99-1.1 et seq. (“Fair Housing Act Regulations”).

(2) This chapter is intended to ensure that very-low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low-, low- and moderate- income households shall occupy these units. This chapter shall apply to all inclusionary developments, individual affordable units, and one hundred percent affordable developments (including those funded with low-income housing tax credit financing), and any other development that will provide affordable units except where inconsistent with applicable law.

(3) The Galloway Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. The Housing Element and Fair Share Plan has also been endorsed by the Township Council of the Township of Galloway. The Fair Share Plan describes the ways the Township shall address its fair share for low- and moderate-income housing as determined by the Court and documented in the Housing Element and Fair Share Plan.

(4) This Article XII implements and incorporates the Fair Share Plan and addresses the Fair Housing Act, UHAC and the Fair Housing Act Regulations.

(5) The Township shall file monitoring and status reports required by the Fair Housing Act, Fair Housing Act Regulations, and UHAC with the New Jersey Department of Community Affairs and place the reports on its municipal website. All monitoring and status reports shall also be available to the public at the at the Galloway Township Municipal Building, 300 East Jimmie Leeds Road, Galloway, New Jersey 08205.

B. Definitions. As used in this Article, the following terms shall have the following meanings:

ACT — The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended and supplemented by P.L.2024, c.2 (C.52:27D-304.1 et al.), and as may be further amended and supplemented.

ADAPTABLE — Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7. "Adaptable," as used with regard to an entrance, means that the plans for the affordable unit include a feasible building plan to adapt the entrance so as to make the affordable unit accessible.

ADMINISTRATIVE AGENT — The entity, approved by the DCA and the Township, responsible for the administration of affordable units in accordance with this ordinance, the Act, UHAC and the Fair Housing Act regulations.

AFFIRMATIVE MARKETING — A regional marketing strategy prepared and implemented in accordance with N.J.A.C. 5:80-26.16, designed to attract buyers and/or renters to affordable units being marketed by a developer or sponsor of affordable units.

AFFIRMATIVE MARKETING PLAN
The affirmative marketing plan adopted by the Township in Section 233-98 setting forth the strategies from which the Administrative Agent will use to implement as part of the affirmative marketing requirements.

AFFORDABILITY AVERAGE — The average percentage of median income in Region 6 at which affordable units in an affordable housing development are affordable to low-income households and moderate-income households.

AFFORDABILITY CONTROLS — The controls or restrictions placed on a dwelling unit that requires the dwelling unit to be affordable to very-low-income households, low-income households or moderate-income households, which are imposed pursuant to UHAC, this Article of the Township Code and/or other state or federal statute or regulation.

AFFORDABLE — A sales price or rent within the means of a very-low-income household, low-income household or moderate-income household; in the case of an ownership restricted unit means that the sale price for the ownership restricted unit conforms to the standards set forth at N.J.AC. 5:80-26.7 in UHAC, as may be amended and supplemented, and in the case of rental restricted unit means that the rent conforms to the standards set forth a N.J.A.C. 5:80-26.13 in UHAC, as may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Housing Element and Fair Share Plan and/or any development that includes the construction of affordable units, and includes, but is not limited to, an inclusionary development, a municipal construction project, a one-hundred-percent affordable development, or a development of which all or a substantial portion consists of affordable units.

AFFORDABLE HOUSING PROGRAM(S) — Any mechanism in the Township's Fair Share Plan to address a municipality's fair share obligation.

AFFORDABLE HOUSING TRUST FUND — A separate, interest-bearing account held by the Township of Galloway and created pursuant to Section 233-97.H, for the deposit of funds collected by the Township of Galloway in connection with its affordable housing programs or any funds allowed to be collected by the Township of Galloway pursuant to the Act, the Fair Housing Act Regulations, and/or the Non-Residential Development Fee Act, and which shall be expended in accordance with the Spending Plan, the Act and the Fair Housing Act Regulations.

AFFORDABLE UNIT — A dwelling unit proposed or created pursuant to the Act, which is affordable to very-low income households, low-income households or moderate-income households; a restricted unit; a transitional housing unit; a special needs housing unit; a supportive housing unit and/or a dwelling unit created and/or funded through the Affordable Housing Trust Fund.

AGE-RESTRICTED UNIT — An affordable unit designed to meet the needs of, and intended exclusively for, the residents of an age- restricted segment of the population where the adult member of the family who is the head of the household for the purposes of determining income eligibility and rent or purchase price is a minimum age of either 62 years or older; or 55 years or older and meets the provisions of 42 U.S.C. §§3601 through 3619, except that due to death, a surviving spouse of less than 55 years of age is permitted to continue to reside in the unit.

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

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

CERTIFIED HOUSEHOLD — A household that has been certified by an Administrative Agent as a very-low-income household, low-income household or moderate-income household.

CONSTRUCTION PERMIT — A "construction permit" as the term is defined in N.J.A.C. 5:23-1.4.

COURT — Any court of competent jurisdiction to hear and decide matters pursuant to the Act, including but not limited to the Affordable Housing Dispute Resolution Program established pursuant to N.J.S.A. 52:27D-313.2 and a County-Level Housing Judge, as the term is defined in N.J.S.A. 52:27D-304.r.

DCA — The New Jersey Department of Community Affairs, including but not limited to the Division of Local Planning Services within the Department of Community Affair and the New Jersey Housing and Mortgage Finance Agency established pursuant to N.J.S.A. 55:14K-1 et seq.

DEFICIENT HOUSING UNIT — A dwelling unit with health and safety code violations or a dwelling unit that requires the repair or replacement of a major system.

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

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

DEVELOPMENT FEE — Money paid by a developer pursuant to Section 233-97 of the Township Code, including any fee on development authorized pursuant to N.J.S.A. 52:27D-329.2 or the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 et seq., and N.J.A.C. 5:99-3.

DWELLING UNIT — Any room or group of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used, or designed to be used for living, sleeping, cooking, and eating. A dwelling unit shall include a market-rate unit and a restricted. A dwelling unit includes all structures satisfying the definition of “dwelling” set forth in Section 233-4 of the Township Code.

LOT — Shall have the meaning set forth in Section 233-4 of the Township Code.

FAIR HOUSING ACT REGULATIONS — The regulations adopted by the DCA pursuant to the Act and codified at N.J.A.C. 5:99, et seq.

FAIR SHARE PLAN — The plan or proposal that is in a form which may readily be adopted, with accompanying ordinances and resolutions, pursuant to N.J.S.A. 52:27D-304.1.f., by which the Township of Galloway proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of Region 6 and which details the affirmative measures the Township of Galloway proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the housing element, and addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the Township’s land use ordinances and regulations.

HOUSING ELEMENT — That portion of the Township of Galloway’s master plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, consisting of reports, statements, proposals, maps, diagrams, and text designed to meet the Township of Galloway’s fair share of Region 6’s present and prospective housing needs, particularly with regard to low- and moderate-income housing, and which shall contain the Township of Galloway’s present and prospective obligation for affordable housing, determined pursuant to N.J.S.A. 52:27D-304.1.f.

HOUSEHOLD INCOME — A household's gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

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

LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 50% or less of the median household income for households of the same size within Region 6.

LOW-INCOME UNIT — An affordable unit that is affordable to a low-income household.

MAJOR SYSTEM — The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

MARKET-RATE UNITS — Any dwelling unit that is not an affordable unit.

MUNICIPAL HOUSING LIAISON — The person appointed by the Township pursuant to Section 233-96.A.

MEDIAN INCOME —The median income by household size for Region 6, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

MEDICAID BED — A bed within an assisted living facility that is reserved for use by a Medicaid-eligible resident, as the term is defined in N.J.S.A. 26:2H-12.16(a), which is required to be provided pursuant to N.J.S.A. 26:2H-12.16(b) or (c).

MODERATE-INCOME HOUSEHOLD —A household with a total gross annual household income in excess of 50% but less than 80% of the median gross household income for households of the same size within Region 6.

MODERATE-INCOME UNIT — An affordable unit that is affordable to a moderate-income household.

NEW JERSEY HOUSING RESOURCE CENTER — The online affordable housing listing portal, or its successor, overseen by HMFA pursuant to N.J.S.A. 52:27D-321.3 et seq.

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

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

ONE-HUDRED-PERCENT AFFORDABLE DEVELOPMENT — A development which consists entirely of affordable units.

OPERATIONS MANUAL — The document prepared by the Township or the Administrative

Agent and approved by the Township created and published in plain English and in such other languages as may be appropriate to serve the potential client base, setting forth the procedures for administering the affordable units within a particular affordable housing development, including but not limited to procedures for long-term control of affordable units, for enforcing the affordability controls and other covenants set forth in the UHAC and any deed restrictions, and for releasing affordable units promptly at the conclusion of applicable control periods. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to affordable units, for reviewing applicant household eligibility, and for certifying applicant households in accordance with the household certification and referral requirements set forth at N.J.A.C. 5:80-26.17.

OWNERSHIP RESTRICTED UNIT — A dwelling unit that is that is subject to the affordability controls, and that is owned by or offered for sale to a very-low-income household, low-income household or moderate-income household.

RANDOM SELECTION PROCESS — A lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable units such that no preference is given to one applicant over another, except in the case of a preference pursuant to Section 233-95(d)(1); for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable units to be leased or sold on a first-come, first-served basis.

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

REGION 6 — Collectively, Atlantic, Cape May, Cumberland and Salem Counties.

REGIONAL ASSET LIMIT — The maximum housing value in Region 6 affordable to a four-person household with an income at 80% of the regional median income as defined by adopted/approved regional income limits.

REHABILITATION — The repair, renovation, or alteration of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT — The gross monthly cost of a restricted 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.

RENTAL RESTRICTED UNIT — A dwelling unit that is that is subject to the affordability controls, and that is rented by or offered for lease or rent to a very-low-income household, low-income household or moderate-income household.

RESTRICTED UNIT — A dwelling unit, whether a rental restricted unit or ownership restricted unit that is subject to the affordability controls, and includes a dwelling unit created with monies from the Township's Affordable Housing Trust Fund but does not include a market-rate unit financed under the former Urban Homeownership Recovery Program (UHORP), the former Market Oriented Neighborhood Investment Program (MONI) or the former Choices in Homeownership Incentives for Everyone Program (CHOICE).

SPECIAL ADJUDICATOR — An expert appointed by a Court to make sure that judicial orders are followed. A Special Adjudicator's function is essentially investigative, compiling evidence or documents to inform some future action by the court.

SPECIAL NEEDS HOUSING UNIT — A dwelling unit or bedroom in a development that satisfies the definition of "special needs housing project" as defined in N.J.S.A. 34:1B-21.24.

SUPORTIVE HOUSING UNIT —A dwelling unit or bedroom in a development that satisfies the definition of "permeant supportive housing" as defined in N.J.S.A. 34:1B-21.24.

UHAC — The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented.

VERY-LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 30% or less of the median household income for households of the same size within Region 6.

VERY-LOW-INCOME UNIT — An affordable unit that is affordable to a very-low-income household.

VETERAN — A veteran as defined at N.J.S.A. 54:4-8.10.

C. New construction. The following requirements shall apply to all new or planned developments that contain low- and moderate-income housing units.

(1) Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for affordable units whether developed in a single phase development or in a multiphase development:

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

(2) Design. All affordable housing developments containing restricted units and affordable

units subject to UHAC shall comply with the standards set forth in N.J.A.C. 5:80-26.5. Each bedroom in each restricted unit must have at least one window. Affordable units shall not be segregated or clustered in any portion of the development and shall be indistinguishable from market-rate units.

(3) Utilities. Affordable units shall utilize the same type of heating and cooling source as market units within the affordable housing development, and all affordable units must include adequate heating and air conditioning.

(4) Income and bedroom distribution of affordable housing units. All affordable housing developments shall comply with the income distribution and bedroom distribution requirements of N.J.A.C. 5:80-26.4(e), (f) and (g), except that in the event that an affordable housing development cannot fully satisfy the requirements of N.J.A.C. 5:80-26.4(e), (f) and (g), or is unable to provide a full 13%, without round down to the nearest whole number, of the total units due to its small size or other mitigating factor, the developer must obtain the written approval of the DCA and the Municipal Housing Liaison for any modification of those provisions. Because the requirements of N.J.A.C. 5:80-26.4 are an aggregate municipal obligation, prior to applying for any construction permit for an affordable housing development, the developer shall submit a proposed income and bedroom distribution plan of the affordable housing development to the Municipal Housing Liaison for review and approval. The Municipal Housing Liaison may reject or require modifications to the income and bedroom distribution if the Township is deficient in any bedroom type or income type, based on the need of the Township, as determined on the date of submission of the proposed income and bedroom distribution plan by the developer to ensure municipal compliance with the bedroom and income distribution requirements of N.J.A.C. 5:80-26.4. Once approved by the Municipal Housing Liaison, the developer shall fully comply with the bedroom and income distribution plan and shall confirm compliance with the same by submitting the following to the Administrative Agent, who shall, upon request of the Municipal Housing Liaison, provide a copy of the same to the Municipal Housing Liaison:

(a) Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.

(b) The total number of units in the project and the number of affordable units.

(c) The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.

(d) Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.

(5) Accessibility requirements:

(a) All new construction in an affordable housing development for which an application for a construction permit has not been declared complete by the Township Construction Official on or before October 12, 2005 shall comply with the adaptability requirements set forth in N.J.S.A. 52:27D-123.15.

(b) The first floor of all new restricted units that are townhouse dwelling units or multistory dwelling units attached to at least one other dwelling unit shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7. All restricted units that are townhouse dwelling units or restricted multistory dwelling units attached to at least one other dwelling unit shall have the following features:

[1] An adaptable toilet and bathing facility on the first floor;

[2] An adaptable kitchen on the first floor;

[3] An interior accessible route of travel on the first floor;

(i) An interior accessible route of travel shall not be required between stories within an individual dwelling unit;

[4] 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 that is compliant with the Barrier Free Subcode; and

[5] 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% of the adaptable entrances in the development accessible:

[a] Where a affordable unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the affordable unit, an accessible entrance shall be installed.

[b] Where the developer proposes to provide a barrier free escrow in lieu of providing an accessible entrance, pursuant to N.J.S.A. 52:27D-123.15, prior to applying for a Certificate of Occupancy for any affordable unit or market rate unit within an affordable housing development, the developer shall deposit funds within the Township of Galloway's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

[c] The funds deposited under Subsection C(5)(b)[5][b] herein shall be used by the Township for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the affordable unit and requires an accessible entrance.

[d] The developer of the affordable units shall submit a design plan and cost

estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Galloway.

[e] Once the Construction Official has determined that the design plan to convert the affordable 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 of Galloway's Affordable Housing Trust Fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

[f] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be by the Township Engineer in compliance with the standards set forth in N.J.S.A. 52:27D-123.15 and the Barrier Free Subcode, N.J.A.C. 5:23-7. A developer seeking a determination of impracticability shall submit to the Township Engineer, with a copy to the Municipal Housing Liaison, a site plan, floor plans, and a detailed explanation as to which portions of the Barrier Free Subcode, N.J.A.C. 5:23-7 are impractical and why compliance is impracticable. If full compliance with N.J.S.A. 52:27D-123.15 would be site impracticable, compliance with N.J.S.A. 52:27D-123.15 for any portion of the affordable unit shall be required to the extent that it is not site impracticable. Any developer seeking a site impracticability determination must obtain the same prior to applying for any construction permit for the affordable housing development.

(6) Maximum rents and sales prices.

(a) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC utilizing the regional income limits for Region 6 and the requirements set forth in this Chapter. The Administrative Agent shall submit annually to the Municipal Housing Liaison on or before December 31 each year the annual rents for each rental restricted unit within an affordable housing development. The maximum rent for rental restricted units, transitional housing units, special needs housing units and supportive housing units within each affordable housing development shall comply with the following:

[1] The average rent for all affordable units within each affordable housing development is affordable to households earning no more than 52% of median income for Region 6

[2] The maximum rent for all affordable units within each affordable housing development is affordable to households earning no more than 60 percent of regional median income for Region 6. A maximum rent affordable to households earning no more than 70 percent of regional median income for Region 6 for moderate-income units within affordable housing developments may be utilized where very-low-income units compose at least 13 percent of the affordable units, provided that the number of affordable units with rent affordable to households earning 70 percent of regional median income for

Region 6 may not exceed the number of very-low-income units in excess of 13 percent of the restricted units.

[3] The developers and municipal sponsors of restricted rental units shall establish at least one rent for each bedroom count for very-low income units, low-income units, and moderate-income units, provided that at least 13% of all affordable units shall be affordable to very-low-income households. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.

[4] The establishment of all initial rent and all rent increases shall comply with N.J.A.C. 5:80-26.13.

(b) Tenant-paid utilities that are included in the utility allowance shall be so specifically listed in the lease and a copy of the most recent utilities chart at the time of lease-up used to determine utility allowance shall be provided to the tenant at the time of lease-up. Allowance for utilities must be consistent with the utility allowance calculated pursuant to N.J.A.C. 5:80-26.13(e).

(c) The maximum sales price of ownership restricted units within each affordable housing development shall be affordable to households earning no more than 70% of median income for Region 6, and each affordable housing development containing ownership restricted units must achieve an affordability average of 55% for ownership restricted units; in achieving this affordability average, moderate-income units must be available for at least three different prices for each bedroom type, and low-income units must be available for at least two different prices for each bedroom type.

(d) In determining the maximum sales prices and rents for compliance with the affordability average requirements for affordable units other than age-restricted units and assisted living facilities, the following standards shall be met:

[1] A studio or efficiency unit shall be affordable to a one-person household;

[2] A one-bedroom unit shall be affordable to a one-and-one-half-person household;

[3] A two-bedroom unit shall be affordable to a three-person household;

[4] A three-bedroom unit shall be affordable to a four-and-one-half-person household; and

[5] A four-bedroom unit shall be affordable to a six-person household.

(e) In determining the maximum sale prices and rents for compliance with the affordability average requirements for affordable units that are age-restricted units and assisted living facilities, the following standards shall be met:

[1] A studio or efficiency unit shall be affordable to a one-person household;

[2] A one-bedroom unit shall be affordable to a one-and-one-half-person household; and

[3] A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

(f) The initial purchase price and the maximum resale price for all ownership restricted units shall be calculated in accordance with the requirements of N.J.A.C. 5:80-26.7, as may be amended and supplemented, and shall be subject to the limitations on indebtedness set forth in N.J.A.C. 5:80-26.9. In computing reginal income limits, the Administrative Agent shall use the median family incomes published for counties within Region 6. The initial purchase price and the maximum resale price are be subject to the affordability average requirement at N.J.A.C. 5:80-26.4, which shall be initially determined by the Administrative Agent and approved by the Municipal Housing Liaison prior to closing.

(g) Initial rents and initial sale prices shall be determined in accordance with N.J.A.C. 5:80-26.4(i) or (j) as applicable, and in accordance with N.J.A.C. 5:80-26.13.

D. Condominium and homeowners' association fees. When calculating initial sale prices, condominium fees, homeowner association fees and special assessments shall be calculated in accordance with the requirements of N.J.A.C. 5:80-26.7(e), as may be amended and supplemented.

E. Developers and/or owners of affordable housing development shall provide the following to the Administrative Agent prior to applying for any construction permit for the affordable housing development:

(1) For affordable housing developments that contain ownership restricted units, the following:

(a) Site plan, architectural plan, or other plan that identifies the location of each affordable.

(b) The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units.

(c) Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.

(d) A projected construction schedule.

(e) The location of any common areas and elevators.

(f) The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.

(g) Proposed pricing for all affordable units, including any purchaser options and add-on items.

(h) Condominium or homeowner association fees and any other applicable fees.

(i) Estimated real property taxes.

(j) Sewer, water, trash disposal, and any other utility assessments.

(k) Flood insurance requirement, if applicable.

(l) The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

(2) For affordable housing developments that contain rental restricted units, the following:

(a) Site plan, architectural plan, or other plan that identifies the location of each affordable.

(b) The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units.

(c) Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.

(d) A projected construction schedule.

(e) The location of any common areas and elevators.

(f) The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.

(g) A description of any applicable fees.

(h) A description of the types of utilities and which utilities will be included in the rent.

(i) A proposed form of lease for any rental units.

F. Restricted unit controls and requirements. The requirements of this section apply to all developments that contain restricted units, including any currently unanticipated future developments that will provide restricted units.

G. Rehabilitation. The Township shall undertake a rehabilitation program in accordance with the adopted Rehabilitation Manual. The Rehabilitation Manual is available for inspection in the Office of the Municipal Housing Liaison. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very-low-income households, low-income households and moderate-income households. Households determined to be very very-low-income households, low-income households and moderate-income households may participate in a rehabilitation program if they occupy a deficient housing unit that is an ownership restricted unit, subject to the requirements set forth in the Rehabilitation Manual. The Township shall designate one or more Administrative Agents to administer the rehabilitation program.

§ 233-95. Affordable unit controls and requirements.

A. Purpose. The requirements of this section apply to all developments that contain affordable units, including any currently unanticipated future developments that will provide affordable units.

B. Affirmative marketing.

(1) Pursuant to Section 233-98, the Township has adopted an affirmative marketing plan compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.

(2) The affirmative marketing process is a regional marketing strategy, implemented in accordance with N.J.A.C. 5:80-26.16 and the affirmative marketing plan, designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for age-restricted units or "housing for older persons" as defined in N.J.S.A. 10:5-1 et seq. and age-restricted units as permitted by 42 U.S.C. §3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., to restricted units that are being marketed by a developer, sponsor or owner of restricted units. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Region 6 and is required to be followed throughout the period of deed restriction.

(3) The affirmative marketing plan shall identify the occupancy preferences set forth in Subsection (D)(1) below.

(4) The Administrative Agent designated by the Township or the Administrative Agent approved by the Municipal Housing Liaison for a particular affordable housing development shall assure the affirmative marketing of all restricted units is consistent with the Affirmative Marketing Plan for the Township, this Section and UHAC. All developers, owners and sponsors of restricted units shall comply with the affirmative marketing requirements set forth herein and required by the Administrative Agent, unless otherwise exempted from affirmative marketing requirements under UHAC.

(5) In implementing the affirmative marketing plan, the Administrative Agent shall comply with the requirements of N.J.A.C. 5:80-26.16 and N.J.A.C. 5:99-7,2, and shall provide, either through an experienced staff person, through a contract with a HUD-certified housing counselor, or an otherwise experienced entity approved the DCA, counseling services to applicants who are very-low-income households, low-income households and moderate-income households on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

(6) The affirmative marketing process for available restricted units shall begin at least four months prior to the expected date of occupancy and may begin before construction commences. The marketing program shall continue until all restricted units are initially occupied and for as long as restricted units are deed restricted and occupancy or re-occupancy of units continue to be necessary.

(7) The costs of advertising and affirmative marketing of the restricted units shall be the responsibility of the developer or owner, unless otherwise determined or agreed to by the Township of Galloway. All developers and owners of restricted housing units shall maintain on file with the Municipal Housing Liaison a copy of an executed agreement with a Township approved Administrative Agent.

(8) All developers and sponsors of restricted units shall comply with the affirmative marketing plan and assist in the affirmative marketing of their respective restricted units. Unless otherwise stated in UHAC, supportive housing units must comply with the Affirmative Marketing Plan. The developer or administrative agent shall document and report the affirmative marketing plan for the units under their purview to the Municipal Housing Liaison, who shall ensure that developers and administrative agents are marketing units in accordance with the provisions of N.J.A.C. 5:80-26.16 and this Section. The developer or administrative agent shall also provide proof of publication to the Housing Administrator.

C. Occupancy standards.

(1) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

(a) Ensure each bedroom is occupied by at least one person, except for age restricted units and supportive and special needs housing units.

(b) Provide separate bedrooms for every two adult occupants;

(c) Provide a bedroom for every occupant under the age of 18, unless the household requests a different arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom;

(d) Avoid placing a one-person household into a unit with more than one bedroom.

(2) Additional provisions related to occupancy standards (if any) shall be provided in the municipal operating manual.

D. Selection of occupants of restricted units.

(1) Household certification and referral shall be undertaken in accordance with Section 5:80-26.17 of UHAC. As part of the household certification and referral process, the Administrative Agent shall use a random selection process to select occupants of restricted units and shall apply the occupancy preferences set forth herein. The Township hereby adopts the following occupancy preferences which shall be utilized by the

Administrative Agent as part of the random selection process:

(a) If authorized in an agreement with a developer entered into pursuant to N.J.S.A. 52:27D-311(j), a preference of up to 50 percent of the restricted units in the affordable housing development shall be made for very-low-, low-, and moderate-income veterans who served in time of war or other emergency;

(b) A regional preference for very-low-income households, low-income households, and moderate-income households that reside or work in Region 6;

(c) Subordinate to the regional preference, a preference for very-low-, low-, and moderate-income households that reside or work in New Jersey; and

(d) If authorized in a redevelopment plan or an agreement with the owner of the restricted unit, with respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or with respect to newly created restricted units created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement,

(2) A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 et seq.

(3) The Administrative Agent shall utilize the buyer income eligibility requirements set forth in N.J.A.C. 5:80-26.8 for ownership restricted units and the tenant income eligibility requirements set forth in N.J.A.C. 5:80-26.14 for rental restricted units. All very-low-income households, low-income households, and moderate-income households shall be certified in accordance with N.J.A.C. 5:80-2617.

E. Control periods for ownership restricted units and enforcement mechanisms.

(1) Control periods for ownership restricted units, including owner-occupied dwelling units that have been rehabbed, shall be in accordance with N.J.A.C. 5:80-26.6. Each ownership restricted unit shall remain subject to affordability controls for a period of at least 30 years and such affordability controls shall terminate on the first exit sale after the end of the affordability controls and following notice of intent to make an exit sale, unless otherwise extended by Ordinance in accordance with UHAC. Upon expiration of the control period, the recapture lien and recapture note shall be paid at closing at the first exist sale. Failure to pay the recapture note and recapture lien at shall cause both the buyer and seller to be jointly and severally liable for repayment.

(2) For ownership restricted units receiving an extension of affordability controls, the minimum control period shall be not less than 20 years from the date of the original term, provided that the total term, both the original term and the extended term, total at least 60 years.

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

commencement of the control period shall be identified in the deed restriction.

(4) The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to ownership restricted units. Any owner receiving a notice of intent to foreclose or a complaint in foreclosure must provide a copy to the Municipal Housing Liaison within three (3) business days of receipt.

(5) A ownership restricted unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the ownership restricted unit meets all code standards upon each transfer of title that follows the expiration of the applicable minimum control period. If the ownership restricted unit is a deficient housing unit, the owner of the ownership restricted unit shall notify the Municipal Housing Liaison and the owner shall be required to make such improvements to the ownership restricted unit in order to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the ownership restricted unit meets all code standards prior to closing.

(6) Deed Restrictions.

(i) Before applying for the first construction permit for any portion of an affordable housing development, the developer or owner shall prepare a deed restriction in form set forth in Appendix P-1 of UHAC and in accordance with the requirements of N.J.A.C. 5:80-26.6(e), record the same, and submit to the Administrative Agent for the affordable housing development and the Municipal Housing Liaison a copy of the recorded deed restriction, along with a certification by the preparer of the deed restriction certifying that the deed restriction conforms with all of the requirements of UHAC and the deed restriction language set forth in Appendix P-1 of UHAC. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or owner with the records office of the County of Atlantic. If the documents required by this subsection (a) are not provided to the Administrative Agent and the Municipal Housing Liaison prior to the issuance of the construction permit, the Administrative Agent and/or the Municipal Housing Liaison may report this failure to the Division of Local Planning Services within the DCA pursuant to N.J.A.C. 5:80-26.19(f) and may take any other enforcement action permitted under the law. No seller or buyer of an ownership restricted unit shall be excused from adhering to the requirements of UHAC and this Chapter despite failure to record the deed restriction. If the affordable housing development is subject to a homeowner's association or condominium association, the deed restriction set forth in Appendix P-1 of UHAC shall be included in the governing documents of the homeowner's association or condominium association, and said governing documents shall specifically identify the ownership restricted units which are subject to affordability controls.

(ii) At closing for any ownership restricted unit, whether a sale or a resale, the developer or seller shall prepare and record the following, as applicable:

(i) For ownership restricted units that are not 95/5 units: [1] deed restrictions in form set forth in Appendices A, C, D-1, D-3 & D-4, of UHAC, as applicable and must identify the date of commencement of the control period and the date on which the control period ends; and [2] a recapture note and recapture lien in the form set forth in Appendices D-2, L, M, N, O & Q. The deed restriction, recapture note and recapture lien shall be filed by the developer or seller with the records office of the County of Atlantic.

(ii) For ownership restricted units that are 95/5 units: [1] a deed restriction in the form set forth at Appendices B & C of UHAC, as applicable; and [2] a recapture note and recapture lien in the form set forth in Appendices G & H of UHAC. The deed restriction, recapture note and recapture lien shall be filed by the developer or seller with the records office of the County of Atlantic.

(iii) At closing for any ownership restricted unit, whether a sale or a resale, the developer or seller shall prepare and the buyer shall execute the certificates in the form set forth at Appendices D-3, J & K of UHAC, as applicable.

(iv) All convenances of ownership restricted units must be made by deeds and restrictive covenants, recapture notes and recapture liens in accordance with the forms prescribed in the applicable Appendix of UHAC and shall comply with the requirements of UHAC. No seller or buyer of a restricted unit shall be excused from adhering to the requirements of UHAC and this Chapter despite failure to record the deed and restrictive covenants. All ownership restricted units shall be deemed to have been made by deeds and restrictive covenants, recapture notes and recapture liens prescribed in UHAC, and the DCA, the Agency, the Township or any party may enforce the restrictions that would have been contained in such instruments as if such instruments had been, in fact, prepared and duly executed. A sale or transfer of ownership made other than in conformity with the requirements of UHAC and this Chapter is an authorized non-exempt sale; thus, all requirements, restrictions and liens associated with the unit being sold or transferred remain in effect until full satisfaction thereof and compliance with UHAC and this Chapter. No seller or buyer of an ownership restricted unit shall be excused from adhering to the requirements of UHAC and this Chapter despite failure to record the deed restriction, recapture lien or recapture note.

(v) Within thirty (30) days of the closing, the developer or seller shall submit to the Administrative Agent for the affordable housing development and the Municipal Housing Liaison a copy of the recorded deed restriction, recorded recapture note and recorded capture lien, along with a certification by the preparer of the deed restriction certifying that these documents conform with all of the requirements of UHAC and the deed restriction language set forth in applicable Appendix of UHAC. In the event that a copy of the documents required by this subsection (e) are not provided to the Administrative Agent and the Municipal Housing Liaison within thirty (30) days of closing, Administrative Agent and/or the Municipal Housing Liaison may report this failure to the Division of Local Planning Services within the DCA pursuant to N.J.A.C. 5:80-26.19(f) and may take any other enforcement action permitted under the law.

(vi) All deed restrictions shall have priority over all mortgages on the property. In accordance with N.J.A.C. 5:80-26.6(l), the entry and enforcement of any judgment of foreclosure on an ownership restricted unit shall not extinguish the affordability controls on the ownership restricted unit.

F. Price restrictions for ownership restricted units, homeowner association fees and resale prices. Price restrictions for ownership restricted units shall be in accordance with N.J.A.C. 5:80- 26.7, as may be amended and supplemented, including:

(1) The initial purchase price and affordability average for an ownership restricted unit shall be set by the Administrative Agent.

(2) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with this Chapter and UHAC.

(3) All owners of an ownership restricted unit must provide at least 30 days notice to the Administrative Agent of a sale of an ownership restricted unit, unless the Administrative Agent and the municipal housing liaison, unless both agree in writing to a shorter notice period. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards. No resale of any ownership restricted unit shall be made without first obtaining written approval of the resale price from the Administrative Agent. The Administrative Agent shall notify the Municipal Housing Liaison of all sales within ten (10) days of closing. If a recapture payment from repayment of a recapture note or recapture lien is due and owing to the Township, the Administrative Agent shall notify the Municipal Housing Liaison writing of that fact, along with the amount of the recapture payment prior to closing.

(4) Condominium fees, homeowner association fees and special assessments shall be calculated in accordance with the requirements of N.J.A.C. 5:80-26.7(e), as may be amended and supplemented.

(5) The owners of ownership restricted units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Such application and the determination of the Administrative Agent shall be in accordance with N.J.A.C. 5:80-26.10, Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

(6) Capital expenditures for non-cosmetic replacement of items of property or improvement to property that do not affect the maximum sale price will be factored into calculating a reduction to the recapture amount pursuant to N.J.A.C. 5:80-26.7(d)(1) and 5:80-26.10(c).

G. Buyer income eligibility.

(1) Buyer income eligibility for ownership restricted units shall be in accordance with N.J.A.C. 5:80-26.8, as may be amended and supplemented, such that very-low-income units shall be reserved for households with a gross household income less than or equal to 30% of regional median income for Region 6, low-income units shall be reserved for households with a gross household income less than or equal to 50% of median income for Region 6 and moderate-income units shall be reserved for households with a gross household income less than 80% of median income for Region 6. In the event that there is an insufficient number of low-income household purchases to permit prompt

occupancy, the Administrative Agent shall comply with N.J.A.C. 5:80-26.8(a),

(2) The Administrative Agent shall certify a household as eligible for a ownership restricted 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 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 35% of the household's certified monthly income. An Administrative Agent may exercise its discretion to approve a mortgage that exceeds 35% in accordance with the standards set forth in N.J.A.C. 5:80-26.8(b).

H. Limitations on indebtedness secured by ownership unit; subordination.

(1) Prior to incurring any indebtedness to be secured by a ownership restricted unit, the owner shall submit to the Administrative Agent notice of intent to incur indebtedness, along with documentary support as determined by the Administrative Agent. The Owner may not incur any indebtedness unless and until the Administrative Agent has determined and confirmed in writing that the proposed indebtedness complies with the provisions of UHAC.

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

I. Control periods for rental restricted units.

(1) Control periods for rental restricted units shall be in accordance with N.J.A.C. 5:80-26.12, in accordance with the following, unless otherwise extended by the Township pursuant to an ordinance extending the same:

(a) Newly created rental restricted units shall be subject to affordability controls for a period of 40 years.

(b) Rental restricted units created as part of developments receiving Low Income Housing Tax Credits shall be governed by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.

(c) Rehabilitated deficient housing units that are improved pursuant to the Rehabilitation Manual shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).

(d) Any owner of a one-hundred percent affordable housing development comprised entirely of rental restricted units that elects to extinguish the existing deed restriction to enter into a new deed restriction and commence refinancing and/or habitation for the purpose of preservation, shall be subject to a new deed restriction of 30 years.

(e) In the event that any rental restricted unit is occupied at the end of the control period, after the end date of the control period set forth in the deed restriction, the affordability controls shall remain in effect until: (i) the date on which the occupant household vacates the rental restricted unit; or (ii) in the event that the occupant household's household income exceeds 80% of the regional median income for Region 6, the later of either the next scheduled lease renewal or 60 days after confirming the household income exceeds 80%.

(2) Rehabilitated renter-occupied rental restricted units that are improved to code standards shall be subject to affordability controls for a period of 10 years.

(3) Deed Restrictions.

(a) Prior to applying for the first construction permit for any portion of an affordable housing development, the developer or owner shall prepare a deed restriction in form set forth in Appendix P-2 of UHAC and in accordance with N.J.A.C. 5:80-26.12(e), record the same, and submit to the Administrative Agent for the affordable housing development and the Municipal Housing Liaison a copy of the recorded deed restriction, along with a certification by the preparer of the deed restriction certifying that the deed restriction conforms with all of the requirements of UHAC and the deed restriction language set forth in Appendix P-2 of UHAC. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or owner with the records office of the County of Atlantic. If documents required pursuant to this subsection (a) are not provided to the Administrative Agent and the Municipal Housing Liaison prior to issuance of the construction permit, the Administrative Agent and/or the Municipal Housing Liaison may report this failure to the Division of Local Planning Services within the DCA pursuant to N.J.A.C. 5:80-26.19(f) and may take any other enforcement action permitted under the law. No seller or buyer of a rental restricted unit shall be excused from adhering to the requirements of UHAC and this Chapter despite failure to record the deed restriction.

(b) No later than thirty (30) days after issuance of a Certificate of Occupancy for any structure containing rental restricted units, the developer shall prepare a deed restriction in form set forth in Appendix E of UHAC for said structure, record the same, and submit to the Administrative Agent for the affordable housing development and the Municipal Housing Liaison a copy of the recorded deed restriction, along with a certification by the preparer of the deed restriction certifying that the deed restriction conforms with all of the requirements of UHAC and the deed restriction language set forth in Appendix E of UHAC. 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 Atlantic. A copy of the filed document shall be provided to the Administrative Agent and Municipal Housing Liaison within 30 days of the receipt of a certificate of occupancy. If documents required by this subsection (b) are not provided to the Administrative Agent and the Municipal Housing Liaison within 30 days of receipt of the certificate of occupancy, the Administrative Agent and/or the Municipal Housing Liaison may report this failure to the Division of Local Planning Services within the DCA pursuant to N.J.A.C. 5:80-26.19(f) and may take any other enforcement action permitted under the law. No seller or buyer of a restricted unit shall be excused from adhering to the requirements of UHAC and this Chapter despite failure to record the deed restriction.

(c) The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer or owner with the Atlantic County records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.

(4) A rental restricted unit shall remain subject to the affordability controls of this chapter, despite the occurrence of any of the following events:

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

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

(c) The entry and enforcement of any judgment of foreclosure or grant of a deed in lieu of foreclosure.

(5) All rental restricted units shall be required to obtain a continuing certificate of occupancy or a certified statement from the building inspector stating that the unit meets all code standards upon each new tenant, except where a certificate of occupancy or a continuing certificate of occupancy has been issued in the preceding two years.

J. Price restrictions for rental restricted units; leases.

(1) All rents shall be set in accordance with N.J.A.C. 5:80-26.13. A written lease shall be required for all rental restricted units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. The lease must specify which tenant-paid utilities are included in the utility allowance and include the most recent chart at the time of lease-up approved by DCA for its Section 8 program. The allowance for utilities must be consistent with utility allowance approved by DCA for its Section 8 program. All lease provisions must comply with applicable law.

(2) A copy of the current lease for each rental restricted unit shall be provided to the Administrative Agent and the Municipal Housing Liaison within 10 business days of execution.

(3) The Administrative Agent shall set the initial rent for a rental restricted unit in accordance with UHAC and this Chapter. Initial rent shall be calculated so as to not exceed 30% of the eligible monthly income for the household size, determined in accordance with N.J.A.C. 5:80-26.4. For assisted living facilities, maximum rents may be up to 80% of eligible monthly income for the household size, inclusive of rent, food and services. No additional fees, operating costs, or charges shall be added to the approved rent (except in the case of units in assisted living residences, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

(4) Application fees (including the charge for any credit check) shall not exceed 5% 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 chapter.

(5) The rent levels of very-low-income units, low-income units and moderate-income units may be increased annually, on the anniversary date of the tenancy of the certified household occupying the rental restricted unit, transitional housing unit, special needs housing unit or supportive housing unit, to an amount calculated pursuant to N.J.A.C. 5:80-26.13(b) and (c), provided that any increase shall not exceed five percent (5%) in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be governed by the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40. All rental increases must comply with the requirements of N.J.A.C. 5:80-26.13.

(6) Developers and/or owners of affordable housing developments containing restricted rental units shall comply with the following:

(a) Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.

(b) Notify the Administrative Agent of any change to or increase in any applicable fees imposed upon tenants.

(c) Notify the Administrative Agent of any change as to the utilities that will be included in the rent.

(d) Ensure that the utility configuration established at the start of the rent-up process is not altered at any time throughout the restricted period.

(e) Notify the Administrative Agent of any change and provide to the Administrative Agent a proposed form of lease containing such changes.

(f) Strive to maintain the continued occupancy of the affordable units during the entire restricted period.

K. Tenant income eligibility.

(1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:

(a) Very-low-income units shall be reserved for households with a gross household income less than or equal to 30% of median income for Region 6.

(b) Low-income units shall be reserved for households with a gross household income less than or equal to 50% of median income for Region 6.

(c) Moderate-income units shall be reserved for households with a gross household income less than 80% of median income for Region 6.

(2) The Administrative Agent shall certify a household as eligible for a rental restricted unit when the household is a very-low-income household, low-income household or a moderate-income household, as applicable to the restricted unit, and the rent proposed for the restricted unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

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

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

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

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

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

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

L. Additional Requirements for Rental Restricted Units. An owner of any development containing rental restricted units shall comply with the requirements of N.J.A.C. 5:80-26.19(e). All rental restricted units shall be occupied within a reasonable amount of time from issuance of the original certificate of occupancy and be re-leased within a reasonable amount of time upon the vacating of the restricted unit by a tenant. A reasonable amount of time shall be presumptively 60 days, unless otherwise set forth in N.J.A.C. 5:80-26.19(f).

M. Conversions. Each housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

N. Supportive Housing Units and Special Needs Housing Units. Supportive housing units and special needs housing units exempt from UHAC shall be exempt from these requirements. Bedroom and income distribution requirements for Supportive Housing Units and Special Needs Housing Units shall be in accordance with the requirements of 5:80-26.4(e), (f) and (g). The affirmative marketing, occupancy selection and administration of supportive housing units and special needs housing units shall be in compliance with the contract or regulations of the governmental entity having regulatory authority over the dwelling unit or any applicable sponsoring program.

(1) The service provider for the Supportive housing units and special needs housing units may act as the Administrative Agent if the service provider otherwise satisfies the requirements to be licensed as an Administrative Agent. The service provider shall report information to the Municipal Housing Liaison, upon request, in order to allow the Municipal Housing Liaison to comply with the reporting requirements of the Act and the Fair Housing Act Regulations.

O. Transitional Housing. Transitional housing units shall be governed by the rules of their sponsoring programs.

P. Discrimination Prohibited. Developers, owners and property managers shall not discriminate in the sale or leasing of any affordable units in violation of the New Jersey Law Against Discrimination, N.J.AS.A. 10:5-1 et seq. Or the Federal Fair Housing Laws. Developers, owners and property managers are also prohibited from requiring any parent, guardian or other third person to act as a guarantor for any affordable unit.

Q. Existing Affordable Units.

(1) Any affordable unit that qualifies as a "prior round unit" as the term is defined in N.J.A.C. 5:80-26.2 shall be subject to the UHAC regulations that were in effect prior to December 19, 2024 or other affordability controls that were imposed on the affordable unit at the time of its creation.

(2) Extension of Expiring Controls. The Township reserves the right to extend any affordability controls upon providing notice and making the payment required in N.J.A.C. 5:80-26.6(g)(6)N.J.A.C. 5:80-26.12(f). In the event that the Township or the Municipal Housing Liaison notifies any developer or owner that it intends to extend the affordability controls applicable to any affordable unit, the payment made by the Township shall be used to rehabilitate the affordable unit.

(3) Maintenance of Units. All rental restricted units, regardless of when they were created, shall be required to obtain a continuing Certificate of Occupancy or a certified statement from the building inspector stating that the restricted unit meets all code standards upon each new tenant, except where a certificate of occupancy or a continuing certificate of occupancy has been issued in the preceding two years. All ownership restricted units, regardless of when they were created, shall be required to obtain a continuing Certificate of Occupancy or a certified statement from the building inspector stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period.

R. Assisted Living Facilities. Assisted Living Facilities with Medicaid beds shall ensure that all Medicaid beds shall comply with the following:

(1) A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.

(2) The Medicaid beds shall comply with UHAC with the following exceptions:

(a) Affirmative marketing (N.J.A.C. 5:80-26.16), provided that the Medicaid beds are restricted to recipients of Medicaid waivers;

(b) Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income;

(c) The owner or operator shall comply with all reporting requirements of the Administrative Agent. The Township shall designate one or more Administrative Agents to administer the Medicaid beds; and

(d) The combined cost of rent, food, and services may not exceed 80 percent of the eligible monthly income of the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.4.

(3) No additional fees, operating costs, or charges may be added to the approved rent (except in the case of units in assisted living residences, for the customary charges for food and services) without the express written approval of the Administrative Agent.

(4) Maximum rents shall comply with UHAC and this Section 233-95.

§ 233-96. Administration.

A. Municipal Housing Liaison.

(1) The position of Municipal Housing Liaison for the Township of Galloway is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the governing body.

(2) The Municipal Housing Liaison must be either a full-time or part-time employee of the Township of Galloway.

(3) The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in UHAC and the Fair Housing Act Regulations, and shall be approved by the Division, or be in the process of getting approval, and fully or conditionally.

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

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

(2) Overseeing the implementation of the Affirmative Marketing Plan and affordability controls

by the administrative agents, or if no administrative agent is selected for an affordable unit, the implementation of the Affirmative Marketing Plan and affordability controls.

(3) When applicable, supervising any contracting Administrative Agent.

(4) Monitoring the status of all affordable units in the Township of Galloway's Fair Share Plan;

(5) Compiling, verifying and submitting annual reports as required by the Act, UHAC or the Fair Housing Act Regulations;

(6) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and

(7) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the DCA; and

(8) All other obligations set forth in UHAC or the Act that is the responsibility of the Municipal Housing Liaison.

C. Administrative Agent.

(1) The Township shall designate by resolution of the governing body, subject to the approval of the Superior Court, one or more administrative agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:93 and UHAC.

(2) The Township shall designate by resolution of the Mayor and Township Committee one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:99-7.1 to 5:99:7.5and UHAC. All Administrative Agents shall attend all training and satisfy all other educational requirements set forth in UHAC that is applicable to an Administrative Agent and shall submit proof of compliance therewith annually on or before December 31, to the Municipal Housing Liaison. In the event that any owner or developer wishes to change Administrative Agents, any such change shall be in accordance with N.J.A.C. 5:80-26.18, N.J.A.C. 5:99-7.3 and N.J.A.C. 5:99-7.4 and the change must be approved in writing by the Municipal Housing Liaison. In order to obtain approval from the Municipal Housing Liaison for an Administrative Agent, the developer, property manager or owner shall submit the following:

(a) A resume or other evidence of experience as an administrative agent; and

(b) A valid and current administrative agent certificate as required pursuant to N.J.S.A. 52:27D-321; and

(c) Evidence of satisfactory completion of the DCA's Education Program for each individual serving as an administrative agent as described at N.J.A.C. 5:99-9; and

(d) A list of all affordable housing projects for which the person or entity is currently serving or has served as an administrative agent; and

(e) A list of affordable housing projects for which the administrative agent has been removed as administrative agent, and the reason therefore; and

(f) The draft operations manual that the Administrative Agent proposes to utilize in the administration of the affordable units.

Approval of any Administrative Agent by the Municipal Housing Laision shall be in writing. The denial of approval for an Administrative Agent shall be in writing setting forth the reasons therefore.

(3) All affordable units, whether or not subject to UHAC and regardless of when they were created, shall be administered by an Administrative Agent approved by the Township. For all new affordable housing developments, the developer must execute an agreement with a Township approved Administrative Agent and submit a copy of the same to the Municipal Housing Liaison, prior to applying for a Certificate of Occupancy for any portion of the affordable housing development.

(4) An operating manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body. The operating manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s). If the operations manual is prepared by the Administrative Agent, the Administrative Agent shall make such changes to the operations manual as are requested by the Municipal Housing Liaison to permit adoption by the governing body and to ensure compliance with the Act, UHAC, the Fair Housing Act Regulations, and this Chapter 67.

(5) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the operating manual, including those set forth in N.J.A.C. 5:80-26.15, 17 and 19 thereof, and N.J.A.C. 5:99-7.1 and 7.2, which includes, but is not limited to:

(a) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the DCA;

(b) Affirmative marketing;

(c) Household certification;

(d) Affordability controls;

(e) Records retention;

(f) Resale and re-rental;

(g) Processing requests from restricted unit owners or renters of restricted units;

(h) Preparing and submitting all reports and other documents required to be prepared under this Chapter, UHAC, the Act or the operations manual, and any report requested by the Municipal Housing Liaison; and

(i) Enforcement, although the ultimate responsibility for retaining controls on the restricted units rests with the Municipal Housing Liaison.

(j) The Administrative Agent shall notify the Municipal Housing Liaison in writing of a violation of any of the regulations governing the affordable unit by an owner, developer or tenant, including a violation of this Chapter, UHAC the Act or the Fair

Housing Act Regulations, within five (5) business days of the occurrence. Following submission of a notice of violation, the Administrative Agent shall provide the Municipal Housing Liaison with monthly reports of the status of all violations until the violation(s) have been resolved. The Administrative Agent shall, as delegated by the Mayor and Township Committee, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

(k) Reports. The Administrative Agent shall provide all reports required to be provided by an administrative agent under UHAC or the Fair Housing Act Regulations or this Chapter. At a minimum, the Administrative Agent shall provide the following written reports to the Municipal Housing Liaison.

(i) Initial Occupancy Report. For each newly created affordable unit, the Administrative Agent shall provide a written report setting forth, for each affordable unit:

[1] the date of the initial occupancy;

[2] the amount of the sales price or rent charged

[3] the amount of all other fees charged, including but not limited to pet fees, condominium fees, and parking fees;

[4] the name(s) of the initial occupants and their household certifications; and

[5] A certification from the Administrative Agent, certifying as to the accuracy of the information contained in the initial occupancy report.

[6] The Administrative Agent shall update the initial occupancy report quarterly until an initial occupant has been identified for all of the affordable units within a newly constructed affordable housing development and an occupancy Report has been provided to the Municipal Housing Liaison. Quarterly reports shall be due on January 1, April 1, July 1, and October 1 of each year that an initial occupancy report is required to be provided.

(ii) Semi-Annual Reports. The administrative agent shall provide a written report semi-annually to the Municipal Housing Liaison which shall contain all of the information required to be reported by the municipality pursuant to *N.J.S.A.* 52:27D-329.4(a) and (b) and N.J.A.C. 5:99-5.3, as it relates to an affordable housing development and/or a affordable unit. The semi-annual report shall be due on June 30, and December 31 of each year so long as the affordable unit remains subject to affordability controls.

(iii) Upon request from the Municipal Housing Liaison, the administrative agent shall promptly provide access to all information, books and records regarding all marketing, leasing and administration activities relating to the affordable units

(l) The Administrative Agent shall securing from the Township quarterly, a list of all affordable units for which tax bills are mailed to absentee owners of ownership restricted units, and notifying all such owners that they must either move back into or sell their ownership restricted units unit.

(m) The Administrative Agent shall notify the Municipal Housing Liaison of the owner's intent to sell an ownership restricted unit prior to the date of the sale.

D. Enforcement of affordable housing regulations.

(1) Upon the occurrence of a violation of the Act, UHAC, the Fair Housing Act Regulations, this Chapter or any other regulations governing the affordable unit by an owner, developer or tenant, the Administrative Agent, the Municipal Housing Liaison and Township shall have all remedies provided at law or equity, including but not limited to notifying the DCA of the violation, foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

(2) Upon the occurrence of a violation of the Act, UHAC, the Fair Housing Act Regulations, this Chapter or any other regulations governing the affordable unit by an Administrative Agent, the Municipal Housing Liaison and the Township, shall have all remedies provided at law or equity, including but not limited to removing the Administrative Agent, notifying the DCA of the violation, municipal fines, injunctive relief to prevent further violation of the regulations, and specific performance.

(3) After providing written notice of a violation to an owner, developer or tenant of a very-low-income unit, low-income unit, or moderate- income unit, and if applicable, the Administrative Agent, and advising the owner, developer or tenant, and if applicable, the Administrative Agent, of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant, and if applicable, the Administrative Agent, for any violation that remains uncured for a period of 60 days after service of the written notice:

(a) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 and/or N.J.S.A. 52:27D-321(i)(4) alleging a violation, or violations, of the regulations governing the restricted housing unit. If the owner, developer or tenant, or the Administrative Agent, is found by the court to have violated any provision of the regulations governing affordable housing units, including but not limited to this Chapter, UHAC, the Act or the Fair Housing Act Regulations, the owner, developer or tenant, or the Administrative Agent shall be subject to one or more of the following penalties, at the discretion of the court:

[1] A fine of not more than $1,250 or the maximum allowed by law or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these

provisions and not as a continuing offense;

[2] In the case of an owner who has rented his or her low- or moderate- income unit in violation of the regulations governing affordable units, payment into the Township of Galloway Affordable Housing Trust Fund of the gross amount of rent illegally collected;

[3] In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable units, payment of an innocent tenant's reasonable relocation costs, as determined by the court; and payment into the Township's Affordable Housing Trust Fund of the gross amount of rent illegally collected.

[4] Injunctive relief to prevent continued violation; and

[5] Any other penalty or remedy allowed by law or equity.

(4) The Administrative Agent for the Municipality or the Municipal Housing Liaison shall have the authority to levy fines against the owner of an affordable housing development for instances of noncompliance with advertising requirements set forth in N.J.S.A. 52:27D-321.6, following written notice to the owner. The fine for the first offense of noncompliance shall be $5,000, the fine for the second offense of noncompliance shall be $10,000, and the fine for each subsequent offense of noncompliance shall be $15,000 as set forth in N.J.S.A. 52:27D-321.6(e)(2), or as otherwise set forth in the fine schedule adopted by the Executive Director of HMFA in accordance with N.J.S.A. 52:27D-321.6(e)(3). All such fines shall be deposited into the Affordable Housing Trust Fund.

(5) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the affordable unit.

(a) Any judgment of foreclosure entered pursuant to this Chapter, UHAC, or the Act, shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the very-low-income unit, low-income unit and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

E. Appeals. Appeals from all decisions of an Administrative Agent appointed pursuant to this subchapter must be filed, in writing, with the Municipal Housing Liaison. A decision by the Municipal Housing Liaison may be appealed to the Division of Local Planning Services within the DCA.

§ 233-97. Development Fee Ordinance.

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, N.J.S.A. 52:27D-301, et seq., the State Constitution, and all implementing regulations.

(2) Pursuant to N.J.S.A. 52:27D-329.2(a) of the Fair Housing Act, municipalities may adopt ordinances to impose and collect development fees from developers of residential developments. In addition, the Statewide Non-Residential Development Fee Act mandates that municipalities impose and collect development fees from developers of non-residential developments.

(3) Pursuant to N.J.S.A. 52:27D-329.2, and the Statewide Non-Residential Development Fee Act, municipalities that maintain their status as a "compliant municipality," under the Fair Housing Act and Affordable Housing Regulations may retain fees collected from non-residential development and residential developments.

(4) This Section establishes standards for the collection, maintenance, and expenditure of residential development fees and non-residential development fees pursuant the Fair Housing Act, the Statewide Non-Residential Development Fee Act and the Affordable Housing Regulations. Fees collected pursuant to this article shall be used for the sole purpose of providing very-low, low- and moderate-income units in accordance with an approved Spending Plan. This article shall be interpreted within the framework of the Fair Housing Act and the Affordable Housing Regulations as may be amended and supplemented. In the event of a conflict between this Article and the Affordable Housing Regulations, the provisions of the Affordable Housing Regulations shall govern.

B. Basic requirements.

(1) The ability of Galloway Township to impose, collect and expend development fees shall continue so long as Galloway Township maintains its status as a "compliant municipality," under the Fair Housing Act and the Affordable Housing Regulations.

(2) The Township of Galloway shall not spend development fees until the Court has approved a plan for spending such fees (spending plan).

C. Definitions. In addition to the definitions set forth in Section 233-94.B. above, the following terms, as used in this Section 233-97, shall have the following meanings:

AFFORDABILITY ASSISTANCE — The use of funds to render housing units more affordable to very-low-income households, low-income households and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

BARRIER FREE ESCROW FUNDS — Funds held by the Township that have been collected from developers pursuant to Section233-94.C(5)(b)[5][b] to adapt restricted unit entrances to be accessible in accordance with N.J.S.A 52:27D-311a et seq. Such funds shall be held in the

Affordable Housing Trust Fund pursuant to N.J.A.C. 5:99-2.6.

EQUALIZED ASSESSED VALUE — 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 §§ 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through c) (N.J.S.A. 54:1-35a, 54:1-35b and 54:;1-35c). Estimates at the time of construction permit may be obtained by the Tax Assessor using construction cost estimates. Final equalized assessed value shall be determined at project completion by the County Tas Assessor.

GREEN BUILDING STRATEGIES — 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.

MIXED-USE DEVELOPMENT — Development which includes both residential development and non-residential development.

NON-RESIDENTIAL DEVELOPMENT — As defined in N.J.S.A. 40:55D-8.3.

NON-RESIDENTIAL DEVELOPMENT FEE — The fee authorized and/or the money paid by a developer for non-residential development pursuant to the Statewide Non-Residential Development Fee Act.

RESIDENTIAL DEVELOPMENT — Development which includes any building or structure, or portion thereof, including but not limited to any appurtenant improvements, which qualifies as a residential use group according to the State Uniform Construction Code promulgated to effectuate the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.). Residential development does not include any portion of a building or structure, which meets the definition of non-residential development.

RESIDENTIAL DEVELOPMENT FEE — The fee authorized and/or the money paid by a developer for residential development pursuant to Section 233-97.D. of the Township Code and as permitted by N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

STATEWIDE NON-RESIDENTIAL DEVELOPMENT FEE ACT — The Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 to 40:55D-8.8.

SPENDING PLAN — The plan approved by the Court or the DCA, which establishes the method of allocating funds contained in the Affordable Housing Trust Fund in accordance with the Act and the Fair Housing Act Regulations.

SUBDIVISION APPROVAL — Approval granted by the Planning Board or Zoning Board for a major subdivision or a minor subdivision, as those terms are defined in Section 233-4 of the Township Code.

TAX ASSESSOR — The Galloway Township Tax Assessor.

D. Residential development fees.

(1) Imposition of fees. Within the Township of Galloway, all developers of residential developments, except for developers of the types of developments specifically exempted in Subsection D.(2) below, shall pay a residential development fee in accordance with the following:

(a) For each new dwelling unit that is constructed on any lot, where said lot was created after March 10, 2026, except for lots identified in Subsections D.(1)(c) or D.(1)(d) below, a residential development fee of 1.5% of the equalized assessed value of the residential development fee imposed for the purposes of funding the Township's Affordable Housing Program.

(b) For each new dwelling unit that is constructed on an existing lot of record, where said lot was created pursuant to any subdivision approval or any application for development before the Planning Board or Zoning Board on or before March 10, 2026, except for lots identified in Subsection D.(1)(d) below, a residential development fee of 1% of the equalized assessed value of the land and improvements.

(c) For each new dwelling unit that is constructed on an existing lot of record, where said lot is an isolated undersized lot created by a hardship variance granted pursuant to N.J.S.A. 40:55D-70c and was not created pursuant to any subdivision approval granted by the Planning Board or Zoning Board, a residential development fee of 0.5% of the equalized assessed value of the residential development fee imposed for the purposes of funding the Township's Affordable Housing Program.

(d) For dwelling units that are constructed on lots, where said lot was created as a result of an increase in residential density pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), a residential development fee of 1.5% of the equalized assessed value of the initial “by-right” number of dwelling units permitted under the base density and 6% of the equalized assessed value for each additional dwelling unit that may be realized by the increased density permitted by the variance. 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 residential development fee shall be the highest density permitted “by-right” during the two-year period preceding the filing of the variance application. The “by-right” density shall be the density permitted under the zoning ordinance as if no variance had been granted.

(i) Until the total number of “by-right” dwelling units have been constructed, the residential development fee charged shall be the 1.5% residential development fee. Once the total number of “by-right” dwelling units have been constructed, as determined on the date of the application for a Certificate of Occupancy, each subsequent dwelling unit constructed shall be subject to the 6% residential development fee. a

(ii) Example: If an approval allows four units to be constructed on a site that was zoned for two units, the residential development fee shall equal 1.5% of the equalized assessed value on the first two units, and 6.0% 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.

(iii) This requirement Subsection D.(1)(d) shall apply both to developers of residential development and to developers of mixed-use development when determining the residential development fee applicable to the residential development portion of the mixed-use development.

(e) Residential development fees shall also be imposed and collected when one or more additional dwelling unit is added to an existing residential structure; in such cases, the residential development fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit(s).

(2) The following shall be exempt from payment of the residential development fee.

(a) Affordable housing developments and/or affordable housing developments where the affordable units are being provided elsewhere in the Township shall be exempt from the payment of residential development fees.

(b) Residential developments where the developer has made an eligible payment in lieu of on-site construction of affordable units pursuant to ordinance or an agreement with the Township of Galloway that was adopted prior to any invalidation of payments in lieu of construction.

(c) Residential developments that have received preliminary or final subdivision approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees, shall be exempt from the payment of residential development fees, unless the developer seeks a substantial change in the original preliminary or final subdivision approval. Where subdivision approval is not applicable, the issuance of a zoning permit and/or construction permit shall be synonymous with preliminary or final subdivision approval for the purpose of determining the right to an exemption.

(1) Improvements or additions to existing one- and two-family dwellings on individual lots shall not be required to pay a residential development fee, but a residential development fee shall be charged for any new dwelling unit constructed as a replacement for a previously existing dwelling unit on the same lot that was or will be demolished, unless the owner resided in the previous dwelling unit for a period of one year or more prior to obtaining a demolition permit. Where a residential development fee is charged for a replacement dwelling, the residential development fee shall be calculated on the increase in the equalized assessed value of the new dwelling unit as compared to the previous dwelling unit.

(2) Developers of an existing dwelling unit or any structure containing one or more dwelling units that have been demolished as a result of an accidental fire, flood, or any natural disaster or catastrophe, and replaced with a substantially similar dwelling unit or structure shall be exempt from residential development fees.

(3) Non-profit organizations that have received tax exempt status pursuant to the Internal Revenue Code shall be exempt from residential development fees, provided that the non-profit organization submits current evidence of that status to the municipal clerk and Tax Assessor, together with a certification that the services of the non-profit organization are provided at reduced rates to those who establish an inability to pay existing charges.

(4) Federal, State, county, and local governments shall be exempt from paying a development fee.

E. Non-residential development fees.

(a) Developers of non-residential development are obligated to comply with the requirements of the Statewide Non-Residential Development Fee Act and pay the non-residential development fee calculated pursuant to the Statewide Non-Residential Development Fee Act, unless otherwise exempt pursuant to the Statewide Non-Residential Development Fee Act.

(b) Developers of mixed-use development shall be required to comply with the requirements of the Statewide Non-Residential Development Fee Act and pay the non-residential development fee for the portion of the development consisting of non-residential development and shall pay a residential development fee in accordance with the requirements of § 233-97D, for the portion of the development consisting of residential development, provided that no non-residential development fee shall be imposed which would result in a non-residential development fee greater than that which would have been imposed if the non-residential development portion of the mixed-use development would have been development independently of the residential portion of the mixed-use development.

(c) Exemptions from the Non-Residential Development Fee. Developers of non-residential development or mixed-use development who are claiming an exemption under the Statewide Non-Residential Development Fee Act shall be required to provide evidence sufficient to establish qualification for an exemption under the Statewide Non-Residential Development Fee Act and/or the Fair Housing Act Regulations. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to qualify for an exemption under the Statewide Non-Residential Development Fee Act and/or Fair Housing Act Regulations, the owner of the property shall pay the non-residential development fee within 45 days of the termination of the exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner. The property owner shall submit a Form N-RDF to the Tax Assessor for calculation of the equalized assessed value of the property.

F. Collection procedures.

(1) Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a construction permit.

(2) For residential developments, the developer shall be provided with a copy of the Residential Development Fee Form for completion. The developer shall complete fully the form as per the instructions provided and provide the same to the Tax Assessor. The construction official shall verify the information submitted by the developer. The Municipal Housing Liaison shall then verify any exemptions claimed and the Tax Assessor prepare estimated and final assessments in accordance with the instructions provided on the Residential Development Fee Form.

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

(4) For mixed-use developments, the developer shall be provided both with a copy of Form N-RDF, State of New Jersey Non-Residential Development Certification/Exemption for the non-residential portion of the project, which shall be completed in accordance with Subsection C. above, and a copy of the Residential Development Fee Form which shall be completed in accordance with Subsection B. above. Both forms shall be submitted to the Tax Assessor upon completion.

(5) The Construction Official responsible for the issuance of a construction permit shall notify the Township Tax Assessor and the Municipal Housing Liaison of the issuance of the first construction permit for a development which is subject to a development fee.

(6) Within 90 days of receipt of such notification, the Township Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.

(7) The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Township Tax Assessor and the Municipal Housing Liaison of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.

(8) Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the development; calculate the development fee; and thereafter notify the developer of the amount of the development fee.

(9) Should the Township of Galloway 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 N.J.S.A. 40:55D-8.6(b).

(10) For all development fees, both residential development fees and non-residential development fees, the entire amount of the development fee shall be collected at the time of the issuance of the certificate of occupancy.

G. Appeal of development fees.

(5) A developer may challenge residential development fees imposed by filing a challenge with the Atlantic County Board of Taxation. Pending a review and determination by the Board of Taxation, collected residential development fees shall be placed in an interest-bearing escrow account by the Township of Galloway. Appeals from a determination of the Board of Taxation may be made to the tax court in accordance with the provisions of the State Tax Uniform 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.

(6) A developer may challenge non-residential development fees imposed by filing a challenge

with the Director of the Division of Taxation. Pending a review and determination by the Director of the Division of Taxation, 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 Galloway. Appeals from a determination of the Director of the Division of Taxation may be made to the Tax Court in accordance with the provisions of the State Tax Uniform 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.

(7) In the event that a development fee is challenged, all development fees subject to a challenge must be submitted to the Township and deposited in an interest-bearing account. No Certificate of Occupancy shall be issued unless and until the full amount of challenged development fees are deposited and the development otherwise satisfies all of the requirements for issuance of a Certificate of Occupancy.

H. Affordable Housing Trust Fund.

(1) The Township shall create and/or continue to maintain a separate, interest-bearing affordable housing trust fund that is maintained by the Township Chief Financial Officer for the purpose of depositing the following, each of which shall be identifiable at all times by amount:

(a) Residential development fees
(b) Non-residential development fees;
(c) Mixed-Use Development Fees;
(d) Other development fees;
(e) Payments in lieu of on-site construction of restricted units;
(f) Repayments from affordable housing program loans and other loan repayments;
(g) Enforcement fines and fees;
(h) Interest earned;
(i) Proceeds from the sale of restricted units with extinguished controls or other restricted unit sales;
(j) Rental income from municipally operated restricted units;
(k) Grants;
(l) Recapture funds;
(m) Barrier Free Escrow Funds;
(n) RCA Funds
(o) Other funds, including but not limited to: unexpended RCA funds remaining from a completed RCA project, Application fees, any other funds collected by the municipality in connection with its affordable housing programs, any other funds authorized to be deposited in a municipal housing trust fund under the Act, the Fair Housing Act Regulations or any other law.

(2) In the event any of the conditions described at N.J.A.C. 5:99-5.6 occur, the Division of Local Planning Services within the DCA shall be authorized, on behalf of the Township, to direct the manner in which all funds in the affordable housing trust fund shall be expended in accordance with the Fair Housing Act Regulations. In addition, pursuant to N.J.A.C. 5:99-1.1(c), if the Township is found to be not in compliance with the Fair Housing Act Regulations, it is subject to forfeiture of any and all funds remaining in the Affordable Housing Trust Fund.

(3) All interest accrued in the Affordable Housing Trust Fund shall only be used on eligible affordable housing activities included in an approved spending plan or an emergent opportunity authorized by the Division.

(4) The barrier free escrow funds deposited in the Affordable Housing Trust Fund shall at all times be identifiable by source and amount and shall be used by the Township for the sole purpose of making the adaptable entrance of any restricted unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the restricted unit and requires an accessible entrance.

(5) Within 21 days from the opening of the Affordable Housing Trust Fund account and/or within 21 days of any change in banks or other financial institutions in which Affordable Housing Trust Fund are deposited, the Township shall provide the Division of Local Planning Services within the DCA with written authorization, in the form of a three-party escrow agreement between the Township, the bank, and the Division, to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.2(a) and N.J.A.C. 5:99-3.1(h).

F. Use of funds.

(1) The expenditure of all funds shall conform to the Spending Plan approved by the Court and/or the DCA. Funds deposited in the Affordable Housing Trust Fund may be used for any activity identified in the Spending Plan and/or approved by Court or the DCA to address the Township's affordable housing obligation and may be set up as a grant or revolving loan program, subject to any limitations set forth in the Fair Housing Act Regulations. Such activities include, but are not limited to, any activity permitted pursuant to N.J.A.C. 5:99-2.3 through 5:99-2.8. Affordable Housing Trust Funds may also be used for emergent opportunities to create affordable housing that have been approved by DCA in accordance with N.J.A.C. 5:99-4.1.

(2) Affordable Housing Trust Funds shall not be expended to reimburse the Township of Galloway for past housing activities.

(3) A portion of all development fees collected and interest earned shall be used to provide affordability assistance to very-low-income households, low-income households and moderate-income households, as those terms are defined in N.J.A.C. 5:99-1.2, occupying restricted units included in the Township's Fair Share Plan. A portion of development fees collected shall be used to provide affordability assistance to very-low-income households. Affordability assistance shall be provided in accordance with N.J.A.C. 5:99-2.5 and the Township's Spending Plan.

(4) The Township of Galloway may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance in accordance with N.J.A.C. 5:99-2.5(b).

(5) No more than 20% of all Affordable Housing Trust Funds, exclusive of those collected prior to July 17, 2008, to fund a Regional Contribution Agreement, may be expended on administration, in accordance with N.J.A.C. 5:99-2.4(a). Activities set forth in N.J.A.C.

5:99-2.2(f) are not eligible uses of the Affordable Housing Trust Fund. Eligible administrative expenses include any activities authorized in N.J.A.C. 5:99-2.4.

G. Monitoring. The Township shall prepare and submit to DCA all monitoring reports and other information required to be reported to DCA in the Act and/or Fair Housing Act Regulations.

H. Ongoing collection of fees. The Township's ability to impose, collect and expend development fees shall continue so long as the Township maintains its status as a compliant municipality, as that term is defined in N.J.A.C. 5:99-1.2. If the Township has failed to maintain its status as a compliant municipality, it shall be subject to the following until it has regained its status as a compliant municipality:

(1) The Township shall not impose and collect residential development fees.

(2) The Township shall not retroactively impose a residential development fee on a development after the Township subsequently regains its status as a compliant municipality.

(3) The Township shall continue to impose and collect non-residential development fees pursuant to the Statewide Non-Residential Development Fee Act, which shall be paid to the New Jersey State Treasurer in accordance with N.J.A.C. 5:99-3.1 in a manner and on such forms as required by the Treasurer, provided that a certified proof concerning the payment shall be furnished by the Treasurer, to the Township.

(4) The Township shall not retain or expend non-residential development fees.

§ 233-98. Affirmative marketing plan.

A. In accordance with the rules and regulations pursuant to N.J.A.C. 5:80-26.16, UHAC and the Fair Housing Act, Galloway Township adopts the following as an affirmative marketing plan.

(1) All affordable housing units shall be marketed in accordance with the provisions herein.

(2) The Township of Galloway has an affordable housing obligation. This subsection shall apply to all developments that contain proposed low- and moderate-income units and any future developments that may occur.

(3) The affirmative marketing process is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for “housing for older persons” as defined at N.J.S.A. 10:5.1 et seq. and age-restricted units as permitted by 42 U.S.C. § 3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 5.50, to dwelling units which are being marketed by a developer or sponsor of an affordable housing development. The affirmative marketing process is also intended to target those potentially eligible persons who are least likely to apply for affordable units in for restricted units in Region 6 by attracting applications from eligible applicant-households in preparation for the random selection process and occupancy preferences set forth in this Article of the Township Code.

It is a continuing program that directs all marketing activities toward Region 6. All affordable units shall be marketed in accordance with the following requirements:

(a) This Affirmative Marketing Plan shall apply to all developments that contain or propose one or more restricted units and any future affordable housing developments that may occur. Unless otherwise required in N.J.A.C. 5:80-26.16, supportive housing units, transitional housing units, and special needs housing units must comply with the affirmative marketing requirements of their respective sponsoring programs, where applicable.

(b) The affirmative marketing process for available restricted units must begin at least four (4) months prior to expected occupancy of a restricted unit and may begin before construction commences. Affirmative marketing shall occur at least 120 days before the issuance of either temporary or permanent certificates of occupancy and shall until all restricted units are initially occupied and for as long as restricted units are deed restricted and occupancy or re-occupancy and/or purchasers of units continue to be necessary. The Affirmative Marketing Plan is a continuing program that shall be followed throughout the entire period that the restricted unit remains subject to affordability controls.

(c) Advertising and outreach must take place during the first week of the affirmative marketing program and at least sixty (60) days before the random selection process and continue until all of the restricted units being brought to market at that time have been sold in the case of for-sale units or until enough applications from eligible households have been received to fill all of the restricted units plus two years of future re-rentals in the case of rental units. Applications must be accepted for no less than 45 days following the initial advertisement on the New Jersey Housing Resource Center, except for the resale of for-sale units, in which case, applications must be accepted for no less than 30 days. No random selection process may be conducted prior to sixty (60) days following the initial advertisement on the New Jersey Housing Resource Center or while applications are still being accepted. The advertisement must include all of the information set forth in N.J.A.C. 5:80-26.16(h). All advertisements for restricted units shall contain, at a minimum, the following information:

[1] The name and location of the restricted units;

[2] An address sufficient to find directions to the restricted units;

[3] A range of sale prices and/or rent for the restricted units;

[4] The physical characteristic of the restricted units, including the unit type (i.e. family, age-restricted, or supportive), size of the restricted units, as measured in bedrooms and total square footage, and accessibility features, if any;

[5] The number of restricted units available and the number of units available to very-low-income households, low-income households, and moderate-income households within the pertinent eligible income ranges;

[6] Maximum income permitted to qualify for the restricted units;

[7] Where applications can be found (paper or online) for the restricted unit and the amount of the required application fee;

[8] Business hours when interested households may obtain a paper application;

[9] The population(s), if any, given preference in the selection process pursuant to N.J.A.C. 5:80-26.17(k)(2) and Section 67-3(K)(1) of the Township Code;

[10] The number of restricted units, including the number of sale units and/or rental units;

[11] The expected lease-up/closing date(s) for the restricted units;

[12] A description of the random selection process that will be used to select occupants of the restricted units and the expected date of the random selection;

[13] Contact information for the Administrative Agent, including a phone number and email address that is regularly monitored by the Administrative Agent;

[14] The name of the sales agent and/or rental manager, and a website address for the development, if any.

(d) In implementing the affirmative marketing program, the Administrative Agent for a restricted unit shall publish at least one advertisement in a regional newspaper of general circulation within the housing region, which shall take the form of at least one press release and a paid display advertisement in the below newspapers the first week of the marketing program and each month thereafter until all units are leased or sold. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications approved in advance by the Administrative Agent. All newspaper articles, announcements and requests for applications for restricted units shall appear in the following daily regional newspaper/publication:

[1] The Atlantic City Press.
[2] The Current Newspaper.
[3] The Mainland Journal.

(e) In implementing the affirmative marketing program, the Administrative Agent for a restricted unit shall post an advertisement of the available restricted units to the New Jersey Housing Resource Center, www.njhrc.gov, at least 60 days before the random selection process and within one day following the date the owner, developer, property manager, administrative agent or other administrative entity provides information regarding the application process to prospective applicants or solicits any applications from potential applicants through any other means pursuant to N.J.S.A. 52:27D-321.6.

(f) Within one business day of listing the restricted units on the New Jersey Housing Resource Center, the Administrative Agent for a restricted unit shall notify the local

Continuum of Care of any restricted units for individuals with special needs that are reserved for individuals and families that are homeless and of any permanent supportive housing rental units.

(g) In implementing the affirmative marketing program, the Administrative Agent for a restricted unit shall publish the advertisement on at least one of the following housing search websites, in addition to the Housing Resource Center;

[1] Zillow.com

[2] Realtor.com

[3] Redfin.com

[4] Apartments.com

[5] Homes.com

[6] Trulia.com

(h) In implementing the affirmative marketing program, the Administrative Agent for a restricted unit shall post the advertisement on the following websites:

[1] Galloway Township website at _________.

[2] The developer's or owner's website or the rental office website.

[3] If there be one, the website of the homeowner's association or condominium association.

(i) In implementing the affirmative marketing program, the Administrative Agent for a restricted unit shall undertake at least two additional regional marketing strategies using the sources set forth in Subsections (i) through (p), below, with at least one non-digital strategy if the newspaper advertisement was in print, or with at least two non-digital strategies if the newspaper advertisement was digital:

(j) Publish the advertisement on a radio stations, television stations or paid potential targeted digital advertising opportunities:

[1] G-TV - Galloway.

[2] New Jersey 101.5 FM.

[3] News Channel 40.

(k) Publish the advertisement on one of the following newspapers or other publications:

[1] The Atlantic City Press.

[2] The Current Newspaper.

[3] The Mainland Journal.

(l) Post advertisements at the following community locations:

[1] Galloway Township Municipal Building.

[2] Atlantic County Public Library and branches.

[3] Cape May County Public Library and branches.

[4] Cumberland County Public Library and branches..

[5] Salem County Public Library and branches.

[6] Developer's/Property Manager's sales/rental office.

[7] Municipal libraries and municipal administrative buildings in the region.

[8] Atlantic County Office of Municipal and County Government Services.

[9] Atlantic County Housing Authority.

[10] Cape May County Administrative Building.

[11] Cumberland County Administrative Building.

[12] Salem County Administrative Building.

(m) Provide a copy of the advertisement to the following community or regional organizations:

[1] Lions Club.

[2] Habitat for Humanity.

[3] Rotary Club.

[4] Houses of worship.

[5] New Jersey Housing Resource Center.

[6] Fair Share Housing Center.

[7] The New Jersey State Conference of the NAACP.

[8] Latino Action Network.

[9] Mainland/Pleasantville, Mizpah, Atlantic City and Cape May County

branches of the NAACP.

[10] New Jersey Supportive Housing Association

(n) Post the advertisement on internet websites that operate as housing search websites where restricted units will be advertised:

(i) Zillow.com

(ii) Realtor.com

(iii) Redfin.com

(iv) Apartments.com

(v) Homes.com

(vi) Trulia.com

(o) Post the advertisement on social media websites and platforms where advertisements will be posted or linked

(i) Facebook.

(ii) Instagram.

(iii) Snapchat.

(iv) TikTok.

(v) X (formerly Twitter).

(vi) LinkedIn.

(p) Other advertising methods: Advertisements shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

[1] Atlantic County Board of Realtors.
[2] Cape May County Board of Realtors.
[3] Cumberland County Board of Realtors.
[4] Salem County Board of Realtors.

(4) A random selection method to select occupants of low- and moderate-income housing will be used by the Municipal Housing Liaison, in conformance with N.J.A.C. 5:80-26.17(k). If the Township hereby adopts the occupancy preferences which shall be utilized as part of the random selection process:

(a) If authorized in the site plan and/or subdivision approval for the development, a preference of up to 50 percent of the restricted units in said development for very-low, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311(j);

(b) A preference for very-low-income households, low-income households, and moderate-income households that reside or work in Region 6;

(c) Subordinate to the regional preference, a preference for very-low-, low-, and moderate-income households that reside or work in New Jersey; and

(d) If authorized in a redevelopment plan, with respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-households, low-households, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.

(5) The Administrative Agent shall document and report the affirmative marketing activities for the restricted units under its purview to the Municipal Housing Liaison, who shall monitor this affirmative marketing activities to ensure that developers, owners and administrative agents are marketing units in accordance with the provisions of N.J.A.C. 5:80-26.16, N.J.S.A. 52:27D-321.3 and this Affirmative Marketing Plan. The developer, owner or Administrative Agent shall also provide all proof of publication to the Municipal Housing Liaison.

(6) The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Atlantic, Cape May, Cumberland and Salem Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.

(7) The Administrative Agent shall develop, maintain and update a list of major employers in Atlantic, Cape May, Cumberland and Salem Counties that will aid in the affirmative marketing program.

B. The Administrative Agent is the person responsible to administer the affirmative marketing plan for all affordable units. The administrative agent has the responsibility to income qualify very-low-income households, low-income households and moderate-income households; to place certified households in restricted units upon initial occupancy; to provide for the initial occupancy of restricted units with income-qualified certified households; to continue to qualify households for re-occupancy of restricted units as they become vacant during the period of affordability controls; to assist with outreach to very-low-income households, low-income households and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan, and to comply with UHAC. In carrying out the affirmative marketing process, the administrative agent shall comply with all provisions of the Fair Chance in Housing Act, N.J.S.A. 46:8-52 through 64. The Administrative Agent for each restricted unit shall provide or direct qualified very-low-income households, low-income households and moderate-income households who are applicants counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.

C. All developers of affordable units shall be required to assist in the marketing of the affordable units in their respective developments in accordance with this affirmative marketing plan. All of the costs of advertising and affirmatively marketing restricted unit(s) shall be borne by the developers/sellers/owners of restricted unit(s).

D. All Administrative Agents and the Municipal Housing Liaison will comply with monitoring and reporting requirements of UHAC and this Article XII of the Township Code. The developer, owner and/or Administrative Agent shall document and report the affirmative marketing of restricted units under their purview to the Municipal Housing Liaison, who shall ensure that developers, owners and Administrative Agents are marketing units in accordance with the provisions of N.J.A.C. 5:80-26.16, Article XII of the Township Code and this Affirmative Marketing Plan. The developer, owner or Administrative Agent shall also provide proof of compliance to the Municipal Housing Liaison.