



AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CHAPTER 200 LAND USE, PART 4 ARTICLE XXXI GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS GOVERNING CERTAIN USES, SECTION 200 AFFORDABLE HOUSING REGULATIONS, SECTION 200-237.2 ADMINISTRATIVE AGENT, TO ALLOW THE TOWNSHIP TO ESTABLISH MORE THAN ONE AFFORADABLE HOUSING ADMINISTRATIVE AGENT

WHEREAS, the Township of West Windsor wants to have the ability to establish more than one Affordable Housing Administrative Agent; and

WHEREAS, if the Township so choses to establish more than one Administrative Agent, one will be designated as the lead Administrative Agent.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey as follows:

Section 200-237.2 Administrative agent.

- A. Purpose. The purpose of this section is to create the administrative mechanisms needed for the execution of West Windsor Township's responsibility to promote and oversee the provision of affordable housing pursuant to the Fair Housing Act of 1985.
- B. Establishment of position; powers and duties. **[An]** Administrative agents may be an independent entity serving under contract to and reporting to the municipality. The fees of the administrative agents shall be paid by the owners of the affordable units for which the services of the administrative agents are required. The administrative agents shall perform the duties and responsibilities of **[an]** administrative agents as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:
  - (1) Affirmative marketing:
    - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of West Windsor Township and the provisions of N.J.A.C. 5:80-26.15; and
    - (b) 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.
  - (2) Household certification:
    - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;

- (b) 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;
  - (c) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
  - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
  - (e) 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;
  - (f) Employing a random selection process as provided in the affirmative marketing plan of West Windsor Township when referring households for certification to affordable units.
- (3) Affordability controls:
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Mercer County Register of Deeds or Mercer County Clerk's office after the termination of the affordability controls for each restricted unit;
  - (d) Communicating with lenders regarding foreclosures; and
  - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resales and rentals:
- (a) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
  - (b) Instituting and maintaining an effective means of communicating information to low- (or very-low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing requests from unit owners:

- (a) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this section;
- (b) 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;
- (c) Notifying the municipality of an owner's intent to sell a restricted unit; and
- (d) Making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement:
  - (a) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
  - (b) 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;
  - (c) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;
  - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
  - (e) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
  - (f) Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.
- (7) Additional responsibilities:
  - (a) The administrative agents shall have the authority to take all actions necessary and appropriate to carry out [its] their responsibilities hereunder.
  - (b) The administrative agents shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this section.
  - (c) The administrative agents shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

- C. Additional administrative agents. Any agreement that the municipality enters into with one or more administrative agents will address the areas of responsibility of each administrative agent as to each other and with respect to the municipality. The municipality may designate one of the administrative agents as the “lead” agent, and require that the other administrative agent(s) that may be established report to the lead agent and regularly provide information to the lead administrative agent about the affordable units that the other administrative agent is responsible for, so that the lead administrative agent has the same access to the information as if it was solely responsible for the affordable units and performing the duties described in this Section.
- D. Change of administrative agents. The municipality and administrative agents shall, to the extent necessary and applicable, comply with the provisions of N.J.A.C. 5:80-26.17 (Procedures for changing administrative agents).
- E. Choice of administrative agents. The selection of administrative agent is the municipality’s in its sole discretion.

This Ordinance shall take effect twenty (20) days after action or inaction by the Mayor as provided by law as an override of a mayoral veto by Council, whichever is applicable. Publication shall be in accordance with law.

INTRODUCTION: August 12, 2024

PUBLIC HEARING: August 26, 2024

ADOPTION: August 26, 2024

MAYOR APPROVAL: August 27, 2024

EFFECTIVE DATE: September 16, 2024

Explanation – Matter underlines **thus** is new matter.