



ORDINANCE 14-2006

ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE BOROUGH OF ATLANTIC HIGHLANDS AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT

WHEREAS, the Council on Affordable Housing (COAH) requires that each certified municipality appoint a specified municipal employee to serve as municipal housing liaison for the purpose of administering its affordable housing program, including affordability controls and Affirmative Marketing Plan and supervising any contracting Administrative Agent.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Atlantic Highlands in the County of Monmouth and State of New Jersey as follows:

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of Borough of Atlantic Highland's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL HOUSING LIAISON - The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Borough of Atlantic Highlands.

ADMINISTRATIVE AGENT - The entity responsible for administering the affordability controls of some or all units in the affordable housing program for the Borough of Atlantic Highlands to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low-and moderate-income households.

Section 3. Establishment of Municipal Housing Liaison Position And Compensation.

A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Borough of Atlantic Highlands.

B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.

C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough, including the following responsibilities which may not be contracted out:

- (1) Serving as the Borough's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
- (2) Monitoring the status of all restricted units in the Borough's Fair Share Plan;
- (3) Compiling, verifying, and submitting annual reporting as required by COAH;
- (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
- (5) Attending continuing education programs as may be required by COAH;
- (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in the Borough as describe in F. below.

D. Subject to approval by COAH, the Borough may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the Borough. If the Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.

E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.

F. The powers and duties of the Municipal Housing Liaison may include but are not limited to the following, some of which may be delegated to an approved Administrative Agent:

- (1) Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Borough and the provisions of N.J.A.C. 5:80-26.15.
- (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 non-eligibility;

(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; and

(f) Employing the random selection process as provided in the Affirmative Marketing Plan of the Borough when referring household 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 appropriate county's register of deeds or 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) Resale and rental

(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- and moderate-income households regarding the availability of restricted units for resale or re-rental.

(5) Communicating with unit owners

(a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;

(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 cost of central air conditioning systems; and

(c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

(6) Enforcement

(a) Ensure that all restricted units are identified as affordable within the tax assessor's office and any municipal utility authority (MUA) and upon notification to the Administrative Agent of change in billing address, payment delinquency of two consecutive billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units, 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 acknowledgment 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) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;

(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 or other appropriate municipal fund approved by the DCA;

(f) Establishing a rent-to-equity program;

(g) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and

(h) Providing annual reports to COAH as required.

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

Section 4. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Council member Spatola introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Nolan and approved by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola

NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for July 26, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 20th day of July 2006.

Dwayne M. Harris, RMC

SECOND READING AND FINAL ADOPTION: PASSED August 16, 2006

After a Public Hearing and Second Reading, Councilmember Ladiana moved for Final Adoption of this Ordinance. It was seconded by Councilmember Spatola and adopted by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola

NAYS:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2006.

Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: August 17, 2006

Peter E. Donoghue, Mayor