

**LINWOOD COMMON COUNCIL
CAUCUS AGENDA
March 11, 2026
6:00 P.M.**

**NOTICE OF THIS MEETING HAS BEEN PUBLISHED
IN ACCORDANCE WITH THE REQUIREMENTS OF
THE OPEN PUBLIC MEETINGS ACT.**

1. Roll Call Mayor Matik _____ Mrs. Albright _____ Mr. Kelly _____
 Mr. Levinson _____ Mr. Michael _____ Mr. Salerno _____
 Mr. Walcoff _____ Mr. Ford _____

- Professionals: Mr. Youngblood _____ Mr. Polistina _____ Mrs. Napoli _____

2. Approval of Minutes Without Formal Reading

3. Mayor's Report

4. Councilwoman Albright
 - A. Planning, Engineering, & Development

5. Councilman Kelly
 - A. Neighborhood Services

6. Councilman Levinson
 - A. Revenue & Finance
 1. Resolution authorizing the refund of tax overpayments due to Disabled Veteran Tax-Exempt status approved for 411 Danielle Drive
 2. Resolution authorizing the refund of a tax overpayment by Corelogic for 100 E. Seaview Ave
 3. Tax Collector's 2025 Annual Report
 4. Resolution authorizing disposal of surplus property on GovDeals

7. Councilman Michael
 - A. Public Safety
 1. Resolution confirming the promotion of Sergeant Charles Champion to the position of Lieutenant
 2. Resolutions confirming the promotions of Police Officers James Cohen and Sean Boylan to the position of Sergeant
 3. Resolutions authorizing the hiring of Gianna Childs, Dylan Dill, and Anthony Ortiz to the position of Police Officer
 4. Resolution to hire Robert Thompson as a Substitute School Crossing Guard

8. Councilman Walcoff
 - A. Public Works
 1. Resolution rejecting a bid as non-responsive received from ServiceMaster TBS for Janitorial Services for the City of Linwood
 2. Resolution awarding a Contract to Offshore Carpet Cleaning, LLC for Janitorial Services

9. Council President Ford
 - A. Administration
 1. Resolution authorizing a refund to Mainland Crew Association with regard to a Raffle License Application Fee
 2. Resolutions authorizing a Bingo and Raffle Licenses to Angels In Motion

10. Solicitor's Report

A. Affordable Housing Ordinances – final reading

B. Resolution endorsing the Amended Fourth Round Housing Element and Fair Share Plan

C. Resolutions adopting Accessory Apartment Manual, Affordability Assistance Manual & Affirmative Marking Plan

**LINWOOD COMMON COUNCIL
AGENDA OF REGULAR MEETING
March 11, 2026**

CALL TO ORDER

**NOTICE OF THIS MEETING HAS BEEN
PUBLISHED IN ACCORDANCE WITH THE
REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT.**

FLAG SALUTE: Councilman Michael Salerno

ROLL CALL

APPROVAL OF MINUTES WITHOUT FORMAL READING

ORDINANCE

2 OF 2026 AN ORDINANCE OF THE CITY OF LINWOOD REPEALING AND REPLACING CHAPTER 78 OF THE LAND DEVELOPMENT ORDINANCE ENTITLED "AFFORDABLE HOUSING", AND REPEALING OTHER ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

FIRST READING: February 11, 2026

PUBLICATION: February 17, 2026

PASSAGE: March 11, 2026

3 OF 2026 AN ORDINANCE OF THE CITY OF LINWOOD REPEALING AND REPLACING CHAPTER 124 OF THE LAND DEVELOPMENT ORDINANCE ENTITLED "DEVELOPMENT FEES", AND REPEALING OTHER ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

FIRST READING: February 11, 2026

PUBLICATION: February 17, 2026

PASSAGE: March 11, 2026

RESOLUTIONS WITHIN CONSENT AGENDA

All matters listed under item, **Consent Agenda**, are considered to be routine by City Council, and will be enacted by one motion in the form listed. Any items requiring expenditure are supported by a Certification of Availability of Funds and any item requiring discussion will be removed from the Consent Agenda and discussed separately. All Consent Agenda items will be reflected in full in the minutes.

- 50-2026** A Resolution authorizing the refund of tax overpayments Due to Disabled Veteran Tax-Exempt Status for 411 Danielle Drive
- 51-2026** A Resolution authorizing the refund of a tax overpayment made by Corelogic for Block 33 Lot 6 also known as 100 E. Seaview Avenue
- 52-2026** A Resolution authorizing a refund to Mailand Crew Association with regard to a Raffle License Application Fee
- 53-2026** A Resolution confirming the promotion of Sergeant Charles Champion to the position of Lieutenant in the Linwood Police Department
- 54-2026** A Resolution confirming the promotion of Police Officer James Cohen to the position of Sergeant in the Linwood Police Department
- 55-2026** A Resolution confirming the promotion of Police Officer Sean Boylan to the position of Sergeant in the Linwood Police Department
- 56-2026** A resolution authorizing the hiring of Gianna Childs to the position of Police Officer in the Linwood Police Department

RESOLUTIONS WITHIN CONSENT AGENDA (continued)

- 57-2026** A resolution authorizing the hiring of Dylan Dill to the position of Police Officer in the Linwood Police Department
- 58-2026** A resolution authorizing the hiring of Anthony Ortiz to the position of Police Officer in the Linwood Police Department
- 59-2026** A Resolution endorsing the Amended Fourth Round Housing Element and Fair Share Plan
- 60-2026** A Resolution rejecting a bid as non-responsive received from ServiceMaster TBS for Janitorial Service for the City of Linwood
- 61-2026** A Resolution awarding the Contract to Offshore Carpet Cleaning, LLC for Janitorial Services
- 62-2026** A Resolution authorizing the issuance of a Raffle License, #2026-07, to AIM Angels In Motion Inc
- 63-2026** A Resolution authorizing the issuance of a Raffle License, #2026-08, to AIM Angels In Motion Inc
- 64-2026** A Resolution authorizing the issuance of a Bingo License, #2026-04, to AIM Angels In Motion Inc
- 65-2026** A Resolution authorizing the hiring of Robert Thompson as a Substitute School Crossing Guard for the City of Linwood
- 66-2025** A Resolution authorizing disposal of surplus property on GovDeals
- 67-2026** A Resolution of the Common Council of the City of Linwood adopting the Operating Manual for the Administration of an Accessory Apartment Program
- 68-2026** A Resolution of the Common Council of the City of Linwood adopting an Affirmative Marketing Plan
- 69-2026** A Resolution of the Common Council of the City of Linwood adopting an Affordability Assistance Manual

APPROVAL OF BILL LIST: \$

MEETING OPEN TO THE PUBLIC

FINAL REMARKS BY MAYOR AND COUNCIL

ADJOURNMENT

ORDINANCE NO. 2, 2026

AN ORDINANCE OF THE CITY OF LINWOOD REPEALING AND REPLACING CHAPTER 78 OF THE LAND DEVELOPMENT ORDINANCE ENTITLED “AFFORDABLE HOUSING”, AND REPEALING OTHER ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

WHEREAS, Chapter 78, Affordable Housing of the Land Development Ordinance of the City of Linwood has to be repealed and replaced in its entirety to comply with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. (“FHA”), as was amended in 2024, the newly adopted Uniform Housing Affordability Controls (“UHAC”) regulations, N.J.A.C. 5:80-26.1 et seq., and newly adopted N.J.A.C. 5:99-1 et seq; and

WHEREAS, this Ordinance establishes City wide regulations and standards to govern the development of very low, low and moderate-income affordable units for multifamily for-sale and rental residential developments that may be approved by the City or the City Land Use Board, and is designed to regulate these very low, low and moderate-income units in a manner consistent with the FHA, UHAC, N.J.A.C. 5:99-1 et seq., and applicable New Jersey Council on Affordable Housing (COAH) regulations; and

BE IT ORDAINED by the Mayor and Council of the City of Linwood, in the County of Atlantic and State of New Jersey that Chapter 78, Affordable Housing of the Land Development Ordinance of the General Ordinances of the City of Linwood is hereby repealed and replaced as follows:

Section 1. Chapter 78, Affordable Housing, of the Land Development Ordinance of the City of Linwood, shall be repealed and replaced as follows:

§78-1 Introduction & Applicability.

1. This section of the Code sets forth regulations regarding the very low, low and moderate-income housing units in City of Linwood consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
2. This Ordinance is intended to ensure that very low, low and moderate-income units (“affordable units”) are created with controls on affordability over time and that very low, low and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual

affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.

3. The City of Linwood Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low, low and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
 - a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality's most recently adopted HEFSP, excluding those affordable housing units that were subject to a written agreement, rezoning or approval prior to the end of the Third Round on June 30, 2025.
 - b. This Ordinance shall also apply to any unanticipated future developments that will provide very low, low and moderate-income housing units.
 - c. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

§78-2 Definitions.

As used herein the following terms shall have the following meanings:

“Accessory apartments” means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as “accessory dwelling units”.

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

“Affirmative Marketing Plan” means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low, low and moderate-income units.

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

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

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

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

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

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

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Builder’s remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low and moderate-income households.

“Certified household” means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

“CHOICE” means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

“COAH” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Compliance certification” means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

“County-level housing judge” means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

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

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

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

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

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any 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 the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

“Exclusionary zoning litigation” means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder’s remedy.

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of very low, low and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Green Building Strategies” means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

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

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Housing element” means the portion of a municipality’s master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality’s fair share of its region’s present and prospective housing needs, particularly with regard to low and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of very low, low and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality’s fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

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

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

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

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

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

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

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

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

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

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

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Order for repose” means the protection a municipality has from a builder’s remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that was adopted and/or having received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

“Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans’ preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

“RCA administrator” means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

“RCA project plan” means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low and moderate-income housing.

“Receiving municipality” means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality’s fair share obligation.

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

“Recreational facilities and community centers” mean any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

“Regional contribution agreement” or “RCA” means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality’s affordable housing obligation to another municipality within its housing region.

“Regional median income” means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

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

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

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

“Spending plan” means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low and moderate-income individuals.

“State Development and Redevelopment Plan” or “State Plan” means the plan prepared pursuant to sections 1 through 12 of the “State Planning Act,” P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

“Supportive housing household” means a very low, low or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

“Supportive housing sponsoring program” means grant or loan program which provided financial assistance to the development of the unit.

“Supportive housing unit” means a restricted rental unit, as defined by N.J.S.A. 34:1B-21.24, that is affordable to very low, low or moderate-income households and is reserved for

occupancy by a supportive housing household. Supportive housing units are also referred to as permanent supportive housing units.

“Transitional housing” means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

“Treasurer” means the Treasurer of the State of New Jersey.

“UHAC” means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

“UHORP” means the Agency’s Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

“Unit type” means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

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

“Very-low-income housing” means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

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

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

“Veterans’ preference” means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

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

§78-3 Monitoring and Reporting Requirements.

1. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:

- a. The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
- b. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal 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, for the previous year from January 1st to December 31st.
- c. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

§78-4 Municipality-wide Mandatory Set-Aside.

1. This Section 30-1104 amends the City's land use ordinances by establishing regulations to ensure that any site that benefits from a rezoning, variance or redevelopment plan approved by the City, the City's Land Use Board, or the City's Zoning Board of Adjustment that results in multifamily residential development of five dwelling units or more produces affordable housing at a set-aside rate of 20% for for-sale affordable units and at a set-aside rate of 20% for rental affordable units, in accordance with the City's Fourth Round Housing Element and Fair Share Plan, consistent with the terms of the Settlement Agreement reached with Fair Share Housing Center ("FSHC") regarding compliance with the City's affordable housing obligations. This Section 78-4 will not apply to the City's Affordable Overlay Zone I or Affordable Overlay Zone II, as said zone already have affordable housing set-aside requirements.
2. A development, other than single-family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of 20%.
3. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
4. All such affordable units shall be governed by this ordinance the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
5. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
6. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.

7. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
8. In the event that the inclusionary set-aside of 20% of the total number of residential units does not result in a full integer, the developer shall choose one of two options for addressing the fractional unit:
 - a. The developer may round the set-aside upward to construct a whole additional affordable unit; or
 - b. If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units and shall also contribute the fractional subsidy payment (“fractional subsidy payment”) to be made to the municipality and deposited in the municipal Affordable Housing Trust Fund. The fractional subsidy payment amount shall be calculated as the fractional unit multiplied by the base subsidy payment amount currently established by the municipality as the average subsidy reflected in financial pro-formas for 100% affordable housing or subsidized developments in the municipality or region on file with the municipality. For example, if seven total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirements above:

The developer shall round up the 0.4 unit to one whole affordable unit so as to construct a total of two (2) affordable housing units; or The developer shall round the set-aside downward so as to construct only one affordable unit AND shall pay into the municipal affordable housing trust fund a fractional subsidy payment equal to the dollar amount established by the municipality multiplied by 0.4.

§78-5 New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.).

Per the definition of “New Construction,” this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

1. The following requirements shall apply to all new or planned developments that contain very low, low and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.
2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low, low and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy
25+1	10

50	50
75	75
90	100

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
 - a. Design of 100 percent affordable developments:
 - i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - ii. Each bedroom in each restricted unit must have at least one window.
 - iii. Restricted units must include adequate air conditioning and heating.
 - b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
 - i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
 - vi. Each bedroom in each restricted unit must have at least one window.
 - vii. Restricted units must be of the same unit type as market-rate units within the same building.

- viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
 - i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
 - iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
 - vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - vii. Each bedroom in each restricted unit must have at least one window; and
 - viii. Restricted units must include adequate air conditioning and heating.
- 4. Utilities.
 - a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.

- b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).
5. Low/moderate split and bedroom distribution.
- a. Affordable units 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.
 - b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low or low-income units.
 - c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
 - d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low and moderate-income units.
 - iv. At least 30% of all low and moderate-income units, rounded up shall be two-bedroom units.
 - v. At least 20% of all low and moderate-income units, rounded up shall be three-bedroom units.
 - vi. The remaining units may be allocated among two and three- bedroom units at the discretion of the developer.
 - e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.

6. Accessibility requirements.

- a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
- b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
 - iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
 - v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
 - vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (c) The funds deposited shall be expended 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 to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.

(e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets 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 Affordable Housing Trust Fund and earmarked appropriately.

vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site-impracticable” to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

§78-6 Affordable Housing Programs/Compliance Techniques.

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, “All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions.” The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.
2. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
 - a. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
 - i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 - ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
 - iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
 - iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.
 - v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.

- vi. The deed restriction for the extended control period shall be filed with the County Clerk.
3. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
- a. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low and moderate-income households.
 - b. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
 - c. A recipient of a Medicaid waiver shall automatically qualify as a low or moderate-income household.
 - d. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
 - e. Low and moderate-income residents cannot be charged any upfront fees.
 - f. The units shall comply with UHAC with the following exceptions:
 - i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - ii. The deed restriction may be on the facility, rather than individual apartments or rooms;
 - iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
 - g. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.
4. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
- a. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - i. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).
 - ii. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall

not exceed the rent standards established and published by the New Jersey Department of Human Services.

- iii. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
 - iv. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
 - v. Occupancy shall not be restricted to youth under 18 years of age.
 - vi. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
 - vii. The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
 - viii. 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, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
 - ix. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
 - x. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
 - (a) An Affirmative Marketing Plan in accordance with §30-1109 above; and
 - (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low or moderate-income occupants reside.
 - xi. The sponsor/owner shall complete annual monitoring as directed by the MHL.
5. Accessory Apartment program (per N.J.A.C. 5:93-5.9 as may be updated per various sections in N.J.A.C. 5:97-6.8).

- a. An accessory apartment program shall provide low- and moderate-income units or may be limited to only low or only moderate-income units.
- b. Per N.J.A.C. 5:97-6.8(c)1, at the time of initial occupancy of the unit and for at least ten years thereafter, the accessory apartment shall be rented only to income eligible households consistent with the income category and rent structure of the unit.
- c. Rents of accessory apartments shall be established using the same methodology of affordable rental units discussed herein.
- d. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental for the duration of the control period.
- e. The municipal accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
- f. Per N.J.A.C. 5:97-6.8(b)2, the municipality shall provide a minimum of \$25,000 per unit to subsidize the creation of each low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.

g. **§78-7 Regional Income Limits.**

- 1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
- 2. Regional income limits are based on regional median income, which is established by a regional weighted average of the “median family incomes” published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
- 3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

§78-8 Maximum Initial Rents And Sales Prices.

- 1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
- 2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
- 3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.

4. 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% of all low and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low and moderate-income units permits.
6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.

9. 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 Freddie Mac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

§78-9 Affirmative Marketing.

1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, 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. It is a continuing program that directs all marketing activities toward Housing Region 2 and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.

- a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low, low, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
 - b. There shall be a regional preference for all households that live and/or work in Housing Region 6 comprising Atlantic, Cape May, Salem and Cumberland Counties.
 - c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
 - d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low, low, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
 5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
 6. Applications for affordable housing or notices thereof, if offered online, 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 municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
 7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph. The affirmative marketing plan shall include the following community and regional organizations: FSHC; the Latino Action Network; the New Jersey State Conference of the NAACP; East Orange NAACP; Newark NAACP; Morris County NAACP; Elizabeth NAACP; and the Supportive Housing Association.
 8. In implementing the Affirmative Marketing Process, 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.

9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

§78-10 Selection of Occupants of Affordable Housing Units.

1. The Administrative Agent shall use a random selection process to select occupants of very low, low and moderate-income housing.
2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

§78-11 Occupancy Standards.

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - b. Provide a bedroom for every two adult occupants;
 - c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
 - d. Avoid placing a one-person household into a unit with more than one bedroom.

§78-12 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. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
 - a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or

exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);

- d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§78-14 Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still

be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.

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, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

§78-15 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 original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

§78-16 Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.

2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit;
 - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

§78-17 Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
3. No additional fees, operating costs, 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.
 - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory

utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.

4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

§78-18 Tenant Income Eligibility.

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, 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% of the regional median income by household size.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

- c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents 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 any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

§78-19 Municipal Housing Liaison.

- 1. The Municipal Housing Liaison shall be approved by municipal resolution.
- 2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.
- 3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
 - a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
 - b. The oversight of the Affirmative Marketing Plan and affordability controls.
 - c. When applicable, overseeing and monitoring any contracting Administrative Agent.
 - d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 - e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
 - f. Coordinating meetings with affordable housing providers and administrative agents, as needed.
 - g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
 - h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
 - i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
 - j. Listing on the municipal website contact information for the MHL and Administrative Agents.

§78-20 Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
 - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
 - b. Administrative agent fees related to initial sale of units shall be paid by the developer.
 - c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - b. Affirmative marketing:
 - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - ii. 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.
 - c. 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 within 5 days of the determination thereof.
 - 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 the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.

- 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.
 - vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
- d. Affordability controls.
- i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- e. Records retention.
- i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- f. Resales and re-rentals.
- 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 re-rental.
 - ii. Instituting and maintaining an effective means of communicating information to very low, low, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g. Processing requests from unit owners.
- i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - 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 depreciated cost of central air conditioning systems.

- iii. Notifying the municipality of an owner's intent to sell a restricted unit.
 - iv. Making determinations on requests by owners of restricted units for hardship waivers.
- h. Enforcement.
- i. Securing annually from the municipality a list of all affordable ownership units for which property 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. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - iv. Establishing a program for diverting unlawful rent payments to the Municipal Affordable Housing Trust Fund; and
 - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
- i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

§78-21 Responsibilities of The Owner of a development containing affordable units.

1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
 - a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - b. The total number of units in the project and the number of affordable units.
 - c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - e. A projected construction schedule.

- f. The location of any common areas and elevators.
 - g. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
2. In addition to 1 above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
- a. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
 - b. Provide to the administrative agent a description of any applicable fees.
 - c. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
 - d. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
 - e. Provide to the administrative agent a proposed form of lease for any rental units.
 - f. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
 - g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
3. In addition to 1, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
- a. Proposed pricing for all units, including any purchaser options and add-on items.
 - b. Condominium or homeowner association fees and any other applicable fees.
 - c. Estimated real property taxes.
 - d. Sewer, water, trash disposal, and any other utility assessments.
 - e. Flood insurance requirement, if applicable.
 - f. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

§78-22 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, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to

- prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - 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 found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - i. A fine of not more than \$500 per day or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, 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;
 - ii. In the case of an owner who has rented his or her low or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
 3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
 4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low or moderate-income unit.
 - a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low or 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 shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

- c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
 - d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable 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 affordable 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 that would have been realized from an actual sale as previously described.
 - e. Failure of the low or 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 that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low or moderate-income unit as permitted by the regulations governing affordable housing units.
 - f. The affordable unit 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.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the

Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.

6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.
7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

§78-23 Appeals.

1. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

Section 2. Invalidity.

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Section 3. Inconsistent Ordinances Repealed.

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

Section 4. Effective Date.

This ordinance shall take effect immediately upon:

1. Final passage and publication according to law and filing with the Atlantic County Planning Board; and

2. Approval by the Court through the issuance of a Compliance Certification or other appropriate order.

FIRST READING: February 11, 2026

PUBLICATION: February 17, 2026

FINAL PASSAGE: March 11, 2026

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 February 11, 2026 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on March 11, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

ORDINANCE NO. 3, 2026

AN ORDINANCE OF THE CITY OF LINWOOD REPEALING AND REPLACING CHAPTER 124 OF THE LAND DEVELOPMENT ORDINANCE ENTITLED DEVELOPMENT FEES”, AND REPEALING OTHER ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

WHEREAS, Chapter 124, Development Fees of the Land Development Ordinance of the City of Linwood has to be repealed and replaced in its entirety to comply with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. (“FHA”), as was amended in 2024, the newly adopted Uniform Housing Affordability Controls (“UHAC”) regulations, N.J.A.C. 5:80-26.1 et seq., and newly adopted N.J.A.C. 5:99-1 et seq; and

WHEREAS, this chapter establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with regulations set forth in P.L. 2024, c. 2, N.J.S.A. 52:27D-301 et seq., N.J.A.C. 5:99-1 et seq. and as previously established in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7). Fees collected pursuant to this chapter shall be used for the sole purpose of providing very-low, low and moderate-income housing in accordance with a Court-approved Spending Plan;

BE IT ORDAINED by the Mayor and Council of the City of Linwood, in the County of Atlantic and State of New Jersey that Chapter 124, Development Fees of the Land Development Ordinance of the City of Linwood is hereby repealed and replaced as follows:

Section 1. Chapter 124, Development Fees, of the Land Development Ordinance of the City of Linwood, shall be repealed and replaced as follows:

§ 124-1 Purpose.

- A. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low, low and moderate-income housing in accordance with a Court-approved Spending Plan.

§ 124-2 Basic Requirements.

- A. The municipality previously adopted a Development Fee Ordinance, which established the Municipal Affordable Housing Trust Fund.
- B. The municipality shall not spend development fees until the court has approved a Spending Plan for spending such fees.

§ 124-3 Definitions.

As used herein the following terms shall have the following meanings:

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative Agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

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

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

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

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any 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 the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low and moderate- income households.

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

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

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

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

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

“Municipal Housing Liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

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

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Recreational facilities and community centers” means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Spending plan” means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

“UHAC” means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

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

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

§ 124-4 Residential Development Fees.

A. Imposed fees

1. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
2. When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

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

B. Eligible exactions, ineligible exactions and exemptions for residential development

1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination

of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.

2. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the building permit is issued.
3. The expansion or improvement of an existing residential structure shall be exempt from any development fee requirement.
4. Other development shall be exempt from any development fee required to the extent provided by the terms of any order entered by the Superior Court of New Jersey.
5. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire, flood, or a natural disaster.

§ 124-5 Non-Residential Development Fees.

A. Imposition of fees

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for non-residential development

1. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.

2. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
5. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.
6. Other development shall be exempt from any development fee required to the extent provided by the terms of any order entered by the Superior Court of New Jersey.

§ 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 non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on 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 tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- D. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.

- E. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

§ 124-7 Appeal of Development Fees.

- A. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- B. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 124-8 Affordable Housing Trust Fund.

- A. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - 1. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by

a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;

2. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit 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 municipal affordable housing program including but not limited to interest earned on fund deposits.
- C. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- D. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
1. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 2. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
 3. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 4. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 5. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 6. Revocation of compliance certification or a judgment of compliance and repose;
 7. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
 8. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
- E. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

§ 124-9 Use of Funds.

- A. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used

for any activity approved by the Court to address the 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; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.

- B. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- C. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low, low and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
 - 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, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - 2. Affordability assistance for very low-income households may include producing very low-income units or 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.
- D. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

§ 124-10 Monitoring.

- A. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all 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, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

§ 124-11 Ongoing Collection of Fees.

- A. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification, or a Judgment of Compliance and Repose, or the good faith effort to obtain either one.
- B. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Compliance Certification or its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

§ 124-12 Emergent Affordable Housing Opportunities.

Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

Section 2. Invalidation.

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Section 3. Inconsistent Ordinances Repealed.

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

Section 4. Effective Date.

This ordinance shall take effect immediately upon:

1. Final passage and publication according to law and filing with the Atlantic County Planning Board; and

2. Approval by the Court through the issuance of a Compliance Certification or other appropriate order.

FIRST READING: February 11, 2026

PUBLICATION: February 17, 2026

FINAL PASSAGE: March 11, 2026

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 February 11, 2026 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on March 11, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

RESOLUTION No. 50, 2026

A RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS DUE TO
DISABLED VETERAN TAX-EXEMPT STATUS APPROVED

WHEREAS, Timothy Anderson is the owner of Block 122 Lot 6 located
at 411 Danielle Drive in the tax district of the City of Linwood; and

WHEREAS, Corelogic has paid Mr. Anderson's 2025 and 2026 property
taxes in accordance with provisions of the Statue so made and
provided; and

WHEREAS, Timothy Anderson has overpaid his property taxes due to
Disabled Veteran exempt status approved by the Tax Assessor on January
7,2026; and

WHEREAS, the 2026 taxes have been cancelled by Resolution; and

WHEREAS, City Ordinance allows he may request the exemption be
reimbursed back to August 11, 2025, which is the date the VA declared
him 100% disabled; and

WHEREAS, Mr. Anderson has submitted a request for reimbursement
of property taxes paid as of date of eligibility;

NOW, THEREFORE , BE IT RESOLVED, by the Common Council of the City
of Linwood that the Chief Financial Officer of the City of Linwood be
and is hereby authorized, empowered and directed to execute and
deliver a draft in favor of Timothy Anderson in the amount of
\$6,470.58 representing overpayments of taxes to said property owner.

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 11th day of
March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 51, 2026

A RESOLUTION AUTHORIZING THE REFUND OF A TAX OVERPAYMENT MADE BY
CORELOGIC FOR BLOCK 33 LOT 6 ALSO KNOWN AS 100 E SEAVIEW AVENUE

WHEREAS, Robin & Joseph, Jr. Zetkusic are the owners of Block 33
Lot 6 Located at 100 E Seaview Avenue in the taxing district of the
City of Linwood; and

WHEREAS, Corelogic/ Cotality mortgage company has double paid the
1st quarter 2026 property tax; and

WHEREAS, Corelogic/ Cotality has requested a refund of the double
payment in the amount of \$2,774.86;

NOW, THEREFORE , BE IT RESOLVED, by the Common Council of the City
of Linwood that the Chief Financial Officer of the City of Linwood be
and is hereby authorized, empowered and directed to execute and
deliver a draft in favor of Corelogic Refunds Department, 3001
Hackberry Road, Irving, TX 75063 in the amount of \$2,774.86 which
represents the amount of the overpayment to said property owner.

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 11th day of
March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 52, 2026

A RESOLUTION AUTHORIZING A REFUND TO MAINLAND CREW ASSOCIATION WITH REGARD TO A RAFFLE LICENSE APPLICATION FEE

WHEREAS, Mainland Crew Association paid \$320.00 to the City of Linwood for a Raffle License Application fee; and

WHEREAS, the fee for said application is \$160.00; and

WHEREAS, Mainland Crew Association has requested a refund of the difference; and

WHEREAS, the Common Council of the City of Linwood is desirous of authorizing said refund;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, that the Chief Financial Officer of the City be and is hereby duly authorized, empowered and directed to issue a draft in the amount of \$160.00 payable to Mainland Crew Association, 1301 Oak Avenue, Linwood, NJ 08221 as a refund of a Raffle License application fee paid to the City of Linwood.

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 53, 2026

A RESOLUTION CONFIRMING THE PROMOTION OF SERGEANT CHARLES CHAMPION TO THE POSITION OF LIEUTENANT IN THE LINWOOD POLICE DEPARTMENT

WHEREAS, pursuant to N.J.S.A. 40A:61-4(f), the Mayor of the City of Linwood has promoted Sergeant Charles Champion to the position of Lieutenant in the Linwood Police Department effective March 2, 2026; and

WHEREAS, the Common Council of the City of Linwood wishes to confirm said promotion;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, County of Atlantic, that the promotion of Sergeant Charles Champion to the position of Lieutenant in the Linwood Police Department effective March 2, 2026 be and is hereby confirmed;

BE IT FURTHER RESOLVED, that the salary for the position shall be as set forth in the Linwood Salary Ordinance and all amendments thereto.

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 54, 2026

A RESOLUTION CONFIRMING THE PROMOTION OF POLICE OFFICER JAMES COHEN TO THE POSITION OF SERGEANT IN THE LINWOOD POLICE DEPARTMENT

WHEREAS, pursuant to N.J.S.A. 40A:61-4(f), the Mayor of the City of Linwood has promoted Police Officer James Cohen to the position of Sergeant in the Linwood Police Department effective March 2, 2026; and

WHEREAS, the Common Council of the City of Linwood wishes to confirm said promotion;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, County of Atlantic, that the promotion of Police Officer James Cohen to the position of Sergeant in the Linwood Police Department effective March 2, 2026 be and is hereby confirmed;

BE IT FURTHER RESOLVED, that the salary for the position shall be as set forth in the Linwood Salary Ordinance and all amendments thereto.

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 55, 2026

A RESOLUTION CONFIRMING THE PROMOTION OF POLICE OFFICER SEAN BOYLAN TO THE POSITION OF SERGEANT IN THE LINWOOD POLICE DEPARTMENT

WHEREAS, pursuant to N.J.S.A. 40A:61-4(f), the Mayor of the City of Linwood has promoted Police Officer Sean Boylan to the position of Sergeant in the Linwood Police Department effective March 2, 2026; and

WHEREAS, the Common Council of the City of Linwood wishes to confirm said promotion;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, County of Atlantic, that the promotion of Police Officer Sean Boylan to the position of Sergeant in the Linwood Police Department effective March 2, 2026 be and is hereby confirmed;

BE IT FURTHER RESOLVED, that the salary for the position shall be as set forth in the Linwood Salary Ordinance and all amendments thereto.

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 56, 2026

A RESOLUTION AUTHORIZING THE HIRING OF GIANNA CHILDS TO THE POSITION OF POLICE OFFICER IN THE LINWOOD POLICE DEPARTMENT

WHEREAS, the City of Linwood is desirous of filling a vacancy for the position of Police Officer within the Linwood Police Department; and

WHEREAS, after an extensive interview process, Gianna Childs has met all preliminary qualifications and has expressed a desire to fill such vacancy;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that the appointment of Gianna Childs to the position of Police Officer in the Linwood Police Department, effective April 27, 2026, is hereby confirmed contingent upon satisfactory completed background check, physical and a psychological evaluation.

BE IT FURTHER RESOLVED, that the salary for this position shall be as set forth in the Linwood Salary Ordinance and all amendments thereto.

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 57, 2026

A RESOLUTION AUTHORIZING THE HIRING OF DYLAN DILL TO THE POSITION OF POLICE OFFICER IN THE LINWOOD POLICE DEPARTMENT

WHEREAS, the City of Linwood is desirous of filling a vacancy for the position of Police Officer within the Linwood Police Department; and

WHEREAS, after an extensive interview process, Dylan Dill has met all preliminary qualifications and has expressed a desire to fill such vacancy;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that the appointment of Dylan Dill to the position of Police Officer in the Linwood Police Department, effective April 27, 2026, is hereby confirmed contingent upon satisfactory completed background check, physical and a psychological evaluation.

BE IT FURTHER RESOLVED, that the salary for this position shall be as set forth in the Linwood Salary Ordinance and all amendments thereto.

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 58, 2026

A RESOLUTION AUTHORIZING THE HIRING OF ANTHONY ORTIZ TO THE POSITION
OF POLICE OFFICER IN THE LINWOOD POLICE DEPARTMENT

WHEREAS, the City of Linwood is desirous of filling a vacancy for
the position of Police Officer within the Linwood Police Department;
and

WHEREAS, after an extensive interview process, Anthony Ortiz has
met all preliminary qualifications and has expressed a desire to fill
such vacancy;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City
of Linwood that the appointment of Anthony Ortiz to the position of
Police Officer in the Linwood Police Department, effective April 27,
2026, is hereby confirmed contingent upon satisfactory completed
background check, physical and a psychological evaluation.

BE IT FURTHER RESOLVED, that the salary for this position shall
be as set forth in the Linwood Salary Ordinance and all amendments
thereto.

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 11th day of
March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 59, 2026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINWOOD
ENDORING AN AMENDED FOURTH ROUND HOUSING ELEMENT AND FAIR
SHARE PLAN

WHEREAS, the City of Linwood (hereinafter the "City" or "Linwood") has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 7, 2015, the City of Linwood filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder's remedy lawsuits, until July 1, 2025; and

WHEREAS, the City continues to actively implement its Court-approved Third Round Housing Element and Fair Share Plan; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the "Amended FHA"); and

WHEREAS, the City adopted a "binding resolution" accepting the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 21, 2025, establishing its Fourth Round Present Need of 49 and Prospective Need of 25; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court's Directive No. 14-24, the City filed a timely Fourth Round Declaratory Judgment complaint ("DJ Complaint") with the Affordable Housing Dispute Resolution Program ("the Program"), along with its binding resolution, on January 30, 2025; and

WHEREAS, the filing of the DJ Complaint gave the City automatic, continued immunity from all exclusionary zoning lawsuits, including builder's remedy lawsuits, which is still in full force and effect; and

WHEREAS, the City did not receive any objections to its Present and Prospective Need numbers by February 28, 2025, resulting in the statutory automatic acceptance of the City's Fourth Round obligations on March 1, 2025; and

WHEREAS, on June 5, 2025, the Court entered an order establishing the City's Fourth Round Present Need of 49 and Prospective Need of 25; and

WHEREAS, inasmuch as the City had its Fourth Round Obligations, the Amended FHA required the municipality to adopt a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

WHEREAS, in accordance with the Amended FHA, the City's affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 16, 2025, and adopted the Fourth Round Housing Element and Fair Share Plan via a resolution on that same night; and

WHEREAS, the City Council endorsed the Fourth Round Housing Element and Fair Share Plan that was adopted by the Planning Board by way of City Resolution 126-2025; and

WHEREAS, in accordance with certain questions raised by FSHC and the Amended FHA, the City's affordable housing planner updated the City's Vacant Land Analysis and drafted an Amended Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, the Planning Board held a public hearing on the Amended Fourth Round Housing Element and Fair Share Plan on February 17, 2026, and adopted the Amended Fourth Round Housing Element and Fair Share Plan via a resolution on that same night; and

WHEREAS, the City Council wishes to endorse the Amended Fourth Round Housing Element and Fair Share Plan that was adopted by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Linwood, County of Atlantic, State of New Jersey, as follows:

1. The City Council hereby endorses the Amended Fourth Round Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, which was adopted by the City's Planning Board on February 17, 2026.
2. The City Council hereby directs the City's Affordable Housing Counsel to seek Program and Court approval of the Amended Fourth Round Housing Element and Fair Share Plan via a Compliance Certification, and to take whatever actions are necessary to maintain the City's immunity from all Mount Laurel exclusionary zoning lawsuits.

3. The City reserves the right to further amend the Amended Fourth Round Housing Element and Fair Share Plan, should that be necessary.

CERTIFICATION

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

**RESOLUTION OF THE LAND USE BOARD OF THE CITY OF LINWOOD
ADOPTING AN AMENDED FOURTH ROUND HOUSING ELEMENT AND
FAIR SHARE PLAN**

WHEREAS, pursuant to the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-301 et seq., the City of Linwood adopted a “binding resolution” on January 21, 2025 accepting a DCA-calculated Fourth Round Present Need of 49 and Fourth Round Prospective Need of 25; and

WHEREAS, the City filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (“the Program”) and the Court, along with its binding resolution, on January 23, 2025; and

WHEREAS, the filing of the DJ Complaint gave the City automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

WHEREAS, the City did not receive any objections to its Present and Prospective Need numbers by February 28, 2025, therefore on June 5, 2025, the Court entered an order establishing the City’s Fourth Round Present Need of 49 and Prospective Need of 25; and

WHEREAS, the FHA required the municipality to adopt a Fourth Round Housing Element and Fair Share Plan (“Fourth Round Plan”) by June 30, 2025; and

WHEREAS, the Land Use Board adopted the Fourth Round Plan on June 16, 2025, the City filed the adopted Fourth Round Plan with the Program and the Court on June 16, 2025, and the City Council endorsed the Fourth Round Plan on June 17, 2025; and

WHEREAS, the City received a letter requesting additional documentation from Fair Share Housing Center on August 26, 2025 from Fair Share Housing Center (“FSHC”); and

WHEREAS, the Court entered a Case Management Order on November 18, 2025 requiring the City to submit documentation in response to FSHC’s letter by December 1, 2025 and to enter into a Consent Order with FSHC by February 2, 2026; and

WHEREAS, the City filed the documentation in response to FSHC’s letter with the Court on December 1, 2025 and then negotiated a Consent Order with FSHC; and

WHEREAS, the City entered into the Consent Order with FSHC, which was filed with the Court on February 4, 2026; and

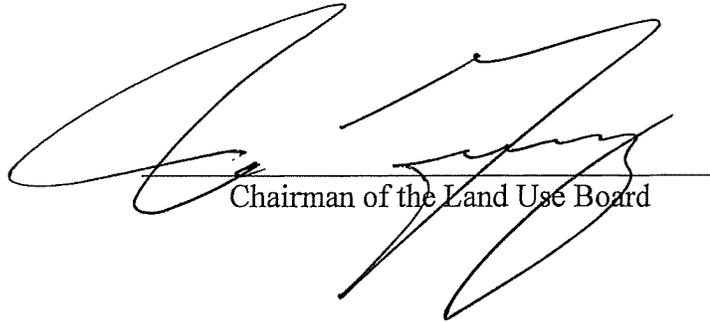
WHEREAS, as per the FHA and Consent Order with FSHC, the City is required to amend its Fourth Round Plan to include the terms and conditions agreed upon in the Consent Order; and

WHEREAS, the City has prepared an Amended Fourth Round Housing Element and Fair Share Plan (“Amended Fourth Round Plan”), which is attached hereto as Exhibit A; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Land Use Board held a public hearing on the Amended Fourth Round Plan on February 17, 2026; and

WHEREAS, the Land Use Board determined that the attached Amended Fourth Round Plan is consistent with the goals and objectives of the City's current Master Plan, and that adoption and implementation of the Amended Fourth Round Plan is in the public interest and protects public health and safety and promotes the general welfare.

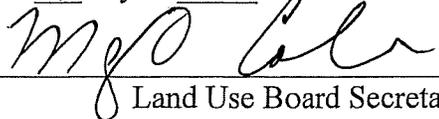
NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the City of Linwood, County of Atlantic, State of New Jersey, that the Land Use Board hereby adopts the City's Amended Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.



Chairman of the Land Use Board

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Land Use Board of the City of Linwood at a regular meeting held on the 17 day of Feb . 2026.



Land Use Board Secretary

FAIR SHARE PLAN

Affordable Housing and Fair Share Plan

In 1975, in the case Southern Burlington County NAACP v. Township of Mt. Laurel (Hereinafter "Mt. Laurel I"), the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide for the construction of low- and moderate-income housing. The court's 1983 decision in Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158, 456 A.2d 390 (1983) ("Mt. Laurel II") expanded the obligation in ruling that all municipalities share in this constitutional obligation to provide a realistic means for addressing a fair share of the regional present and prospective need for housing affordable to low- and moderate-income families provided that any portion of the municipality is located in a "growth area" as set forth in the SDGP. As such, through a municipality's zoning and land use regulations, it is to be realistically possible, through provision of a variety of housing choices, for all categories of people within Housing Region 6 (including Salem, Cumberland, Cape May and Atlantic counties) to live if they choose in the City of Linwood.

City of Linwood Fair Share Obligations

In accordance with the Amended Fair Housing Act, this Fourth Round Housing Element and Fair Share Plan will set forth how the City has addressed prior obligations as well as how it intends to address its Fourth Round affordable housing obligations:

A. Present Need (Rehabilitation) Obligation

The Present Need Obligation, also known as the rehabilitation obligation, can be defined as an estimate of the number of substandard existing deficient housing units currently occupied by low- and moderate-income households. Linwood has a Present Need Obligation of **49** units.

B. Prior Round Obligation (1987-1999)

The City of Linwood has a Prior Round Obligation of **140** units.

C. Third Round Obligation (1999-2025)

The City of Linwood has a Third Round Obligation of **112** units.

D. Vacant Land Adjustment of Prior Round and Third Round Obligations

The City's Prior Round and Third Round new construction obligations of 140 and 112, respectively, leaves Linwood with a new construction obligation of 252. Due to those new construction obligations being outsized as compared to the availability of developable land in Linwood, the City received an initial vacant land adjustment that reflects a Realistic Development Potential (RDP) and an unmet need. For the

Prior Round, this resulted in an RDP of three (3) and an unmet need of 137. The Third Round Court-approved Vacant Land Adjustment resulted in an RDP of 12 and an unmet need of 100.

E. Fourth Round Prospective Obligation (2025-2035)

The City of Linwood has a Fourth Round Prospective Need Obligation of **25** units.

Housing Strategy:

Affordable Housing Caps and Requirements

In accordance with the requirements set forth in the Amended FHA, the City of Linwood will address the following:

- A. This plan requires that thirteen percent (13%) of all the affordable units referenced in the Agreement, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval as of July 1, 2008, will be very low income units (defined as units affordable to households earning thirty percent (30%) or less of the regional median income by household size), with half of the very low income units being available to families.
- B. No more than twenty-five percent (25%) of a municipality's obligation can be satisfied with rental bonus credits.
- C. This plan will ensure that at least fifty percent (50%) of the units addressing the Fourth Round Prospective Need Obligation will be affordable to a combination of very-low-income and low-income households, while the remaining affordable units will be affordable to moderate-income households.
- D. This plan will ensure that a minimum of twenty-five percent (25%) of the Fourth Round Prospective Need Obligation, exclusive of rental bonus credits, will be met through rental units, including at least half in rental units available to families.
- E. This plan will ensure that at least half of these units, exclusive of any bonus credits, addressing the City's Fourth Round Prospective Need Obligation will be available to families.
- F. This plan complies with the Fourth Round age-restricted cap of thirty percent (30%), exclusive of rental bonus credits.

The housing strategy outlined herein addresses the City's 49-unit Fourth Round Rehabilitation Obligation, 140-unit Prior Round Obligation, 112-unit Third Round

Obligation, and the 25-unit Fourth Round Obligation. Below are the mechanisms the City has put in place to address the affordable housing obligations.

Addressing the Present Need Obligation

The purpose of a rehabilitation program is to rehabilitate substandard housing units occupied by low- and moderate-income households. A substandard housing unit is defined as a unit with health and safety violations that require the repair or replacement of a major system. A major system includes a roof, plumbing, heat, electricity, sanitary plumbing and/or a load bearing structural system. Upon rehabilitation, housing deficiencies are corrected, and the unit is brought up to New Jersey Uniform Construction Code standards.

Based on the DCA's calculation for the municipality's present need, a rehabilitation component of forty-nine (49) units was accepted by the City. The City plans to satisfy this obligation by continuing its participation in the Atlantic County Improvement Authority's rehabilitation program and/or through other rehabilitation programs selected by the City as may become available.

Addressing the Prior Round Obligation

The City has a Prior Round obligation of 140 units.

The City received a Pre-Meditation Report from COAH that concluded the RDP for the Prior Round was 3 units. In accordance with the Court-approved Settlement agreement, 2 bedrooms in an existing three-bedroom group home facility operated by Delta Community Supports and located at 115 Carol Road, and one bonus credit. The third bedroom will go towards the Prior Round Unmet Need of 138, resulting in an Unmet Need of 137 for the Prior Round.

Addressing the Third Round Obligation

Linwood has a Third Round (1999-2025) Obligation of 112 units.

A vacant land analysis was conducted and in accordance with the Court-approved Settlement Agreement and the Consent Order of Compliance and Repose (See Appendix C), the municipality has a Third Round RDP of 12 units. This RDP will be satisfied as follows:

ARC of Atlantic County:

As per the Court-approved Settlement Agreement and Consent Order of Compliance and Repose, the City of Linwood would provide funding to the ARC of Atlantic County for the construction of a three-bedroom group home. The City agreed to contribute \$40,000 per bedroom, or \$120,000 for the group home. In the Court-approved Settlement Agreement, the City was anticipating to apply 3 credits and 3 bonus credits for a three-bedroom group home. The ARC of Atlantic County purchased 1717 Dianne Court, which was a four-

bedroom home, and the City provided \$160,000 from the City’s Affordable Housing Trust Fund. This provided the City with 4 credits and 4 bonus credits.

Accessory Apartment Program:

The City has contracted with Triad Associates to administer the six-unit Accessory Apartment Program. See Appendix D. 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. The City also adopted an Accessory Apartment ordinance. See Appendix E. 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.

**Table 20
Third Round Affordable Housing Unit Crediting**

Development	VLI	Rentals	Units	Bonus Credits	Total Credits	Status
ARC of Atlantic County – 1717 Dianne Court	4	4	4	4	8	Constructed & Occupied
Accessory Apartment Program		6	6		6	Ordinance in full effect
Total Credits	4	10	10	4	14	

The City has two surplus credits as a result of the extra bedroom in the ARC of Atlantic County group home that will be applied to the Unmet Need for the Third Round, reducing it from 100 units to 98 units.

Addressing the Fourth Round Obligation

Linwood has a Fourth Round (2025-2035) Obligation of 25.

Caring, Inc. - 1803 Shore Road

Caring, Inc. is currently constructing a five (5) bedroom group home on Lot 10 in Block 28.10. The group home will be rented to low- to very-low-income individuals. Once construction is completed, a 40-year deed restriction will be required.

As per N.J.A.C. 5:93-1.3, the site for the proposed project is Approvable, Available, Developable and Suitable. The site is considered to be an approvable site due to its ability to be developed with affordable housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. The site has a clear title and is free of encumbrances which would preclude the development of affordable housing, making it an available site. The site is also developable, meaning that it has appropriate water and sewer infrastructure available. It is also considered suitable, meaning that it is adjacent to

compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

Transitional Living:

Surfside Recovery is an existing transitional living house with a total of 5 bedrooms and is located at 8 Marvin Avenue (Block 177, Lot 7.01). The property is licensed by the State of New Jersey as a Rooming and Boarding House. Annual inspections are conducted by the DCA. In accordance with the new legislation, in the Fourth Round, municipalities can count credits for transitional housing for up to 10% of the fair share obligation. The City is applying two (2) credits towards the Fourth Round obligation for this facility.

**Table 22
Fourth Round Affordable Housing Unit Crediting**

Development	Special Needs	Family	Senior	Rentals	Units	Bonus Credits	Total Credits
Caring, Inc. 1803 Shore Road	5			5	5	5	10
Transitional Living Surfside Recovery				2	2		2
Total Credits	5	0	0	7	7	5	12

The total of 12 units generated from the bedrooms in the Caring, Inc. group home and the Surfside Recovery transitional living facility will be applied to the Fourth Round Unmet Need reducing the Unmet Need to 13 units.

Vacant Land Analysis

Pursuant to N.J.A.C. 5:97-5.1(d) and the City’s 2018 Settlement Agreement with FSHC and the Consent Order, the City is entitled to rely on the previous Vacant Land Adjustments which established its RDP and that said RDP shall not be revisited absent any substantial “changed circumstances”.

Due to limited vacant and developable land that is within the City’s land use jurisdiction, the City qualifies for a vacant land adjustment. The City performed a vacant land analysis and because the Realistic Development Potential associated with the qualifying vacant parcels is addressed in the Third Round Fair Share Plan, the Fourth Round RDP is zero (0).

In the time since the Court-approved Settlement Agreement and Final Judgment of Compliance and Repose, several lots identified as vacant and developable have been developed with single-family dwellings. The following table is an update of the status of the developable parcels identified in the Third Round’s vacant land analysis:

**Table 21
Developable Vacant Lots Greater than 0.5 Acres**

Vacant Lands Identified in the 2018 Vacant Land Analysis				
Block	Lot	Property Location	Developable Acreage	Current (2026) Condition of Property
6	38.01	495 Oak Lane	0.96	Vacant
12	20	Wabash & Cleveland Avenues	0.8523	City purchased property using County Open Space Funds in 2020
16.01	31.07	18 Seagarden Drive	1.33	Consolidated with adjacent existing single-family lot
16.01	31.08	16 Seagarden Drive	0.97	Vacant
27	16	1925 Shore Road	0.5671	Lot consolidated with adj. lot and no longer vacant
33	6	100 E. Seaview Avenue	0.5267	New dwelling constructed
33	12.01	1807 Franklin Boulevard	1.3897	Vacant
102	5.01	321 Murphy's Way	0.65	New dwelling constructed
110	3	1145 Woodlynnne Boulevard	0.5528	New dwelling constructed
184	1	750 Shore Road	1.8885	Parcel subdivided; 3 new dwellings constructed
TOTAL DEVELOPABLE LAND = 9.6871 acres				
Vacant Lands Identified in the 2026 Vacant Land Analysis				
Block	Lot	Property Location	Developable Acreage	Current Condition of Property
6	38.01	495 Oak Lane	0.96	Vacant
16.01	31.08	16 Seagarden Drive	0.97	Vacant
27	11.03	1902 W. Burwick Lane	0.54	Vacant
33	12.01	1807 Franklin Boulevard	1.3897	Vacant
TOTAL DEVELOPABLE LAND = 3.8597 acres				

Based on an analysis of property tax records, approvals and aerial imagery, the City has determined that there have been no substantial changed circumstances that would generate new realistic development potential since the vacant land analysis contained in the Court-approved 2018 Third Round Housing Element and Fair Share Plan, Court-approved 2018 Settlement Agreement and Consent Order of Compliance and Repose.

In 2018, it was determined that there were 9.8671 acres of developable land available in the City. Since 2018, most of the vacant parcels have been developed with single-family dwellings, the City purchased a large parcel of land with open space funds, one vacant lot was subdivided into three lots for single-family dwellings and one parcel was consolidated with an adjacent lot with an existing single-family dwelling.

This latest analysis confirmed that there were no properties representing a substantial changed circumstance requiring a Fourth Round RDP obligation. This is largely due to the fact that the City lacks developable land as demonstrated by the vacant land adjustment and the significant decrease in the number of available, developable parcels from 2018. There were three lots which remain vacant since 2018 and one lot which was created by a

lot line adjustment. There has been no increase in available developable land. As such, the City’s RDP is zero (0).

The Amended FHA requires a municipality that receives an adjustment of the prospective need to identify sufficient parcels that are likely to redevelop during the fourth round to address 25 percent of the “adjusted number” with realistic or meaningful zoning. While the plain reading of the Amended FHA could mean that the “adjusted number” is RDP then the City would have a zero (0) obligation toward this requirement because the Fourth Round RDP is zero (0). If, however, a Court determines that the “adjusted number” is unmet need, the City is complying through the compliance mechanisms already approved by the Court in the Consent Order of Compliance and Repose.

The conditions remain substantially unchanged from the vacant land analysis done for the Third Round. The RDP from the Third Round was 12 units. The vacant land analysis continues to support an RDP of zero (0) units. Supporting maps and vacant land data is included in Appendix K.

The City’s vacant land analysis resulted in a combined Prior Round, Third Round and Fourth Round RDP and unmet need as follows:

**Table 23
Summary of Fair Share Obligation**

Rehabilitation Share	0
Prior Round Obligation	140
Third Round Obligation	112
Fourth Round Obligation	25
City Obligation After Vacant Land Adjustment	
Realistic Development Potential for Prior Round and Third Round	15
Realistic Development Potential for Fourth Round	0
Unmet Need	272

The City is implementing a comprehensive plan that provides for a mix of housing types including accessory apartments and overlay zoning to address the unmet need obligation.

Addressing the Unmet Need

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 adopted 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 20 percent set-aside for rental units or a 20 percent set-aside for for-sale units. See Appendix F. The blocks and lots in each category of overlay zoning are listed below:

Table 24
Lots within Affordable Overlay Zone I

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)

Table 25
Lots within Affordable Overlay Zone II

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 adopted an Ordinance requiring mandatory affordable housing set aside for all new multifamily residential developments of five units or more. The set aside for for-sale developments is 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. See Appendix G for the City's current set-aside ordinance.

The City will amend the current set-aside ordinance to require a 20 percent set-aside for both for-sale units and rental units. The City maintains and will maintain in full effect for the duration of the forthcoming round, an affordable housing ordinance which includes provisions establishing a mandatory affordable housing set-aside requirement and has established two affordable housing overlay zones which require the development of additional low- and moderate-income housing opportunities.

Very Low-Income Units

Pursuant to the amended FHA (P.L. 2008, c.46), the City must ensure that at least 13% of affordable housing units approved and constructed (or to be constructed) after July 17, 2008, are available to very low-income households. The City will exceed the requirement that 13% of units be available to very low-income households in both the Third Round and Fourth Round.

Per the more recently amended FHA (P.L. 2024, c.2) at N.J.S.A. 52:27D-329.1, at least half of very low-income units addressing the Fourth Round Prospective Need must be “available for families with children.” To meet this requirement, the City will continue to pursue affordable housing opportunities for family rental units.

Income and Bedroom Distribution

The City will continue to follow the UHAC rules and regulations and ensure that the new affordable housing developments will comply with N.J.A.C. 5:93-7.2 through 7.3.

Affordable Housing Administration and Affirmative Marketing

Linwood currently has a Court-approved Affordable Housing Ordinance, Chapter 78 of the City Code (See Appendix H). The Affordable Housing Ordinance governs the establishment and occupancy of the affordable units in the City, including, but not limited to, the phasing of affordable units, the mix of very-low-, low- and moderate-income units, bedroom distribution, occupancy standards, affordability controls, rents and sales prices, affirmative marketing, and income qualification. The Affordable Housing Development Fees are contained in the City's Code in Chapter 124 Development Fees. See Appendix I.

The City will prepare an updated Affordable Housing Ordinance in accordance with the DCA's proposed new regulations (N.J.A.C. 5:99), and UHAC's new 2025 regulations, once the DCA and HMFA finalize their rule proposals.

The City shall adopt by resolution an updated Affirmative Marketing Plan. The City's Administrative Agent designated by the City of Linwood, or any Administrative Agent appointed by a specific developer, shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

The City has appointed a Municipal Housing Liaison by resolution. See Appendix J. The City does have a contract with Triad Associates to conduct the administration and affirmative marketing of its affordable housing sites. The affirmative marketing plans are 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 the affordable units located in the City. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the City's housing region, Region 6, consisting of Atlantic, Cape May, Cumberland, and Salem counties.

The Affirmative Marketing Plan lays out the random-selection and income qualification procedure of the administrative agent, which is consistent with COAH's rules and N.J.A.C. 5:80-26.1. All newly created affordable units will comply with the minimum 30-year (or 40-year for rentals) affordability control required by UHAC, N.J.A.C. 5:80-26.1 *et seq.* This plan must be adhered to by all private, nonprofit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit.

State Development and Redevelopment Plan

This Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (SRDP) and the draft proposed SDRP as the proposed projects and zoning mechanisms will provide the opportunity for the construction of affordable housing.

The City of Linwood is located in the PA-1 Metropolitan Planning Area. Per the SDRP, the intent for PA-1 is to:

- provide for much of the State's future redevelopment;
- revitalize cities and towns;
- promote growth in compact forms;
- stabilize older suburbs;
- redesign areas of sprawl; and
- protect the character of existing stable communities.

Areas of the City that are situated in the PA-5 Environmentally Sensitive areas are not suitable for development and per the SDRP, the intent for PA-5 is to:

- protect environmental resources through the protection of large contiguous areas of land;
- accommodate growth in Centers;
- protect the character of existing stable communities;
- confine programmed sewers and public water services to Centers; and
- revitalize cities and towns.

The City continues to encourage the development of affordable housing in the PA-1. This is consistent with the overall SDRP goal to direct redevelopment and growth into areas where infrastructure can support the development and support services such as open space, retail shopping and public transportation are within walking distance.

Cost Generation

The City's Subdivision of Land and Site Plan Review and Zoning ordinances have been reviewed to eliminate unnecessary cost generating standards. The City will amend, if needed, the Land Use Board rules for expediting the review of development applications for affordable housing projects, including, but not limited to, scheduling special monthly public hearings. All development applications containing affordable housing shall be reviewed for consistency with the City's ordinances, Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) and the FHA regarding unnecessary cost-generating requirements.

Once the DCA and HMFA finalize their rule proposes, the City will revise its Subdivision of Land and Site Plan Review and Zoning ordinances, if needed, in accordance with the DCA's proposed new regulations (N.J.A.C. 5:99), and UHAC's new 2025 regulations in order to comply with the new requirements to address cost-generative issues.

Spending Plan

The City will prepare a Fourth Round Spending Plan which discusses anticipated revenues, collection of revenues, and the use of revenues, in accordance with N.J.A.C. 5:93-5.1(c).

All collected revenues are placed in the City's Affordable Housing Trust Fund and will be dispensed for the use of affordable housing activities as indicated in the Fourth Round Spending Plan. Once DCA and HMFA finalize their rule proposals (anticipated after June 30, 2025), the City will prepare an updated spending plan in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules, not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules as well as to address any terms of the court-approved Third Round FSHC agreement and Consent Order of Compliance and Repose.

The City may, in the future, seek to amend its Spending Plan and obtain court approval to use its affordable housing trust funds for the following additional permitted affordable housing activities, including new, emergent affordable housing activities, subject to applicable limitations and minimum expenditures. N.J.S.A. 52:27D-329.2 permits the use of revenues generated by a development fee ordinance for activities that address the municipal fair share obligation including, but not limited to, rehabilitation, new construction, improvement to land, roads and infrastructure for affordable housing, assistance to render units more affordable, and administrative costs of housing plan implementation.

A minimum of 30% of the collected development fees must be used to provide affordability assistance to low- and moderate-income households in affordable housing units included in the City's Fair Share Plan. A minimum of one-third (1/3) of the affordability assistance must be utilized for very-low-income units.

No more than 20% of the revenues collected each year from development fees shall be spent on administrative fees, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a rehabilitation program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program.

The adoption of the City's Spending Plan will constitute a commitment for expenditure pursuant to N.J.S.A. 52:27D-329.2. The four-year deadline to commit and expend collected fees for emerging compliance mechanisms shall commence upon the entry of the Superior Court's Fourth Round Judgment of Compliance and Repose and/or Compliance Certification.

Summary

Through the proposed mechanisms addressed in this Housing Element and Fair Share Plan, the City will be able to satisfy its Rehabilitation, Prior Round, Third Round and Fourth Round Prospective Need affordable housing obligations by 2035 providing for a realistic opportunity for the production of very low-, low- and moderate-income units within the City.

APPENDIX K – Vacant Land Analysis Maps & Vacant Lots

Block	Lot	PropertyLocation	OwnerName	OwnerStreet	OwnerCityState	ZipCode	LandDescription	Zone
1	1.01	West Ave	Lang, Robert A & Laura A	2025 West Avenue	Linwood, NJ	08221	43.45 AC	CONS
1	20.01	2019 West Ave	Lang, Robert & Laura	2020 West Ave	Linwood, NJ	08221	115.05 X 117.86 IRR	R-10
1	21	2021 West Ave	Lang, Robert & Laura	2025 West Ave	Linwood, NJ	08221	1.92 AC	R-10
1	24	2007 West Ave	2020 West Prop Llc	2020 West Ave	Linwood, NJ	08221	.483 AC	R-10
1	31	Palcong Creek	Palcong Creek Foundation	991 Tuckahoe Rd	Milimay, NJ	08340	2.934AM	CONS
1	38	520 Hamilton Ave	New Jersey Water Company/Tax Dept	P.O. Box 2738	Camden, NJ	08102	160X156	BUS
1	45.03	New Road	Meadows At Linwood Homeowners Assoc	P.O. Box 231	Linwood, NJ	08221	.17 AC	PRD
1	45.08	4 Spatterdock Lane	Randy Homes Llc	178 Asbury Ave	Egg Harbor Twp, NJ	08234	.21 AC	PRD
1	45.27	New Road	Meadows At Linwood Homeowners Assoc	P.O. Box 231	Linwood, NJ	08221	.44 AC	PRD
1	49	1201 New Road	1201 Linwood Pads Llc	380 Red Lion Rd Ste 202	Huntingdon Valley, Pa 19006		17.37 AC-10%	REDE
1	49	1201 New Road	1201 Linwood Pads Llc	380 Red Lion Rd Ste 202	Huntingdon Valley, Pa 19006		17.37 AC-15%	REDE
6	38.01	495 Oak Lane	495 Oak Lane Llc	Po Box 264	Linwood, NJ	08221	.96 ACRES	R-15
6	52.01	West Ave	Costello, John & Jennifer	1922 West Ave	Linwood, NJ	08221	122.14X164.82IR	R-15
8.03	23	210 W Ocean Heights Ave	Giddings, Janet	112 Burke Ave	Egg Harbor Twp, NJ	08234	50X193.05	R-10
11	23	125 W KirklIn Ave	Garman, Margaret M	121 W KirklIn Ave	Linwood, NJ	08221	52.95X101.36IR	R-10
12	3	Cleveland Ave	Fischer, Waltraud	Unknown	Unknown	00000	87.8X105	R-10
12	6	Cleveland Ave	McLaughlin, Alicia K	420 Atlantic Ave	Ocean City, NJ	08226	102.84X103.92IRR	R-10
13	16.01	Burwick Lane	Seaview Baptist Church	2025 Shore Rd	Linwood, NJ	08221	100X100	R-10
13	16.02	Burwick Lane	Seaview Baptist Church	2025 Shore Rd	Linwood, NJ	08221	100X100	R-10
15	9.02	20 E Ocean Heights Ave	Appel, John & Sangeeta	43 E Royal Ave	Linwood, NJ	08221	124 X 484	R-10
16.01	1.23	Royal & Franklin	J & M Land Company	7515 Bayshore Dr	Margate, NJ	08402	5.65AC	CONS
16.01	31.08	16 Seagarden Drive	Thum, William C	3626 Wesley Ave	Ocean City, NJ	08226	1.12 AC	R-10
16.01	58	R Iona Ave	Off, Frank; Estate Of	200 E Iona Ave	Linwood, NJ	08221	10.35 AC	CONS
17	1.02	4 E Myrtle Avenue	Dilks, Wayne D	214 Van Sant Avenue	Linwood, NJ	08221	95 X 123	R-10
18	9.09	2 Bonnie Drive	Gelst, Jason	1 Bonnie Dr	Linwood, NJ	08221	.77 AC	R-15
21	1.06	New Road	Malick, Melody A	24 Wendy Dr	Linwood, NJ	08221	2.64	R-10
24	1	Joseph & New Rd	Max Gurwicz & Son Inc	331 Tilton Road	Northfield, NJ	08225	75X113.62	R-10
24	16	Hamilton & New Rd	Max Gurwicz & Son Inc	331 Tilton Road	Northfield, NJ	08225	75X113.62	R-10
27	11.01	1901 W Burwick Lane	Smith, Randy J & Levy, Smith Iris	121 N Granville Ave	Margate City, NJ	08402	.31AC	R-10
27	11.02	1903 W Burwick Lane	Smith, Randy J & Levy, Smith Iris	121 N Granville Ave	Margate City, NJ	08402	.34AC	R-10
27	11.03	1902 W Burwick Lane	Smith, Randy J & Levy, Smith Iris	121 N Granville Ave	Margate City, NJ	08402	.54AC	R-10
33	12.01	1807 Franklin Blvd	Wallace, Grace H.	1803 Franklin Blvd	Linwood, NJ	08221	215.05X281.5	R-10
34	2	1732 Shore Road	Lockhart, Ann R	1730 Shore Road	Linwood, NJ	08221	50X180	SR
40	39	210 E Seaview Ave	SJ Hauck Prop Llc	900 W Leeds Ave #A	Absecon, NJ	08201	120X268.92	R-15
40	66	Helena Dr	Max Gurwicz & Son Inc	331 Tilton Road	Northfield, NJ	08225	13.32 AC	CONS
40	70.01	Somerset Blvd Rear	Cho, Shao Ru & Sheau YIT	716 Taranto Ct	Virginia Bch, Va	23454	9.304 AC	CONS
45	26.02	2 AthlIn Drive	Harrington, Patrick & Kimberly Gitt	7 Joseph Court	Northfield, NJ	08225	20900 SF	R-10
48	5	New Rd	Brighton Farms Corp	Shore Rd & Poplar Ave	Linwood, NJ	08221	338.79X120.31IR	R-10
64	4	114 E Balfour Ave	Mcpeak, Barbara	1210 Franklin Blvd	Linwood, NJ	08221	120X100	R-10
68	1.04	Cheltenham Ave	Laydra, Rodolfo & Devon	210 E Balfour Ave	Linwood, NJ	08221	130X150	CONS
68	2	Cheltenham Ave	Laydra, Rodolfo & Devon	210 E Balfour Ave	Linwood, NJ	08221	50X135IR	CONS
69	1.03	208 E Balfour Ave	Ong, Alvin C - Trust	18 Flamingo Dr	Avalon, NJ	08202	359.78 X 100	CONS
76	5.01	110 E Devonshire Ave	Adam, Saad 2022 Rev Tr & Saad, Adam	110 E Devonshire Ave	Linwood, NJ	08221	176X100 IRR	R-15
80	1.04	207 E Frankford Ave	Gendel, Kalina & Shah, Umang	203-207 E Frankford Ave	Linwood, NJ	08221	270 X 100	R-15
81	3.03	1009 Bartlett Ave	Glenn, Thomas L III	1011 Bartlett Ave	Linwood, NJ	08221	150 X 100	R-10
85	10	1011 New Road	Dr, Horton Inc NJ	2040 Briggs Rd Ste A	Mount Laurel, NJ	08054	100X100	R-10
93	4	Pierce Ave	Donohoe, Dennis & Buccil, Tia	409 W Poplar Ave	Linwood, NJ	08221	93.38X158.65IR	R-10
99	10	1007 Wabash Ave	Cassidy, Lindsey	201 W Van Sant Ave	Linwood, NJ	08221	60.15X153.56IR	R-10
107	13	23 Elm Ave	Everett, Michael & Whitmore, Kathy	1014 Maple Ave	Linwood, NJ	08221	50X150IR	R-10
116	2	657 W Barr Ave	Bozzelli, Richard I & Joan M	555 W Barr Ave	Linwood, NJ	08221	2.24 AC	CONS
121	1	Rear Oak Av	Aspenberg, Edward C/O Ben Carney	Po Box 105	Mays Landing, NJ	08330	10.02 AC	CONS
121	2.02	2 Barr Court	Mccabe, Kevin & Deepa	3 Barr Court	Linwood, NJ	08221	110 X 875 IRR	R-10
121	5	538 W Barr Ave	Elliott, William C/O Robert Elliott	24 Willow Pond Ct	Woolwich, NJ	08085	50X218.85IR	R-10
123	2	402 Cedarbrook Lane	Fulton, Anna Niesley	213 Lark Ln	Lliltz, Pa	17543	83.11X130.22IR	R-10
125	11	535 Maple Ave (Rear)	Realty Income Prop 13 Llc	11995 El Camlino Real	San Diego, Ca	92130	121.35X174.11R	BUS
127	10	725 Maple Ave	Bassett, George P (& Carolyn-Dcsd)	328 W Poplar Ave	Linwood, NJ	08221	159.28X344IR	R-10
128	7.02	643 Maple Ave (Rear)	Breslin, Marina H	643 Maple Ave	Linwood, NJ	08221	111.46X180.07IR	R-10
148	14.06	Ashbridge Lane	Fischer Woods Property Owners Assoc	13 Fischer Rd	Linwood, NJ	08221	30X135	R-15
148	14.28	Evergreen Road	Fischer Woods Property Owners Assoc	13 Fischer Rd	Linwood, NJ	08221	2.08	R-15
148	15.01	Oak Avenue	Fischer Greens C/O Rs Malrone	Po Box 3182	Margate City, NJ	08402	34995 SF	R-15
148	15.10	8 Wexford Lane	Wexford Lane Llc	12 Wexford Ln	Linwood, NJ	08221	16808 SF	R-15
148	15.19	Oak Avenue	Fischer Greens C/O Rs Malrone	Po Box 3182	Margate City, NJ	08402	24306 SF	R-15
148.01	5	Fischer Road	Fischer Woods Property Owners Assoc	13 Fischer Rd	Linwood, NJ	08221	225X110 IRR	R-15
150	8.33	Oak Ave	Parkwood Homeowners Assoc., Inc.	501 Zion Road # B	Egg Harbor Twp, NJ	08234	9086 SF	PRD
150	8.34	Lexington Ct	Parkwood Homeowners Assoc., Inc.	501 Zion Road # B	Egg Harbor Twp, NJ	08234	17159 SF	PRD
150	8.35	Brandywine Ct	Parkwood Homeowners Assoc., Inc.	501 Zion Road # B	Egg Harbor Twp, NJ	08234	7984 SF	PRD
150	8.36	Vernon Ave	Parkwood Homeowners Assoc., Inc.	501 Zion Road # B	Egg Harbor Twp, NJ	08234	23767 SF	PRD
150	8.37	Central Ave	Parkwood Homeowners Assoc., Inc.	501 Zion Road # B	Egg Harbor Twp, NJ	08234	4866 SF	PRD
150	8.38	Parkwood Place	Parkwood Homeowners Assoc., Inc.	501 Zion Road # B	Egg Harbor Twp, NJ	08234	44791 SF	PRD
162	1	334 W Vernone Ave	Ocean Portal Inv Llc	Ste 105B 1125 Atlantic Av	Atlantic City, NJ	08401	30X120	R-10
163	7	200 W Haines Ave	Jackson, Gregory J & Kimberly R	No Known Address	Linwood, NJ	08221	100X40.30IR	R-10
181	8	E Edgewood Ave	Ducks Pond Inc % M Gibson Esq	222 Landing Lane	Linwood, NJ	08221	1.57 AC	CONS
182.01	1.01	104 E Edgewood Ave	Ridgway, Theodore & Lois; Estates Of	Po Box 476	Linwood, NJ	08221	103 X 160 IRR	R-20
182.01	9.03	E Edgewood Ave	Ducks Pond Inc C/O M Gibson Esq	222 Landing Lane	Linwood, NJ	08221	5.17	CONS
182.01	9.04	E Delmat Ave	Luxuria Llc	320 Shore Rd	Somers Point, NJ	08244	70X126IRR	R-15
182.01	18.01	Poplar Ave	Linwood Cc Land Llc	500 Shore Rd	Linwood, NJ	08221	23.71AC	CONS
182.01	19	Poplar Ave	Roberts, Charles K	2734 Ridge Road	Daytona Beach, Fl	32118	4.38 AC	CONS
182.02	9.03	120 Country Club Drive	Ferolzi, Joseph L & Karen	124 Country Club Drive	Linwood, NJ	08221	113X143AV	R-15
182.02	18.02	900 Woodlyne Blvd	Linwood Cc Land Llc	500 Shore Rd	Linwood, NJ	08221	14.57AC	REC/
183	1	Poplar & Bay	Linwood Cc Land Llc	500 Shore Rd	Linwood, NJ	08221	4.99 AC	CONS
183	2	Poplar Av	Roberts, Charles K	2734 Ridge Road	Daytona Beach, Fl	32118	0.627 AC	CONS
184	1.02	6 E Poplar Ave	W & W Land Management, Llc	10 E Poplar Ave	Linwood, NJ	08221	.56 AC	SR
184	15	Shore Road (Rear)	Linwood Cc Land Llc	500 Shore Rd	Linwood, NJ	08221	11.11	REC/
184	33	Poplar Av	Roberts, Charles K	2734 Ridge Road	Daytona Beach, Fl	32118	56X23.50IR	CONS

Land greater than 0.50 acres

Block	Lot	Property Location	Land Desc	Zoning	Calc Acreage	Developable Acreage (Approx.)	Constraints
1	1.01	WEST AVE	43.45 AC	CONS	43.45	0	Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, AE - Special Flood Hazard Area
1	21	2021 WEST AVE	1.92 AC	R-10	1.92	0	Wetlands, 50 foot wetland buffer, Rank 1 - Suitable Habitat, Rank 4 - State Endangered Habitat, AE - Special Flood Hazard Area
1	31	PATCONG CREEK	2.934AM	CONS	2.94	0	Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, AE - Special Flood Hazard Area
1	38	520 HAMILTON AVE	160X156	BUS	0.573	0	Water Tower, 0.2% Annual Chance Flood Hazard, AE - Special Flood Hazard
6	24	2110 NEW ROAD	3.41 ACRES	BUS	3.41	0.30	Wetlands, 50 foot wetland buffer, Rank 3 - State Threatened Habitat, 0.2% Annual Chance Flood Hazard
6	38.01	495 OAK LANE	.96 ACRES	R-15	0.96	0.96	AE Special Flood Hazard & 0.2% Annual Chance Flood Hazard
15	9.02	20 E OCEAN HEIGHTS AVE	124 X 484	R-10	1.3778	0.07	Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, VE - Special Flood Hazard Area, AE - Special Flood Hazard Area, X - Minimal Risk Flood Area
16.01	1.23	ROYAL & FRANKLIN	5.65AC	CONS	5.65	0	Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, VE - Special Flood Hazard Area, AE - Special Flood Hazard Area
16.01	31.08	16 SEAGARDEN DRIVE	1.12 AC	CONS	1.12	0.97	Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, VE - Special Flood Hazard Area, AE - Special Flood Hazard Area, 0.2% Annual Chance Flood Hazard, X - Minimal Risk Flood Area
16.01	58	R IONA AVE	10.35 AC	CONS	10.35	0	Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, AE - Special Flood Hazard Area
18	9.09	2 BONNIE DRIVE	.77 AC	R-15	0.77	0.07	Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, AE - Special Flood Hazard Area, X - Minimal Risk Flood Area
21	1.06	NEW ROAD	2.64	R-10	2.64	0	Basin, Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, AE - Special Flood Hazard Area
27	11.03	1902 W BURWICK	0.54	R-10	0.54	0.54	None
33	12.01	1807 FRANKLIN BLVD	215.05X281.5	R-10	1.3897	1.3897	Rank 1 - Suitable Habitat
40	39	210 E SEAVIEW AVE	120X268.92	R-15	0.7408	0.2	Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, AE - Special Flood Hazard Area, 0.2% Annual Chance Flood Hazard
40	66	HELENA DR	13.32 AC	CONS	13.32	0	Wetlands / Water, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, AE - Special Flood Hazard Area
40	70.01	SOMERSET BLVD REAR	9.304 AC	CONS	9.304	0	Wetlands / Water, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, AE - Special Flood Hazard Area, VE - Special Flood Hazard Area
48	5	NEW RD	338.79X120.31IR	R-10	0.9	0	Water, Rank 4 - State Endangered Habitat, AE - Special Flood Hazard Area
69	1.03	208 E BALFOUR AVE	359.78 X 100	CONS	0.8259	0.25	Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, AE - Special Flood Hazard Area, X - Minimal Risk Flood Area
80	1.04	207 E FRANKFORD AVE	270 X 100	R-15	0.6198	0.45	Water / Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, AE - Special Flood Hazard Area, X - Minimal Risk Flood Area
116	2	557 WBARR AVE	2.24 AC	CONS	2.24	0	Water / Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, AE - Special Flood Hazard Area
121	1	REAR OAK AV	10.02 AC	CONS	10.02	0	Water / Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, AE - Special Flood Hazard Area
121	2.02	2 BARR COURT	110 X 875 IRR	R-10	0	0.21	Water / Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, AE - Special Flood Hazard Area, X - Minimal Risk Flood Area
127	10	725 MAPLE AVE	159.28X344IR	R-10	0	0	Rank 3 - State Threatened Habitat
148	14.28	EVERGREEN ROAD	2.08	R-15	2.08	0 (Common Open Space)	Water / Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, AE - Special Flood Hazard Area, 0.2% Annual Chance Flood Area
148	15.01	OAK AVENUE	34995 SF	R-15	0.8034	0	Stormwater Basin
148	15.19	OAK AVENUE	24306 SF	R-15	0.558	0	Stormwater Basin
148.01	5	5 FISCHER ROAD	225X110 IRR	R-15	0	0 (Common Open Space)	0.2% Annual Chance Flood Risk, X - Minimal Risk Flood Area
150	8.36	VERNON AVE	23767 SF	PRD	0.5456	0	Stormwater Basin
150	8.38	PARKWOOD PLACE	44791 SF	PRD	1.02	0	Stormwater Basin
181	8	E EDGEWOOD AVE	1.57 AC	CONS	1.57	0	Water / Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, AE - Special Flood Hazard Area
182.01	1.01	104 E EDGEWOOD AVENUE	103 X 160 IRR	R-20	0.569	0	Not Vacant, Rank 1 - Suitable Habitat, AE - Special Flood Hazard Area

182.01	9.03	E EDGEWOOD AVE	5.17	CONS	5.17	0	Water / Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, AE - Special Flood Hazard Area
182.01	18.01	POPLAR AVE	23.71AC	CONS	23.71	0	Water / Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, AE - Special Flood Hazard Area, VE - Special Flood Hazard Area
182.01	19	POPLAR AVE	4.38 AC	CONS	4.38	0	Water / Wetlands, 50 foot wetland buffer, Rank 4 - State Endangered Habitat, Rank 1 - Suitable Habitat, VE - Special Flood Hazard Area
182.02	18.02	900 WOOD-LYNNE BLVD	14.57AC	REC/	14.57	0 (Golf Club)	Not Vacant, Rank 1 - Suitable Habitat, 0.2% Annual Chance Flood Hazard, AE - Special Flood Hazard Area, X - Minimal Risk Area
183	1	POPLAR & BAY	4.99 AC	CONS	4.99	0 (Golf Club)	Not Vacant, Rank 1 - Suitable Habitat, 0.2% Annual Chance Flood Hazard, AE - Special Flood Hazard Area, X - Minimal Risk Area
184	15	SHORE ROAD (REAR)	11.11	REC/	11.11	0 (Golf Club)	Not Vacant, X - Minimal Risk Area
Totals						3.8597 Developable Land	

- greater than .5 acres

- suitable for development

City of Linwood
 Developable Vacant Lots Greater than .5 Acre
 January 28, 2026

ID	Block	Lot	Owner Name	Property Location	Calc Acreage	Developable Acreage (Approx.)
1	6	38.01	ISABELLA HOMES LLC & RUZZO, MATTHEW	495 OAK LANE	0.96	0.96
2	16.01	31.07	THUM, WILLIAM C	18 SEAGARDEN DRIVE	1.12	0.97
3	27	11.03	SMITH, RANDY J & LEVY, SMITH IRIS	1902 W BURWICK LANE	0.54	0.54
4	33	12.01	WALLACE, GRACE H.	1807 FRANKLIN BLVD	1.3897	1.3897
Totals						3.8597 Developable Land

FAIR SHARE HOUSING CENTER

Adam M. Gordon, Esq.
Laura Smith-Denker, Esq.
Joshua D. Bauers, Esq.
Ashley J. Lee, Esq.
Esmé M. Devenney, Esq.
Ariela Rutbeck-Goldman, Esq.
Joelle L. Paull, Esq.

February 4, 2026

Via eCourts and Electronic Mail

Hon. John C. Porto, P.J.Cv.
Atlantic County Courthouse
1201 Bacharach Blvd.
Atlantic City, New Jersey 08401

Re: IMO the Application of the City of Linwood
Docket No. ATL-L-206-25

Dear Judge Porto:

Please accept this letter on behalf of Fair Share Housing Center ("FSHC") in the above-captioned matter. The parties are continuing to work through the concerns raised by FSHC's August 27, 2025 filing as set forth in the attached Consent Order. Enclosed please find the Consent Order executed by FSHC and the City of Linwood, in accordance with Your Honor's November 18, 2025 Case Management Order.

Thank you for your attention to this matter.

Respectfully submitted,



Ashley J. Lee, Esq.
Counsel for Fair Share Housing Center

cc: Joseph L. Youngblood, Jr., Esq.

Fair Share Housing Center

510 Park Boulevard
Cherry Hill, New Jersey 08002
P: 856-665-5444
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Attorneys for Fair Share Housing Center
By: Ashley J. Lee, Esq. (375392021)
ashleylee@fairsharehousing.org

**In the Matter of the Application
of the City of Linwood, County
of Atlantic.**

SUPERIOR COURT OF NEW JERSEY
Law Division, Atlantic County
Docket No. ATL-L-206-25

CIVIL ACTION
(Mount Laurel)

**Consent Order Conditional
Compliance Certification**
(N.J.S.A. 52:27D-304(q))

THIS MATTER having come before the Court via the joint request of the City of Linwood, via counsel Joseph L. Youngblood, Jr., Esq. (of Youngblood, Franklin & Sampoli P.A.), as well as Fair Share Housing Center, via counsel Ashley J. Lee, Esq. (on behalf of Fair Share Housing Center); and

WHEREAS, the City of Linwood (the "City" or "Linwood") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 30, 2025; and

WHEREAS, the Court entered an order on March 27, 2025 setting the City's Fourth Round fair share obligations as a Present Need of forty-nine (49) and a Prospective Need of twenty-five (25),

which no party appealed, and ordering the City to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the City having filed its HEFSP on June 17, 2025; and

WHEREAS, FSHC having filed a letter pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the City's HEFSP on August 27, 2025 seeking additional information and documentation before the HEFSP may be approved by the Program and trial court; and

WHEREAS, no other interested-party filed a challenge or any other communication; and

WHEREAS, the Court having reviewed the City's HEFSP, attachments, and proposed implementing ordinances and resolutions and determined that they meet the "objective standard" and are in compliance with the Fair Housing Act and the Mount Laurel doctrine so long as the conditions set forth in this order are met;

WHEREAS, the Court incorporates the Court's prior orders and for good cause shown:

IT IS on this _____ day of _____,

2026, **ORDERED** as follows:

1. Subject to the satisfaction of the Conditions in Paragraph 11 of this Order and the deadlines established therein, the City of Linwood's Fourth Round Fair Share Plan (Exhibit P-1) is hereby approved and deemed to meet the "objective standard" pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) of complying with

the Fair Housing Act and the Mount Laurel doctrine and the City is granted a Compliance Certification as to its Rehabilitation Obligation ("Present Need"), its Prior Round Obligation (1987-1999), its Third Round Obligation (consisting of both its Gap Obligation for 1999-2015 and its Prospective Need Obligation for 2015-2025), and its Fourth Round obligation pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) ("FHA"), the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1, et seq.) ("UHAC"), applicable Council on Affordable Housing (hereinafter "COAH") substantive rules, and Mount Laurel case law, including the New Jersey Supreme Court's Mount Laurel IV decision.

2. The City's Compliance Certification shall remain in effect for ten (10) years beginning on July 1, 2025 and ending on June 30, 2035, and during this ten (10) year period the City shall have repose from exclusionary zoning litigation, including, but not limited to, Builder's Remedy lawsuits, as provided for in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.
3. The City's Present Need or Rehabilitation Obligation is forty-nine (49), the City's Prior Round Obligation (1987-1999) is one hundred forty (140), the City's Third Round Obligation (1999-2025) is one hundred twelve (112), the

City's Fourth Round Prospective Need (2025-2035) is twenty-five (25).

4. The City will address its Present Need via continued participation in the Atlantic County Improvement Authority's rehabilitation program.

5. The City's Prior Round Obligation of 140 was adjusted through a Vacant Land Adjustment ("VLA"), yielding a Realistic Development Potential ("RDP") of 3 and an Unmet Need of 137. The RDP was satisfied with the following mechanisms:

- Delta Community Supports three-bedroom group home for 2 bedrooms and 1 bonus credit

6. The City's Third Round Obligation of 112 was adjusted through a VLA, yielding a RDP of 12 and an Unmet Need of 100.

7. The City's Third Round RDP of 12 was satisfied with the following mechanisms:

- ARC of Atlantic County for 4 bedrooms and 4 bonus credits
- Accessory Apartment Program for 6 rental units

8. The City's combined Prior Round and Third Round Unmet Need of 237 is addressed with the following mechanisms:

- Brandall Estates Assisted Living for 9 units
- Mixed use zoning on the following sites: 1413 New Road, 2110 New Road, and 501 W. Patcong

- Mixed use/residential zoning on the following sites:
Block 1, Lots 29.01, 29.02, 32.01, 32.02, 33, 34, 35,
36, 37, 38, 39, 43.02, 46.01, 47, 48; Block 1, Lot 24;
Block 6, Lots 25, 26, 36, 40; and Block 19, Lots 5, 6,
7
- Mandatory set aside ordinance for inclusionary
development

9. The City's Fourth Round Obligation of 25 is adjusted through a VLA, resulting in a RDP of 0 and an Unmet Need of 25.

10. The City's Fourth Round Unmet Need of 25 is addressed with the following mechanism:

- Caring Inc. - 1803 Shore Road for 5 special needs bedrooms and 5 bonus credits

11. The City's Compliance Certification is deemed conditional until the following conditions are met:

- The City will provide the full VLA with considerations for changed circumstances since Third Round and redevelopment opportunities by January 31st. The parties agree that review of this information may change the allocation of the City's Fourth Round VLA (i.e. RDP vs Unmet Need).

- ARC 1717 Dianne Court: The City will provide the affordability controls within thirty (30) days of the City's receipt.
- Caring Inc 1803 Shore Road: The City will provide the facility operating license and affordability controls within thirty (30) days of the City's receipt.
- Surfside Recovery: The City will provide crediting documentation showing the facility meets the statutory definition.
- Brandall Estates: The City will provide the facility operating license and affordability controls within thirty (30) days of the City's receipt.
- The City will consider increasing the affordable set aside for rental and for-sale units to 20% for its overlay zoning.
- The City will provide the adopted and updated mandatory set aside ordinance increasing the affordable set aside for rental and for-sale units to 20%.
- The City will prepare and adopt a Spending Plan that complies with the regulations at N.J.A.C. 5:99 before March 15, 2026.
- The City will update its Affordable Housing Ordinance, Development Fee Ordinance, Affirmative Marketing Plan,

and other administrative documents in accordance with the regulations at N.J.A.C. 5:80-26.1, et seq, and N.J.A.C. 5:99 before March 15, 2026.

12. No later than 48 hours after adoption or March 16, 2026, whichever is sooner, the City shall file the information required by Paragraph 11 and any other adopted ordinances and resolutions on eCourts.

13. No later than April 15, 2026, the City and FSHC shall provide via filing on eCourts a form of consent order granting final compliance certification for the Court's review, or identify any remaining issues of compliance that may be disputed at which point the court shall schedule a conference to review any such areas.

14. The City and FSHC recognize that substantial changes in circumstances affecting the City's RDP are possible pursuant to the holding in Fair Share Housing Center v. Cherry Hill, 173 N.J. 393, (2002) and related law. In the event such a substantial changed circumstance occurs, the City shall have one hundred twenty (120) days to present to the trial court and FSHC a plan to address such change in circumstances on notice and opportunity to be heard from FSHC. The City agrees that any additional RDP generated due to changed circumstances must be addressed in a manner that is consistent with controlling law.

15. The City's Compliance Certification shall be subject to required ongoing monitoring as follows:

- The City by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1st to December 31st.
- The City by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date and expiration of affordability controls,

and whether occupancy is reserved for families, senior citizens, or other special populations.

- For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the City or other interested party may file an action through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site as set forth in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.

16.A copy of this Order shall be entered on eCourts and shall be effective as of the date of filing.

Hon. John C. Porto, P.J.Cv.

On behalf of the City of
Linwood:


Joseph L. Youngblood, Jr. Esq.

On behalf of Fair Share
Housing Center:


Ashley J. Lee, Esq.

RESOLUTION No. 60, 2026

A RESOLUTION REJECTING A BID AS NON-RESPONSIVE RECEIVED FROM
SERVICEMASTER TBS FOR JANITORIAL SERVICES FOR THE CITY OF LINWOOD

WHEREAS, the City of Linwood advertised and received bids for the Janitorial Services on February 18, 2026 at 10:00 A.M. pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq; and

WHEREAS, the bid specifications expressly required bidders to submit Safety Data Sheets as part of the bid proposal in order to demonstrate compliance with the New Jersey Worker and Community Right to Know Act and applicable workplace safety requirements; and

WHEREAS, the bid documents identified the submission of Safety Data Sheets as a mandatory component of bid responsiveness; and

WHEREAS, two bids were received; and

WHEREAS, upon review of the bids, it was determined that ServiceMaster TBS failed to submit the required Safety Data Sheets with its bid proposal; and

WHEREAS, under New Jersey public bidding law, a bid that fails to comply with a material and mandatory requirement of the bid specifications is deemed non-responsive and may not be waived by the contracting unit; and

WHEREAS, the City Solicitor has recommended that City Council reject said bid as being non-responsive;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that the bid submitted by ServiceMaster TBS on February 18, 2026 for Janitorial Services be and is hereby rejected based upon the Certification of the City Solicitor and more specifically because the bid is invalid due to the failure to submit the required Safety Data Sheets with its bid proposal, as specified herein, thereby making the bid non-responsive.

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 61, 2026

A RESOLUTION AWARDING THE CONTRACT TO OFFSHORE CARPET CLEANING, LLC
FOR JANITORIAL SERVICES

WHEREAS, the City of Linwood received bids for Janitorial Services in the City of Linwood on Wednesday, February 18, 2026 at 10:00 a.m. prevailing time; and

WHEREAS, the two bids submitted have been received and reviewed, and by Resolution No. 60 of 2026 the bid submitted by ServiceMaster TBS was rejected based upon the Certification of the City Solicitor and more specifically because the bid is invalid due to the failure to submit the required Safety Data Sheets with its bid proposal, as specified herein, thereby making the bid non-responsive; and

WHEREAS, a recommendation has been made to award the Contract to Offshore Carpet Cleaning, LLC based upon the bid submitted;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that the Contract for Janitorial Services be and is hereby awarded to Offshore Carpet Cleaning, LLC, 505 Garfield Avenue, Linwood New Jersey 08221 for the Base Bid amount of \$136,000.00, hourly rate of \$65.00, and Alternate Bid#1 amount of \$165.00 per hour as set forth in the bid submitted, which is attached hereto and incorporated herein;

BE IT FURTHER RESOLVED, the term of the contract is for two years;

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and are hereby duly authorized, empowered and directed to execute a Contract or Agreement with Offshore Carpet Cleaning, LLC in accordance with the terms and conditions set forth in the bid/proposal submitted;

BE IT FURTHER RESOLVED, that this Resolution is contingent upon a Certification of Availability of Funds by the Chief Financial Officer of the City of Linwood.

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

Memo

To: Mayor and Members of Council
From: Anthony Strazzeri, CFO
CC: Leigh Ann Napoli, RMC, CMR, MPA, QPA, City Clerk
Date: 2-20-2026
Re: Availability of Funds – Janitorial Services

Pursuant to 40A: 4-57, I hereby certify that sufficient funds in the amount of \$136,000.00 plus \$165.00 per hour for biohazard cleaning will be available under 2026-2027 Buildings and Grounds Other Expenses in the operating budget. Funds will be encumbered to Offshore Carpet Cleaning LLC, 505 Garfield Ave Linwood, NJ 08221.

BID PROPOSAL FORM

The undersigned having carefully examined the Bid Documents together with any addenda issued thereto, hereby proposes to furnish all labor and materials, equipment, operations and incidentals, and to perform all services required in connection with the **JANITORIAL SERVICE CONTRACT** for a two (2) year period March 1, 2026 to February 29, 2028 in strict accordance with the Bid Documents and to the full and entire satisfaction of the City for the sum of:

TOTAL BASE BID FOR TWO YEARS \$ 136,000

Amount in words:
one Hundred and Thirty Six Thousand Dollars

HOURLY RATE FOR MISCELLANEOUS ITEMS NOT INCLUDED IN SPECIFICATIONS \$ 65

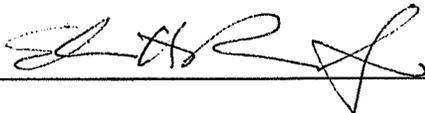
Amount in words:
Sixty Five Dollars

ALTERNATE #1 – BIOHAZARD CLEANING \$ 165

Amount in words:
one Hundred and Sixty Five Dollars

NAME OF THE PROPOSER: Offshore Carpet Cleaning LLC

NAME OF AUTHORIZED SIGNATORY: Edwin H Reese Jr

AUTHORIZED SIGNATORY SIGNATURE: 

DATE: 2-3-26

CONTACT ADDRESS:

505 Garfield Ave

Linwood, NJ 08221

PHONE #: 609-365-8045

E-MAIL ADDRESS: owner@offshorecarpetcleaning.com

RESOLUTION No. 62, 2026

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2026-07, TO
AIM ANGELS IN MOTION INC

WHEREAS, AIM Angels in Motion Inc has applied for a Raffle License to conduct games on April 18, 2026; and

WHEREAS, AIM Angels in Motion Inc has fulfilled all of the requirements and met all qualifications for such a license, including but not limited to obtaining a Registration Identification Number, that number being 349-5-43317;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to AIM Angels in Motion Inc and that the Clerk be authorized to sign any documentation deemed necessary or useful.

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____



New Jersey Office of the Attorney General
 Division of Consumer Affairs
 Legalized Games of Chance Control Commission
 124 Halsey Street, 6th Floor, P.O. Box 46000
 Newark, New Jersey 07101
 (973) 273-8000

Application for a Raffle License

Application No. RA 07-2026
 Identification No. 349-5-43317

Submit four (4) copies of this application to the Municipal Clerk's office in the municipality where the games will be conducted.

Please print clearly.

Name of municipality: Linwood

Part A - General

1. Name of applying organization: AIM Angels in Motion Inc
 2a. Street address of headquarters: 903 Walnut Ave Northfield, NJ 08225
 b. Mailing address (if different):

3. A license is requested to conduct raffles of the kind stated on the date, or on each of the dates, and during the hours listed (use a separate application for each type of raffle).

Date	Hours	Date	Hours
<u>4/18/2026</u>	<u>5-11pm</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 4a. Address of place where raffles will be played: 724 MAPLE AVE LINWOOD NJ
 b. Does the applicant own the premises or regularly occupy them for its general purposes? Yes No
 5. If raffles equipment is to be rented, attach a statement by the raffles equipment lessor to this application on Form 13.

Part B - Schedule of Expenses

The items of expense intended to be incurred or paid in connection with the games listed in this application, the names and addresses of the persons to whom each item is to be paid, and the purpose for which each item is to be paid, are:

Item of Expense	Name and address of supplier	Purpose
<u>TICKETS</u>	<u>Amazon.com</u>	<u>CONDUCT GAME</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Part I - Statement of Applicant and member(s) in charge

State of New Jersey

} ss.

County of ATLANTIC

We do hereby each make the following statement, under oath, with respect to the foregoing application:

1. The applicant (is) (is not) limited in its activities to the furtherance of one or more authorized purposes as defined in the Raffles Licensing Law.
2. Prior to the issuance of any license to it to conduct games of chance, the applicant was actively engaged in serving one or more "authorized purposes."
3. The applicant has received and used, and in good faith expects to continue to receive and use, to further one or more authorized purposes, funds from sources other than games of chance.
4. The conduct of the games on the occasion or occasions for which this application is made will be to raise and devote the entire net proceeds to the authorized purpose described in the application.
5. For each occasion for which a license is sought, one or more of the members listed who are familiar with the Raffles Licensing Law and the Rules and Regulations, will be in full charge of, and primarily responsible for, the conduct of the games.
6. No commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting or assisting in the holding, operation or conducting, of the games, except to bookkeepers or accountants for professional services not exceeding the amounts fixed by the Schedule of Fees, as well as the compensation for the Licensed Compensated Workers pursuant to N.J.A.C. 13:47-6A. No prize may be offered and given in cash, except as otherwise provided by the Raffles Licensing Law (N.J.S.A. 5:8-50 et seq.). If a cash prize under certain circumstances is permitted by the law, the amount of the cash prize may not exceed the limits prescribed by the Raffles Licensing Law.
7. All statements in the foregoing application are true.

Sworn and subscribed to before me this

19 day of February, 2026

Sheren Soltis
Notary Public (Print name)

[Signature]
Signature of Notary Public



SHEREEN J. SOLTIS
 NOTARY PUBLIC
 STATE OF NEW JERSEY
 ID # 2454547
 MY COMMISSION EXPIRES March 9, 2026

[Signature]
Signature of Officer and Title

[Signature]
Signature of Member-in-Charge

Signature of Member-in-Charge

Signature of Member-in-Charge

Signature of Member-in-Charge

JAIME COSTELLO
 Commission # 50147466
 Notary Public, State of New Jersey
 My Commission Expires
 January 07, 2031

If more space is needed in any section of this application, insert extra sheets of paper.

Applicant's registration slip from the *Legalized Games of Chance Control Commission* must be presented to the Municipal Clerk with this application.

Pursuant to N.J.S.A. 5:8-6, a Legalized Games of Chance Control Commission Registration is hereby issued to:

Effective date: 12/08/2024 Expiration date: 12/08/2026 Registration identification: 349-5-43317

A I M ANGEL IN MOTION INC
903 WALNUT AVE
NORTHFIELD, NJ 08225



New Jersey Office of the Attorney General
Division of Consumer Affairs
Legalized Games of Chance Control Commission
Registration

Neither registration nor the assignment of an identification number shall entitle any organization to hold, operate or conduct or assist in the holding, operating or conducting of any game or games of chance without the approval of the issuing authority of the municipality in which the game or games are to be held, operated or conducted.

Name of organization on application and license must be the same as it appears on this registration. This Registration Certificate may only be utilized by the above-named organization.

Mail to: A I M ANGEL IN MOTION INC
903 WALNUT AVE
NORTHFIELD, NJ, 08225
Attn:


Karin K. Sage, Secretary
Legalized Games of Chance Control Commission

RESOLUTION No. 63, 2026

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2026-08, TO
AIM ANGELS IN MOTION INC

WHEREAS, AIM Angels in Motion Inc has applied for a Raffle License to conduct games on April 18, 2026; and

WHEREAS, AIM Angels in Motion Inc has fulfilled all of the requirements and met all qualifications for such a license, including but not limited to obtaining a Registration Identification Number, that number being 349-5-43317;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to AIM Angels in Motion Inc and that the Clerk be authorized to sign any documentation deemed necessary or useful.

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____



New Jersey Office of the Attorney General
 Division of Consumer Affairs
 Legalized Games of Chance Control Commission
 124 Halsey Street, 6th Floor, P.O. Box 46000
 Newark, New Jersey 07101
 (973) 273-8000

Application for a Raffle License

Application No. RA 08-2026
 Identification No. 349-5-43317

Submit four (4) copies of this application to the Municipal Clerk's office in the municipality where the games will be conducted.

Please print clearly.

Name of municipality: Linwood

Part A - General

1. Name of applying organization: AIM Angels in Motion Inc
 2a. Street address of headquarters: 903 Walnut Ave Northfield, NJ 08225
 b. Mailing address (if different): _____

3. A license is requested to conduct raffles of the kind stated on the date, or on each of the dates, and during the hours listed (use a separate application for each type of raffle).

Date	Hours	Date	Hours
<u>4/18/2026</u>	<u>5-11pm</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 4a. Address of place where raffles will be played: 724 MAPLE AVE LINWOOD NJ
- b. Does the applicant own the premises or regularly occupy them for its general purposes? Yes No
5. If raffles equipment is to be rented, attach a statement by the raffles equipment lessor to this application on Form 13.

Part B - Schedule of Expenses

The items of expense intended to be incurred or paid in connection with the games listed in this application, the names and addresses of the persons to whom each item is to be paid, and the purpose for which each item is to be paid, are:

Item of Expense	Name and address of supplier	Purpose
<u>TICKETS</u>	<u>Amazon.com</u>	<u>CONDUCT GAME</u>
<u>Basket fillers</u>	<u>Various local retail stores</u>	<u>Prizes</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Part I - Statement of Applicant and member(s) in charge

State of New Jersey }
County of ATLANTIC } ss.

We do hereby each make the following statement, under oath, with respect to the foregoing application:

1. The applicant (is) (is not) limited in its activities to the furtherance of one or more authorized purposes as defined in the Raffles Licensing Law.
2. Prior to the issuance of any license to it to conduct games of chance, the applicant was actively engaged in serving one or more "authorized purposes."
3. The applicant has received and used, and in good faith expects to continue to receive and use, to further one or more authorized purposes, funds from sources other than games of chance.
4. The conduct of the games on the occasion or occasions for which this application is made will be to raise and devote the entire net proceeds to the authorized purpose described in the application.
5. For each occasion for which a license is sought, one or more of the members listed who are familiar with the Raffles Licensing Law and the Rules and Regulations, will be in full charge of, and primarily responsible for, the conduct of the games.
6. No commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting or assisting in the holding, operation or conducting, of the games, except to bookkeepers or accountants for professional services not exceeding the amounts fixed by the Schedule of Fees, as well as the compensation for the Licensed Compensated Workers pursuant to N.J.A.C. 13:47-6A. No prize may be offered and given in cash, except as otherwise provided by the Raffles Licensing Law (N.J.S.A. 5:8-50 et seq.). If a cash prize under certain circumstances is permitted by the law, the amount of the cash prize may not exceed the limits prescribed by the Raffles Licensing Law.
7. All statements in the foregoing application are true.

Sworn and subscribed to before me this

19 day of February, 2026

Sheren Joltis
Notary Public (Print name)

[Signature]
Signature of Notary Public



SHEREEN J. SOLTIS
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 2454547
MY COMMISSION EXPIRES March 9, 2026

[Signature] Director
Signature of Officer and Title

Patricia Bradley
Signature of Member-in-Charge

Signature of Member-in-Charge

Signature of Member-in-Charge

Signature of Member-in-Charge

JAIME COSTELLO
Commission # 50147466
Notary Public, State of New Jersey
My Commission Expires
January 07, 2031

If more space is needed in any section of this application, insert extra sheets of paper.

Applicant's registration slip from the *Legalized Games of Chance Control Commission* must be presented to the Municipal Clerk with this application.

Pursuant to N.J.S.A. 5:8-6, a Legalized Games of Chance Control Commission Registration is hereby issued to:

Effective date: 12/08/2024 Expiration date: 12/08/2026 Registration identification: 349-5-43317

A I M ANGEL IN MOTION INC
903 WALNUT AVE
NORTHFIELD, NJ 08225



New Jersey Office of the Attorney General
Division of Consumer Affairs
Legalized Games of Chance Control Commission
Registration

Neither registration nor the assignment of an identification number shall entitle any organization to hold, operate or conduct, or assist in the holding, operating or conducting of, any game or games of chance without the approval of the issuing authority of the municipality in which the game or games are to be held, operated or conducted.

Name of organization on application and license must be the same as it appears on this registration. This Registration Certificate may only be utilized by the above-named organization.

Mail to: A I M ANGEL IN MOTION INC
903 WALNUT AVE
NORTHFIELD, NJ, 08225
Attn:

Karin K Sage
Karin K. Sage, Secretary
Legalized Games of Chance Control Commission

RESOLUTION No. 64, 2026

A RESOLUTION AUTHORIZING THE ISSUANCE OF A BINGO LICENSE, #2026-04, TO
AIM ANGELS IN MOTION INC

WHEREAS, AIM Angels in Motion Inc has applied for a Bingo License to conduct games on April 18, 2026; and

WHEREAS, AIM Angels in Motion Inc has fulfilled all of the requirements and met all qualifications for such a license, including but not limited to obtaining a Registration Identification Number, that number being 349-5-43317;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Bingo License be issued to AIM Angels in Motion Inc and that the Clerk be authorized to sign any documentation deemed necessary or useful.

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

Application for a Bingo License

Application No. BA 04-2026
 Identification No. 349-5-43317

Submit four (4) copies of this application to the Municipal Clerk's office in the municipality where the games will be conducted.

Please print clearly.

Name of municipality: LINWOOD

Part A - General

1. Name of applying organization: AIM Angels in Motion Inc
- 2a. Street address of headquarters: 903 Walnut Ave Northfield, NJ 08225
- b. Mailing address (if different): _____
3. List date(s) and hours for games:

Date	Hours	Date	Hours
<u>4/18/2026</u>	<u>5-11PM</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Address of place where bingo will be played: 724 MAPLE AVE LINWOOD NJ
- a. Does the applicant own the premises or regularly occupy them for its general purposes? Yes No
- b. If "No," from whom will the applicant rent the premises?
 Name Our Lady of Sorrows Church Address 724 Maple Ave Linwood
- c. If premises are to be rented, attach Form 10, "Statement of Landlord."

Part B - Schedule of Expenses

The items of expense intended to be incurred or paid in connection with the games listed in this application, the names and addresses of the persons to whom each item is to be paid, and the purpose for which each item is to be paid, are:

Item of Expense	Name and address of supplier	Purpose
<u>DABBERS</u>	<u>Wholesale Bingo Supply</u>	<u>FOR PATRONS TO PURCHASE TO PLAY BINGO</u>
<u>BINGO BOARDS/CARDS</u>	<u>Tumbling Dice</u>	<u>TO CONDUCT GAME</u>
<u>MUNICIPAL LICENSE</u>	<u>LINWOOD</u>	<u>LICENSING</u>
<u>STATE LICENSE</u>	<u>STATE OF NJ</u>	<u>LICENSING</u>
<u>COACH HANDBAG</u>	<u>COACHOUTLET.COM</u>	<u>PRIZE TO BE AWARDED</u>
<u>KATE SPADE HANDBAG</u>	<u>KATE SPADE OUTLET</u>	<u>PRIZE TO BE AWARDED</u>
<u>MICHAEL KORS HANDBAG</u>	<u>MK OUTLET 27 N Michigan Ave, Atlantic City, NJ 08401</u>	<u>PRIZE TO BE AWARDED</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Part I - Statement of Applicant and member(s) in charge

State of New Jersey }
County of ATLANTIC } ss.

We do hereby each make the following statement, under oath, with respect to the foregoing application:

1. The applicant (is) (is not) limited in its activities to the furtherance of one or more authorized purposes as defined in the Bingo Licensing Law.
2. Prior to the issuance of any license to it to conduct games of chance, the applicant was actively engaged in serving one or more "authorized purposes."
3. The applicant has received and used, and in good faith expects to continue to receive and use, to further one or more authorized purposes, funds from sources other than games of chance.
4. The conduct of the games on the occasion or occasions for which this application is made will be to raise and devote the entire net proceeds to the authorized purpose described in the application.
5. For each occasion for which a license is sought, one or more of the members listed who are familiar with the Bingo Licensing Law and the Rules and Regulations, will be in full charge of, and primarily responsible for, the conduct of the games.
6. No commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting or assisting in the holding, operation or conducting, of the games, except to bookkeepers or accountants for professional services not exceeding the amounts fixed by the Schedule of Fees, as well as the compensation for the Licensed Compensated Workers pursuant to N.J.A.C. 13:47-6A. All prizes offered for games conducted on a single occasion will not exceed the limit on the sum or retail value of prizes as provided by the Bingo Licensing Law (N.J.S.A. 5:8-25 et seq.) and N.J.A.C. 13:47-6.16 and 13:47-7.2.
7. All statements in the foregoing application are true.

Sworn and subscribed to before me this
 19th day of February, 2020
 Shereen Soltis
 Notary Public (Print name)
 Signature of Notary Public

Signature of Officer and Title: J L Director
 Signature of Member-in-Charge: Patricia Bradley
 Signature of Member-in-Charge
 Signature of Member-in-Charge
 Signature of Member-in-Charge



SHEREEN J. SOLTIS
 NOTARY PUBLIC
 STATE OF NEW JERSEY
 ID # 2454547
 MY COMMISSION EXPIRES March 9, 2026

JAIME COSTELLO
 Commission # 50147466
 Notary Public, State of New Jersey
 My Commission Expires
 January 07, 2031

If more space is needed in any section of this application, insert extra sheets of paper.

Applicant's registration slip from the *Legalized Games of Chance Control Commission* must be presented to the Municipal Clerk with this application.

Part D - Schedule of Prizes

BINGO GAMES

Game 1
LETTER "A"
KATE SPADE \$100

B	I	N	G	O
		●		
	●		●	
●		●		●
●				●
●				●

Game 2
LETTER "I"
COACH BAG \$100

B	I	N	G	O
	●	●	●	
		●		
		●		
		●		
	●	●	●	

Game 3
Letter "M"
MICHAEL KORS BAG \$100 Marc Jacobs \$125

B	I	N	G	O
●				●
●	●		●	●
●		●		●
●				●
●				●

Game 4
Any line
Marc Jacobs \$125

B	I	N	G	O
		Free Space		

Game 5
Any Line
Michael Kors \$80

B	I	N	G	O
		Free Space		

Game 6
Diamond
KATE SPADE BAG \$100 MICHAEL KORS BAG \$150

B	I	N	G	O
		●		
	●		●	
●		Free Space		●
	●		●	
		●		

Game 7
ANY line
MICHAEL KORS BAG \$150

B	I	N	G	O
		Any line		
		Free Space		

Game 8
Any line
Coach \$125

B	I	N	G	O
		Free Space		

Game 9
Heart
Kate Spade \$65

B	I	N	G	O
●	●		●	●
●		●		●
●		Free Space		●
	●		●	
		●		

Game 10
Four Corners
Michael Kors \$107

B	I	N	G	O
●				●
		Free Space		
●				●

Game 11
Any Line
Kate Spade \$99

B	I	N	G	O
		Free Space		

Game 12- Coverall
Coach Bag \$125

B	I	N	G	O
●	●	●	●	●
●	●	●	●	●
●	●	●	●	●
●	●	●	●	●
●	●	●	●	●

TIE BREAKERS: In the event there is a tie the winners will each receive an equal share of the price of the handbag.

\$40 TO PLAY ALL 12 BINGO GAMES, 4 FACE PER GAME.

\$15 FOR EACH ADDITIONAL BOOK TO PLAY ALL GAMES, 4 FACE PER GAME.

Pursuant to N.J.S.A. 5:8-6, a Legalized Games of Chance Control Commission Registration is hereby issued to:

Effective date: 12/08/2024 Expiration date: 12/08/2026 Registration identification: 349-5-43317

A I M ANGEL IN MOTION INC
903 WALNUT AVE
NORTHFIELD, NJ 08225



New Jersey Office of the Attorney General
Division of Consumer Affairs
Legalized Games of Chance Control Commission
Registration

Neither registration nor the assignment of an identification number shall entitle any organization to hold, operate or conduct, or assist in the holding, operating or conducting of, any game or games of chance without the approval of the issuing authority of the municipality in which the game or games are to be held, operated or conducted.

Name of organization on application and license must be the same as it appears on this registration.
This Registration Certificate may only be utilized by the above-named organization.

Mail to: A I M ANGEL IN MOTION INC
903 WALNUT AVE
NORTHFIELD, NJ, 08225
Attn:

Karin K. Sage, Secretary
Legalized Games of Chance Control Commission



OUR LADY OF SORROWS

Our Lady of Sorrows Church

A Perpetual Adoration Parish
724 Maple Avenue - Linwood, NJ 08221-1818
(609) 927-1154 (609) 927-0398 Fax
www.Ourladyofsorrows.us

To Whom It May Concern,

This letter is in reference to the donation of our hall for 7 hours to the Angels in Motion organization on 4/18/2026. We are a licensed venue for legalized games of chance. Our ID number is ID 257-1-14250.

Thank You for your time and cooperation.

Sincerely,

Rebecca A. Lee
Our Lady of Sorrows
Business Manager

RESOLUTION No. 65, 2026

A RESOLUTION AUTHORIZING THE HIRING OF ROBERT THOMPSON AS A SUBSTITUTE SCHOOL CROSSING GUARD FOR THE CITY OF LINWOOD

WHEREAS, vacancies exist in the position of Substitute School Crossing Guard in the City of Linwood; and

WHEREAS, the Common Council of the City of Linwood is desirous of filling the aforesaid vacancies;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, County of Atlantic, that Robert Thompson is hereby hired, effective immediately, as Substitute School Crossing Guard at a rate of \$41.69 per diem, in accordance with the Linwood Salary Ordinance and all amendments thereto;

BE IT FURTHER RESOLVED, that this Resolution is contingent upon a satisfactory completed background check on Robert Thompson.

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 66, 2026

A RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the City of Linwood is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, City Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Linwood, County of Atlantic, as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the City of Linwood.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) The property being sold is:

**One 2005 American Lafrance Pumper truck
VIN# 4Z3AAACG45RN56741**
- (5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The City reserves the right to accept or reject any bid submitted.

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION No. 67, 2026

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF LINWOOD ADOPTING THE
OPERATING MANUAL FOR THE ADMINISTRATION OF AN ACCESSORY APARTMENT
PROGRAM**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the "Program"); and

WHEREAS, on November 6, 2025, the Uniform Housing Affordability Controls ("UHAC") were updated and amended;

WHEREAS, on August 27, 2025, Fair Share Housing Center ("FSHC") filed a deficiency letter to the City's Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, as per the Court's Case Management Order that was entered on November 18, 2025, the City and FSHC entered into a Consent Order on February 3, 2026; and

WHEREAS, the Consent Order with FSHC required the City to satisfy several conditions, including the adoption of an updated Operating Manual for the Administration of an Accessory Apartment Program; and

WHEREAS, the City has prepared an updated Operating Manual for the Administration of an Accessory Apartment Program that is consistent with the applicable statutes and regulations;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Linwood, County of Atlantic, State of New Jersey as follows:

1. The City of Linwood ("City") does hereby adopt the Operating Manual for the Administration of an Accessory Apartment Program, attached hereto as Exhibit A.

2. This Resolution shall take effect immediately.

CERTIFICATION

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

City of Linwood Operating Manual for the Administration of an Accessory Apartment Program

March 2026

“What is an Accessory Apartment?”

“Who can participate?”

“What are the Accessory Apartment Requirements?”

City of Linwood
400 Poplar Avenue
Linwood, NJ 08221
609-927-4108

Prepared by:

no gra communications
TRIAD
ASSOCIATES



INTRODUCTION

This Operating Manual has been prepared to assist in the administration of an accessory apartment program through the City of Linwood Affordable Housing Program. It will serve as a guide to the program staff.

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures.

This manual explains the steps in the initial creation of an accessory apartment and in the rental process. It describes the eligibility requirements for participation in the program, record keeping and overall program administration.

Implementation of any procedure, even if it is not included in this Operating Manual, shall be in accordance with the Federal Fair Housing Act and Equal Opportunities laws, the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26.1 et seq., and Special Adopted Amendments, P.L.2020, c.51 (C.52:27D-321.3 et seq.), the Fair Chance in Housing Act (N.J.A.C. 46:8-52 et seq.), and the affordable housing regulations of the City of Linwood (hereafter referred to as the "Regulations").



In accordance with the Federal Fair Housing Act and Equal Opportunities laws it is unlawful to discriminate against any person making application to buy or rent a home with regard to age, race, religion, national origin, sex, handicapped or familial status.

WHAT IS AFFORDABLE HOUSING?

Affordable accessory apartments, unlike market rate housing, have affordability controls limiting the rent for ten (10) years. Housing is "affordable" if the household pays approximately 35% or less of the household's gross income on housing costs. Affordable housing is priced to be affordable to households earning up to 80% of the area median income for the region in which the affordable housing is located.

WHAT IS AN ACCESSORY APARTMENT?

An Accessory Apartment is "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."

WHO QUALIFIES FOR AFFORDABLE HOUSING?

In order to be eligible for affordable housing in New Jersey, a household's income must be below the income limit for the region in which the affordable housing is located, either for low or moderate levels. A moderate-income household is classified as earning between 50 percent and 80 percent of the area median income. A low-income household is classified as earning less than 50 percent of area median income. Municipalities are also required to provide affordable housing to very low-income households; at least 13 percent of all affordable units must be affordable to households earning 30 percent or less of median income.

The six housing regions are as follows:

Regions	Counties
1	Bergen, Hudson, Passaic, Sussex
2	Essex, Morris, Union, Warren
3	Hunterdon, Middlesex, Somerset
4	Mercer, Monmouth, Ocean
5	Burlington, Camden, Gloucester
6	Atlantic, Cape May, Cumberland, Salem

The Regional Income Limits Chart provides information about income limits for each of the six housing regions. Each region has different calculated median incomes, which are adjusted annually.

An applicant does not have to currently live in the region in which the applicant is interested in applying for an affordable unit. An applicant's income qualification is determined by the Region Income Limits for where the applicant wants to live.

LOCAL AFFORDABLE HOUSING PROGRAMS AND OPPORTUNITIES

The following affordable housing programs and opportunities are available in *City of Linwood*:

1. **Accessory Apartment Program:** The City of Linwood has established by ordinance, a program to allow the creation of accessory apartments, provided

the units are affordable to very low, low, and moderate- income household as follows:

a. Number of units:

The City will allow the development of a total of (6) six accessory apartments, including one very low-income accessory apartment, two low-income units and three moderate income accessory apartments.

b. **Conditions:** Accessory apartments shall meet the following conditions:

- i. The application submitted to the Construction Office shall include the following:
 - Name and address of owner.
 - Name, address, income verification of the proposed occupant of the accessory unit (if known).
 - Floor plan of sketch
 - Current property survey.
- ii. Accessory apartments shall be allowed in all residential zones.
- iii. 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.
- iv. 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.
- v. There shall be no more than one (1) accessory apartment per single-family dwelling on each lot.
- vi. The structures shall be in full compliance with all applicable health and construction codes.
- vii. Construction of accessory apartments shall be in full compliance with all applicable environmental regulations including Linwood City's Stormwater Management Ordinance.
- viii. 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.
- ix. 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.

- x. The occupant shall meet the established income limitations of the low or moderate-income guidelines for Linwood.
 - xi. The owner shall submit an affidavit of continuing use every two (2) years to the Linwood City Clerk.
 - xii. Parking shall be consistent with the parking requirements of Linwood.
 - xiii. 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 UHAC's affordable housing criteria.
 - xiv. Accessory apartment rents shall be consistent with UHAC rules.
 - xv. Ten-year affordability controls shall be imposed via a deed restriction or other instrument acceptable to the City Attorney and the Court.
 - xvi. 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.
 - xvii. The 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.
 - xviii. If, following completion of the 10-year affordability controls period, an accessory apartment constructed in accordance with this section of the Linwood City Zoning Ordinance is no longer subject to Court requirements or restrictions, the apartment shall be considered a permitted conditional use subject to the remaining conditions established within this Ordinance section.
 - ix. Accessory apartments shall be affirmatively marketed with random selection of the occupants.
- c. **Illegal Accessory Apartments:** An illegal accessory apartment shall be eligible for credit if the illegal accessory apartment meets the conditions in Section 1 (b) above. There will be no monetary contribution for existing illegal accessory apartments approved through the program.

d. Program Administration

- i. Linwood has designated Triad Associates as the administrative agency to administer the accessory apartment program. Triad Associates shall administer the program, in accordance with the terms of this Operating Manual, including advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, overseeing the securing of certificates of occupancy, qualifying properties, handling application forms, overseeing the filing deed restrictions, filing monitoring reports and affirmatively marketing the accessory apartment program
- ii. The City shall provide a subsidy that may be used by the property owner to fund actual construction costs and/or to provide compensation for reduced rental rates. The City shall provide \$20,000 each for three moderate income units, \$25,000 each for the two low income units, and \$35, for the very low-income apartment to subsidize the physical creation of an accessory apartment conforming to the Affordable Housing Ordinance and applicable requirements. There will be no monetary compensation for existing illegal accessory apartments approved through the program.
- iii. Prior to the grant of the subsidy, the property owner shall enter into a written agreement with the City insuring that the subsidy shall be used to create the accessory apartment and the apartment shall meet the requirements of this ordinance and applicable regulations. It is anticipated that the City shall provide sufficient funding for the creation of (6) six units in accordance with the timeline noted in Section 1a.
- iv. The subsidy shall be paid in the following manner:
 - a. 25% of the subsidy shall be paid upon permit and/or zoning approvals and the recording of the Deed Restriction;
 - b. 25% shall be paid to the property owner when, upon the determination of the construction official, the unit is ready for rental
 - c. The remainder of the subsidy shall be paid once a lease is signed with a tenant certified by the Administrative Agent
- v. Applicants intending to create an accessory apartment shall submit to Triad Associates, the Administrative Agent, a sketch of floor plans showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure, rough elevations showing the modification of any exterior building facade to which changes are proposed, and a site development sketch showing the location of the existing dwelling and other existing buildings, all property lines; proposed addition, if any, along with the minimum building setback lines, the required parking spaces for both dwelling units .

- vi. The units shall comply with applicable regulations and UHAC with the following exceptions:
- a. Control periods for rental units (N.J.A.C. 5:80-26.1et seq.); accessory apartments will have 10-year controls on affordability;
 - b. Bedroom distribution (N.J.A.C. 5:80-26.1et seq.); however, the ordinance shall not restrict the number of bedrooms per unit
 - c. Affordability average (N.J.A.C. 5:80-26.1et seq.) however, the maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income;

OTHER AFFORDABLE HOUSING PROGRAMS AND OPPORTUNITIES

A wide variety of organizations and agencies administer affordable housing. Under the Fair Housing Act's jurisdiction, each New Jersey community has a Municipal Housing Liaison responsible for helping the local affordable housing program. Individuals interested in applying for affordable housing should contact the Municipal Housing Liaison in the community they are interested in living in. Some communities administer their affordable housing and have their own application process. If not, the Municipal Housing Liaison can direct applicants to developers, nonprofit agencies, State agencies, or consultants that may administer affordable housing within the community.

The ***New Jersey Housing and Mortgage Finance Agency*** has established New Jersey's Housing Resource Center, an online, searchable database of affordable housing in the State. The Housing Resource Center provides a listing of available, affordable housing. Available units are listed with contact and application information. Visit the Housing Resource Center at www.njhrc.gov.

The ***Affordable Housing Professionals of New Jersey*** maintains a web page with a comprehensive list of affordable housing opportunities in New Jersey. Please visit <https://ahpnj.org/housing-search> for more information.

FAIR HOUSING AND EQUAL HOUSING OPPORTUNITIES

It is unlawful to discriminate against any person making application to buy or rent a home with regard to race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments.

For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-866-405-3050

or <https://www.njoag.gov/about/divisions-and-offices/division-on-civil-rights-home/>.

CREATION OF AN ACCESSORY APARTMENT

Accessory apartments are allowed in City of Linwood in all residential zones on parcels of minimum size in conformance with the specific zoning district minimum lot size requirement to provide the opportunity for the development of affordable housing units to meet the needs of low and moderate-income residents. Property owners interested in creating an accessory apartment on their property should contact Triad Associates, the Accessory Apartment Administrator. Owners should contact Triad at 856-950-5749 or via email at housing@triadincorporated.com

REQUIREMENTS FOR CREATING AN ACCESSORY APARTMENT

- Homeowners interested in creating an accessory apartment or making an existing accessory unit available for this program must read this manual and understand all of the requirements of owning and renting out an affordable housing unit.
- Prior to the issuance of a building permit, the applicant shall have entered into an Accessory Apartment Agreement with the City and recorded a deed restriction specifying the appropriate affordability controls for the units.
- Property must have sufficient sewer and water capacity to service the proposed accessory apartment. This must be documented and kept on file by the Administrative Agent.
- A deed restriction in the form of Appendix E in the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) and included in Appendices of this manual stating the affordability controls will be **recorded** on the primary residence.
- Deed restrictions for accessory apartments in City of Linwood are for a period of no less than 10 years.
- The rent for the accessory apartment will be lower than market rate rents in the area to make it affordable for low- and/or moderate-income households. Households must be income-qualified by the Administrative Agent. Application for the apartment is open to the public, however the homeowner may establish reasonable criteria for the household selected to live in the unit.

COMPENSATION FOR THE CREATION OF AN ACCESSORY APARTMENT

- The City shall provide \$20,000 each for three moderate income units, \$25,000 each for the two low income units, and \$35,000 for the very low-income

apartment to subsidize the physical creation of an accessory apartment conforming to the Affordable Housing Ordinance and applicable requirements. There will be no monetary compensation for existing illegal accessory apartments approved through the program.

PROCESS FOR CREATING AN ACCESSORY APARTMENT

- Application for approval of accessory apartment construction: Applicants intending to create an accessory apartment shall submit to Triad Associates, the Administrative Agent, a sketch of floor plans showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure, rough elevations showing the modification of any exterior building facade to which changes are proposed, and a site development sketch showing the location of the existing dwelling and other existing buildings, all property lines, proposed addition, if any, along with the minimum building setback lines, the required parking spaces for both dwelling.
- The City Building inspector shall conduct an initial inspection and forward plans for approval of apartment design
- Accessory Apartment Agreement signed between municipality and owner.
- Deed restriction recorded on residence
- The subsidy shall be paid in the following manner:
 - a. 25% of the subsidy shall be paid upon permit and/or zoning approvals and the recording of the Deed Restriction;
 - b. 25% shall be paid to the property owner when, upon the determination of the construction official, the project is complete
 - c. The remainder of the subsidy shall be paid once a lease is signed with a tenant certified by the Administrative Agent

DETERMINING AFFORDABLE RENTS

To determine the affordable rents the Administrative Agent uses the approved affordable housing calculators.

DEVELOPMENT CONSIDERATIONS AND COMPLIANCE ISSUES

There are several regulations that must be considered from the *development perspective* before the rents of accessory apartments can be calculated. These requirements should be discussed at the first meeting between the Municipal Housing Liaison, Administrative Agent and homeowner.

Number of Bedrooms. The number of bedrooms is a decision that must be made by the homeowner as there is no requirement for a certain number of bedrooms for

accessory apartments. The homeowner must provide this information to the municipality and the Administrative Agent so that a rent may be established for the unit.

Pricing by Household Size. Initial rents are based on targeted “model” household sizes for each size home as determined by the number of bedrooms. Initial rents must adhere to the following rules. These maximum rents are based on Annual Regional Income Limits Chart at the time of occupancy:

- A studio shall be affordable to a one-person household;
- A one-bedroom unit shall be affordable to a one- and one-half person household;
- A two-bedroom unit shall be affordable to a three-person household;
- A three-bedroom unit shall be affordable to a four- and one-half person household; and
- A four-bedroom unit shall be affordable to a six-person household.

Size of Unit	Household Size Used to Determine Max Rent
Studio/Efficiency	1
1 Bedroom	1.5
2 Bedrooms	3
3 Bedrooms	4.5
4 Bedrooms	6

The above rules are only to be used for setting initial rents. They are not guidelines for matching household sizes with unit sizes.

Utilities. The homeowner must determine how utilities for the accessory apartment will be paid, either by the homeowner and reimbursed through rent or by the tenant separately. Either way, the maximum rent may not be exceeded. This should be discussed with the Administrative Agent prior to the rent being set.

DETERMINING INITIAL RENTS

To determine the initial rents the Administrative Agent uses the affordable housing calculators

Maximum Rent. When including percentages in the rental calculator, the maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income.

ADDITIONAL REGULATIONS FOR ACCESSORY APARTMENTS

In City of Linwood, the Accessory Apartment Program allows for the creation of both very low, low, and moderate-income units. The City will allow the development of a total of (6) six accessory apartments, including one very low-income accessory apartment, two low-income units and three moderate income accessory apartments.

DETERMINING RENT INCREASES

Annual rent increases are permitted in affordable units. Rent increases are permitted at the anniversary of tenancy according to the Annual Regional Income Limits Chart. These increases must be filed with and approved by the Administrative Agent. Property managers or landlords who have charged less than the permissible increase may use the maximum allowable rent with the next tenant with permission of the Administrative Agent. The maximum allowable rent would be calculated by starting with the rent schedule approved as part of initial lease-up of the development, and calculating the annual approved increase from the initial lease-up year to the present. Rents may not be increased more than once a year, may not be increased by more than one approved increment at a time, and may not be increased at the time of new occupancy if this occurs less than one year from the last rental. No additional fees may be added to the approved rent without the express written approval of the Administrative Agent.

FINDING AN ACCESSORY APARTMENT TENANT

AFFIRMATIVE MARKETING

OVERVIEW OF THE REQUIREMENTS

All affordable units are required to be affirmatively marketed using the City of Linwood's Affirmative Marketing Plan. An Affirmative Marketing Plan is a regional marketing strategy designed to attract households 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 an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Plan are to target households who are least likely to apply for affordable housing, and to target households throughout the entire housing region in which the units are located.

All affordable units are required to be affirmatively marketed using the Affirmative Marketing Process. An Affirmative Marketing Process is a regional marketing strategy designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Process are to identify households who are least likely to apply for affordable housing and to target households throughout the entire housing region in which the units are located.

Every Affirmative Marketing Process must include the following:

- Post a listing of the available affordable housing units to the New Jersey Housing Resource Center at least 60 days before the random selection process.
- Publication of at least one advertisement in a newspaper of general circulation within the housing region; and
- Advertise the units on at least one housing search website; and
- Undertake at least two additional regional marketing strategies, one digital and one non-digital using the following sources:
 - Neighborhood newspaper, religious publication, organizational newsletter,
 - Mailing to major employer(s), community, and regional organizations such as nonprofit, religious, governmental, fraternal, civic, and other organizations
 - Social media websites and platforms where advertisements will be posted or linked
 - Public Transit stops in the region

Online Advertising

To comply with the rules of the Fair Housing Act the developer, owner, or Administrative Agent of affordable units must affirmatively market units through newspaper and online. To stay current with changes in technology and how the public searches for housing, the owner, developer, property manager, or other administrative entity will be required to post rental units onto the NJHMFA's Housing Resource Center (HRC) under P.L. 2020, c.51, effective November 1, 2020. Any affordable units listed for the first time, existing units expected to become available, and opened waiting lists for current and future units must be listed on the HRC. All postings should include a link to an online fillable pre-application or downloadable application and information on obtaining a paper application.

For each affordable housing rental opportunity within the City, the Affirmative Marketing Process must include the following information:

- The address of the project and development name, if any
- The number of rental units
- The price ranges of the rental units
- The number of bedrooms in the units
- The name and contact information of the Administrative Agent,
- A description of the Random Selection method that will be used to select applicants for affordable housing and the date on which the first Random Selection will be conducted.
- Disclosure of required application fees, if any.

Advertisements must contain the following information for each affordable housing ownership opportunity:

- The location of and directions to the units

- A range of prices for the housing units
- The number of bedrooms in the units
- The maximum income permitted to qualify for the housing units
- The locations of applications for the housing units
- The website where interested households may complete a pre-application
- The name and contact information of the Administrative Agent
- A description of the Random Selection method that will be used to select applicants for affordable housing and the date on which the first Random Selection will be conducted.

It is also recommended that the following information be included in the advertisements:

- Last date applications will be accepted
- A statement concerning the availability of credit, budget, and homeownership counseling services
- If already adopted by ordinance, a statement concerning regional or veteran preference.
- "Visit www.njhrc.gov for more affordable housing opportunities."

Implementation of the Affirmative Marketing Process

The affirmative marketing process for affordable units shall ideally begin at least four months before expected occupancy. In implementing the marketing program, the Administrative Agent shall undertake all the strategies outlined in the Affirmative Marketing Process. Advertising and outreach shall occur during the first week of the marketing program and each month after that until all the units have been rented. The Administrative Agent shall market and advertise each project separately during each project's initial affirmative marketing. Applications for affordable housing shall be available in several locations through the Affirmative Marketing Process. The period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

MATCHING HOUSEHOLDS WITH AVAILABLE UNITS

The Administrative Agent uses a two-step process to match available units with potential tenants and buyers of affordable homes. First, anyone interested in buying or renting an affordable unit must complete a pre-application. The pre-application is brief and designed to collect only the information necessary to assess a household's income and bedroom requirements for available units. Pre-applications may be submitted online or via paper.

Once a pre-applicant has been part of a random selection and has been potentially matched with an available unit, they will be required to complete a full application. The application collects detailed information on each household member, including their income, assets, and other information necessary to determine the household's eligibility according to the UHAC regulations.

The Random Selection Process

UHAC requires communities to include a “random selection” among interested applicants when an affordable housing unit is available. Random selection ensures “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.” The initial Random Selection for a given project may be conducted no sooner than sixty (60) days following the start of the Affirmative Marketing Process.

The City’s Affirmative Marketing Process details the specific steps of the random selection process.

Identifying Candidates for Available Units

The Administrative Agent will use the following process to test each applicant against the available unit(s) in the order of their random selection.

1. Regional Preference Test. Pre-applicants that live or work in Region 6 will be considered first as per the City’s Affirmative Housing Ordinance establishing a preference for pre-applicants that live or work within the COAH Region.
2. Veteran Preference Test. If applicable to the available unit(s), pre-applicants who served in time of war or other emergency, as defined in section 1 of P.L.1963, c. 171 (C.54:4-8.10) and who apply within 90 days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units (up to 50 percent of units in relevant projects, as provided for at N.J.S.A. 52:27D-311j)..
3. Bedroom Test. Next, the number of bedrooms in the available unit(s) will be tested against the random selection list. If the first pre-applicant qualifies for a unit with a different number of bedrooms, they will be skipped, and the next pre-applicant will be evaluated. Once a match is made between the available unit(s) and a pre-applicant, the following criteria will be tested.
4. Income Test. The first pre-applicant on the random selection list that meets the bedroom test will then be tested to ensure their reported income is sufficient to afford the housing expenses of the available unit. See *Maximum Monthly Expenses*.
5. If the database record for the pre-applicant is more than six months old, the AA will contact the pre-applicant to update their gross household income, household size, and bedroom requirement. Any changes will be made to the random selection list and the pre-applicant database.

Confirming the Interest of a Candidate

A pre-applicant that passes the Regional Preference, Veteran Preference (if applicable), Bedroom, and Income Tests is considered a viable candidate for the available unit and will be contacted to determine their interest in the available unit. The Administrative Agent will provide the candidate with essential information about the unit, including current rent (or sales price). Other information may include amenities, parking availability, HOA/association dues, real estate taxes, and potential availability date. If the candidate is interested in the unit they will be referred to the Landlord, Property Manager, or seller of the unit to view the unit/property.

- **Prospective buyers** must provide a mortgage pre-approval letter prior to scheduling a viewing of an available unit. After submitting proof of pre-approval will they be referred to the seller to arrange a showing.
- **Prospective renters** may view the unit; however, they must meet the landlord's tenant selection criteria to qualify. This includes submitting a completed rental application and successfully passing the property's tenant credit screening process.

Qualified prospective buyers and renters are given 48 hours to decide if they want to move forward after visiting an available unit. If the candidate is interested in moving forward the Administrative Agent will make the full application available and provide the applicant is a list of required documents and instructions for an income certification.

FULL APPLICATION & INCOME CERTIFICATION

For the purposes of this subchapter, the administrative agent shall determine household income in accordance with the procedure for calculating annual income at the time of initial occupancy and assistance, stipulated at 24 CFR § 5.609, as it may be updated from time to time, and described in Chapter 5 of HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, which is available at

https://www.hud.gov/program_offices/administration/hudclips/handbooks/hsg/4350.3.

Before any household can rent or buy an affordable unit, the Administrative Agent must certify the household as eligible. Certification of a household involves verifying two critical pieces of data: 1) Household size and composition, including gender, and 2) The total income and assets for all household members over 18 years of age.

(a) The certification process begins with the applicant completing an application and providing the required backup documentation. The Administrative Agent shall require each member of an applicant household who is 18 or older to provide documentation to verify their income, except full-time students under the age of 26 and those under the age of 26 participating in a registered apprenticeship program. The household shall have ten (10) business days from the first notification to submit all required documents. Income/household verification documentation includes, but is not limited to, the following. Income verification documentation may include, but is not limited to, the [following] acceptable forms of verification identified at Appendix 3 of HUD Handbook 4350.3 REV-1, available online at <https://www.hud.gov/sites/documents/4350a3HSGH.PDF>, for each and every member of a household who is 18 years of age or older, except full-time students under the age of 26 and those under the age of 26 in a registered apprenticeship program:

- Copies of driver's license or state IDs for all adults in the household
- Copies of social security cards for all members of the household
- Copies of birth certificates for all members of the household.
- Four consecutive pay stubs, not more than 120 days old, including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure. For self-employed applicants, a current certified Profit and Loss Statement and Balance Sheet are required.
- A letter or appropriate reporting form verifying monthly benefits, such as

- Social Security income including children
- Unemployment
- Welfare or TANF
- Disability or Worker's Compensation
- Pension income
- Where applicable, the most recent award letter for SSI or SSD.
- A notarized letter, court order, or statement verifying any other sources of income claimed by the applicant, such as alimony or child support.
- Copies of full Federal and State income tax returns (all pages) and W2s for the preceding three (3) tax years for each working adult in the household.
- Six (6) consecutive months of complete statements (all pages) for all savings and checking accounts. This includes bank statements, passbooks, and income reports from banks or other financial institutions that hold or manage trust funds, money market accounts, certificates of deposit, stocks, or bonds.
- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Other documentation that may be necessary to document any other source of income fully, must be provided upon request.

The application must be complete and signed before the Administrative Agent reviews an application. In addition, all applicable source documents are required before reviewing the application.

It may be necessary for the Administrative Agent to collect additional information and documentation from the applicant beyond the items listed above. The Administrative Agent will notify applicant households in writing of certification or denial within 20 days of the determination.

Once approved, a certified household for a rental unit will work with the leasing agent or landlord to sign the lease, pay the first month's rent and the security deposit, and receive the keys. Then, the certified household moves into the affordable rental unit.

Once approved, a certified household for an ownership unit will have a contract of sale drawn up and executed with the seller. Then, the certified household will move through the purchasing process to closing with the guidance of their lender and chosen title company.

See ***Household Certification*** for more information on how eligibility is determined.

The following is a list of various types of wages, payments, rebates, and credits. Those considered as part of the household's income are listed under Income. Sources not considered part of the household's income are listed under Not Income.

Income

- Wages, salaries, tips, commissions
- Alimony
- Regularly scheduled overtime
- Pensions
- Social security
- Unemployment compensation

- Temporary Assistance to Needy Families (TANF)
- Verified regular child support
- Disability
- Net income from business or real estate
- Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
- Imputed interest (using a current average annual rate of two percent) from non-income-producing assets, such as equity in real estate. Rent from real estate is considered income after deducting any mortgage payments, taxes, and property owner's insurance.
- Rent from real estate is considered income
- Any other forms of regular income reported to the Internal Revenue Service

Not Income

- Income received on behalf of foster children
- Rebates or credits received under low-income energy assistance programs
- Food stamps
- Relocation assistance benefits
- Income of live-in attendants
- Scholarships
- Student loans
- Personal property such as automobiles, clothing, household items
- Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
- Part-time income of persons enrolled as full-time students

In lieu of calculating household income, the administrative agent, at their discretion, may accept a household income determination made within the previous 12 months to assess eligibility for the Temporary Assistance for Needy Families (TANF) block grant, Medicaid, the Supplemental Nutrition Assistance Program (SNAP) benefit, the Earned Income Tax Credit (EITC), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Supplemental Security Income, public housing, Section 8, or low-income housing tax credits (LIHTC). Additionally, the administrative agent shall accept household income determinations made within the previous 180 days by another administrative agent or by the Department or the Agency.

The administrative agent shall accept self-certification from any member of an applicant household claiming to be a victim of domestic violence, dating violence, sexual

assault, or stalking for purposes of the exception to the homeownership restriction at (b)3iii above. In such case, the administrative agent must comply with the confidentiality requirements and restrictions on requesting documentation pursuant to 24 CFR § 5.2007.

Student Income

Only the full-time income from a full-time job held by a full-time student is considered income. A full-time student is a household member enrolled in a degree-seeking

program for 12 or more credit hours per semester. Part-time income is a job of less than a 35-hour per week.

The Asset Limit

The administrative agent shall deny the certificate of eligibility if the applicant household meets income eligibility requirements but possesses net household assets valued at an amount greater than the net asset limit, defined as the estimated median home equity held by New Jersey homeowners as determined annually by the United States Census Bureau's Survey of Income and Program Participation and published by the Census Bureau in "State- Level Wealth, Asset Ownership & Debt of Households Tables" in the "Wealth and Asset Ownership Data Tables" series, available at <https://www.census.gov/topics/income-poverty/wealth/data/tables.html>. Administrative agents shall determine household net assets in accordance with the procedure for calculating "net family assets" stipulated at 24 CFR § 5.603(b), as it may be updated from time to time. The estimated net value of an applicant's primary residence shall be excluded from the calculation of net total assets if any of the following apply:

- i. The applicant's existing monthly housing costs (including principal, interest, taxes, homeowner and private mortgage insurance, and condominium [and] **or** homeowner association fees, as applicable) exceed 38 percent of the household's eligible monthly income;
- ii. The applicant is receiving assistance for the residence pursuant to 24 CFR § 982.620 or pursuant to the Homeownership Option at 24 CFR § 982;
- iii. The applicant jointly owns the residence with an owner-occupant who is not part of the applicant household and with whom the applicant does not reside;
- iv. The residence is a restricted ownership unit subject to the requirements of this subchapter or a unit that, prior to December 20, 2004, received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction, or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, including any 95/5 unit;
- v. Any member of the applicant household is a victim of domestic violence, dating violence, sexual assault, or stalking, as defined at 24 CFR § 5.2003; or
- vi. The applicant demonstrates that the residence is not suitable for occupancy, according to any of the criteria listed at 24 CFR § 5.618(a)(2)(i) through (v).

Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deducting any mortgage payments, real estate taxes, property owner insurance, and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income. If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Administrative Agent should determine the imputed interest from the property's value. The Administrative Agent should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Then,

based on current money market rates, interest will be imputed on the determined value of the real estate. The imputed interest will be added to the household's annual income.

Maximum Monthly Expenses

The percentage of funds that a household can contribute toward housing expenses is limited. However, an applicant may qualify for an exception based on the household's current housing cost (see below). Therefore, the Administrative Agent will strive to place an applicant in a unit with a monthly housing cost equal to or less than the applicant's current housing cost.

Maximum Monthly Expenses for Tenants

A certified household cannot lease a restricted rental unit requiring more than 35 percent of the verified household income (40 percent for age-restricted units) to pay rent and utilities. However, at the discretion of the Administrative Agent, this limit may be exceeded if:

- The household currently pays more than 35 percent (40 percent for a household seeking an age-restricted unit) of its gross household income for rent, and the proposed rent will reduce the household's housing costs;
- 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;
- The household is currently in substandard or overcrowded living conditions;
- The household documents the existence of assets with which the household proposes to supplement the rent payments or
- The household documents proposed third-party assistance from an outside source, such as a family member in a form acceptable to the Administrative Agent and the Owner of the unit; and
- The household receives budget counseling.

THE APPLICANT INTERVIEW

Ideally, the prospective applicant will be available to meet with the Administrative Agent to review the certification and random selection processes in detail and ask any questions they may have about the project or the process. However, scheduling time off from work may prove burdensome to the applicant. Applicants may also have mobility issues or special needs that also pose an obstacle to an interview. Therefore, the Administrative Agent is prepared to complete the certification process via telephone and mail. If an interview is to be conducted, the Administrative Agent will attempt to achieve the following objectives:

- Confirm and update all information provided on the application.
- Explain program requirements, procedures used to verify information, and penalties for providing false information. Ask the head of household, co-head, spouse and household members over age 18 to sign the Authorization for Release of Information forms and other verification requests.

- Review the applicant's identification and financial information and documentation, ask any questions to clarify information on the application, and obtain any additional information needed to verify the household's income.
- Make sure the applicant has reported all sources for earned and benefit income and assets (including assets disposed of for less than fair market value in the past two years). Require the applicant to give a written certification as to whether any household member did or did not dispose of any assets for less than fair market value during the past two years.

DOCUMENTING HOUSEHOLD COMPOSITION AND CIRCUMSTANCES

The following are various records for documenting household information:

- Social Security records or cards. Either individual Social Security card or letter from Social Security Administration
- Adoption papers, or legal documents showing adoption in process
- Income tax return
- Birth Certificate or Passport
- Alien Registration Card

APPROVING OR REJECTING A HOUSEHOLD

Administrative Agents must notify applicant households of their eligibility within twenty (20) days of the Administrative Agent's determination.

Households with a verified total household income that exceeds 80 percent of the regional income limit for the appropriate family size are ineligible for purchase or rental of restricted units. A letter rejecting the household's application shall be mailed to the household.

Similarly, households with a verified total household income that is within the income limits, but too low to afford any of the units administered by the Administrative Agent shall be sent a letter rejecting the household's application, and/or referring them to housing counseling.

Households with a verified total household income of less than 80 percent shall be issued a letter certifying eligibility. This certification is valid for 180 days. If the Administrative Agent is unable to place the household in a restricted unit at the conclusion of 180 days, an extension may be granted once the household's eligibility is verified.

Once the applicant is certified and matched to an available unit, the Administrative Agent must secure from the applicant a signed and notarized acknowledgement of their requirements and responsibilities in renting a restricted unit. UHAC's Disclosure Statement (Appendix K) shall be forwarded to the applicants.

In addition to non-eligibility based on income, the Administrative Agent may deny a certification because of the household's failure or inability to document household composition, income, assets, sufficient funds for down payment, or any other required facts and information. A household may also be denied certification if the Administrative Agent determines that there was a willful or material misstatement of fact made by the applicant.

DISMISSAL OF APPLICATIONS

Applications can be dismissed for the following reasons:

1. The application is not signed or submitted on time.
2. The applicant commits fraud, or the application is not truthful or complete.
3. The applicant cannot or does not provide documentation to verify their income or other required information when due.
4. The household income does not meet the minimum or maximum income requirements for a particular property.
5. The applicant owns assets that exceed the Asset Limit.
6. The applicant fails to respond to any inquiry in a timely manner.
7. The applicant is non-cooperative or abusive with the staff, property manager or landlord.
8. The applicant changes address or other contact information without informing the Administrative Agent in writing.
9. The applicant does not meet the credit standard or other requirement set forth by managers of rental properties.
10. The applicant fails to verify attendance in a credit counseling program when required to do so by the program rules.
11. The applicant does not respond to periodic update inquiry in a timely fashion.
12. The applicant fails to sign the Compliance Certification, Certificate for Applicant, Lease Document, as may be required.
13. The applicant, once approved, fails to sign the lease in a timely manner.
14. Applicants will also be removed from all lists held by the Administrative Agent once they have been approved for an affordable unit. However, these applicants may re-apply for other opportunities in that municipality once they have occupied their unit.

Applicants who are dismissed must re-apply. A minimum time period of six months applies in most situations where the applicant has been withdrawn for fraud, poor credit, uncooperative behavior or other serious matters.

Applicants are not automatically removed from rental lists if they do not respond to a Notice of Availability.

Applications may be held in abeyance for a period not to exceed 60 days if there is an error on the credit report, so that the applicant can correct the error and re-apply. Units will not be held open for that applicant. However, once the credit report is corrected, the applicant will be given a priority for the next opportunity at that property.

APPEALS

Appeals from all decisions of an Administrative Agent shall be made in writing to the appropriate agency/party to be designated.

FINALIZING THE TENANT

Once a household has been certified to occupy an accessory apartment, the income has been documented and the ability to pay the established rent has been verified, the Administrative Agent may refer that household to meet with the owner of the apartment for final approval. The owner may develop a reasonable list of criteria, such as smoking or non-smoking, whether or not pets are allowed, etc., and may only reject tenants who do not meet those criteria. That list must be approved by the Administrative Agent.

The owner may also conduct a credit check and criminal background check on prospective tenants. An acceptable credit limit must be established prior to any credit check and must be on file with the Administrative Agent.

Lease. When a tenant is found, that tenant will be required to sign a lease. This may be a standard lease and must be approved by the Administrative Agent. It should list the location of the unit, the name of the tenant and the initial rent amount. A copy of the executed lease must be provided to the Administrative Agent. In addition, Certification K, , must also be signed by the tenant and a file must be given to the tenant and the original kept on file with the Administrative Agent.

Security Deposit. The owner may require a reasonable security deposit from the tenant, but the amount of the security deposit may not exceed one and one-half months rent.

VACANCIES

Once a homeowner learns that an accessory apartment will be vacated by a tenant, the Administrative Agent should immediately be notified to begin the process of finding a new tenant.

VIOLATIONS, DEFAULTS AND REMEDIES

In the event of a threatened breach of any of the regulations governing the affordable unit by an Owner of an accessory apartment, the Administrative Agent shall have all the remedies provided at law or equity, including the right to seek injunctive relief or specific performance, it being recognized by both parties that it will cause irreparable harm to the municipality, in light of the public policies set forth in the Fair Housing Act and the obligation for the provision of low- and moderate-income housing.

Upon the occurrence of a breach of any of the regulations governing the affordable units by an Owner of an accessory apartment, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, acceleration of all

sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

MAINTENANCE OF RECORDS AND APPLICANT FILES

Pursuant to N.J.A.C. 5:80-26.14(a)8, N.J.A.C. 5:80-26.15(c) and N.J.A.C. 5:80-26.17 current records must be maintained by the Administrative Agent and outdated records must be given to the municipality for safe-keeping. A file must be created and maintained on each restricted unit for its control period.

Administrative Agents maintain detailed records on all marketing initiatives.

FILES TO BE MAINTAINED ON EVERY APPLICANT

The Administrative Agent will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

- Application Form.
- Tenant Information Form
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility.

Individual files will be maintained throughout the process and will be submitted to the municipality upon termination of the program.

FILES TO BE MAINTAINED ON EVERY UNIT

The Administrative Agent will maintain files on every unit for the length of the affordability controls. The unit file will contain at a minimum:

- Base rent
- Identification as low- or moderate-income
- Description of number of bedrooms and physical layout
- Floor plan
- Application materials, verifications and certifications of all present owners, pertinent correspondence
- Copy of lease
- Disclosure Statement (Appendix K)
- Deed restriction with length of controls on the unit

FILES TO BE MAINTAINED ON THE APPLICANT POOL

- Any changes to the applicant pool
- Any action taken with regard to the applicant pool
- Any activity that occurs that affects a particular applicant
- Current applications for all applicants whose status is active in the applicant pool

- The application, the initial rejection notice, the applicant's reply to the notice, a copy of the Administrative Agent's final response to the applicant, and all documentation of the reason the applicant's name was removed from the applicant pool.

Accessory Apartment Program Audit Checklist

<input type="checkbox"/>	UP-TO-DATE OPERATING MANUAL	Comments
<input type="checkbox"/>	Income Limits	
<input type="checkbox"/>	Sample Forms and Letters	
	AFFIRMATIVE MARKETING	
<input type="checkbox"/>	Copies of Display Ads	
<input type="checkbox"/>	Copies of PSA Requests	
<input type="checkbox"/>	Copies of Marketing Requests	
	RANDOM SELECTION	
<input type="checkbox"/>	Log of Applications Received	
<input type="checkbox"/>	Log of Random Selection Results	
<input type="checkbox"/>	Database of Referrals	
	MAINTENANCE OF RECORDS	
	Files To Be Maintained on Every Applicant	
<input type="checkbox"/>	Preliminary Application.	
<input type="checkbox"/>	Application Form.	
<input type="checkbox"/>	Tenant Information Form	
<input type="checkbox"/>	Income Verification	
<input type="checkbox"/>	Letter of Certification of Eligibility or	
<input type="checkbox"/>	Letter of Determination of Ineligibility	
	Files To Be Maintained on Every Unit	
<input type="checkbox"/>	Base rent	
<input type="checkbox"/>	Identification as low- or moderate-income	
<input type="checkbox"/>	Description of number of bedrooms and physical layout	
<input type="checkbox"/>	Floor plan	
<input type="checkbox"/>	Application materials, verifications and certifications of all present tenants, pertinent correspondence	
<input type="checkbox"/>	Copy of lease	
<input type="checkbox"/>	Disclosure Statement (Appendix K)	
<input type="checkbox"/>	Original deed restriction with length of controls	
	MONITORING INFORMATION	
<input type="checkbox"/>	Complete Monitoring Reporting Forms	

**ACCESSORY APARTMENT OPERATING MANUAL CHECKLIST
Minimum Standards**

At a minimum the Accessory Apartment Operating Manual must clearly describe the procedures and policies for the following:

<input type="checkbox"/>	Affordable Housing Program & Opportunities
<input type="checkbox"/>	Identify where Housing Element & Fair Share Plan can be viewed.
<input type="checkbox"/>	Identify local Affordable Housing Programs & Affordability Assistance Programs
<input type="checkbox"/>	Include overview of local rental process
<input type="checkbox"/>	Process for Creation of an Accessory Apartment
<input type="checkbox"/>	Requirements for creating an accessory apartment
<input type="checkbox"/>	Compensation for creating an accessory apartment
<input type="checkbox"/>	Local process for creating an accessory apartment
<input type="checkbox"/>	Determining Affordable Rents
<input type="checkbox"/>	Development Considerations and Compliance Issues
<input type="checkbox"/>	Determining Initial Rents
<input type="checkbox"/>	Determining Rent Increases
<input type="checkbox"/>	Affirmative Marketing
<input type="checkbox"/>	Approved Affirmative Marketing Plan included
<input type="checkbox"/>	How will new rental units be marketed?
<input type="checkbox"/>	How will re-rentals be marketed?
<input type="checkbox"/>	Will there be a regional preference?
<input type="checkbox"/>	Who will implement marketing new rental units and re-rentals?
<input type="checkbox"/>	Prepare sample marketing materials, including a sample display ad and Public Service Announcements
<input type="checkbox"/>	Random Selection & Applicant Pool
<input type="checkbox"/>	What level of verification will be completed before the lottery process – pre-application or full applications?
<input type="checkbox"/>	Will the pool of applicants be randomized each time a unit is available?
<input type="checkbox"/>	Will there be categories of applicant pools?
<input type="checkbox"/>	Matching Households to Available Units
<input type="checkbox"/>	How will households be matched to available units? Will there be categories of applicant pools?
<input type="checkbox"/>	Household Certification
<input type="checkbox"/>	Standards for reviewing applicant household eligibility and certifying applicant households
<input type="checkbox"/>	Verification documentation required
<input type="checkbox"/>	Eligible Income/Ineligible Income
<input type="checkbox"/>	Maximum Monthly Payment
<input type="checkbox"/>	Housing Counseling
<input type="checkbox"/>	Basis for Dismissing Applications
<input type="checkbox"/>	Appeals
<input type="checkbox"/>	Application Fees
<input type="checkbox"/>	Violations, Defaults and Remedies
<input type="checkbox"/>	Maintenance of Records
<input type="checkbox"/>	List documents to be filed
<input type="checkbox"/>	Monitoring information required

*1+

RESOLUTION No. 68, 2026

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF LINWOOD ADOPTING AN AFFIRMATIVE MARKETING PLAN

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the "Program"); and

WHEREAS, on November 6, 2025, the Uniform Housing Affordability Controls ("UHAC") were updated and amended;

WHEREAS, on August 27, 2025, Fair Share Housing Center ("FSHC") filed a deficiency letter to the City's Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, as per the Court's Case Management Order that was entered on November 18, 2025, the City and FSHC entered into a Consent Order on February 3, 2026; and

WHEREAS, the Consent Order with FSHC required the City to satisfy several conditions, including the adoption of an updated Affirmative Marketing Plan; and

WHEREAS, the City has prepared an updated Affirmative Marketing Plan that is consistent with the applicable statutes and regulations;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Linwood, County of Atlantic, State of New Jersey as follows:

1. The City of Linwood ("City") does hereby adopt the Affirmative Marketing Plan, attached hereto as Exhibit A.
2. This Resolution shall take effect immediately.

CERTIFICATION

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____



AFFIRMATIVE FAIR HOUSING MARKETING PROCESS
For the City of Linwood
For Affordable Housing in (REGION 6)

I. APPLICANT AND PROJECT INFORMATION

(Section I is completed individually for all developments or programs within the municipality.)

<p>1a. Administrative Agent Name, Address, Phone Number</p> <p>Triad Associates 1301 W. Forest Grove Road Vineland, NJ 08360 856-690-9590 www.triadhousingprograms.com housing@triadassociates.com</p>	<p>1b. Development or Program Name, Address:</p> <p>City of Linwood 400 Poplar Avenue Linwood, NJ 08221 www.linwoodcity.org Phone: 609-927-4108</p> <p>Development: To be determined for each project</p> <p><input checked="" type="checkbox"/> FOR RENT UNITS <input checked="" type="checkbox"/> FOR SALE UNITS</p>	
<p>1c.</p> <p><input checked="" type="checkbox"/> Number of Units: TBD <input checked="" type="checkbox"/> Number of Total Affordable Units: TBD <input checked="" type="checkbox"/> Number of Affordable Sale Units: TBD <input checked="" type="checkbox"/> Number of Affordable Rental Units: TBD</p>	<p>1d.</p> <p><input checked="" type="checkbox"/> Family <input checked="" type="checkbox"/> Age Restricted <input checked="" type="checkbox"/> Supportive Housing</p>	<p>1e. State and Federal Funding Sources (if any)</p> <p>N/A</p>
<p>1f. Approximate Starting Dates</p> <p>Advertising: To be determined for each project Occupancy: To be determined for each project Lottery Date: To be determined for each project</p>	<p>1g. Price or Rental Range</p> <p>From: To be determined for each project To: To be determined for each project</p>	
<p>1h. Physical characteristics of the units – List bedroom counts, total square footage, and accessibility features</p>		
<p>1i. County: Atlantic</p>	<p>1j. Census Tract(s):</p>	
<p>1k. Managing/Sales Agent's Name, Address, Phone Number To be determined for each project</p>		
<p>1l. Application Fees (if any): Application, Credit and Background Check Fees may apply. To be determined for each project</p>		

Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.

II. RANDOM SELECTION

INITIAL RANDOMIZATION

In carrying out the affirmative marketing process, the administrative agent shall comply with the Housing Affordability Controls rules at N.J.A.C. 5:80-26 (UHAC) Adopted November 6, 2025, and all provisions of the Fair Chance in Housing Act, N.J.S.A. 46:8-52 through 64.

The Affirmative Marketing process will begin approximately four months prior to expected occupancy. At this time, the applicant waitlist opens, and the affordable units are posted on the New Jersey Housing Resource Center (NJHRC) website. During this four-month (120-day) period, the property is advertised and interested applicants have the opportunity to submit Preliminary Applications.

After a minimum of 60 days from the date that the units are posted on the NJHRC website, a lottery randomization takes place. No random selection may be conducted prior to 60 days following the initial advertisement on the New Jersey Housing Resource Center. All preliminary applications received during the affirmative marketing period are included in this lottery randomization, which will establish the applicant waitlist. The lottery date will be included in all affirmative marketing materials. The random selection is conducted prior to households being certified for eligibility.

If the units are Supportive Housing units, within one business day of listing the affordable housing units on the New Jersey Housing Resource Center, the Administrative Agent will notify the local Continuum of Care of any rental housing units for individuals with special needs that are reserved for individuals and families that are homeless and of any permanent supportive housing rental units.

All applicants are included in the lottery and randomized regardless of household size or, desired number of bedrooms. The process is as follows:

The lottery will be conducted by the Administrative Agent with at least two professionals present. The applicant pool will include all applicants who have applied. The Administrative Agent will utilize a computer program to randomly assign a number, which will then become the applicant's lottery number.

When a unit becomes available, the Administrative Agent will identify the applicants that match the number of bedrooms and affordability (very low, low, or moderate income). Those who work or live in Region 6 will be given preference and contacted for the unit first. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for up to 50 percent of the restricted units will be given to very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised. If a veteran's preference is in effect, the veterans will be offered the unit prior to the general applicant pool.

Preliminary Applications received after the lottery date will be added to the applicant pool in the order they were received.

If the applicant pool becomes close to being depleted, the Administrative Agent will conduct additional marketing until units are filled.

The administrative agent will designate an experienced staff person 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. Alternatively, the administrative agent or municipality may contract with a HUD-certified housing counselor or an otherwise experienced entity approved by the NJ Department of Community Affairs to provide such counseling services.

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

White (non-Hispanic)
 Black (non-Hispanic)
 Hispanic
 American Indian or Alaskan Native
 Asian or Pacific Islander
 Other group:

3b. HOUSING RESOURCE CENTER (www.njhrc.gov) A free, online listing of affordable housing. Listed for the duration of the affirmative marketing process. Listing will be posted at minimum 60 days prior to lottery date.

3c. Commercial Media (required) (Check all that apply)

DIGITAL ADVERTISING

	OUTREACH	MEDIA SOURCE	FREQUENCY	CIRCULATION AREA
✓	Listed for the duration of the affirmative marketing process	Zillow/Social Media Sites	Continuous	Statewide
✓	Listed for the duration of the affirmative marketing process	Social media ads including facebook targeting the housing region. Ads will include an "apply today" button that links to the landing page for each listing	Continuous	Regional
✓	Listed for the duration of the affirmative marketing process	NJHRC.gov	Continuous	Statewide
✓	Listed for the duration of the affirmative marketing process	Triadhousingprograms.com	Continuous	Statewide
✓	Advertising to run for at least one week in a regional news publication listed below with digital advertising to run for several weeks.	https://shorelocalnews.com/	Continuous	Regional

REGIONAL NEWSPAPERS

	OUTREACH	NEWSPAPER(S)	CIRCULATION AREA
TARGETS PARTIAL COAH REGION			
✓	Press release	Beachcomber News	Atlantic
✓	Press release	Bridgeton News	Cumberland
✓	Press release	Cape May County Herald	Regional
✓	Press release	Cape May Star & Wave	Cape May
✓	Press release	Current of Egg Harbor Township	Atlantic
✓	Press release	Current of Galloway, Absecon, Brigantine & Egg Harbor City	Atlantic
✓	Press release	Current of Mays Landing/ Hamilton Township	Atlantic

✓	Press release	Current of Northfield/Linwood/Somers Point	Atlantic
✓	Press release	Current of Ventnor, Margate, Longport	Atlantic
✓	Press release	Daily Journal	Regional
✓	Press release	Hammonton Gazette	Atlantic
✓	Press release	Hammonton News	Atlantic
✓	Press release	Mainland Journal	Atlantic
✓	Press release	NJ.COM	Regional
✓	Press release	Ocean City Gazette	Cape May
✓	Press release	Ocean City Sentinel	Cape May
✓	Press release	Press of Atlantic City	Regional
✓	Press release	Record Journal	Atlantic
✓	Press release	Shore Local News Magazine	Regional

TARGETS NJ HOUSING REGIONS

DURATION & FREQUENCY OF OUTREACH	NAME OF PUBLICATION OR ORGANIZATION	OUTREACH AREA/CONTACT	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
✓	Flyers to be mailed at beginning of Marketing	24 Horas redaccion@24-horas.mx	Portuguese-Language
✓	Flyers to be mailed at beginning of Marketing	Amerika Magyar Nepszava (American Hungarian Peoples' Voice) usanepszava@gmail.com	Hungarian-Language
✓	Flyers to be mailed at beginning of Marketing	Anti-Poverty Network of NJ renee@njcitizenaction.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Arab Voice Newspaper info@arabamerica.com	Arab-American
✓	Flyers to be mailed at beginning of Marketing	Catholic Advocate, The submissions@rcan.org	Catholic
✓	Flyers to be mailed at beginning of Marketing	Catholic Charities Archdiocese of Newark kgelman@ccannj.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Catholic Charities Camden Cynthia.LeBron@camdendiocese.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Catholic Charities Trenton info@cctrenton.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Center for Family Services info@centerffs.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Desi NJ ilayasq@newsindia-times.com	South Asian
✓	Flyers to be mailed at beginning of Marketing	El Hispano Camden and Trenton areas	Spanish-Language
✓	Flyers to be mailed at beginning of Marketing	Fair Share Housing.org orlandosalas@fairsharehousing.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Latino Action Network Info@lanfoundation.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	NAACP NJ State Conference info@naacpnjsc.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Native American Advancement Corporation 75 N. Pearl Street P.O. Box 824 Bridgeton, NJ 08302	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	New Jersey Housing Resource Center 600 1st Ave, Raritan, NJ 08869	Statewide - General

✓	Flyers to be mailed at beginning of Marketing	New Jersey Jewish News	Beth@JewishMediaGroup.com	Jewish
✓	Flyers to be mailed at beginning of Marketing	New Jersey NAACP Conference	info@naacpnjsc.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	New Jersey SHARES	info@sharesnation.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Nuestra Comunidad	sreece@echo-media.com	Spanish-Language
✓	Flyers to be mailed at beginning of Marketing	Puerto Rican Action Committee	sholmes@pracnj.com	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Servicios Latinos	servicioslatinos@hotmail.com	Burlington County
✓	Flyers to be mailed at beginning of Marketing	Sino Monthly	info@sino-monthly.com	Chinese-American
✓	Flyers to be mailed at beginning of Marketing	Southern NJ Continuum of Care	ccarty@monarchhousing.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Supportive Housing Assoc.	kate.kelly@shanj.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Supportive Housing Assoc.	Alden St #14, Cranford, NJ 07016	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Supportive Housing Assoc.	kate.kelly@shanj.org	Statewide - General
✓	Flyers to be mailed at beginning of Marketing	Ukrainian Weekly	staff@ukrweekly.com	Ukrainian Community
✓	Flyers to be mailed at beginning of Marketing	United Way of Greater Philadelphia and Southern NJ	jmaxwell@unitedforimpact.org	Regional
✓	Flyers to be mailed at beginning of Marketing	Volunteers of America Delaware Valley	info@voadv.org	Statewide - General

3d. Community Contacts (names of community groups/organizations throughout the housing region who will receive direct notification of the availability of affordable housing units and who will be asked to post advertisements and distribute flyers and application forms regarding available affordable housing to their constituencies).

	OUTREACH	COMMUNITY CONTACT	MAILING ADDRESS
✓	Flyers to be mailed at beginning of marketing	American Red Cross	850 N. Franklin Avenue, Pleasantville, NJ 08232
✓	Flyers to be mailed at beginning of marketing	American Red Cross	3 Parke Place Blvd, Sewell, NJ 08080
✓	Flyers to be mailed at beginning of marketing	Anti-Poverty Network of NJ	272 Dunns Mill Road, Acme Commons Center, #327, Bordentown, NJ 08505
✓	Flyers to be mailed at beginning of marketing	Anti-Poverty Network of NJ	272 Dunns Mill Road, Acme Commons Center, #327, Bordentown, NJ 08505
✓	Flyers to be mailed at beginning of marketing	Atlantic City Housing Authority	227 N. Vermont Avenue,
✓	Flyers to be mailed at beginning of marketing	Atlantic City Rescue Mission	2009 Bacharach Blvd., PO Box 5358, Atlantic City, New Jersey 08404
✓	Flyers to be mailed at beginning of marketing	Atlantic County NAACP	PO Box 1977, Atlantic City 08404
✓	Flyers to be mailed at beginning of marketing	Atlantic Homeless Alliance	1333 Atlantic Avenue, 1st Floor, Atlantic City, NJ 08401

✓	Flyers to be mailed at beginning of marketing	Atlantic/Cape May Family Support Organization, Inc.	950 Tilton Rd # 108, Northfield, NJ 08225
✓	Flyers to be mailed at beginning of marketing	AtlantiCare Behavioral Health	1925 Pacific Avenue, Atlantic City, NJ 08401
✓	Flyers to be mailed at beginning of marketing	Bethel Commandment Church	1717 Bishop Richard Allen Avenue Atlantic City, New Jersey
✓	Flyers to be mailed at beginning of marketing	Cape May County NAACP	PO Box 932, CMCH, NJ 08210
✓	Flyers to be mailed at beginning of marketing	Cape May County Social Services	4005 Rt. 9 S, Rio Grande, NJ 08242
✓	Flyers to be mailed at beginning of marketing	Catholic Charities	1304 Rt. 47 South, Unit C1, P.O. Box 232, Rio Grande, NJ 08242
✓	Flyers to be mailed at beginning of marketing	Catholic Charities- Atlantic County	9 North Georgia Ave, Atlantic City, NJ 08401
✓	Flyers to be mailed at beginning of marketing	Coalition Against Rape & Abuse, Inc.	P.O. BOX 774, Cape May Court House, NJ 08210
✓	Flyers to be mailed at beginning of marketing	Collaborative Support Programs of NJ	340 Route 45, Suite 1. Salem, NJ 08079
✓	Flyers to be mailed at beginning of marketing	Community Food Bank of New Jersey	6735 Black Horse Pike, Egg Harbor Twp, NJ 08234
✓	Flyers to be mailed at beginning of marketing	Covenant House of New Jersey	929 Atlantic Avenue, Atlantic City, NJ 08401
✓	Flyers to be mailed at beginning of marketing	Covenant House of NJ	929 Atlantic Avenue, Atlantic City, NJ 08401
✓	Flyers to be mailed at beginning of marketing	Cumberland County NAACP	PO Box 744, Vineland 08360
✓	Flyers to be mailed at beginning of marketing	Cumberland County Social Services	275 North Delsea Dr., Vineland, NJ 08360-3607
✓	Flyers to be mailed at beginning of marketing	DCA Rental Assistance	20 Market St, Camden, NJ 08102
✓	Flyers to be mailed at beginning of marketing	Department of Family and Community Development	1333 Atlantic Avenue, Atlantic City, NJ 08401
✓	Flyers to be mailed at beginning of marketing	Division of Intergenerational Services	1333 Atlantic Avenue, Atlantic City, NJ
✓	Flyers to be mailed at beginning of marketing	Family Success Center of Cape May County	1046 NJ-47, Rio Grande, NJ 08242
✓	Flyers to be mailed at beginning of marketing	Grace Assembly of God- Food Pantry	201-205 Atlantic Ave, Atlantic City, NJ
✓	Flyers to be mailed at beginning of marketing	Holy Spirit Lutheran Church	1220 BAYSHORE ROAD, VILLAS, NJ 08251
✓	Flyers to be mailed at beginning of marketing	Jewish Family Services of Atlantic and Cape May Counties	1129 South Route 9, Suite 7, Cape May Court House, NJ 08210
✓	Flyers to be mailed at beginning of marketing	Latino Action Network	Freehold, NJ, United States, 07728
✓	Flyers to be mailed at beginning of marketing	NAACP Conference	4326 Harbor Beach Blvd. #775, Brigantine, NJ 08203
✓	Flyers to be mailed at beginning of marketing	NJ Citizen Action	75 Raritan Avenue, Suite 200, Highland Park, NJ 08904

✓	Flyers to be mailed at beginning of marketing	Puerto Rican Action Committee	114 EAST MAIN ST, PENNS GROVE NJ 08069
✓	Flyers to be mailed at beginning of marketing	Salem County NAACP	396 Bailey Street, Woodstown 08098
✓	Flyers to be mailed at beginning of marketing	Salem County Social Services	147 South Virginia Avenue, Penns Grove, NJ 08069-1797
✓	Flyers to be mailed at beginning of marketing	Salvation Army Food Pantry- Atlantic City	22 S. Texas Avenue, Atlantic City, New Jersey 08401
✓	Flyers to be mailed at beginning of marketing	Supportive Housing Association	185 Valley St, South Orange, NJ 07079
✓	Flyers to be mailed at beginning of marketing	Tri-County Community Action Partnership	110 Cohansey Street, Bridgeton
✓	Flyers to be mailed at beginning of marketing	United Way	4 E Jimmie Leeds Rd, Galloway, NJ 08205
✓	Flyers to be mailed at beginning of marketing	Veterans Multi-Service Center	415 N. High Street, Millville, NJ 08332
✓	Flyers to be mailed at beginning of marketing	American Red Cross	850 N. Franklin Avenue, Pleasantville, NJ 08232

IV. APPLICATIONS

Preliminary Application information for the Salt House affordable units will be available at the following locations:		
4a. County Administration Buildings and/or Libraries for all counties in the housing region		
	BUILDING	LOCATION
✓	Atlantic County Library System	40 Farragut Ave., Mays Landing, NJ 08330 phone: (609) 625-2776 fax: (609) 625-8143
✓	Atlantic County Administration Building 1333 Atlantic Avenue, Atlantic City, NJ 08401	Atlantic County Administration Building 1333 Atlantic Avenue, Atlantic City, NJ 08401
✓	Cape May County Main Library	30 Mechanic Street, Cape May Courthouse, NJ
✓	Cape May County Administration Building 4 Moore Road, Cape May Court House, NJ 08210	Cape May County Administration Building 4 Moore Road, Cape May Court House, NJ 08210
✓	Cumberland County Library	800 East Commerce Street, Bridgeton, NJ 08302
✓	Cumberland County Administration Building 164 W. Broad St., Bridgeton, NJ 08302	Cumberland County Administration Building 164 W. Broad St., Bridgeton, NJ 08302
✓	Salem County Library	12 W. Broadway, Salem, NJ 08079 (856).935.0526
✓	Salem County Administration Building 110 Fifth Street, Salem, NJ 08079	Salem County Administration Building 110 Fifth Street, Salem, NJ 08079

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

City of Linwood 400 Poplar Avenue Linwood, NJ 08221 www.linwoodcity.org Phone: 609-927-4108
Linwood Public Library 301 Davis Avenue Linwood, NJ 08221 www.linwoodlibrary.com Email: linwoodlibrary@linwoodlibrary.com Phone: 609-926-7991
4c. Sales/Rental Office for units (if applicable) <i>To be determined for each project</i>

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the Municipality's substantive certification.

Susan DiBiasio
Susan DiBiasio, Triad Associates
Administrative Agent/Affirmative Marketing

March 4, 2026
Date

RESOLUTION No. 69, 2026

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF LINWOOD ADOPTING AN AFFORDABILITY ASSISTANCE MANUAL

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the "Program"); and

WHEREAS, on November 6, 2025, the Uniform Housing Affordability Controls ("UHAC") were updated and amended; and

WHEREAS, to ensure that the Township's Affordability Assistance Manual conforms with UHAC as amended, the City will adopt an updated Affordability Assistance Manual;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Linwood, County of Atlantic, State of New Jersey as follows:

1. The City of Linwood hereby adopts an Affordability Assistance Manual, attached hereto as Exhibit A.

2. This Resolution shall take effect immediately.

CERTIFICATION

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 11th day of March, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of March, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

City of Linwood

New Jersey

Affordability Assistance Program Manual

In Accordance with the
Uniform Housing Affordability Controls

March 2026

City of Linwood
400 Poplar Avenue
Linwood, NJ 08221
609-927-4108

Prepared by:



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III. EXHIBITS:

 EXHIBIT 1: Summary of Affordability Assistance Program Terms

 EXHIBIT 2: Affordability Assistance Application

 EXHIBIT 3: Down Payment Assistance Program Documents

 EXHIBIT 4: First Month's Rent Assistance Program Documents

 EXHIBIT 5: Emergency Repair Assistance Program Documents

INTRODUCTION

The purpose of this Manual is to describe the policies and procedures of the Affordability Assistance Program. This Manual describes the basic content and operation of the various affordable assistance program components.

In accordance with the Fair Housing Act Adopted New Rules: N.J.A.C. 5:99 - 2.5, a municipality shall set aside a portion of its affordable housing trust fund for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in a municipal fair share plan, in accordance with N.J.A.C. 5:99-2.5. Affordability assistance means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code. N.J.A.C. 5:99-2.5.

I. TYPES OF AFFORDABILITY ASSISTANCE

The types of affordability assistance offered are listed below. The specifics of each type are summarized in Exhibit 1. No ongoing or monthly assistance options are currently available.

- A. EMERGENCY AND HEALTH/SAFETY REPAIRS** – Affordability Assistance funding is available to assist owners of low-and moderate-units to make emergency and/or health and safety related repairs that they do not have the financial resources to make otherwise. Funding will not be provided for standard maintenance items, work covered by the homeowner association, damage covered by homeowner insurance and/ or minor repairs such as small areas of peeling paint or other items that can be addressed easily by the homeowner. This funding will help preserve the affordable deed restricted housing stock and the residents who reside in the homes. Only units in the Municipality's Fair Share Plan (portfolio of affordable units) are eligible to apply. The maximum combined grant available to any one affordable home will be \$10,000.
- B. ENERGY EFFICIENCY PROGRAM (EEP)** - This program makes available zero interest forgivable loans to income-qualified Owners of deed restricted affordable homes in the Municipality. The following Energy Efficiency upgrades/replacements are eligible:
- HVAC or heat pump equipment;
 - Hot water heater;
 - Windows and doors

The maximum combined grant available to any one affordable home will be \$10,000. By replacing existing heating /cooling (HVAC) systems, windows, doors and/or hot water heaters with new, high

energy efficiency standards, the goal of this program is to save energy and reduce the energy-related costs for low- and moderate-income households, while maintaining a high level of comfort.

- C. **CREATE ADDITIONAL VERY LOW-INCOME UNITS** – Affordability assistance may be utilized to create additional very low-income units by converting a moderate or low-income unit into a very low-income unit in new developments. The affordability assistance will result in additional very low-income units beyond what is required by state affordable housing rules. The Municipality may negotiate with developers of inclusionary developments to determine the appropriate amount of subsidy required to make the unit affordable to a very low-income household.
- D. **FIRST MONTHS RENT ASSISTANCE (SECURITY DEPOSIT ASSISTANCE)** - This program makes available grants to income-qualified tenants of deed restricted affordable apartments in the Municipality in an amount equal to the amount of rent that the landlord charges for the first month of occupancy. The grant will be available to all new tenants of very low-, low- and moderate- income rental units. The Maximum grant will be \$2,500.00
- E. **DOWN PAYMENT ASSISTANCE** - The Municipality Down Payment Assistance Program is designed to help low- and moderate-income households achieve the goal of homeownership. This program will provide a no interest, forgivable loan to homebuyers of deed restricted affordable properties within the Municipality to use as a principal down payment and/or closing costs. The goal of the program is to provide financial assistance to income-qualified homebuyers moving to the Municipality. The maximum grant is \$10,000.00
- F. **HOMEOWNERSHIP ASSISTANCE PROGRAM** - The Program is designed to help low- and moderate-income homeowners retain stable finances. This program will provide a no interest, forgivable loan to homeowners of deed restricted affordable properties within the Municipality who are in arrears with mortgage payments, taxes, utility payments, special assessments, or homeowners' fees. Funds are made available through the Municipality's Affordable Housing Trust Fund. The goal of the program is to provide financial assistance to income-qualified homeowners. The maximum grant is \$10,000.00.

ELIGIBILITY

Applications submitted for affordability assistance will be provided on a first come-first-served basis according to the following criteria, as applicable:

1. There are affordability assistance funds remaining in the Housing Trust Fund for the year.
2. The applicant owns a deed restricted affordable unit in the Municipality that they maintain as their primary residence.
3. The applicant rents a deed restricted affordable unit in the Municipality.
4. The applicant has not received an affordability assistance in the past. (Only one award per household is permitted. This requirement can be waived on a case-by-case basis)
5. Applicants applying for repairs will require income certification at the time of application.

6. Applicants applying for repairs, must show proof that property taxes, municipal utilities and, if applicable, mortgage and homeowner association fee are paid current.
7. Applicants applying for repairs must show proof that the needed improvements will remediate a serious threat to the health and/or safety of the building's residents.

REPAYMENT TERMS & REPAYMENT AGREEMENT

When required, loans for properties participating in the Affordability Assistance Program shall be secured through a Mortgage and Mortgage Note in favor of the municipality and executed by the property owner. The Mortgage and Mortgage Note will be executed at closing. The original mortgage note shall be retained by the Municipality Clerk and kept in the unit file. The Administrative Agent will send the affordability assistance Mortgage requiring recording to the Municipality. Upon receipt the Municipality will file said document with the County Clerk's office.

When required, the following is the term of the mortgage:

All loans are zero interest, forgivable loans. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven. Mortgages, the Control Period and five year time period for the Emergency Repair and Energy Efficiency grants begin on the date all work is completed and approved, and for the Down Payment Assistance and Homeownership Assistance Program the period begins on the date the funds are released.

II. PROGRAM ADMINISTRATION

The Administrative Agent will be responsible for administering the program. Questions about the Program should be directed the Administrative Agent. All forms are included in the appendices

TRIAD Associates
1301 W. Forest Grove Road
Vineland, NJ 08360
Phone: (856) 690-9590
Fax: (856)-690-5622
www.triadincorporated.com
www.triadhousingprograms.com

1. EMERGENCY AND HEALTH/SAFETY REPAIRS PROGRAM PROCEDURES

- Homeowner submits application for assistance along with proof of work items needed. Refer to section on Requirements of Work Items.
- The Administrative Agent income certifies applicant and confirms property taxes, municipal utilities and, existing mortgage and homeowner association fee are paid current.
- Building inspector visits home to document the need for emergency repair and to prepare the work specifications to be reviewed by the appropriate code official.

- Upon eligibility determination and site visit— the Administrative Agent will send homeowner:
 - ✓ Eligibility letter (including paragraph on municipal contractor payment process to show to the contractor)
 - ✓ Work specifications
 - ✓ Instructions to obtain and provide proposal from 3 contractors (willing to be paid by municipality at job completion). Homeowner to identify contractor selected to do the job and provide that contractor’s business registration, Consumer Affairs home improvement license and certificate of insurance listing program as certificate holder. The homeowner will have to fund any amount over the program funding limit, payable directly to the contractor.

- Once homeowner provides the above items, the Administrative Agent will send the homeowner’s certificate of eligibility and contractor selection to the Municipality to pass a resolution authorizing funding assistance. Upon receipt of the approved municipal resolution, provide the homeowner the construction agreement for the homeowner and contractor to sign, as well as program mortgage & note for the homeowner to sign in front of notary and return to program.

- The Municipality is not a party to any contract between homeowner and contractor and the Municipality does not ensure that work performed by contractor is completed to satisfaction of homeowner. The construction agreement is between the homeowner and contractor; the Municipality is not a party to the agreement for purposes of any claims by the parties against one another.

- Upon construction completion, the homeowner will provide to the Program:
 - ✓ Written homeowner’s approval of satisfactory job completion.
 - ✓ Invoice from contractor identifying the work items they completed.
 - ✓ Copies of municipal permits and closed out permits via municipal Certificate of Approval for the applicable items installed.

- If the work does not require a permit, certification of work by the contractor will be accepted.

- The Administrative Agent will submit the contractor invoice to the municipality for payment and forward the mortgage to the municipality to file (record) with the county clerk.

Emergency and Health/Safety Repairs Program Eligibility Certification Process

In order to be eligible for assistance, households in each unit to be assisted must be determined to be income eligible. All adult members, 18 years of age and older, of the household must be fully certified as income-eligible before any assistance will be provided by the Program. The Administrative Agent will income qualify applicants in accordance with the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-

16.1 et seq., except for the regional maximum asset limit issued annually in the *Affordable Housing Regional Income Limits by Household Size*.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income.

A. WHAT IS CONSIDERED INCOME

The following income sources are considered income and will be included in the income eligibility determination:

- Wages, salaries, tips, commissions
- Regularly scheduled overtime
- Unemployment compensation (verify the remaining number of weeks they are eligible to receive)
- Social Security
- Pensions
- Disability
- Alimony
- Verified regular child support (received)
- Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
- Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.
- TANF (Temporary Assistance For Needy Families)
- Net income from business or real estate
- Rent from real estate is considered income
- Any other forms of regular income reported to the Internal Revenue Service

B. WHAT IS NOT CONSIDERED INCOME

The following income sources are not considered income and will not be included in the income eligibility determination:

- Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income
- Part-time income of dependents enrolled as full-time students
- Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
- Food stamps
- Rebates or credits received under low-income energy assistance programs
- Payments received for foster care
- Relocation assistance benefits
- Income of live-in attendants
- Scholarships
- Student loans

- Personal property such as automobiles

C. HOW TO VERIFY INCOME

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months. Income verification documentation should include, but is not limited to the following for each and every member of a household who is 18 years of age or older:

- Four current consecutive pay stubs, including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- A signed copy of regular IRS Form 1040 (Tax computation form), 1040A or 1040EZ (as applicable) and state income tax returns filed for the last three years prior to the date of interview or notarized tax waiver letter for respective tax year(s)
- A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
- If applicable, a letter or appropriate reporting form verifying monthly benefits such as:
 1. Social Security or SSI – Current award letter or computer printout letter
 2. Unemployment – verification of Unemployment Benefits
 3. Welfare -TANF current award letter
 4. Disability - Worker’s compensation letter or
 5. Pension income (monthly or annually) – a pension letter
 6. A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order or recent original letters from the court (includes separation agreement or divorce papers) or education scholarship/stipends – current award letter;
- Reports from the last two consecutive months that verify income from assets to be submitted by banks or other financial institutions managing savings and checking accounts (bank statements and passbooks), trust funds, money market accounts, certificate of deposit, stocks or bonds (In brokerage accounts – most recent statements and/or in certificate form – photocopy of certificates). Examples include copies of all interest and dividend statements for savings accounts, interest and non-interest-bearing checking accounts, and investments;

- Evidence or reports of income from directly held assets, such as real estate or businesses owned by any household member 18 years and older.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property attach copies of all leases.

D. ADDITIONAL INCOME VERIFICATION PROCEDURES

1. STUDENT INCOME

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

2. INCOME FROM REAL ESTATE

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage interest, real estate taxes, property owner insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate, other than primary residence, the Program Case Manager should determine the imputed interest from the value of the property. The Program Case Manager should deduct outstanding mortgage debt from the documented market value established by either a market value appraisal or by applying the property tax equalization market value method, as well as real estate commission if property was to be sold. Based on current money market rates, interest will be imputed on the determined value of the real estate.

E. OTHER ELIGIBILITY REQUIREMENTS

Applicant to submit the following in the application package:

- Recorded deed to the property to be assisted;
- If you are a widow or widower, copy of Death Certificate should be included;
- Receipt for property taxes paid current.
- Signed Release form to verify eligibility determination from third party sources;
- Proof that all mortgage payments are current; and
- Copy of any and all other liens recorded against the property.

- Personal identification (a copy of any of the following Driver's License, Passport, Birth Certificate, Social Security Card, Adoption Papers, Alien Registration Card, etc.) for each household member.

F. REQUIREMENTS OF UTILITIES & TAXES PAID CURRENT

All applicants' water/sewer and tax accounts must be paid current.

G. REQUIREMENTS OF WORK ITEMS

Homeowner has to demonstrate the existing problem has been inspected and the threat verified by one of the following:

- The appropriate local construction official;
- A local health official; or
- Systems or components that have been red tagged by utility company and/or verified non-functional by a qualified service technician.

This is done at time of submission of the program application.

G. ELIGIBILITY CERTIFICATION

After Administrative Agent Program staff determines that the household is income eligible and meets all other eligible requirements, the Administrative Agent Program Manager will complete and sign the Eligibility Certification. This certification is valid for six months starting from date of eligibility certification. A Construction Agreement must be signed within this time period. If not, the Program Manager must reevaluate the household's eligibility.

- The Municipality Emergency Repair Assistance Program will provide a maximum loan of \$10,000.00. to each eligible homeowner. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven.

2. ENERGY EFFECIENCY UPGRADES

A. ELIGIBILITY CERTIFICATION

After the Administrative Agent Program staff determines that the household is income eligible and meets all other eligible requirements, the Administrative Agent Program Manager will complete and sign the Eligibility Certification. This certification is valid for six months starting from date of eligibility certification. A Construction Agreement must be signed within this time period. If not, the Program Manager must reevaluate the household's eligibility.

- The Municipality Energy Efficiency Program will provide a maximum loan of up to \$15,000 to each eligible homeowner. If property is sold prior to the fifth year, the loan becomes due upon

change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven.

3. CREATION OF ADDITIONAL VERY LOW-INCOME UNITS PROGRAM PROCEDURE

- A. Terms to be negotiated between landlord/developer and the Municipality.
- B. Upon approval of terms by both parties, Municipal attorney prepares Resolution authorizing award and terms, including changes in unit designation(s) from conversion of moderate and low-income units to very low-income units; revisions to restrictive covenant language, etc. Administrative Agent shall assist attorney upon request. See Exhibit 1.
- C. Municipality adopts Resolution.
- D. Municipality sends assistance directly to landlord/developer.
- E. Administrative Agent records assistance on master reporting spreadsheet.

4. FIRST MONTHS RENT ASSISTANCE PROCEDURES

The Municipality will designate a portion of all development fees collected and interest earned towards a First Months Rent Grant program. This grant will be available to an income eligible renter with good credit standing who qualifies for a low- or moderate-income rental unit in one of the Municipality's deed restricted units or its Rental Housing Rehabilitation Program as per the following guidelines:

- The First Months Rent will be in the form of a grant equal to the first month's rental amount determined by the landlord and will be paid to the landlord on behalf of the tenant.
- The Municipality's First Months Rent Affordability Assistance Program will be administered by the Administrative Agent. After an applicant is income qualified by the Administrative Agent pursuant to New Jersey Fair Housing rules and UHAC, or cannot be qualified due to a need for assistance, an affordability assistance application will be completed and forwarded with all necessary documentation to the Administrative Agent. The affordability assistance recipient will sign a contract with municipality which states the amount of funds granted, procedures and duration and conditions of affordability assistance. All tenants of affordable units within the Municipality will be advised of the availability of the Municipality's Affordability Assistance Program. An income eligible occupant or applicant for an affordable unit within the municipality may not be denied participation in the Affordability Assistance Program(s) unless funding is no longer available.
- If the unit is a Rental Housing Rehabilitation Program unit, and a 10-year deed restriction was recorded on the unit at the completion of rehabilitation work and the restriction is still in effect at the time of the tenant's application for First Months Rent.
- The Municipality First Months Rent Program will provide a maximum grant in the amount of the first month's rent, not to exceed \$2,500.00.

5. DOWN PAYMENT ASSISTANCE PROCEDURES

The Municipality Down Payment Assistance Program is designed to help low- and moderate-income households achieve the goal of homeownership. This program will provide a no interest, forgivable loan to homebuyers of deed restricted affordable properties within the Municipality to use as a principal down

payment and/or closing costs. The goal of the program is to provide financial assistance to income-qualified homebuyers moving to the Municipality.

ELIGIBLE PARTICIPANTS

Applicants for this loan program must be income-qualified by the Administrative Agent for the Municipality and must be under contract to purchase a deed restricted home in the Municipality. This means that the applicant must have made application to buy a home, been income-qualified and selected to purchase an affordable home within the Municipality, and signed a contract with the seller.

ELIGIBLE PROPERTIES

Properties must be within the Municipality and be deed restricted in accordance with the U.H.A.C. guidelines. The price of the home will be limited by the deed restriction to be affordable to either a low or moderate-income household.

LEVEL OF FINANCING

The Municipality Down Payment Assistance Program will provide a maximum loan of \$10,000.

TERMS AND CONDITIONS

The loan is given as a zero-interest loan. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven. The loan will be secured by a second mortgage and note.

Recipients of Down Payment Assistance Program funds are required to maintain the unit as their principal residence for the duration of the loan period and abide by all other requirements of the deed restriction and UHAC. In the event the property is sold or disposed of during the term of the loan, the outstanding loan amount in accordance with the schedule above shall be immediately due and payable to the Municipality according to the terms of the Mortgage and Mortgage Note.

SECURITY INSTRUMENTS

Loans for all properties participating in the Down Payment Assistance Program shall be secured through a Mortgage and Mortgage Note (see Exhibit 3) in favor of the municipality executed by the property owner. The Municipality will record said documents with the County Clerk's office upon the completion of the closing of title. The Mortgage and Mortgage Note will be executed at closing. The original mortgage note shall be retained by the Municipality Clerk and kept in the unit file.

6. HOMEOWNERSHIP ASSISTANCE PROCEDURES

The Program is designed to help low and moderate-income homeowners retain stable finances. This program will provide a no interest, forgivable loan to homeowners of deed restricted affordable properties within the Municipality who are in arrears with mortgage payments, taxes, utility payments, special assessments, or homeowners' fees. Funds are made available through the Municipality's Affordable Housing Trust Fund. The goal of the program is to provide financial assistance to income-qualified homeowners. This program will provide a no interest, forgivable loan to homebuyers of deed restricted affordable properties within the Municipality.

ELIGIBLE PARTICIPANTS

Applicants for this loan program must be income-qualified by the Administrative Agent for the Municipality and must be the owner of an affordable housing unit in the Municipality.

ELIGIBLE PROPERTIES

Properties must be within the Municipality and be deed restricted in accordance with the U.H.A.C. guidelines.

LEVEL OF FINANCING

The Municipality Homeownership Assistance Program will provide a maximum loan of \$10,000.

TERMS AND CONDITIONS

The loan is given as a zero-interest loan. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven. The loan will be secured by a second mortgage and note.

Recipients of Homeownership Assistance Program funds are required to maintain the unit as their principal residence for the duration of the loan period and abide by all other requirements of the deed restriction and UHAC. In the event the property is sold or disposed of during the term of the loan, the outstanding loan amount in accordance with the schedule above shall be immediately due and payable to the Municipality according to the terms of the Mortgage and Mortgage Note.

SECURITY INSTRUMENTS

Loans for all properties participating in the Homeownership Assistance Program shall be secured through a Mortgage and Mortgage Note in favor of the municipality executed by the property owner. The Municipality will record said documents with the County Clerk's office upon the completion of appropriate forms. The Mortgage and Mortgage Note will be executed at closing. The original mortgage note shall be retained by the Municipality Clerk and kept in the unit file.