

**HOUSING ELEMENT
AND
FAIR SHARE PLAN
OF
THE CITY OF LINWOOD,
ATLANTIC COUNTY**

JULY 2018

HOUSING

ELEMENT

VII.	Analysis of Existing and Future Zoning to Accommodate Prospective Need	17
A.	Availability of Existing and Planned Infrastructure	17
B.	Anticipated Demand for Types of Uses Permitted by Zoning Based on Present and Anticipated Future Demographic Characteristics.....	17
C.	Anticipated Land Use Patterns	17
D.	Economic Development Policies	17
E.	Constraints on Development.....	17
	State and federal regulations.....	17
	Land ownership patterns.....	17
	Incompatible land uses	17
	Sites needing remediation.....	18
	Environmental constraints	18
	Existing or planned measures to address any constraints.....	18

**LINWOOD CITY, ATLANTIC COUNTY
HOUSING ELEMENT**

LIST OF TABLES

<u>Table</u>	<u>Page</u>
1 Age of Housing Units	3
2 Persons Per Room.....	4
3 Plumbing Facilities	4
4 Kitchen Facilities	4
5 Owner-Occupied Housing Unit Values	5
6 Contract Rent Values	6
7 Tenure and Vacancy	7
8 2014 Low and Moderate Regional Incomes	8
9 Population	9
10 Population Characteristics	10
11 Household Profile 2010	11
12 Household Type and Relationship.....	11
13 Type of Housing Units by Structure.....	12
14 Household Income	13
15 Sex by Marital Status - Persons 15 Years and Over.....	14
16 Employment Status of Residents	14
17 Employment Status within Linwood	15

LINWOOD CITY
ATLANTIC COUNTY

HOUSING ELEMENT

PREFACE

The City of Linwood is a developed residential community of 3.8 square miles and a population of 7,092. The City is characterized by a historic central core residential and commercial area and large areas of marshland, bordering the neighboring Scull's Bay and Patcong Creek. Located nine miles west of Atlantic City, Linwood serves as a bedroom community for the region. The city is surrounded by the Township of Egg Harbor, the City of Northfield and the City of Somers Point.

A municipality's Housing Element must be designed to achieve the goal of providing affordable housing to meet the total 1987-2025 affordable housing need comprised of the Prospective Need obligation, the Prior Round obligation and the Present Need or Rehabilitation Share. The regulations of the Council on Affordable Housing (COAH) and the Fair Housing Act delineate a municipality's strategy for addressing its present and prospective housing needs, and, as such, each municipality's Housing Element must contain the following:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the 10 years subsequent to the adoption of the housing element, taking into account, but not necessarily limited to, construction permits issued, approvals for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including, but not limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing;

6. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;
7. A map of all sites designated by the municipality for the production of low and moderate income housing and a listing of each site that includes its owner, acreage, lot and block;
8. The location and capacities of existing and proposed water and sewer lines and facilities relevant to the designated sites;
9. Copies of necessary applications for sewer service and water quality management plans submitted pursuant to Sections 201 and 208 of the Federal Clean Water Act, 33 U.S.C. §1251, et seq.;
10. A copy of the most recently adopted municipal master plan, and where required, the immediately preceding, adopted master plan;
11. For each designated site, a copy of the New Jersey Freshwater Wetlands map where available. When such maps are not available, municipalities shall provide appropriate copies of the National Wetlands Inventory maps provided by the U.S. Fish and Wildlife Service;
12. A copy of appropriate United States Geological Survey Topographic Quadrangles for designated sites; and
13. Any other documentation pertaining to the review of the municipal housing element as may be required.

I. INVENTORY OF HOUSING STOCK

A. Age

Fifty-eight percent of Linwood's housing stock was built between 1960 and 1999. Linwood has a total housing stock of 2,785 units. The median year that a structure was built in Linwood was 1969, according to the 2010 American Community Survey.

TABLE 1
Age of Housing Units

<u>Dates of Construction</u>	<u>Structures</u>	<u>Percent of Total</u>
1939 or earlier	427	15
1940 – 1949	118	4
1950 – 1959	350	13
1960 – 1969	580	21
1970 – 1979	252	9
1980 – 1989	378	14
1990 – 1999	412	15
2000 - 2004	164	6
2005-2010	104	4
TOTAL UNITS	2,785	100

Source: 2006-2010 American Community Survey 5-Year Estimates

Units built before 1960 and contain 1.01 or more persons per room are highly correlated with substandard housing indicators. This is an index utilized in determining the Rehabilitation Share. In Linwood, 895 units or 32 percent of the housing stock was built before 1960. This is generally an important indicator in calculating Linwood's Rehabilitation Share and explains why Linwood's Rehabilitation Share is 46 units.

B. Condition

Rehabilitation Share is the total deficient housing signaled by selected housing unit characteristics unique to each community. It is assumed that units so indicated will be prime candidates for rehabilitation. Characteristics indicating a need for rehabilitation are:

- (1) Persons per Room. 1.01 or more persons per room in housing units built 1960 or before. These are old units that are overcrowded.
- (2) Plumbing Facilities. Inadequate plumbing sufficient for rehabilitation is indicated by incomplete plumbing facilities, i.e., lack of hot and cold piped water, flush toilet or bathtub/shower.
- (3) Kitchen Facilities. Inadequate kitchen facilities signaling rehabilitation are indicated by the non-presence of kitchen facilities within the unit, or the non-presence of one of three components: a sink with piped water, a stove or a refrigerator.

The age of Linwood's housing stock has been presented in Table I. Tables 2 through 4 address the other surrogates of deficient housing.

TABLE 2
Persons Per Room

Persons Per Room	Occupied	Owner Occupied	Renter Occupied
1.01 to 1.50	52	12	40
1.51 to 2.00	0	0	0
2.01 or more	0	0	0
TOTAL	52	12	40

Source: 2006-2010 American Community Survey 5-Year Estimates

TABLE 3
Plumbing Facilities

	<u>Total Units</u>
Complete plumbing facilities	2,759
Lacking complete plumbing facilities	26

Source: 2006-2010 American Community Survey 5-Year Estimates

TABLE 4
Kitchen Facilities

	<u>Total Units</u>
Complete kitchen facilities	2,749
Lacking complete kitchen facilities	36

Source: 2006-2010 American Community Survey 5-Year Estimates

Based on 2010 data, it is determined that Linwood has 46 housing units that are substandard and occupied by low and moderate-income households.

C. Purchase and Rental Value

Approximately 81 percent of the owner-occupied housing units in Linwood had values between \$200,000 and \$749,999. The median value was \$356,300. This housing value is slightly lower than \$357,000 for the state but significantly higher than the Atlantic County median value of \$264,400.

TABLE 5
Owner-Occupied Housing
Unit Values

	<u>Units</u>	<u>Percent</u>
Less than \$60,000	10	0
\$60,000 - \$69,999	0	0
\$70,000 - \$99,999	22	1
\$100,000 - \$124,999	0	0
\$125,000 - \$149,999	72	3
\$150,000 - \$174,999	86	4
\$175,000 - \$199,999	59	3
\$200,000 - \$249,999	321	14
\$250,000 - \$299,999	292	12
\$300,000 - \$399,999	559	24
\$400,000 - \$499,999	400	17
\$500,000 - \$749,999	336	14
\$750,000 - \$999,999	101	4
\$1,000,000 or more	95	4
TOTAL	2,353	100

Median Value \$356,300

Source: 2006-2010 American Community Survey 5-Year Estimates

D. Occupancy Characteristics and Types

Eighty-eight percent of the occupied housing in Linwood is owner occupied. While only 12 percent of the housing is renter-occupied.

TABLE 7
Tenure and Vacancy

	Housing Units
Occupied:	
Owner Occupied	2,342
Renter Occupied	311
TOTAL OCCUPIED	2,653
Vacant:	
For rent	25
For sale only	43
Rented or sold, not occupied	4
For seasonal, recreational, or occasional use	43
Other vacant	30
TOTAL VACANT	145

Note: Total housing units do not match between tables due to varied data sources.

Source: 2010 Census of Population and Housing

E. Units Affordable to Low and Moderate Income Households

Units are affordable to low and moderate-income households if the maximum sales price or rent is set within a specified formula as per the Uniform Housing Affordability Controls (UHAC) regulations, N.J.A.C. 5:80-26.1 et seq. A moderate income household is a household whose gross family income is more than 50 percent of median income, but less than 80 percent of median income for households of the same size within the housing region. A low-income household is a household whose gross family income is equal to or less than 50 percent of median gross household income for a household of the same size within the housing region for Linwood. Linwood is in Region 6, which encompasses Atlantic, Cape May, Cumberland and Salem counties.

Using current regional income limits adopted by COAH, a four person Atlantic County median household income is estimated at \$72,979. A moderate-income four-person household would earn a maximum of \$58,383 (80 percent of regional median) and a four-person low-income household would earn a maximum of \$36,490 (50 percent of regional median).

Income levels for one, two, three and four person households as of 2014 are given below:

TABLE 8
2014 Low and Moderate Regional Incomes

Income	1 person	2 persons	3 persons	4 persons
Median	\$51,085	\$58,383	\$65,681	\$72,979
Moderate	\$40,868	\$46,707	\$52,545	\$58,383
Low	\$25,543	\$29,192	\$32,841	\$36,490

Source: COAH, 2014 Income Limits

Based on the qualifying formula in N.J.A.C. 5:80-26, the monthly cost of shelter which includes mortgage (principal and interest), taxes, insurance and homeowners or condominium association fees, may not exceed 28 percent of gross monthly household income based on a five percent down payment. In addition, moderate-income sales units must be available for at least three different prices and low-income sales units available for at least two different prices. The maximum sales prices must now be affordable to households earning no more than 70 percent of median income. The sales prices must average 55 percent of median income.

Under UHAC regulations, rents including utilities may not exceed 30 percent of gross monthly income. The average rent must now be affordable to households earning 52 percent of median income. The maximum rents must be affordable to households earning no more than 60 percent of median income. In averaging 52 percent, one rent may be established for a low-income unit and one rent for a moderate-income unit for each bedroom distribution. The utility allowance must be consistent with the utility allowance approved by HUD and utilized in New Jersey. In addition, 13 percent of all restricted rental units must be affordable to households earning no more than 30 percent of median income.

Linwood currently has one, three bedroom group home that qualifies for credit. Delta Community Support is the non-profit sponsor.

It has been calculated that 46 deficient houses are in need of rehabilitation in Linwood. Since 2010, Linwood has completed three units through the Atlantic County Improvement Authority (ACIA).

II. PROJECTION OF HOUSING STOCK

A. Building Permits

According to the New Jersey Department of Labor, Residential Building Permits Issued, 216 new building permits were issued in Linwood from 2000 through 2009. From 2010 through 2014, there were 50 residential building permits issued.

IV. Future Construction of Low and Moderate Income Housing

Linwood will address the future construction of low and moderate income housing in the Fair Share Plan.

III. DEMOGRAPHIC CHARACTERISTICS

V. Population

The population in Linwood decreased by one percent between 2000 and 2010. Table 9 illustrates the figures.

TABLE 9
Population

Year	Population
2000	7,172
2010	7,092

Note: Total population does not match between tables due to varied data sources.

Sources: 2000 and 2010 Census of Population and Housing

TABLE 10
Population Characteristics

SELECTED POPULATION CHARACTERISTICS

Thirty-seven percent of Linwood's residents are between the ages of 25 and 54.

<u>TOTAL POPULATION</u>	<u>Number</u>	
SEX		
Male	3,361	
Female	3,731	
 <u>AGE</u>		
	<u>Male</u>	<u>Female</u>
Under 5 years	176	147
5 to 14 years	539	496
15 to 19 years	288	289
20 to 24 years	130	120
25 to 44 years	584	693
45 to 54 years	629	690
55 to 59 years	276	267
60 to 64 years	246	237
65 to 74 years	252	309
75 to 84 years	161	286
85 years and over	80	197

Note: Total population does not match between tables due to varied data sources.

Source: 2010 Census of Population and Housing

B. Household Size and Type

A household profile of Linwood shows that there were 2,653 households with a total household population of 6,957 in 2000. The average number of persons per household was 2.62.

TABLE 11
Household Profile 2010

	Total Number
Households	2,653
Population of households	6,957
Persons per household	2.62

Source: 2010 Census of Population and Housing

TABLE 12
Household Type and Relationship

In family households:	6,162
householder:	1,959
Male	1,404
Female	555
Spouse	1,598
child:	2,323
Natural born/adopt	2,186
step	64
grandchild	73
other relatives	49
non-relatives	85
In non-family households:	795
householders living alone	610
householders not living alone	84
Non-relatives	101
In group quarters:	135
Institutionalized population	127
Non-institutionalized population	8

Source: 2010 Census of Population and Housing

TABLE 13
Type of Housing Units by Structure

Units in Structure

1, detached	2,393
1, attached	125
2	64
3 or 4	31
5 to 9	83
10 to 19	23
20 to 49	0
50 or more	57
Mobile home	9
Other	0
TOTAL	2,785

Note: Total housing units do not match between tables due to varied data sources.

Source: 2006-2010 American Community Survey 5-Year Estimates

VI. Income Level

Approximately, 63 percent of the households in Linwood earn \$60,000 or more per year according to the 2010 American Community Survey. The median household income was \$80,518, which is significantly higher than Atlantic County that is \$54,766, and also higher than the state's median household income of \$69,811.

TABLE 14
Household Income

<u>Household Income</u>	<u>Number</u>	<u>Percent</u>
\$0 -9,999	105	4
\$10,000-\$14,999	64	2
\$15,000-\$19,999	58	2
\$20,000-\$24,999	54	2
\$25,000-\$29,999	28	1
\$30,000-\$34,999	127	5
\$35,000-\$39,999	53	2
\$40,000-\$44,999	108	4
\$45,000-\$49,999	107	4
\$50,000-\$59,999	249	10
\$60,000-\$99,999	552	21
\$100,000-\$149,999	352	14
\$150,000-\$199,999	361	14
\$200,000 or more	381	15
TOTAL	2,599	100

Median Household Income \$80,518

Note: Total households do not match between tables due to varied data sources.

Source: 2006-2010 American Community Survey 5-Year Estimates

D. Age

The age of Linwood's population has been discussed under Section III, Demographic Characteristics, A. Population.

VII. Marital Status

In 2010, there were more women than men over the age of 15 years in Linwood. There were 393 more males than females that never married. There were significantly more widows than widowers (329) and more divorced females than males.

TABLE 15
Sex by Marital Status – Persons 15 Years and over

Marital Status	Total	Male	Female
Total	5,624	2,771	2,853
Never Married	1,269	831	438
Now Married	3,465	1,731	1,734
Widowed	443	57	386
Divorced	447	152	295

Note: Total population does not match between tables due to varied data sources.

Source: 2006-2010 American Community Survey 5-Year Estimates

VIII. EXISTING AND PROBABLE FUTURE EMPLOYMENT CHARACTERISTICS

Of the 3,418 Linwood residents employed in the civilian labor force, 26 percent are in construction, manufacturing, wholesale trade, retail trade and transportation fields and 27 percent are in educational, health and social services.

TABLE 16
Occupation
Employed Persons 16 Years and Over

	Male	Female	Total
Finance, insurance, real estate	153	82	235
Construction, manufacturing, wholesale trade, retail trade, transportation	730	173	903
Information	96	54	150
Arts, entertainment, recreation, accommodation and food services	249	216	465
Professional, scientific and technical services	230	225	455
Educational, health and social services	319	617	936
Public administration	96	75	171
Other services	0	103	103
Total	1,873	1,545	3,418

Note: Total population does not match between tables due to varied data sources.

Source: 2006-2010 American Community Survey 5-Year Estimates

TABLE 17
Covered Employment in Linwood 2014

	Avg. Units	Annual Avg. Units
Agriculture, forestry, fishing and hunting	.	.
Construction	24	80
Manufacturing	.	.
Wholesale trade	.	.
Retail trade	27	112
Transportation and warehousing	.	.
Information	.	.
Finance and insurance	27	297
Real estate and rental and leasing	.	.
Professional and technical services	62	340
Management of companies and enterprises	.	.
Administrative and waste services	19	117
Educational services	6	32
Health care and social assistance	72	891
Arts, entertainment, and recreation	.	.
Accommodation and food services	11	96
Other services, except public administration	25	82
PRIVATE SECTOR MUNICIPALITY TOTAL	294	2,236
FEDERAL GOVT MUNICIPALITY TOTAL	2	7
LOCAL GOVT MUNICIPALITY TOTAL	6	512

Source: New Jersey Employment and Wages; 2014 Annual Report

According to the New Jersey State Data Center, Linwood had a covered employment number of 2,754 in 2014.

Linwood sees very little change in employment trends in the City. Linwood sees minimal change in employment outlook with no additional employment opportunities foreseen.

V. DETERMINATION OF TOTAL OBLIGATION FOR REHABILITATION AND PRIOR ROUND

A. Rehabilitation Share

Linwood has a 19-unit Rehabilitation Share.

B. Prior Round Obligation

Linwood's obligation from the Prior Round is 140 units. Linwood requested a vacant land adjustment in its adopted 2008 housing plan that resulted in COAH's calculating a three unit realistic development potential (RDP) for Linwood with a 138 unit unmet need obligation.

VI. PROSPECTIVE NEED OBLIGATION

According to a Settlement Agreement with Fair Share Housing Center (FSHC), Linwood has a 12 unit Prospective Need obligation that results in a 12 unit RDP, after analyzing a vacant land inventory, and a 100 unit unmet need.

VII. ANALYSIS OF EXISTING AND FUTURE ZONING TO ACCOMMODATE PROSPECTIVE NEED

Linwood does not believe that zoning changes are needed to accommodate Prospective Need based on the affordable housing options selected.

A. Availability of Existing and Planned Infrastructure

Linwood's infrastructure is mature but serviceable for a City that has minimal vacant developable land. Electricity is supplied by the Atlantic City Electric Company. The South Jersey Gas Company provides gas. Water is by the New Jersey American Water Company and serves as a municipal function.

B. Anticipated Demand for Types of Uses Permitted by Zoning Based on Present and Anticipated Future Demographic Characteristics

The developable area of the City is almost fully built-out. Little vacant land remains outside the marshland. Because of the lack of available developable land, demolition and rebuilding will be the focus of new uses.

C. Anticipated Land Use Patterns

The City is predominantly developed as a single family residential community. Some two-family developments have been built near the City's borders with Somers Point and Northfield. The City has two commercial zone classifications: Business Zone and Redevelopment Zone.

D. Economic Development Policies

Linwood has an Economic Development Committee. The City has as one of its economic development policies to encourage commercial development on New Road (Route 9).

E. Constraints on Development

1. State and federal regulations: The City is under the jurisdiction of the Coastal Area Facilities Review Act (CAFRA). Linwood is partially in PA1 and partially in PA5. There are no existing or proposed centers in PA5.
2. Land ownership patterns: Approximately 88 percent of the occupied housing stock is owner-occupied. Only 12 percent of the housing is renter-occupied. The City is almost fully built-out in PA1.
3. Incompatible land uses: To correct incompatible land uses, the old B Zone which was residential is now an R-15 Zone (15,000 sq. ft.) and the A-Zone is now an R-10 Zone (10,000 sq. ft.).

4. Sites needing remediation: Linwood does have an ongoing remediation at Garden State Fuel on Rte. 9, formerly a gas station with ground water contamination.
5. Environmental Constraints: The City is located only a few miles from the Atlantic Ocean and has many of the characteristics associated with coastal areas, including flat topography, sandy soils and extensive tidal marshes. In addition, several different types of wetlands occur in both the Environmentally Sensitive and Metropolitan Planning Areas in Linwood. The City has implemented conservation zoning in the entire meadowlands area, which prohibits all development in the meadowlands except essential public utilities and municipally-owned docks.
6. Existing or Planned Measures To Address Any Constraints: There are no additional measures to address constraints at this time.

**FAIR SHARE
PLAN**

City of Linwood
Atlantic County

I. PREFACE

A municipality's affordable housing obligation is cumulative and includes affordable housing need for the period 1987 to 2025. The affordable housing obligation consists of three components:

- Present Need (Rehabilitation 2010)
- Prior Round Obligation (1987-1999)
- Prospective Need (2000-2025)

A municipality's Rehabilitation Share is a measure of old, crowded, deficient housing that is occupied by low- and moderate-income households. Rehabilitation Share numbers from each prior round are replaced with the latest round number because the numbers are updated with each decennial census. Linwood's Present Need is 19.

The Prior Round Obligation is the municipal new construction obligation from 1987 to 1999 and is 140 units.

The Prospective Need Obligation of 112 covers the period from 1999-2025 and is the result of a settlement agreement with Fair Share Housing Center (FSHC).

II. REHABILITATION SHARE

The purpose of a rehabilitation program is to renovate deficient housing units. Deficient housing units are defined as units with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing, (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems. Upon rehabilitation, the housing deficiencies must be corrected and the unit must comply with the applicable code standard.

Linwood City's Rehabilitation Obligation is 19 units. Linwood proposes to address the rehabilitation obligation through continued participation in the Atlantic County Improvement Authority (ACIA) program. The Office of Community Development undertakes rehabilitation activity that meets COAH criteria. Only income eligible households participate and the units must be below code, raised to code standard and have at least one major system in need of repair or replacement. At least \$10,000 in hard costs is expended and a life lien is placed on the property. There is a previously approved Atlantic County Rehabilitation Manual.

Since 2010, the ACIA has rehabilitated four homes. Exhibit A. Linwood is aggressively marketing the program. The information is on the Linwood website and in the City's newsletter

To address the rental rehabilitation requirement, Linwood will advertise a rental rehabilitation program on its municipal website and in the City's newsletter. If the owner of a rental unit expresses interest in the program, he/she will be referred to TRIAD. If the rental unit meets the

criteria for participation, Linwood will contract with TRIAD to undertake such a program. Linwood already has a contract with TRIAD for an accessory apartment program.

III. PRIOR ROUND OBLIGATION

FSHC has determined that Linwood's Prior Round obligation is 140 units.

A. Vacant Land Adjustment

Linwood undertook a vacant land survey for the Prior Round because, to a major extent, the City was fully developed. The vacant land survey was previously reviewed by the Council on Affordable Housing (COAH) and that agency determined that Linwood's realistic development potential (RDP) was three units with an unmet need of 109 units.

B. Prior Round Obligation – RDP and Unmet Need

Linwood has a three-bedroom group home that is sponsored by Delta Community Support and is located at 115 Carol Road (Block 184, Lot 21). The home is funded and licensed by the New Jersey Division of Developmental Disabilities (DDD). Two of the bedrooms and one bonus credit address the three-unit RDP. The third bedroom addresses unmet need.

IV. PROSPECTIVE NEED OBLIGATION

The Fair Share Plan includes the projects and strategies to address an affordable housing obligation and any municipal ordinance in draft form that a municipality is required to adopt. The Fair Share Plan is based upon the municipal fair share obligation as per the agreement with FSHC. The planning board adopts the Housing Element and the Fair Share Plan and it is endorsed by the governing body prior to submittal to the Court. The proposed implementing ordinances must be adopted prior to a final Judgement of Compliance and Repose.

The Fair Share Plan proposes how a municipality intends to provide for its affordable housing obligation.

COAH rules have a number of different provisions regulating the development of affordable housing. The options available to meet the 1999-2025 fair share obligation include:

- Municipal zoning
 - Zoning for inclusionary developments
 - Redevelopment districts/sites
- Municipally sponsored new construction and 100 percent affordable developments
- Alternative living arrangements
 - Permanent supportive housing
 - Group homes

- Congregate housing
- Residential health care facilities
- Transitional facilities for the homeless
- Accessory apartments
- Market to Affordable program
- Municipally sponsored rental program
- Assisted living residences
- Extension of affordable units with expiring controls
- Age-restricted housing
- Rental housing with bonus credits

A. Linwood's Third Round Obligation- RDP

FSHC gave Linwood a Third Round number of 112 units.

Linwood undertook a vacant land analysis that resulted in an RDP of 12 units. Exhibit B. The RDP will be met with one new three bedroom group home, six accessory apartments (one very low income) and three rental bonus credits.

- Linwood has reached out to The ARC of Atlantic County to provide a three bedroom group home. A confirming letter to ARC is in Exhibit C. Linwood will provide \$40,000 per bedroom or \$120,000 for the group home. The ARC has requested that the creation of the group home take place in 2020. The group home will be funded via development fees, the municipal budget, bonding or a combination of the above.
- Linwood has contracted with TRIAD Associates to administer the six-unit Accessory Apartment Program. The Linwood program will be a mix of illegal, existing apartments and new accessory apartments. Only the new accessory apartments will be the focus of a monetary contribution. An agreement with TRIAD as well as an accessory apartment ordinance is in Exhibit D. An operating manual is included as part of the submittal. The program will be funded via development fees, the municipal budget, by bonding or a combination of the above. Linwood will provide one very low income accessory apartment with the balance being two, low income and three moderate income accessory apartments.
- The following is the implementation schedule:
 - 2019 one accessory apartment
 - 2020 one accessory apartment
 - 2021 one accessory apartment
 - 2022 one accessory apartment
 - 2023 one accessory apartment
 - 2024 one accessory apartment

B. Unmet Need- 100 (112-12)

Linwood has an existing Assisted Living Facility called Brandall Estates. Located at 432 Central Avenue, Brandall Estates contains 90 bedrooms. As per statute, 10 percent of all

assisted living bedrooms must be available to Medicaid Waiver recipients. As a result, nine of the bedrooms qualify for credit and will address a portion of unmet need.

The balance of unmet need will be addressed by the City's adopting overlay zoning in several locations. This overlay zoning falls into two categories (a) **Mixed-use zoning**, defined as overlay zoning for mixed- use development with the first floor required to be commercial, and up to two stories of residential over commercial and (b) **Mixed-use/residential zoning**, defined as overlay zoning that permits either mixed-use development with the first floor commercial and up to two stories of residential over commercial or residential-only development with up to three stories of residential uses and no commercial use required. Both of these zones will allow up to 15 units per acre, with a 15 percent set-aside for rental units or a 20 percent set-aside for for-sale units. The blocks and lots in each category of overlay zoning are listed below and included in Exhibit E together with the applicable zoning.

Mixed-use zoning	Location
7- Eleven	1413 New Road (Block 1, Lot 46.02)
The Exchange	2110 New Road (Block 6, Lot 24)
Clay's Climate Control	501 W. Patcong (Block 1, Lot 43.01)

Mixed-use/residential zoning	Location
Overlay Zones- West Side of New Road	Block 1, Lots 29.01, 29.02, 32.01, 32.02, 33, 34, 35, 36, 37, 38, 39, 43.02, 46.01, 47, 48
Overlay Zones in southern part of New Road	Block 1, Lot 24 Block 6, Lots 25, 26, 36, 40 Block 19, Lots 5,6 and 7

As another provision to address unmet need, the City will adopt an Ordinance requiring a mandatory affordable housing set aside for all new multifamily residential developments of five units or more. The set aside for for-sale developments will be 20 percent and 15 percent for rental units. The provisions of the ordinance will not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. Exhibit F

V. RELEVANT THIRD ROUND CALCULATIONS

Linwood's RDP is 12 units. As such, the following calculations are relevant:

Low/Moderate Split: three rental bonuses= nine actual units, of which five is the low income requirement. The Fair Share Plan provides for six low income units.

Linwood will ensure that at least 13 percent of affordable units will be affordable to very low income households: 13 percent of nine is 1.2 percent. Therefore, half of the very low income

requirement is one or two. Linwood has three very low income group home bedrooms and one very low income family accessory apartment.

At least 50 percent of the units addressing the RDP will be affordable to very low or low income households with the remainder affordable to moderate income households. Six of the nine units are low or very low income.

At least 25 percent of the RDP or nine units will be met with rental units, including at least half as family rental units. Linwood has all nine rental units addressing its RDP of which six will be family rental units.

At least half of the units addressing the RDP will be available to families. Linwood has six family units in its plan.

VI. CONSIDERATION OF SITES NOT IN THE THIRD ROUND PLAN

There were no developers who expressed interest in providing affordable housing.

VII. AFFIRMATIVE MARKETING PLAN

A new Affirmative Marketing Plan is in Exhibit G and includes the community organizations requested by FSHC.

VIII. AFFORDABLE HOUSING ORDINANCE

An Affordable Housing Ordinance is in Exhibit H.

IX. SPENDING PLAN

A spending plan is in Exhibit I.

X. ADMINISTRATIVE AGENT

A Resolution designating the Administrative Agent is in Exhibit J.

XI. MUNICIPAL HOUSING LIAISON

A Resolution designating the Municipal Housing Liaison is in Exhibit K.

XII. RESOLUTION OF INTENT TO BOND

A Resolution of Intent to Bond is in Exhibit L.

XIII. DEVELOPMENT FEE ORDINANCE

A Development Fee Ordinance is in Exhibit M.

Please note, the Exhibits to the Fair Share Plan will be supplemented prior to adoption.

EXHIBIT A

HOUSING UNITS REHABED in LINWOOD, N.J. from 04/01/2010-06/30/2018

<u>Block/Lot (Date)</u>	<u>Address</u>	<u>Cost</u>	<u>Systems Replaced</u>
114 / 2 (11/10/2010)	8 Country Club Drive, Linwood	\$7,775.00	Roof, Weatherization
150 / 8.03 (4/10/2012)	623 Lexington Court, Linwood	\$16,700.00	Roof, Weatherization, Heating, Plumbing
174 / 4 (12/28/2011)	208 Lincoln Avenue, Linwood	\$5,020.00	Heating
91 / 1.01 (06/22/2010)	423 Van Sant Avenue, Linwood	\$22,300.00	Roof, Weatherization, Heat, Electrical

EXHIBIT B

Egg Harbor Township


Somers Point

Egg Harbor Township

Sources: Esri, HERE, DeLorme, USGS, In' China (Hong Kong), Esri (Thailand), Tom' User Community

1 inch = 0.4 miles

Legend

 Vacant Land

 Parcels

 Municipal Boundary



**Vacant Land Analysis
Map 1
Vacant Land Located in the City of Linwood**



Last updated: October 4, 2017

Document Path: F:\DOCUMENTS\Linwood\7500.43 Vacant Land Adjustment\17_0928 GIS\17_0928 Vacant Land.mxd

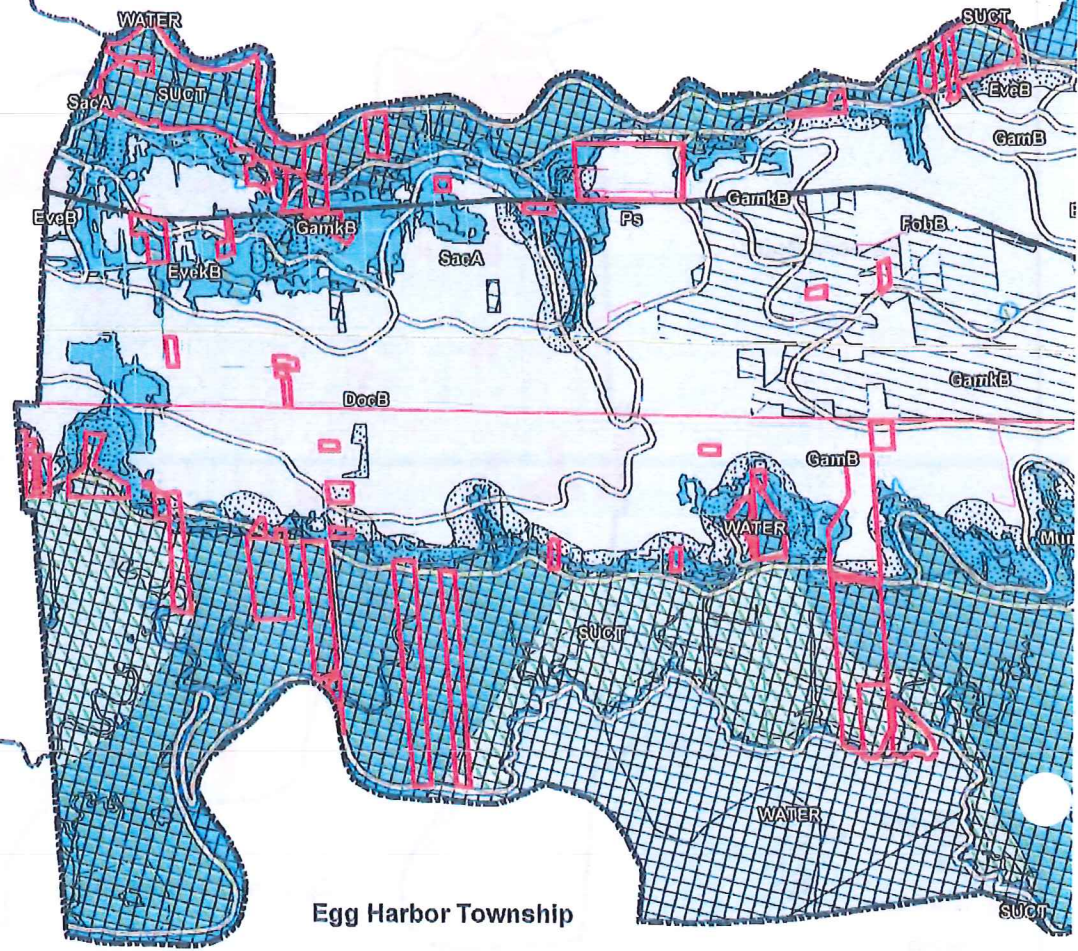
Egg Harbor Township

Legend

-  Municipal Boundary
-  Vacant Land >.5 acres
-  Soil Type
-  Wellands
- Flood Hazard Zone**
-  0.2 % Annual Chance Flood Hazard
-  AE - Special Flood Hazard Area
-  VE - Special Flood Hazard Area
-  X - Minimal Risk Area
- Landscape Project Ranking**
-  1 - Suitable Habitat
-  3 - State Threatened
-  4 - State Endangered
- Roadways**
-  GS Parkway
-  US & State Highways
-  County Routes
-  Municipal Streets
-  Other
-  Alley
-  Tax Streets
-  Driveways



1 inch = 0.4 miles

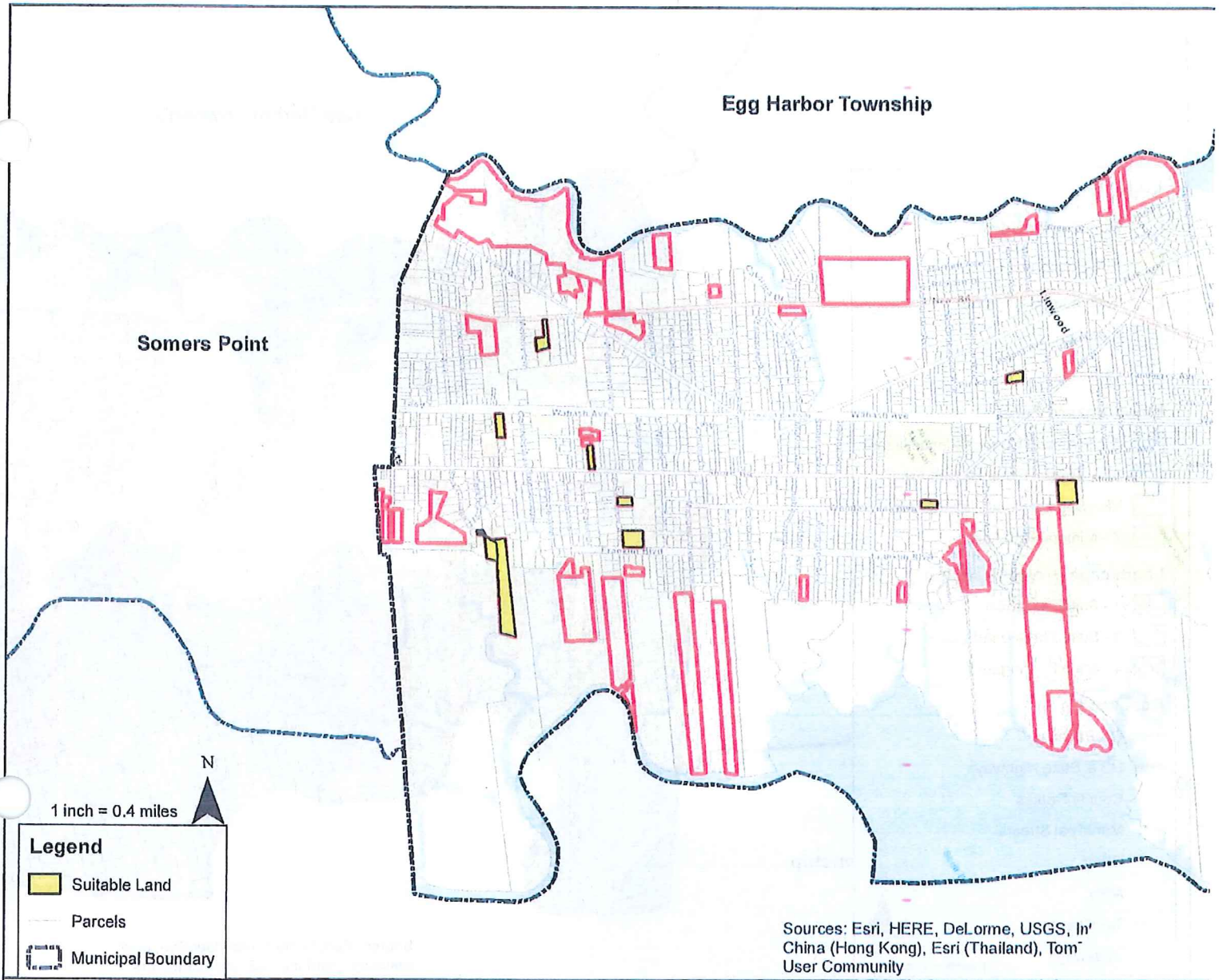


Egg Harbor Township

**Vacant Land Analysis
Map 2
Vacant Land (Greater than .5 acres)
with Environmental Constraints**



Last updated: October 4, 2017
Document Path: F:\DOCUMENTS\SL\wood\7500.43 Vacant Land Adjustment\17.0928 GIS\17.0928 Vacant Land envconstraints.mxd



**Vacant Land Analysis
Map 3
Realistic Development Potential**

POLISTINA
PLANNING & ENGINEERING

Last updated: October 4, 2017
Document Path: F:\DOCUMENTS\Linwood\7500.43 Vacant Land Adjustment\17_0920 GIS\17_0920 Suitable Land.mxd

Egg Harbor Township

Legend

Municipal Boundary

Suitable Land

Vacant Land >.5 acres

Soil Type

Wetlands

Flood Hazard Zone

0.2 % Annual Chance Flood Hazard

AE - Special Flood Hazard Area

VE - Special Flood Hazard Area

X - Minimal Risk Area

Landscape Project Ranking

1 - Suitable Habitat

3 - State Threatened

4 - State Endangered

Roadways

GS Parkway

US & State Highways

County Routes

Municipal Streets

Other

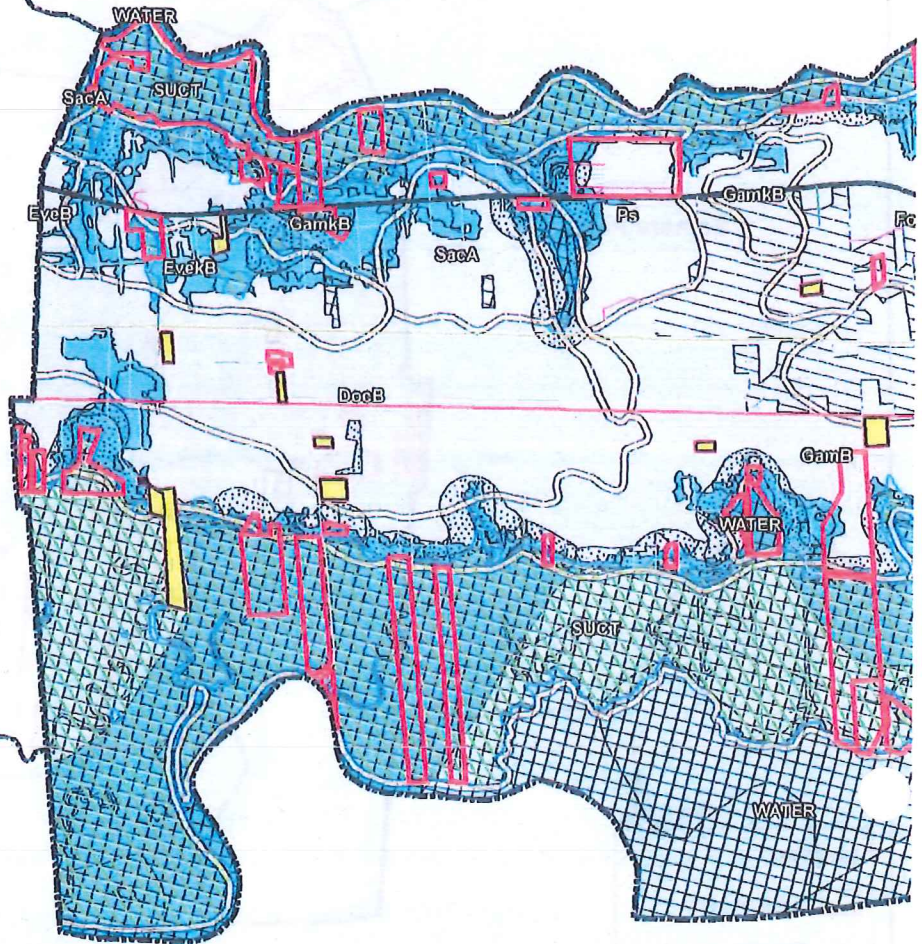
Alley

Tax Streets

Driveways



1 inch = 0.4 miles



Source: Esri, DigitalGlobe, GeoEye, i-cub swisstopo, and the GIS User Communi!

**Vacant Land Analysis
Map 3
Realistic Development Potential**

POLISTINA
ARCHITECTURE LLC

Last updated: October 4, 2017

Document Path: F:\DOCUMENTS\Linwood\7500.43 Vacant Land Adjustment\17_0928 GIS\17_0928 Suitable Land B.mxd

EXHIBIT C

YOUNGBLOOD

Franklin

sampoli

JOSEPH L. YOUNGBLOOD, JR.
DIRECT DIAL: 609.601.6602
EMAIL: youngblood@youngbloodlegal.com

JOSEPH L. YOUNGBLOOD, JR.
JAMES E. FRANKLIN II
L. PATRICIA SAMPOLI ◊
JORGE F. COOMBS

L. ANTHONY GIBSON
SPECIAL COUNSEL
TO THE FIRM

JOSEPH L. YOUNGBLOOD III
OF COUNSEL

HENRY G. BROOME, JR.
COUNSEL TO THE FIRM

◊ CERTIFIED BY THE NEW JERSEY
SUPREME COURT AS A
CIVIL TRIAL ATTORNEY

June 26, 2018

Patricia Jones, President
ARC of Atlantic County
6550 Delilah Road, Suite 101
Egg Harbor Township, New Jersey 08234

Re: Agreement for Construction of Three Bedroom
Group Home in the City of Linwood

Dear Ms. Jones:

This letter (the "Agreement") shall confirm the exclusive agreement between the ARC of Atlantic County, (ARC) and the City of Linwood, (the City) with respect to the rehabilitation of an existing residential property into a minimum three bedroom group home in the City of Linwood. The City will pay the sum of \$40,000.00 per bedroom for a total of \$120,000.00 to assist ARC in providing this group home that will be eligible for credit towards Linwood's Third Round Obligation.

Background

The City of Linwood entered into a Settlement Agreement with the Fair Share Housing Center on or about April 20, 2018. A copy of that Agreement is attached hereto as Exhibit A. As part of that Settlement Agreement, the City is obligated to provide one group home with at least three bedrooms.

ARC Engagement

ARC will:

Provide the group home with a minimum of three bedrooms in Linwood by 2020. Linwood will pay ARC the sum of \$40,000.00 per bedroom for a total of \$120,000.00 towards this project. The group home will be deed-restricted for exclusive use as affordable housing serving very-low-income individuals, i.e. at or below 30 percent of median income, for a minimum of 30 years

Page 2

from initial occupancy in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1.

Accepted and Agreed upon:

June _____, 2018

Patricia Jones, President
ARC of Atlantic County

EXHIBIT "A"

Settlement Agreement between the City of Linwood and the Fair Share Housing Center

Very truly yours,

YOUNGBLOOD FRANKLIN
SAMPOLI & COOMBS, PA

By: _____
JOSEPH L. YOUNGBLOOD, JR., ESQUIRE

JLY:tvb
Enclosure

EXHIBIT D

ORDINANCE NO. , 2018

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 277, ZONING OF THE CODE OF THE CITY OF LINWOOD TO CLASSIFY ACCESSORY APARTMENTS AS CONDITIONAL USES IN ALL RESIDENTIAL ZONES FOR THE PURPOSE OF THE CITY OF LINWOOD'S AFFORDABLE HOUSING OBLIGATION AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT THEREWITH

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

WHEREAS, the purpose of this section of the City of Linwood's Zoning Ordinance is to establish accessory apartments as a conditional use in Linwood. It is the City of Linwood's intention that any accessory apartment, unless previously constructed in accordance with Linwood's Zoning Ordinance and explicitly acknowledged as an accessory apartment in the tax assessor's records, is permitted as a conditional use only if it is constructed expressly for the purpose of assisting the City of Linwood in meeting its affordable housing obligation. An accessory apartment constructed for this purpose must, at the time of construction, meet all applicable requirements as defined by relevant Council on Affordable Housing (COAH) regulations and the Uniform Housing Affordability Controls (UHAC) rules. Additional conditions as defined within the section also apply; and

WHEREAS, an illegal accessory apartment may be eligible for credit if the illegal accessory apartment meets the Conditions in (b) below. The monetary contribution for a new accessory apartment is not required for an illegal accessory apartment to become eligible for credit..

BE IT ORDAINED by the Common Council of the City of Linwood that Chapter 277, Zoning, of the Code of the City of Linwood be and hereby is amended to add the following new section:

SECTION 1:

13-12 Accessory Apartments.

- (a) **Definition:** Accessory apartment means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site; or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.
- (b) **Conditions for Accessory Apartments as Conditionally Permitted Uses:**

Conditions: Accessory apartments shall meet the following conditions:

1. The application submitted to the Construction Office shall include the following:
 - A. Name and address of owner.
 - B. Name, address, income verification of the proposed occupant of the accessory unit (if known).
 - C. Floor plan of sketch
 - D. Current property survey.
2. Accessory apartments shall be allowed in all residential zones.
3. The minimum lot size and dimensional requirements shall be in accordance with the zone in which the property is located for accessory apartments constructed in new dwellings.
4. Accessory apartments may be created within existing single-family residences or accessory buildings, provided there is no expansion of the existing structure's exterior outline.
5. There shall be no more than one (1) accessory apartment per single-family dwelling on each lot.
6. The structures shall be in full compliance with all applicable health and construction codes.
7. Construction of accessory apartments shall be in full compliance with all applicable environmental regulations including Linwood City's Stormwater Management Ordinance.
8. Each accessory apartment shall be a minimum of five hundred (500) square feet. It may not occupy more than thirty-five percent (35%) of the total square footage of the house.

9. Each accessory apartment shall have a minimum of two (2) rooms and provide living, sleeping, cooking and bathroom facilities. Direct access to the outside or a hall with direct access to the outside shall be provided. The access door shall not alter the character of the exterior façade of the house.
10. The occupant shall meet the established income limitations of the low or moderate income guidelines for Linwood.
11. The owner shall submit an affidavit of continuing use every two (2) years to the Linwood City Clerk.
12. Parking shall be consistent with the parking requirements of Linwood.
13. Linwood acknowledges the need to provide its fair share of housing for low and moderate income households.

Any property owner applying for an accessory apartment under this section shall affirmatively demonstrate that the accessory apartment is to be rented to and occupied by households meeting COAH's and UHAC's affordable housing criteria.

14. Accessory apartment rents shall be consistent with COAH and UHAC rules. The following minimum subsidies shall be offered for the creation of an accessory apartment: \$35,000 for a very low income apartment, \$25,000 for a low income apartment and \$20,000 for a moderate income apartment.
15. Ten year affordability controls shall be imposed via a deed restriction or other instrument acceptable to the City Attorney and the Court.
16. In the event that the accessory apartment is located in a structure which is detached from the primary residence, the property owner shall explicitly affirm via deed restriction that the property may not be further subdivided to separate the accessory apartment and any associated land as a new building lot unless such subdivision can be accomplished in full accordance with Linwood City's density requirements, minimum setbacks, dimensional requirements, and all other applicable subdivision constraints.
17. The property owner shall demonstrate that required deed restrictions are properly filed with the Atlantic County Clerk's Office prior to issuance of zoning or building permits.



June 25, 2018

Leigh Ann Napoli, Municipal Clerk
City of Linwood
400 Poplar Avenue
Linwood, NJ 08221

Re: ~~Proposal for Accessory Apartment Services~~
City of Linwood

Dear Ms. Napoli:

Enclosed please find a Proposal to provide Accessory Apartment Implementation Services for the City of Linwood. All services provided are to be in accordance with the provisions of the Fair Housing Act and the Uniform Housing Affordability Control (UHAC) regulations (N.J.A.C. 5:80-26.1 et seq.).

Our professional team has extensive experience carrying out a multitude of affordable housing related tasks including, but not limited to: Administrative Agent services, Market to Affordable Program Management and Implementation, preparation of Affirmative Action Plans, preparation of monitoring reports and Certifications for previous round affordable housing credits. Additionally, our professional team specializes in securing extraordinary resources to support the successful implementation of housing projects and objectives. Strategic planning with "action agendas" that address affordable housing goals is the hallmark of Triad's success

Triad's staff has attended and successfully completed all required COAH continuing education opportunities, including Modules I through V of the COAH Education Program. Triad Associates currently provides Administrative Agent services to and/or is the designated Administrative Agent for the following municipalities and private developers:

- Borough of Berlin
- City of Brigantine Beach
- City of Burlington
- Cherry Hill Township (Cherry Hill Partners)
- Cinnaminson Township (K-Land, LLC)
- Borough of Clayton (Fernmoor Homes)
- Delanco (John Zell)
- Borough of Glassboro
- Township of Mansfield
- Township of Monroe
- Township of Medford
- Borough of Paulsboro
- Princeton (ROI Property Management)
- 2058 South Shore, LLC (Upper Township)
- Township of Upper
- City of Vineland
- Borough of Woodbine
- Washington Township, Gloucester County
- Borough of West Cape May
- Township of West Deptford
- Township of Willingboro
- Winslow Township (Tim Schaeffer Development)

New Jersey Office

1301 W. Forest Grove Rd., Vineland, NJ 08360
P 856.690.9590 F 856.690.5622

Pennsylvania Office

309 W. Glenside Ave., Glenside, PA 19038
P 215.576.1950 F 215.576.1940

Web

www.triadincorporated.com

PROFESSIONAL SERVICE AGREEMENT

This Professional Service Agreement ("Agreement") made June 25, 2018 between **TRIAD ADVISORY SERVICES, INC.** (trading as **TRIAD ASSOCIATES**), 1301 W. Forest Grove Road, Vineland, New Jersey 08360 ("Consultant") and **CITY OF LINWOOD**, 400 Poplar Avenue, Linwood, New Jersey 08221 ("Principal").

The Principal desires to engage the professional services of Consultant as described in "Exhibit A – Description of Project and Scope of Services" (the "Services"), attached and made a part of this Agreement, and

The Consultant is willing to perform the Services for the Principal upon the terms and conditions stated below.

In consideration of the mutual covenants and agreements set forth below, Consultant and Principal agree as follows:

1. The Principal shall provide to the Consultant information and documentation that the Consultant may require to render properly the services provided for in this Agreement. Such information or documentation may include planning, economic and engineering studies, reports or analyses, codes and ordinances, environmental assessments, property appraisals, capital improvement and other development plans and programs, data on housing conditions and current community development activities, maps, correspondence and other pertinent materials.
2. Performance of the Services in a timely manner by Consultant is expressly conditioned upon the furnishing to Consultant by the Principal of information and documentation pursuant to Paragraph 1 of this Agreement and the timely performance of all other obligations required of the Principal in this Agreement. Notwithstanding anything elsewhere to the contrary in this Agreement, the Consultant shall not be responsible for any delays in performance of the Services caused by the failure or delay of the Principal in performance of its obligations under this Agreement, actions or inaction of any governmental agency, or any other cause beyond the control of the Consultant.
3. The Principal and Consultant each agree at all times to exert their best efforts to complete the Services (as described in Exhibit A) in a professional and timely manner.
4. In the event that the Consultant is prevented from performing this Contract by circumstances beyond its control, then any obligations owing by the Consultant to the Principal shall be suspended without liability for the period during which the Consultant is so prevented.
5. In the event that the Principal claims that Consultant is in default of this Agreement or has failed to fulfill in a timely and proper manner its obligations under this Agreement, then the Principal agrees that it will not exercise any right or remedy for default unless it shall have first given written notice thereof to Consultant, and Consultant shall have failed, within fifteen (15) days thereafter to actively and diligently, in good faith, proceed with the Contract and the correction of the default. Consultant reserves the right to terminate this Agreement at any time by providing Principal with 30 days written notice.
6. This Agreement constitutes the entire Agreement between parties and supersedes all prior or contemporaneous agreements and understandings (either oral or written).

7. No covenant or condition not expressed in this Agreement shall be effective to interpret, change or restrict this Agreement.
8. Except as otherwise provided in this Agreement, no change, termination or attempted waiver of any of the provisions of this Agreement shall be binding on their respective heirs, administrators, executors, personal representatives, successors and assigns.
9. Nothing in this Agreement, expressed or implied, shall be construed to confer upon or to give to any person or entity, other than the Principal and the Consultant, their respective heirs, administrators, executors, personal representatives, successors and assigns, and their respective shareholders, or any of them, any rights or remedies under this Agreement.
10. This Agreement shall be construed and interpreted according to the laws of the **STATE OF NEW JERSEY**.
11. Consultant shall comply with all federal, state, county and municipal laws, regulations and ordinances applicable to Consultant or the work in the states and municipalities where the work is to be performed.
12. As compensation for the Services to be performed under this Agreement, Principal agrees to pay Consultant and Consultant agrees to accept for the Services, the compensation outlined in "Exhibit B – Compensation and Method of Payment" that is attached and made a part of this Agreement.
13. This contract may not be assigned by the Principal in whole or in part, without the prior written consent of Consultant.
14. Consultant reserves the right to cease performance under this Agreement due to:
 - a. Principal's nonpayment of compensation as required by Exhibit B;
 - b. Principal's failure to pay invoices within 45 days of receipt;
 - c. Failure of Principal to provide information and documentation outlined in Section 1 of the Professional Services Agreements.
15. Except for the non-payment of Consultant's compensation under this Agreement, Principal and Consultant agree to submit any dispute under this Agreement to binding arbitration. Principal and Consultant shall bear their own costs for presentation of their case to the arbitration.
16. Consultant reserves the right to institute legal proceedings to collect unpaid compensation for services rendered under this Agreement. In the event that Consultant is successful in obtaining a judgment against Principal, the Principal shall also be responsible for the Consultant's legal fees and costs related to the collection action.
17. In the event that the Principal is a county or municipal government, or county or municipally created entity, the chief financial officer of the government entity shall certify that the funds are available to pay the compensation of this Agreement.
18. In the event that the Principal is the state, county or municipal government, or a state, county or municipally created entity, a resolution approving this Agreement from the governing body shall be attached to this Agreement as the next lettered Exhibit.

19. All subsequent modifications or amendments to this Agreement shall be attached to this Agreement as the next lettered Exhibit. In the event that the Principal is the state, county or municipal government, or a state, county or municipally created entity, a resolution approving the amendment or modification to this Agreement from the governing body shall be attached to this Agreement as the next lettered Exhibit. The chief financial officer of the applicable government entity shall also certify that funds are available to pay the compensation required by the modification or amendment to this Agreement.
20. Failure of Consultant to enforce any provision of this Agreement is not a waiver by Consultant of that provision in the Agreement.
21. Notices and payments pursuant to this Agreement shall be given in writing by ordinary mail to the parties of the following addresses:

To the Consultant:	To the Principal(s):
TRIAD ASSOCIATES 1301 W. Forest Grove Road Vineland, New Jersey 08360	CITY OF LINWOOD 400 Poplar Avenue Linwood, New Jersey 08221
Attention: Michael Zumpino Chairman/CEO	Attention: Leigh Ann Napoli Municipal Clerk

or to such other address as the parties may hereafter designate by notice given in accordance with the terms of this Paragraph. Notice or payments sent through courier service, or private overnight delivery service also comply with the terms of this paragraph.

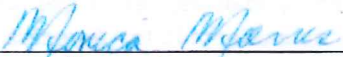
The Consultant and Principal executed this Agreement as of the date first above written.

For **TRIAD ASSOCIATES**



Michael Zumpino
Chairman/CEO

Date: **June 20, 2018**



Witness/Attest

For **CITY OF LINWOOD**

By:

Date:

BILLING CONTACT INFORMATION:

Triad Associates will submit all invoices associated with this Agreement to the Principal's designated department staff member identified below.

Please Print

Name/Title: _____
Billing Address: _____
Email Address: _____
Phone No. _____
Fax No. _____

CERTIFICATION OF FUNDS

I am the Chief Financial Officer (or equivalent) for the Principal and I certify that funds are available and set aside to pay for the services under this Agreement.

Signature

Date

Print Name & Title

EXHIBIT A DESCRIPTION OF THE PROJECT AND SCOPE OF SERVICES

Attached to and made a part of the Agreement dated June 25, 2018 between **TRIAD ASSOCIATES** ("Consultant") and the **CITY OF LINWOOD**, ("Principal").

For the following project, Principal agrees to retain Consultant to provide these services:

SCOPE OF SERVICES: Accessory Apartment Program and Implementation Services

ACCESSORY APARTMENT PROGRAM IMPLEMENTATION SERVICES – Six (6) units

1. **Accessory Apartment Services:** The Consultant, upon the request of the Principal and in accordance with DCA/Court requirements, shall implement the Municipality's Accessory Apartment Program. The program shall be implemented in accordance with the Municipality's Housing Element and Fair Share Plan and in accordance with N.J.A.C. 5:93, including but not limited to:
 - a. Preparation of an Accessory Apartment Policies and Procedures Manual
 - b. Development of a Marketing Program and Landlord Pamphlet to solicit applications and interest from potential landlords
 - c. Establish program guidelines for the provision of subsidies to Property Owners for the physical creation of accessory apartments conforming to the requirements of the Municipality's Accessory Apartment Ordinance.
 - d. Monitor the distribution of the program subsidy, the oversight of securing the certificates of occupancy, qualifying properties, handling application forms, overseeing the filing deed restrictions, and filing monitoring reports to the Municipality and DCA/Courts.
2. **Administrative Agent Services:** The Consultant, upon the request of the Principal and subject to DCA/Court's approval, shall assist the Principal to perform the duties and responsibilities of an Administrative Agent for the municipality's Accessory Apartment Program, as governed by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., (the Act) and Section 5:80-26.14 of the regulations promulgated there under (the Rules), which include:
 - a. Affirmative Marketing
 - i. Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Principal and the provisions of N.J.A.C. 5:80-26.15;
 - ii. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by DCA/Courts; and
 - iii. Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 - b. Household Certification
 - i. Soliciting, scheduling, conducting and following up on interviews with interested households;
 - ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

- iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1;
 - v. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - vi. Employing a random selection process as provided in the Affirmative Marketing Plan of the Principal when referring households for certification to affordable units.
- c. Affordability Controls
- i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - ii. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - iii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
 - iv. Communicating with lenders regarding foreclosures; and
 - v. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- d. Resale and Rental
- i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - ii. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.
- e. Processing Requests from Unit Owners
- i. Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems;
 - iii. Notifying the Municipality of an owner's intent to sell a restricted unit; and
 - iv. Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- f. Enforcement
- i. Securing annually from municipalities lists of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement

- that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- iii. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - iv. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - v. Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - vi. Establishing a rent-to-equity program;
 - vii. Creating and publishing a written operating manual, as approved by DCA, setting forth procedures for administering such affordability controls; and
 - viii. Providing annual reports to DCA as required.
- g. The Consultant shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
3. **Principal's Responsibilities.** The Principal shall:
- a. Provide to the Administrative Agent the name, title and telephone number of the municipal official designated as the Municipal Housing Liaison to the Administrative Agent on all matters related to this Agreement;
 - b. Ensure that applicable local ordinances are not in conflict with, and enable efficient implementation of, the Rules and the provisions of this Agreement;
 - c. Monitor the status of all restricted units in the Municipality's Fair Share Plan;
 - d. Compile, verify, and submit annual reports as required by DCA/Courts;
 - e. Coordinate meetings with affordable housing providers and Consultant, as applicable;
 - f. Develop an Affirmative Marketing Plan and distribute to the Consultant;
 - g. Ensure that all restricted units are identified as affordable within the tax assessor's office and any Municipal Utility Authority (MUA). The municipality and MUA shall promptly notify the Consultant of a change in billing address, payment delinquency of two billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units; and
 - h. Provide all reasonable and necessary assistance to the Consultant in support of efforts to enforce provisions of the Act, the Rules, deed covenants, mortgages, court decisions or other authorities governing the affordability control services to be provided under the Agreement.
4. **Agency Enforcement and Delegation:** Under this Agreement, the Principal delegates to the Consultant, and the Consultant accepts, the primary responsibility for enforcing the substantive provisions of the Act and the Rules. However, if the Consultant fails to Act, the Principal shall retain ultimate responsibility for ensuring effective compliance with the Rules and the Consultant will come under the supervision of the Principal.
5. **Assignment of Affordable Housing Units:** This Agreement shall govern the provision of affordability control services for the following affordable housing units located within the individual municipalities that fall under the jurisdiction of the Act: Units to be specified upon receipt of Substantive Certification for the Municipality's Third Round Plan.

- 6. Public Records:** Records received, retained, retrieved, or transmitted under the terms of this contract may constitute public records of the individual municipalities as defined by N.J.S.A. 47:3-16, and are legal property of the individual municipalities. The Consultant named in this contract must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.

EXHIBIT B COMPENSATION AND METHOD OF PAYMENT

Attached to and made a part of the Agreement dated June 25, 2018 between **TRIAD ASSOCIATES** ("Consultant") and the **CITY OF LINWOOD** ("Principal").

Principal agrees to pay the Consultant as follows:

COMPENSATION: Consultant will be paid as follows for the provision of all Administrative Agent Services identified in Exhibit A for the implementation of six (6) accessory apartment:

I. ACCESSORY APARTMENT PROGRAM

A. Accessory Apartment Program for Six (6) Rental Units: Landlord Outreach

	<u>Service</u>	<u>Fee</u>	<u>Paid By</u>
Landlord Information Packet, Marketing to Landlords, Processing Landlord/ Owner Agreements & Deed Restrictions	a. Program Consultant will be paid a fee for the following services: <ul style="list-style-type: none"> • Development of a Marketing Program and Landlord Pamphlet to solicit applications and interest from potential landlords • Establish program guidelines for the provision of subsidies to Property Owners for the physical creation of accessory apartments conforming to the requirements of the Municipality's Accessory Apartment Ordinance. • Monitor the distribution of the program subsidy, the oversight of securing the certificates of occupancy, qualifying properties, handling application forms, overseeing the filing deed restrictions, and filing monitoring reports to the Municipality and DCA/Courts 	\$115.00 per hour not to exceed \$4,000.00	City of Linwood

B. Administrative Agent Services for Five (5) Rental Units:

	<u>Service</u>	<u>Fee</u>	<u>Paid By</u>
General Administration / Waiting List	a. Program Consultant will be paid a fee for the following services: Maintain an applicant pool and waiting list for the Re-rental of Units.	\$100.00 per month(not to exceed \$1,200 per year)	City of Linwood
Affirmative Marketing	b. Consultant will be paid for Affirmative Marketing to Renters, completion of randomization process (lottery) and the establishment of an applicant pool for the six accessory apartment units.	\$1,500.00 Lump sum fee plus 100% reimbursement for all direct costs associated with marketing, as needed, including but not limited to advertising fees, printing and postage. Direct costs not to exceed \$300.	City of Linwood
Initial and Re-Rental Applicant Qualification	c. Program Consultant will be paid a fee for the completion of each Eligibility Certification or Denial in accordance with the Scope of Services in Exhibit A for the six accessory apartment units.	\$750.00 per Certification or Denial	Property Owner/ Developer/ Landlord

C. Administrative Agent Services provided to the Municipality

	<u>Service</u>	<u>Fee</u>	<u>Paid By</u>
General Administrative Agent Fees	a. Program Consultant will be paid a fee for the provision of General Oversight services, preparation of program manuals, development of new programs, and the provision of services necessary for compliance with Court ordered requirements, accordance with the Scope of Services in Exhibit A	\$115.00 per hour not to exceed \$3,000 per year	City of Linwood

METHOD OF PAYMENT:

- Monthly invoices will be submitted for services performed by the Consultant for the provision of all Accessory Apartment/Administrative Agent Services identified in Exhibit A.
- Principal shall process all invoices for payment upon receipt.

UNSPECIFIED SERVICES: Consultant shall invoice at the hourly rate effective at the time of service. These rates include all clerical and related services. Unspecified services will be performed upon prior authorization from the Principal. Our current hourly rates are shown on below.

OVERNIGHT DELIVERY AND CERTIFIED MAIL SERVICES: Consultant's compensation excludes charges for sending items via overnight delivery services (e.g., UPS, FedEx, USPS Express Mail Service, USPS Certified mail, or other similar services) to the Principal or on behalf of the Principal to other parties. Consultant will charge the Principal the actual cost of these services.

EXHIBIT E

ORDINANCE NO. , 2018

AN ORDINANCE AMENDING CHAPTER 277 ZONING OF THE CODE OF THE CITY OF LINWOOD AND CREATING AFFORDABLE HOUSING OVERLAY ZONES THROUGH MIXED USE ZONING AND MIXED USE/RESIDENTIAL ZONING AND AMENDING THE ZONING MAP OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: The City of Linwood as a municipality that received Substantive Certification from COAH, has been determined to be a “participating municipality” pursuant to In re Adoption of the N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV).

Linwood is desirous of securing a Final Judgment of Compliance and Repose through 2025 and has prepared a Housing Element and Fair Share Plan (“FSP”) to achieve this goal. Linwood lacks adequate land resources to fully satisfy its estimated affordable housing obligation of 112 affordable housing units. According to the Superior Court approved Settlement Agreement, Linwood’s Realistic Development Potential is 12 affordable housing units and its Unmet Need obligation is 112 affordable housing units.

SECTION 2: Linwood is constitutionally obligated to provide a reasonable opportunity to comply with its affordable housing obligation. Creating two new affordable housing zones creates a reasonable opportunity for the construction of affordable housing. The zones shall be as follows:

Affordable Housing Overlay Zone I: Mixed-Use Zoning shall specifically be allowed on the following Blocks and Lots:

Block 1, Lots 43.01 and 46.02;

Block 6, Lot 24; and

Affordable Housing Overlay Zone II: Mixed-Use/Residential Zoning shall specifically be allowed on the following Blocks and Lots:

Block 1, Lots 24, 29.01, 29.02, 32.01, 32.02, 33, 34, 35, 36, 37, 38, 39, 43.02, 46.01, 47 and 48.

Block 6, Lots 25, 26, 36 and 40.

Block 19, Lots 5, 6 and 7.

SECTION 3: Article III. Zone Classification and Map is amended as follows:

§277-4. Enumeration of Zones is hereby revised to include:

“For purposes of this article, the City of Linwood is hereby divided into 14 districts as follows” with the following two districts being added:

AHO I Affordable Housing Overlay Zone I
AHO II Affordable Housing Overlay Zone II.

§277-5. Boundaries of zones established is hereby amended as follows:

The Zoning Map of the City of Linwood is and shall be amended to depict and reflect Block 1, Lots 43.01 and 46.02; and Block 6, Lot 24 are and shall be in the Affordable Housing Overlay Zone I. Block 1, Lots 24, 29.01, 29.02, 32.01, 32.02, 33, 34, 35, 36, 37, 38, 39, 43.02, 46.01, 47 and 48; Block 6, Lots 25, 26, 36 and 40; and Block 19, Lots 5, 6 and 7 are and shall be in the Affordable Housing Overlay Zone II.

SECTION 4:

Article X. Uses and Supplemental Standards is hereby amended by the inclusion of the following sections and subsections:

A. Affordable Overlay Zone I.

This zone shall be Mixed Use Overlay Zoning, which will permit mixed-use development with the first floor required to be commercial, with up to two stories of residential over commercial.

B. Affordable Overlay Zone II.

This zone shall be Mixed Use/Residential Zoning, which will permit either mixed-use development with the first floor commercial and up to two stories of residential over commercial OR residential-only development with up to three stories of residential uses and no commercial use required.

C. Both Affordable Overlay Zones will allow development of up to 15 residential units per acre and up to a maximum of up to three stories to accommodate residential units.

D. Approval shall be required for the erection or enlargement of all related accessory structures and prior to issuance of certificates of occupancy for a change of use. Permitted uses are as follows:

- (1) Residential market rate and affordable dwelling units specifically including multi-family buildings shall be at the density, height and bulk prescribed herein or in Linwood's Zoning Ordinance and all amendments thereto. Affordable housing units shall be constructed, marketed and deed restricted in strict conformance to Linwood's Affordable Housing Ordinance, Council on Affordable Housing regulations and all requirements contained within the Uniform Housing Affordability Controls as these documents may be amended, revised and supplemented.
- (2) Commercial Uses as may be permitted under Linwood's Zoning Ordinance and all amendments thereto.

SECTION 5. Storage permitted.

No person in the Affordable Housing Site zone shall store, place, deposit, or permit the continuation of storage, placement, or deposit of, upon any premises, any unregistered motor vehicle or any machinery, equipment, lumber, building materials or supplies or parts thereof; provided, however, that unless otherwise prohibited, it shall not be unlawful to store, place or deposit the foregoing items in a fully enclosed structure upon such premises. Nothing herein contained shall be deemed to authorize the erection of a structure or structures not otherwise authorized to be so erected. All other provisions of **§277-18 Storage Restrictions** shall apply.

SECTION 6. Prohibited uses.

All uses listed in **§277-40.11** are prohibited.

SECTION 7. Performance standards.

All uses are subject to performance standards as set forth in Chapter 277 Zoning and all other provisions contained in the Linwood Municipal Code.

SECTION 8. Site development plan approval.

Site development plan approval, in accordance with Chapter 41, Land Use Procedures shall be required prior to the issuance of construction permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

SECTION 9. The following area and bulk standards are applicable in the Affordable Overlay Zone I and in the Affordable Overlay Zone II:

A. Regulations	Inclusionary Developments
Lot area	10,000 square feet
Lot frontage	100 feet

Lot depth	100 feet
Minimum required	
Front Yards	15 feet
Side Yards	6 feet
Rear Yard	15 feet
Parking	Not permitted in front yard
Maximum Permitted	
Building Height	
Stories	3 stories
Feet	41
Building Coverage (%)	40

B. Additional Regulations

(1) In recognition of the requirement to minimize or remove unnecessary development cost-generating requirements, the following minimum parking standards are applicable in the Affordable Overlay Zones.

Affordable Dwelling Unit	1.25 parking spaces per dwelling.
Market rate Dwelling Unit	RSIS requirements apply

(2) All developments constructed within the Affordable Overlay Zones shall be structured so that no less than twenty (20) percent of the entire development are COAH credit-worthy units if these units are to be offered for sale. A rental community shall be required to have a fifteen (15) percent affordable housing setaside. No less than fifty (50) percent of all COAH credit-worthy units shall be affordable to low-income households, with 13% of all affordable units available to very low-income family households. The balance can be affordable to moderate-income households.

(3) Affordable housing in the zones shall be structured so no more than twenty (20) percent of the units are studio or one-bedroom units and no fewer than twenty (20) percent are three-bedroom units. Bedroom count for the remainder of the affordable units is at the discretion of the developer.

(4) Density for the Affordable Overlay Zones shall be no greater than fifteen (15) units per acre.

(5) All affordable dwelling units shall be constructed and maintained in compliance with the requirements of the New Jersey Council on Affordable Housing, and the Uniform Housing Affordability Controls before certificates of occupancy will be issued. The developer shall include all facilities required by law which are necessary to be maintained by a COAH certifiable rental or sales unit included as part of an inclusionary development so that COAH restrictions are legally enforceable. Furthermore, all such developments shall conform to the Development Fee Ordinance for Affordable Housing as set forth in the City of Linwood Municipal Code.

SECTION 10: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 11: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 12: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

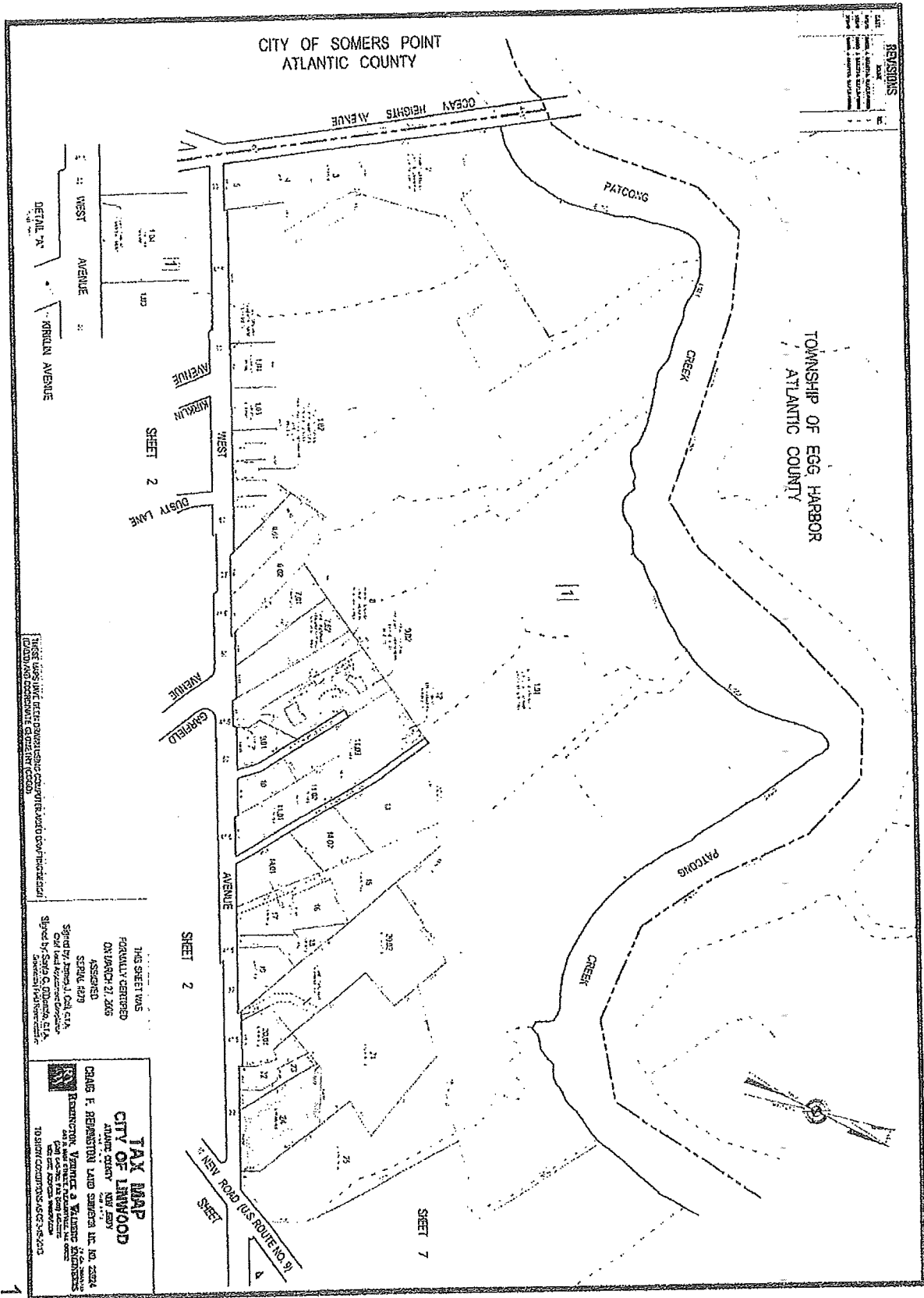
<i>FIRST READING:</i>	<i>July 11, 2018</i>
<i>PUBLICATION:</i>	<i>July 16, 2018</i>
<i>PASSAGE:</i>	<i>August 8, 2018</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, July 11, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 8, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

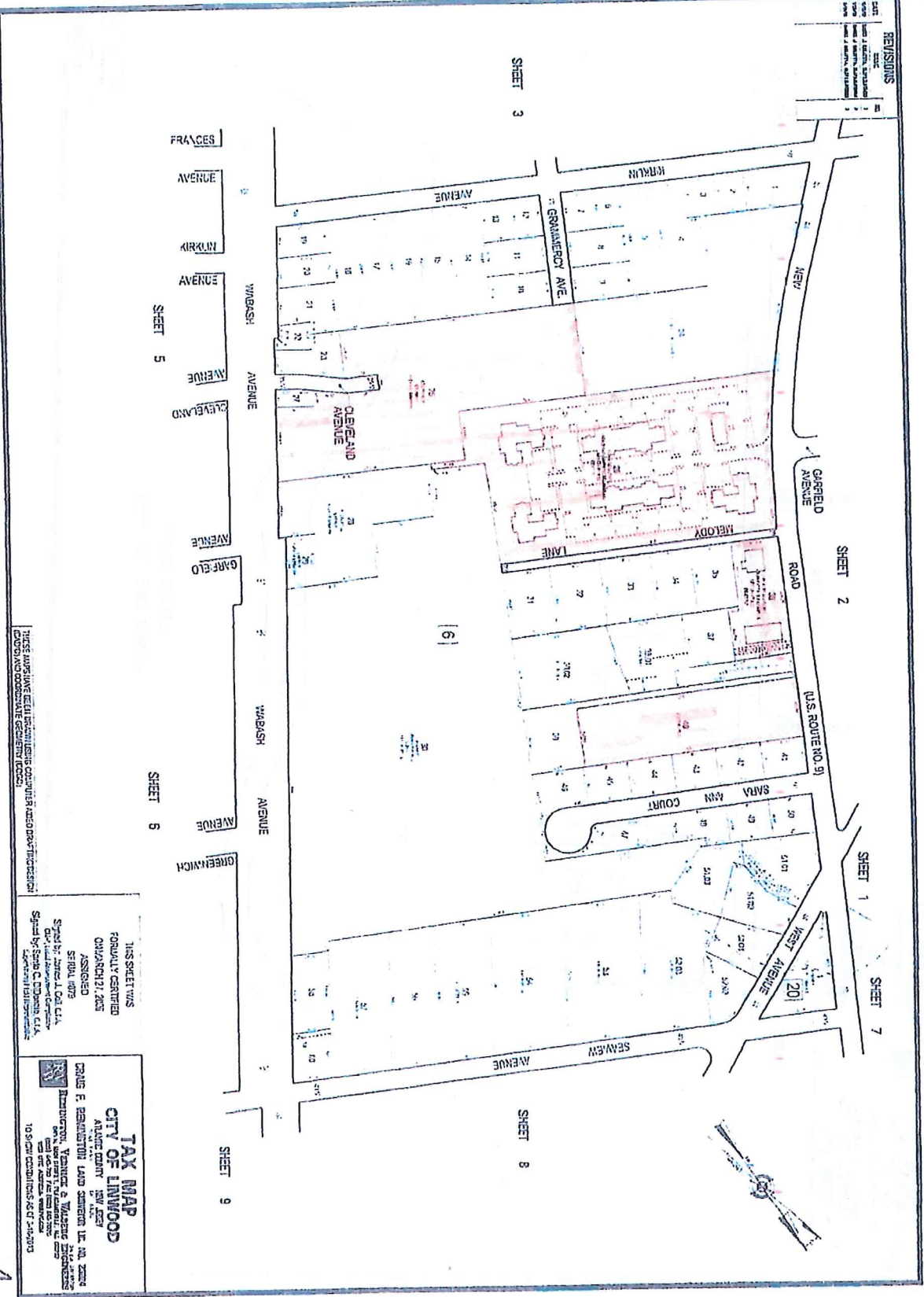
RICHARD L. DEPAMPHILIS, III, MAYOR

Overlay Zoning Sites - Purple = Mixed-Use, Orange = Mixed-Use/Residential



REVISIONS

DATE	BY	REVISION



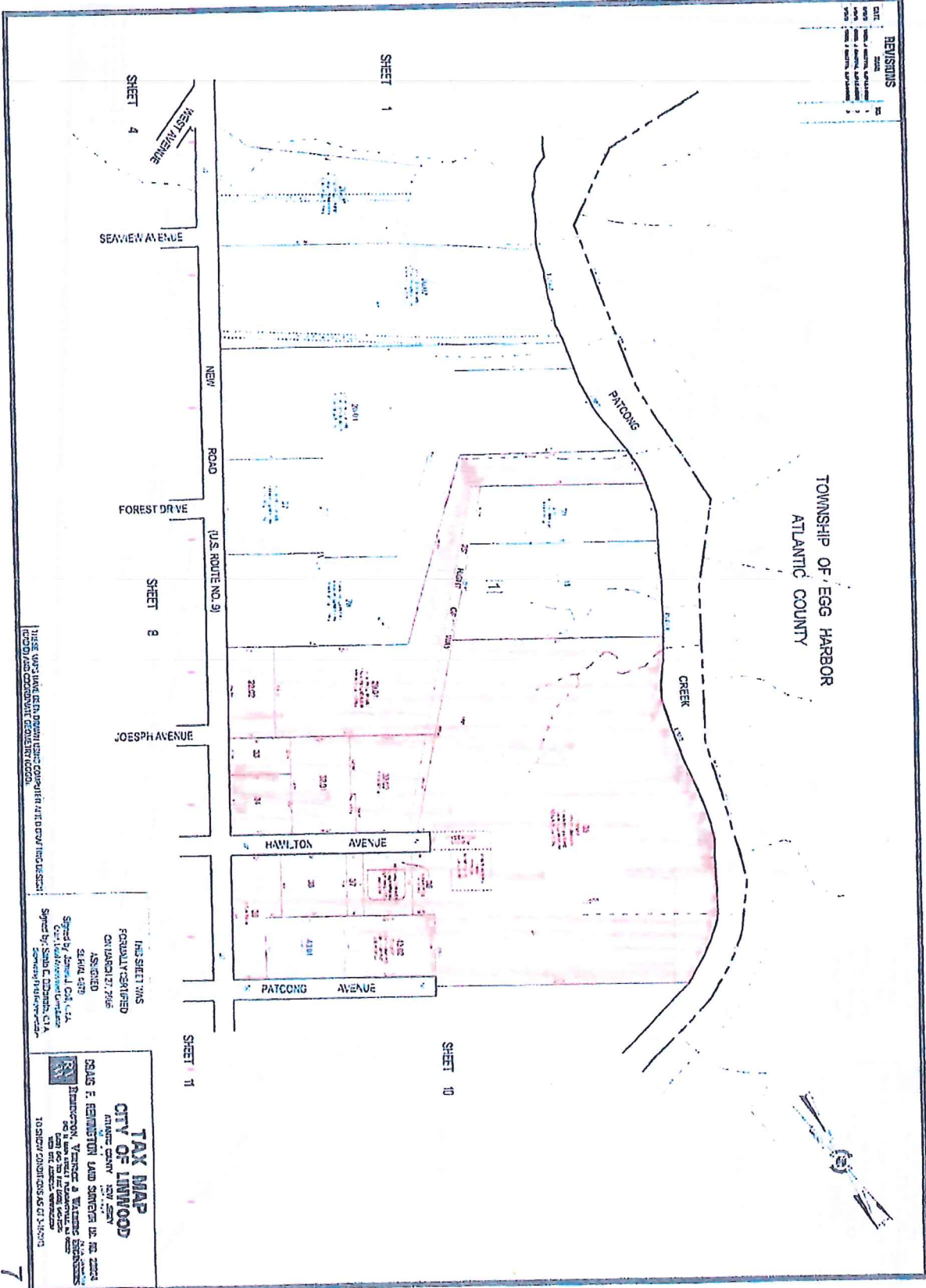
These markings shall not constitute a warranty or any other representation or promise of accuracy or reliability of the information shown on this map.

THIS SHEET WAS
 FORMALLY CERTIFIED
 ON 01/20/2017
 ASSIGNED
 SERIAL 0079
 Signed by James A. DeLia, C.L.A.
 County Auditor-Clerk
 Signed by Scott C. DiDomenico, C.L.A.
 County Administrator

TAX MAP
CITY OF LINWOOD
 ALAN R. BENTON, Mayor
 JAMES A. DE LIA, County Auditor-Clerk
 SCOTT C. DI DOMENICO, County Administrator
 10 SPRINGFIELD AVE. SUITE 200
 LINWOOD, NJ 07036
 TEL: 908.762.1000
 FAX: 908.762.1001

NO.	DATE	REVISIONS
1	10/1/2008	PRELIMINARY
2	10/1/2008	REVISED
3	10/1/2008	REVISED
4	10/1/2008	REVISED
5	10/1/2008	REVISED

TOWNSHIP OF EGG HARBOR
ATLANTIC COUNTY



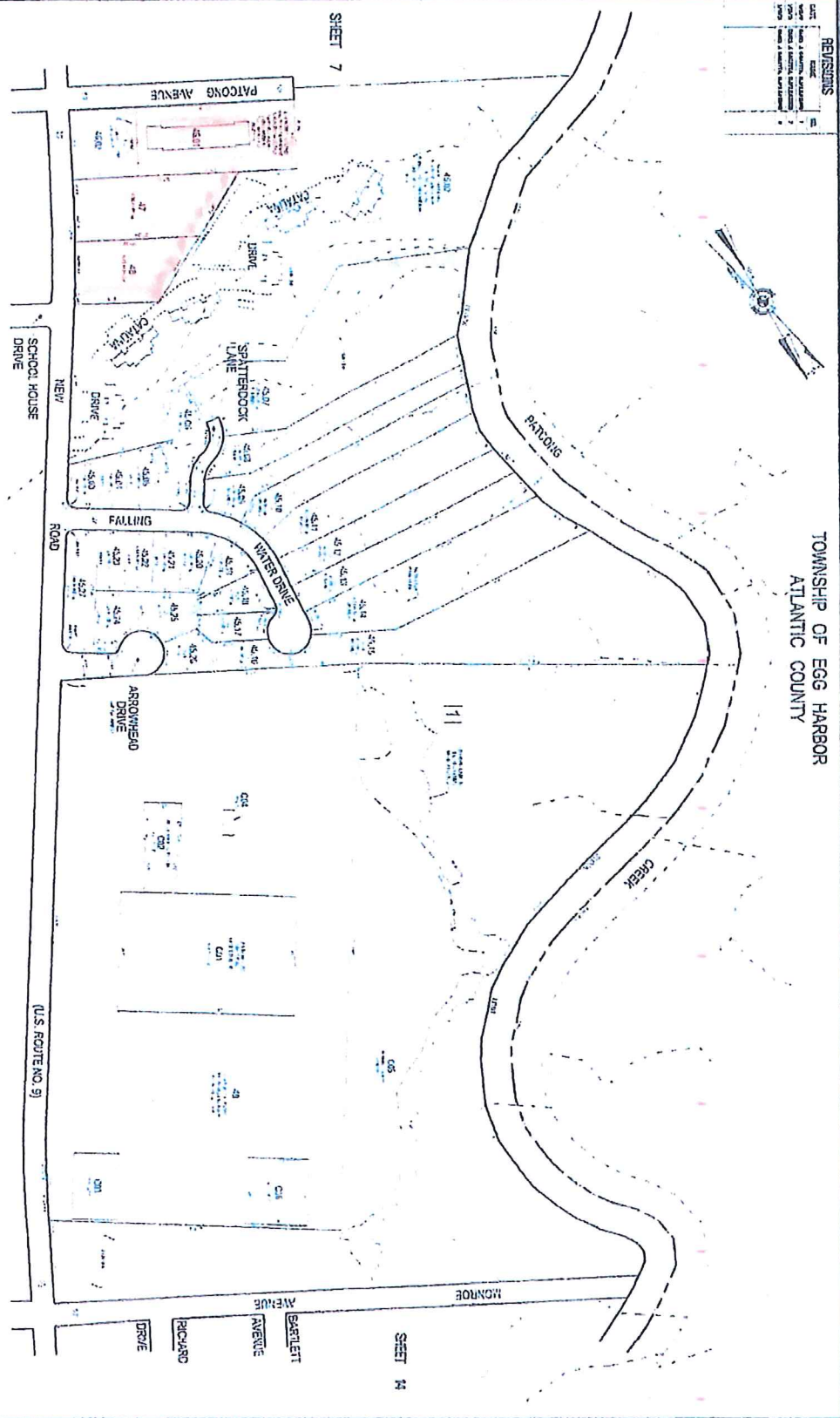
These maps have been prepared using computerized data from the official records of the County of Atlantic and are not to be used for any other purpose.

THIS SHEET WAS
FORMULATED BY
CONSULTANT
ASSIGNED
SIGNED BY: [Signature]
DATE: 10/1/2008
CITY OF LINWOOD

TAX MAP
CITY OF LINWOOD
ATLANTIC COUNTY, NEW JERSEY
SEALS F. BENNETT, LAND SURVEYOR, No. 10, 2004
100 NEW YORK AVENUE, LINWOOD, NJ 08036
100 NEW YORK AVENUE, LINWOOD, NJ 08036
100 NEW YORK AVENUE, LINWOOD, NJ 08036

NO.	DATE	REVISIONS
1	10/1/01	PREPARED FOR THE CITY OF LINWOOD
2	10/1/01	REVISIONS
3	10/1/01	REVISIONS
4	10/1/01	REVISIONS
5	10/1/01	REVISIONS
6	10/1/01	REVISIONS
7	10/1/01	REVISIONS
8	10/1/01	REVISIONS
9	10/1/01	REVISIONS
10	10/1/01	REVISIONS

TOWNSHIP OF EGG HARBOR
ATLANTIC COUNTY



SHEET 7

SCHOOL HOUSE DRIVE

PATCONG AVENUE

NEW DRIVE

SPLIT BROOK LANE

FALLING WATER DRIVE

ARBOREHEAD DRIVE

US ROUTE NO. 9

SHEET 11

SHEET 14

BARTLETT AVENUE

MCNROE DRIVE

RICHARD DRIVE

THIS SHEET WAS
FORMALLY CERTIFIED
ON 10/1/01 BY
ASSIGNED
SERIAL 0019
Signed by: James J. O'Neil, C.I.A.
Chief, Bureau of Assessment
Signed by: [Signature] Director

TAX MAP
CITY OF LINWOOD
ATLANTIC COUNTY, NEW JERSEY
DRAWS BY: REMEDIATION LAND SERVICES, INC. 2003
10000 ROUTE 132, SUITE 200
LINWOOD, NJ 08036
REVISIONS: 10/1/01
10-3000-0000-0000-0000

EXHIBIT F

ORDINANCE NO. , 2018

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 277, ZONING OF THE CODE OF THE CITY OF LINWOOD TO PROVIDE FOR A MINIMUM SET ASIDE OF AFFORDABLE HOUSING UNITS TO MEET THE CITY OF LINWOOD'S AFFORDABLE HOUSING OBLIGATION AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT THEREWITH

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

WHEREAS, the purpose of this section of the City of Linwood's Zoning Ordinance is to establish a minimum required set aside of affordable housing units in any multifamily residential development or redevelopment in the City of Linwood. It is the City of Linwood's intention that this Ordinance is being adopted expressly for the purpose of assisting the City of Linwood in meeting its affordable housing obligation.

BE IT ORDAINED by the Common Council of the City of Linwood that Chapter 277, Zoning, of the Code of the City of Linwood be and hereby is amended to add the following new section:

SECTION 1: Any multifamily residential development or redevelopment, that will contain five or more dwelling units shall comply with the following:

- i. A minimum of 15 percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for rent. If the calculation of the total number of affordable units required yields a fraction of less than 0.5 then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
- ii. A minimum of 20 percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for sale. If the calculation of the total number of affordable units required yields a fraction of less than 0.5, then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units

required yields a fraction of greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.

- iii. The provisions of this Ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. increase
- iv. At least half of all affordable units shall be affordable to low income households, and the remainder may be affordable to moderate income households. Within rental developments, at least 13 percent of the affordable units shall be affordable to very low income households, with the very low income units counted as part of the low income requirement.

SECTION 2: All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4: This Ordinance shall take effect upon passage and publication as provided by law.

<i>FIRST READING:</i>	<i>July 11, 2018</i>
<i>PUBLICATION:</i>	<i>July 16, 2018</i>
<i>PASSAGE:</i>	<i>August 8, 2018</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, July 11, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 8, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

EXHIBIT G

EXHIBIT H

ORDINANCE NO. , 2018

AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF THE EXISTING AFFORDABLE HOUSING ORDINANCE OF THE CODE OF THE CITY OF LINWOOD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE CITY'S AFFORDABLE HOUSING OBLIGATIONS AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH

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

The Linwood City 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 have been endorsed by the governing body. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

On the first anniversary of the entry of the Order granting Linwood a Final Judgment of Compliance and Repose in IMO Application of the City of Linwood, Docket No.ATL-L-1539-15 and every anniversary thereafter through the end of the Repose period, the City shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

On the first anniversary of the entry of the Order granting Linwood a Final Judgment of Compliance and Repose in IMO Application of the City of Linwood, Docket No.ATL-L-1539-15 and every anniversary thereafter through the end of the Repose period, the City shall provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with copies provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Court-appointed Special Master and Fair Share Housing Center.

For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the City shall post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the Court regarding these issues.

For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Order granting Linwood a Final Judgment of Compliance and Repose in IMO Application of the City of Linwood, Docket No. ATL-L-1539-15, and every third year thereafter, the City will post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to Fair Share Housing Center, on the issue of whether the municipality has complied with its very low income housing obligation.

SECTION 1:

§142-80 Purpose.

The purpose of this ordinance is to provide for and regulate affordable housing in the City.

A. Definitions.

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

ACT

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

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Sub code, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

The entity designated by the City to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

AFFIRMATIVE MARKETING

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

AFFORDABILITY AVERAGE

The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

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

AFFORDABLE HOUSING DEVELOPMENT

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the City's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development, group homes and accessory apartments.

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

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.).

AGE-RESTRICTED UNIT

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

ALTERNATIVE LIVING ARRANGEMENTS

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

ASSISTED LIVING RESIDENCE

A facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the

proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD

A household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

COAH

The Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

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

DEVELOPER

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

DEVELOPMENT

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

INCLUSIONARY DEVELOPMENT

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

LOW-INCOME HOUSEHOLD

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

LOW-INCOME UNIT

A restricted 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 and load bearing structural systems.

MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

The median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50 percent but less than 80 percent of the **regional** median household income **by household size**.

MODERATE-INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

MULTIFAMILY UNIT

A structure containing five or more dwelling units.

NON-EXEMPT SALE

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

RANDOM SELECTION PROCESS

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

REGIONAL ASSET LIMIT

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

REHABILITATION

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

RENT

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

RESTRICTED UNIT

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

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

VERY LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30 percent or less of the **regional** median household income **by household size.**

VERY LOW-INCOME UNIT

A restricted unit that is affordable to a very low-income household.

WEATHERIZATION

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

B. Applicability.

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

C. Alternative Living Arrangements.

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 - i. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court.
 - ii. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

3. Unless otherwise specified by agreement or ordinance the service provider operating the alternative living arrangement shall be the administrative agent for the alternative living arrangement.

D. Inclusionary Zoning:

1. To implement the fair share plan in a manner consistent with the terms of the settlement agreement, ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, overlay zoning shall be permitted on the following properties consistent with the provisions of the City of Linwood's Housing Element and Fair Share Plan and the terms of the settlement agreement:

SECTION 2: Linwood is constitutionally obligated to provide a realistic opportunity to comply with its affordable housing obligation. Creating two new affordable housing zones creates a realistic opportunity for the construction of affordable housing. The zones shall be as follows:

Affordable Housing Overlay Zone I: Mixed-Use Zoning shall specifically be allowed on the following Blocks and Lots:

Block 1, Lots 43.01 and 46.02;

Block 6, Lot 24; and

Affordable Housing Overlay Zone II: Mixed-Use/Residential Zoning shall specifically be allowed on the following Blocks and Lots:

Block 1, Lots 24, 29.01, 29.02, 32.01, 32.02, 33, 34, 35, 36, 37, 38, 39, 43.02, 46.01, 47 and 48.

Block 6, Lots 25, 26, 36 and 40.

Block 19, Lots 5, 6 and 7.

SECTION 3: Article III. Zone Classification and Map is amended as follows:

§277-4. Enumeration of Zones is hereby revised to include:

“For purposes of this article, the City of Linwood is hereby divided into 14 districts as follows” with the following two districts being added:

AHO I Affordable Housing Overlay Zone I

AHO II Affordable Housing Overlay Zone II.

§277-5. Boundaries of zones established is hereby amended as follows:

The Zoning Map of the City of Linwood is and shall be amended to depict and reflect Block 1, Lots 43.01 and 46.02; and Block 6, Lot 24 are and shall be in the Affordable Housing Overlay Zone I. Block 1, Lots 24, 29.01, 29.02, 32.01, 32.02, 33, 34, 35, 36, 37, 38, 39, 43.02, 46.01, 47 and 48;

Block 6, Lots 25, 26, 36 and 40; and Block 19, Lots 5, 6 and 7 are and shall be in the Affordable Housing Overlay Zone II.

SECTION 4:

Article X. Uses and Supplemental Standards is hereby amended by the inclusion of the following sections and subsections:

A. Affordable Overlay Zone I.

This zone shall be Mixed Use Overlay Zoning, which will permit mixed-use development with the first floor required to be commercial, with up to two stories of residential over commercial.

B. Affordable Overlay Zone II.

This zone shall be Mixed Use/Residential Zoning, which will permit either mixed-use development with the first floor commercial and up to two stories of residential over commercial OR residential-only development with up to three stories of residential uses and no commercial use required.

C. Both Affordable Overlay Zones will allow development of up to 15 residential units per acre and up to a maximum of up to three stories to accommodate residential units.

D. Approval shall be required for the erection or enlargement of all related accessory structures and prior to issuance of certificates of occupancy for a change of use. Permitted uses are as follows:

- (1) Residential market rate and affordable dwelling units specifically including multi-family buildings shall be at the density, height and bulk prescribed herein or in Linwood's Zoning Ordinance and all amendments thereto. Affordable housing units shall be constructed, marketed and deed restricted in strict conformance to Linwood's Affordable Housing Ordinance, Council on Affordable Housing regulations and all requirements contained within the Uniform Housing Affordability Controls as these documents may be amended, revised and supplemented.
- (2) Commercial Uses as may be permitted under Linwood's Zoning Ordinance and all amendments thereto.

SECTION 5: Storage permitted.

No person in the Affordable Housing Site zone shall store, place, deposit, or permit the continuation of storage, placement, or deposit of, upon any premises, any unregistered motor vehicle or any machinery, equipment, lumber, building materials or supplies or parts thereof; provided, however, that unless otherwise prohibited, it shall not be unlawful to store, place or deposit the foregoing items in a fully enclosed structure upon such premises. Nothing herein contained shall be deemed to authorize the erection of a structure or structures not otherwise authorized to be so erected. All other provisions of §277-18 Storage Restrictions shall apply.

SECTION 6: Prohibited uses.

All uses listed in §277-40.11 are prohibited.

SECTION 7. Performance standards.

All uses are subject to performance standards as set forth in Chapter 277 Zoning and all other provisions contained in the Linwood Municipal Code.

SECTION 8. Site development plan approval.

Site development plan approval, in accordance with Chapter 41, Land Use Procedures shall be required prior to the issuance of construction permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

SECTION 9. The following area and bulk standards are applicable in the Affordable Overlay Zone I and in the Affordable Overlay Zone II:

A. Regulations	Inclusionary Developments
Lot area	10,000 square feet
Lot frontage	100 feet
Lot depth	100 feet
Minimum required	
Front Yards	15 feet
Side Yards	6 feet
Rear Yard	15 feet
Parking	Not permitted in front yard
Maximum Permitted	
Building Height	
Stories	3 stories
Feet	41
Building Coverage (%)	40

B. Additional Regulations

(1) In recognition of the requirement to minimize or remove unnecessary development cost-generating requirements, the following minimum parking standards are applicable in the Affordable Overlay Zones.

Affordable Dwelling Unit	1.25 parking spaces per dwelling.
Market rate Dwelling Unit	RSIS requirements apply

(2) All developments constructed within the Affordable Overlay Zones shall be structured so that no less than twenty (20) percent of the entire development are credit-worthy units if these units are to be offered for sale. A rental community shall be required to have a fifteen (15) percent affordable housing setaside. No less than fifty (50) percent of all credit-worthy units shall be affordable to low-income households, with 13% of all

affordable units available to very low-income family households. The balance can be affordable to moderate-income households.

- (3) Affordable housing in the zones shall be structured so no more than twenty (20) percent of the units are studio or one-bedroom units, at least (30) percent are two bedrooms and no fewer than twenty (20) percent are three-bedroom units. Bedroom count for the remainder of the affordable units is at the discretion of the developer.
 - (4) Density for the Affordable Overlay Zones shall be no greater than fifteen (15) units per acre.
 - (5) All affordable dwelling units shall be constructed and maintained in compliance with the requirements of the New Jersey Council on Affordable Housing, and the Uniform Housing Affordability Controls before certificates of occupancy will be issued. The developer shall include all facilities required by law which are necessary to be maintained by a credit worthy rental or sales unit included as part of an inclusionary development so that deed restrictions are legally enforceable.
2. Any multifamily residential development or redevelopment, that will contain five or more dwelling units shall comply with the following:
- i. A minimum of 15 percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for rent. If the calculation of the total number of affordable units required yields a fraction of less than 0.5 then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
 - ii. A minimum of 20 percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for sale. If the calculation of the total number of affordable units required yields a fraction of less than 0.5, then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction of greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
 - iii. The provisions of this Ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. increase
 - iv. At least half of all affordable units shall be affordable to low income households, and the remainder may be affordable to moderate income households. Within rental developments, at least 13 percent of the affordable units shall be affordable to very low income households, with the very low income units counted as part of the low income requirement.

E. Phasing Schedule for Inclusionary Zoning.

1. In inclusionary developments the following schedule shall be followed:

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

F. New Construction.

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

- a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income). The very low income units shall be counted as part of the required number of low income units within the development.
- b. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families.
- c. A maximum of 25 percent of the City's obligation may be met with age restricted units. At least half of all affordable units in the City's Plan shall be available to families.
- d. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
- e. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

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

2. Accessibility Requirements:

- a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:
- b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor; and
 - ii. An adaptable kitchen on the first floor; and
 - iii. An interior accessible route of travel on the first floor; and
 - iv. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - v. If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free Sub Code, N.J.A.C. 5:23-7, or evidence that Linwood has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - a. Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - b. To this end, the builder of restricted units shall deposit funds within the City of Linwood's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

- c. The funds deposited under paragraph 6) b) above shall be used by the City of Linwood for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- d. The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the City of Linwood for the conversion of adaptable to accessible entrances.
- e. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the City's Affordable Housing Trust Fund in care of the City Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- f. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

3. Design:

- a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

4. 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 established by the procedures approved by the Court based on COAH's historical practice of establishing income limits.
- b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
- c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income

units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.

- d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
- f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the

affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
- j. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

G. Utilities.

- 1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- 2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for its Section 8 program.

H. Occupancy Standards.

- 1. In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
 - a. Provide an occupant for each bedroom;
 - b. Provide children of different sexes with separate bedrooms;
 - c. Provide separate bedrooms for parents and children; and
 - d. Prevent more than two persons from occupying a single bedroom.

I. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

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

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

2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

J. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
 - a. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
 - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - c. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
 - d. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital

improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

K. Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
2. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the City Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

L. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

M. Capital Improvements To Ownership Units.

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made

O. Rent Restrictions for Rental Units; Leases.

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

P. Tenant Income Eligibility.

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

Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.

- b. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

- b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Q. Municipal Housing Liaison.

1. The City of Linwood shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Linwood shall adopt an Ordinance creating the position of Municipal Housing Liaison. Linwood shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Linwood, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - a. Serving as Linwood's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - b. Monitoring the status of all restricted units in Linwood's Fair Share Plan;
 - c. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
 - d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

1. The City of Linwood shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, as a result of the Settlement Agreement with FSHC, the Affirmative Marketing Plan shall require the notification of the New Jersey State NAACP, the NAACP Atlantic City Branch, FSHC and the Latino Action Network of affordable housing opportunities. It is a continuing program that directs marketing activities toward Housing Region 6 and is required to be followed throughout the period of restriction.
3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 6, comprised of Atlantic, Cape May, Cumberland and Salem Counties.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rere rentals. The Administrative Agent designated by the City of Linwood shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

T. Enforcement of Affordable Housing Regulations.

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - i. A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the City of Linwood Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - ii. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
 - b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
 - i. The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings

incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

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

- vi. 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.

U. Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

SECTION 2:

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

SECTION 3:

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

SECTION 4:

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

<i>FIRST READING:</i>	<i>July 11, 2018</i>
<i>PUBLICATION:</i>	<i>July 16, 2018</i>
<i>PASSAGE:</i>	<i>August 8, 2018</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, July 11, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 8, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

EXHIBIT I

Affordable Housing Trust Fund Spending Plan

City of Linwood
Atlantic County
July 2018

INTRODUCTION

The City of Linwood, Atlantic County, has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on 10/23/2007 and adopted by the municipality on 12/12/2007. The ordinance establishes the City of Linwood's affordable housing trust fund for which this spending plan is prepared.

As of May 31, 2018, the City of Linwood has collected \$55,966.77, expended \$00.00, resulting in a balance of \$55,966.77. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Ocean First Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

The City of Linwood first petitioned COAH for substantive certification on 6/26/07 and received prior approval to maintain an affordable housing trust fund on 10/23/2007.

1. REVENUES FOR CERTIFICATION PERIOD

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

(a) Development fees:

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

(b) Payment in lieu (PIL): No other funds have been or are anticipated to be collected.

(c) Other funding sources: Payments in lieu have not been nor are they anticipated to be collected or assessed.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate of 1 % projected to a total of \$375.00

CITY OF LINWOOD PROJECTED REVENUES – HOUSING TRUST FUND – 2018 THROUGH 2025								
Source of Funds	2018	2019	2020	2021	2022	2023	2024-2025	Total
(a) Development Fees Total								
1. Approved Development								
2. Development Pending Approval								
3. Projected Development	0.00	37,500	0.00	0.00	0.00	0.00	0.00	\$37,500
(b) Payments in Lieu of Construction								
(c) Other Funds								
(d) Interest - 1%		375						375
Total								\$37,875

The City of Linwood projects a total of \$37,875 in revenue to be collected between June 1, 2018 and December 31, 2025. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

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

4. Collection of development fee revenues:

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

(b) Distribution of development fee revenues:

The governing body shall adopt a resolution authorizing the expenditure of development fee revenues consistent with the approved spending plan. Once a request has been approved by resolution, the CFO shall release the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

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

Rehabilitation- \$00.00

New Construction:

Accessory Apartments- \$25,000

Group Home- \$21,920.89

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

Projected minimum affordability assistance requirement:

Actual development fees through 5/31/18		\$55,420.63
Actual interest earned through 5/31/18	+	\$546.14
Development fees projected 2025	+	\$37,500
Interest projected 2025	+	\$375.00
Less housing activity expenditures through 5/31/18	-	\$ 0.00
Total	=	\$93,841.77
30 percent requirement	x 0.30 =	\$28,152.53
Less Affordability assistance expenditures through 5/31/2018	-	\$0.00
PROJECTED MINIMUM Affordability Assistance Requirement through 12/31/2025	=	\$28,152.53
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement through 2025	÷ 3 =	\$9,384.18

The City of Linwood must dedicate at least \$28,152.53 from the affordable housing trust fund to render units more affordable, including \$9,384.18 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

Linwood will dedicate its affordability assistance requirement to provide one very low income accessory apartment and assist in a very low income component of the group home.

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

The City of Linwood projects that \$18,768.35 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

Administrative costs may include the costs of salaries and benefits for municipal employees or consultants' fees necessary to develop or implement municipal housing programs such as the preparation of amendments to the housing element and fair share plan, the implementation of the affirmative marketing program, the costs of income qualifying households and of monitoring implementation.

Actual development fees through 5/31/2018	+	\$55,420.63
Actual interest earned through 5/31/2018	+	\$546.14
Development fees projected 2018-2025	+	\$37,500
Interest projected 2018-2025	+	\$375
Payments in Lieu of Construction	+	0.00
Other Funds	+	0.00
Less RCA Expenditures	-	0.00
Total Projected Administration Expenses	x 0.20 =	\$18,768.83
Less Actual Administrative Expenses through 5/31/2018	-	00.00
Total Remaining Projected Administration Expenses	=	\$18,768.35

4. EXPENDITURE SCHEDULE

The City of Linwood intends to use affordable housing trust fund revenues for accessory apartments and a group home. Where applicable, the funding schedule below parallels the implementation schedule set forth in the Fair Share Plan and is summarized as follows.

Program	Number of Units Projected	PROJECTED EXPENDITURE SCHEDULE 2018 -2025							
		2018	2019	2020	2021	2022	2023	2024 - 2025	Total
Acc. Apt.			1	1	1	1	1	1	25,000
Group Home				1					21,920.89
									46,920.89
Total Programs	1								
Affordability Assistance									28,152.53
Administration			0	0	0				18,768.35
Total	1								93,841.77

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of the City of Linwood has adopted a resolution agreeing to fund any shortfall of funds required for implementing the Accessory Apartment Program and group home. In the event that a shortfall of anticipated revenues occurs, the City of Linwood will bond for any shortfall.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to fund affordability assistance.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the City of Linwood's Affordable Housing Ordinance Affordable Housing Ordinance Section B Accessible Townhouse Units and in accordance with N.J.A.C. 5:97-8.5

SUMMARY

The City of Linwood intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated July 2018 and the amended spending plan.

The City of Linwood has a balance of \$55,966.77 as of May 31, 2018 and anticipates an additional \$37,875 in revenues before the expiration of its Judgment of Compliance and Repose for a total of \$93,841.77. The municipality will dedicate \$46,920.89 towards accessory apartments and a group home, \$21,920.89 towards affordability assistance and \$18,768.35 to administrative costs. Any shortfall of funds will be offset by municipal bonding. The municipality will dedicate any excess funds toward Affordability Assistance.

CITY OF LINWOOD SPENDING PLAN SUMMARY	
Balance as of May 31, 2018	\$55,966.77
PROJECTED REVENUE 2018-2025	
Development Fees	\$37,500
Payments in lieu of construction	\$0.00
Other Funds	\$0.00
Interest	\$375.00
TOTAL REVENUE	\$93,841.77
EXPENDITURES	
Funds used for Rehabilitation	\$00.00
Accessory Apartments	\$25,000
Group Home	\$21,920.89
Affordability Assistance	\$28,152.53
Administration	\$18,768.35
Excess Funds for Additional Housing Activity	\$00.00
Affordability Assistance	
TOTAL PROJECTED EXPENDITURES	\$93,841.77

EXHIBIT J

EXHIBIT K

RESOLUTION No. 153, 2008

A RESOLUTION APPOINTING A MUNICIPAL HOUSING LIASON IN THE CITY OF
LINWOOD

WHEREAS, the Common Council of the City of Linwood petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on June 26, 2007; and

WHEREAS, the City of Linwood's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the City of Linwood is required to appoint a Municipal Housing Liaison for the administration of the City of Linwood's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, the City of Linwood has amended its Municipal Code by Ordinance No. 15, 2008, to provide for the appointment of a Municipal Housing Liaison to administer the City of Linwood's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Linwood in the County of Atlantic, and the State of New Jersey that Edward Beck is hereby appointed by the Governing Body of the City of Linwood as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with the Municipal Code of the City of Linwood and more specifically Ordinance No. 15, 2008.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 13th day of August, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 13th day of August, 2008.


LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK


RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: August 13, 2008

EXHIBIT L

RESOLUTION NO. ,2018

**A RESOLUTION OF THE CITY OF LINWOOD REGARDING ANY
SHORTFALLS ASSOCIATED WITH THE PROVISION OF AFFORDABLE
HOUSING AS SET FORTH IN THE CITY'S ADOPTED HOUSING ELEMENT
AND FAIR SHARE PLAN**

WHEREAS, the City of Linwood, Atlantic County, has requested the Superior Court for a Judgment of Compliance and Repose of its adopted Housing Element and Fair Share Plan; and

WHEREAS, the plan submitted to the Court allocates funds for accessory apartments and group home bedrooms; and

WHEREAS, the City of Linwood anticipates that funding will come from developer fees collected and projected and from the Atlantic County Rehabilitation Program; and

WHEREAS, it is the Court's position that the City of Linwood must allocate funds for the provision of affordable housing as set forth in the City's adopted Housing Element and Fair Share Plan; and

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in the City of Linwood's Housing Element and Fair Share Plan, the City of Linwood shall take all appropriate actions to secure and make available sufficient funding from all sources to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Linwood, Atlantic County, that the Common Council does hereby agree to take appropriate actions, consistent with law, to fund any shortfall in its approved affordable housing programs that may arise whether due to inadequate funding from other sources or for any other related reason; and

BE IT FURTHER RESOLVED that any shortfall may also be funded by bonding if there are no other resources, provided, however, that the City should first utilize all other funding sources available to it, including but not limited to, development fees.

I, Leigh Ann Napoli, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this day of , 2018.

EXHIBIT M

Chapter 124: **Development Fees**

HISTORY: Adopted by the Common Council of the City of Linwood 12-12-2007 by Ord. No. 22-2007; amended in its entirety 12-17-2008 by Ord. No. 23-2008. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Fees — See Ch. 140.

Rental property — See Ch. 212.

Subdivision of land — See Ch. 244.

Zoning — See Ch. 277.

§ 124-9 Monitoring

Chapter 124: Development Fees

§ 124-1 **Purpose.**

§ 124-2 **Basic requirements.**

§ 124-3 **Definitions.**

§ 124-4 **Residential development fees.**

§ 124-5 **Nonresidential development fees.**

§ 124-6 **Collection procedures.**

§ 124-7 **Affordable Housing Trust Fund.**

§ 124-8 **Use of funds.**

§ 124-9 **Monitoring.**

§ 124-10 **Ongoing collection of fees.**

§ 124-1 **Purpose.**

A.

In *Holmdel Builder's Association V. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

B.

Pursuant to P.L. 2008, c. 46 Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.

C.

This chapter establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L. 2008, c. 46, Sections 8 and 32 through 38(C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this chapter shall be used for the sole purpose of providing low- and moderate-income housing in accordance with a Court-approved Spending Plan.

§ 124-2 **Basic requirements.**

A.

This chapter shall not be effective until approved by the Court.

B.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1 1/2% of the equalized assessed value on the first two units; and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided that zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

B.

Eligible exactions, ineligible exactions and exemptions for residential development.

(1)

Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

(2)

Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

(3)

Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

(4)

Development fees shall not be imposed and collected on single-family residential structures.

[Added 10-27-2010 by Ord. No. 15-2010; amended 2-22-2012 by Ord. No. 4-2012]

§ 124-5 Nonresidential development fees.

A.

Imposed fees

(1)

Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2 1/2% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.

(2)

Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2 1/2% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

(3)

Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2 1/2% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

B.

Eligible exactions, ineligible exactions and exemptions for nonresidential development.

(1)

The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2 1/2% unless otherwise exempted below.

(2)

The fee of 2 1/2% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

(3)

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

(4)

A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46 shall be subject to it at such time as the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

(5)

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

(6)

Developers of municipal buildings and houses of worship shall be exempt from paying a development fee.

§ 124-6 Collection procedures.

A.

Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.

B.

For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, State of New Jersey Non-Residential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

C.

The construction official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.

D.

Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

E.

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

(3)

Rental income from municipally operated units;

(4)

Repayments from affordable housing program loans;

(5)

Recapture funds;

(6)

Proceeds from the sale of affordable units; and

(7)

Any other funds collected in connection with the City of Linwood's affordable housing program. In the event of a failure by the City of Linwood to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the City of Linwood, or, if not practicable, then within the County or the Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

D.

All interest accrued in the Housing Trust Fund shall only be used on eligible affordable housing activities approved by the Court

§ 124-8 Use of funds.

A.

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

B.

Funds shall not be expended to reimburse the City of Linwood for past housing activities.

C.

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

(1)

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

(2)

Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner may entitle the City of Linwood to bonus credits pursuant to N.J.A.C. 5:97-3.7.

(3)

Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

D.

The City of Linwood may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

E.

No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.

§ 124-9 Monitoring.

The City of Linwood shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, Council on Affordable Housing or Local Government Services or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, payments in lieu of constructing affordable units on site (if permitted by Ordinance or by Agreement with the City), funds from the sale of units with extinguished controls, barrier free escrow funds, rental income from Borough owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with Linwood's affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

§ 124-10 Ongoing collection of fees.

The ability for the City of Linwood to impose, collect and expend development fees shall expire with its repose period covered by its Judgment of Compliance unless the City of Linwood has filed an adopted Housing Element and Fair Share Plan with the Court, Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance, and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan. If the City of Linwood fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The City of Linwood shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the City of Linwood retroactively impose a development fee on such a development. The City of Linwood shall not

expend development fees after the expiration of its substantive certification or judgment of compliance.

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