

ORDINANCE AMENDING
CHAPTER 193, AFFORDABLE HOUSING, AND
CHAPTER 335, ZONING AND LAND USE,
TO COMPORT WITH THE REQUIREMENTS
OF *N.J.A.C. 5:96-1 ET SEQ.* AND *N.J.A.C. 5:97-1 ET SEQ.*

BOROUGH OF BERLIN
COUNTY OF CAMDEN, STATE OF NEW JERSEY

WHEREAS, the Borough Council of the Borough of Berlin (“Borough Council”), a municipal corporation in the County of Camden, State of New Jersey, desires to develop a comprehensive solution to its second round housing element and fair share plan and to at least partially address its third round housing element and fair share plan; and

WHEREAS, the Borough Council has determined revision to Chapters 193 and 335 are necessary in order to fulfill its desire to address its municipal affordable housing obligation; and

WHEREAS, the Planning Board of the Borough of Berlin has adopted a housing element of the master plan that comprehensively provides for the appropriate use and development of lands in the Borough necessary to meet the obligation to provide for affordable housing; and

WHEREAS, the amendment will further the goal of providing affordable housing within the municipality in accordance with the Fair Housing Act, *N.J.S.A. 52:27D-301 et seq.*; and

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Berlin that Chapter 193, Affordable Housing, and Chapter 335, Zoning and Land Use, be and are hereby amended as follows:

CHAPTER 193, AFFORDABLE HOUSING

Section 1. §193-2, Income Requirements, is hereby repealed and §193-1, Definitions, is renumbered §193-2.

Section 2. New §193-1, entitled, Title, Short Title, Purpose and Applicability, is hereby added as follows:

§193-1. Title, Short Title, Purpose and Applicability

- A. Title. This ordinance shall be entitled, “An Ordinance Establishing Administrative Procedures and Regulations for the Implementation of Low- and Moderate-Income Housing Plans in the Borough of Berlin, in the County of Camden and State of New Jersey”.
- B. Short Title. This ordinance may be known as “Affordable Housing”.
- C. Purpose. The purpose of this Chapter is to implement the Uniform Housing Affordability Controls (*N.J.A.C. 5:80-26.1, et seq.*) and the regulations of the New Jersey Council on Affordable Housing or Department of Community Affairs, as the case may be, as they may be amended or superseded. The ordinance is designed to implement the New Jersey Fair Housing Act (*N.J.S.A. 52:27D-301, et seq.*) by assuring that affordable housing created under the Act is occupied by low and moderate-income households for the appropriate period of time. The words, phrases, and terms herein shall be interpreted to have the same meanings and usages as in the Fair Housing Act (*N.J.S.A. 52:27D-301 et seq.*), the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*), the substantive rules of the Council on Affordable Housing (*N.J.A.C. 5:97-1 et seq.*) and the Uniform Housing Affordability Rules. It is the further purpose of this Article to regulate the development and management of low and moderate income housing dwellings constructed in compliance with the Housing Element and Fair Share Plan of the Master Plan of the Borough of Berlin as they may be adopted or superseded.
- D. Applicability. No dwelling dwellings designated for low and moderate income housing shall be occupied by any persons except in strict conformance with the income limitations and other provisions governing affordable housing as contained herein. Notwithstanding this limitation, projects utilizing Federal Low-Income Housing Tax Credits under Section 42 of the Internal Revenue Code, dwellings that receive Balanced Housing funds under the NJ Housing and Mortgage Finance Agency’s Home Express program or to dwellings receiving assistance under the Federal HOME program, 24 C.F.R. §92.252(e), §92.254(a)(4); HUD 202 program, 24 C.F.R. Part 891; HUD 811 program, 24 C.F.R. Part 890; HUD HOPE VI program; or Federal Home Loan Bank, Affordable Housing Program, 12 C.F.R. Part 60, shall adhere to the regulations of their respective programs as they may be revised or superseded.

Section 3a. §193-2, Definitions, shall be amended by deleting the definition of “Housing Administrator”, “Income Ceiling”, “Low and Moderately Priced Dwelling Units” and “Median Regional Income”.

Section 3b. §193-2, Definitions, shall be amended by modifying the preamble and amending the following definitions to read as follows:

§ 193-2. Definitions.

The following terms shall have the meanings indicated unless a different meaning clearly is intended from the context:

FAMILY — All persons living as a single, nonprofit housekeeping dwelling, whether or not the same are related by blood, marriage or otherwise. "Family" shall also be synonymous with the term "household".

INCOME — Income from all sources, including but not limited to wages, salaries, tips, commissions, alimony, regularly scheduled overtime, pensions, social security, unemployment compensation, Temporary Assistance for Needy Families (TANF), verified regular child support, disability, net income from business or real estate, and income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds and imputed income from non-income producing assets, such as equity in real estate.

LOW INCOME HOUSEHOLD — A household with a gross aggregate family income that is less than 50% of the median gross household income for households of the same size within the housing region in which the household is located, based upon the U.S. Department of Housing and Urban Development's Section 8 Income Limits (uncapped) averaged across counties for the housing region.

LOW INCOME HOUSING — Housing affordable according to 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 50 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.

MODERATE INCOME HOUSEHOLD — A household with a gross aggregate family income of more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the household is located, based upon the U.S. Department of Housing and Urban Development's (HUD's) Section 8 Income Limits (uncapped) averaged across counties for the housing region.

MODERATE INCOME HOUSING — Housing affordable according to 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 more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

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

Section 3c. §193-2, Definitions, shall be amended by adding the following definitions inserted in alphabetical order as follows:

ADMINISTRATIVE AGENT — the entity responsible for administering the affordability controls of this chapter with respect to specific restricted dwellings, as designated pursuant to *N.J.A.C. 5:80-26.14*.

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Housing Element and Fair Share Plan, or as otherwise identified by the Borough of Berlin or the New Jersey Pinelands Commission, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development

COAH — The New Jersey Council on Affordable Housing established under the Fair Housing Act (*N.J.S.A. 52:27D-301 et seq.*) which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

DEVELOPER — 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 FEE — Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as set forth in this chapter and as permitted in *N.J.A.C. 5:97-8.3*.

EQUALIZED ASSESSED VALUE — The value of property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be established by the Tax Assessor utilizing estimates for construction cost. Final "equalized assessed value" will be determined at project completion by the Municipal Tax Assessor.

JUDGMENT OF REPOSE — A judgment issued by the Superior Court approving a municipality's plan to satisfy its fair share housing obligation for very low, low and moderate income housing.

MUNICIPAL HOUSING LIAISON — A municipal employee responsible for coordinating the municipality's response to meeting its affordable housing obligation and who may or may not be the designated administrative agent.

SUBSTANTIAL CHANGE — Any increase in an approved structure's bulk or floor area where the result exceeds any of the requirements of the zoning district in which

it is located, and where any changes exceed the limitations necessary to qualify as an insubstantial change. An "insubstantial change" means a revision to a preliminary or final plat which does not violate any requirements of the Borough's ordinances, does not alter the amount of lower-income housing or other forms of participating in the lower-income housing program as set forth in the approved development and does not have changes which exceed any of the following: setback in any yard of five feet; seven feet in building height; 1% in the approved floor area ratio; 1% in the approved lot coverage (building, paving and other coverages); five feet in building spacing; three parking spaces; one loading space; five feet in driveway locations; and 1% of the area of the approved site disturbance. A substitution of similar landscaping material, lighting fixture and signage is not a substantial change, provided that there is no change in approved quantities and/or dimensions.

SUBSTANTIVE CERTIFICATION — A determination by COAH approving a municipality's housing element and fair share plan in accordance with the provisions of the Fair Housing Act, *N.J.S.A. 52:27D-301 et seq.*, and the rules and criteria as set forth by COAH. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions contained in the substantive certification, or as otherwise determined by a court of competent jurisdiction.

VERY LOW INCOME HOUSEHOLD — A household with a gross aggregate family income of 30 percent or less of the median gross household income for households of the same size within the housing region in which the household is located, based upon the U.S. Department of Housing and Urban Development's (HUD) Section 8 Income Limits (uncapped) averaged across counties for the housing region.

VERY LOW INCOME HOUSING — Housing affordable according to 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.

Section 4. The Affordable Housing Office, created by Ordinance Number 90-38, dated December 17, 1990 is hereby abolished.

Section 5. §193-3, Affordable Housing Office, is amended in its entirety, as follows:

§ 193-3. Municipal Housing Liaison and Administrative Agent.

- A. The Borough Council shall appoint a Municipal Housing Liaison and Administrative Agent or Agents of the Borough. The Borough Council shall also approve project specific administrative agents proposed by the developers of low and moderate income housing in its initial sales and rental of new dwellings. The Municipal Housing Liaison shall be located within the Office of the Borough

Administrator. The Municipal Housing Liaison shall be a municipal employee and may also be the Administrative Agent provided such person is qualified to hold the position pursuant to requirements of *N.J.A.C. 5:80-26.14(e)*.

- B. The Municipal Housing Liaison shall have the following duties:
- (1) Coordinate the activities of the Administrative Agent, Borough Solicitor, Borough Planner, Borough Engineer, service contractors and others to ensure compliance with the affordable housing obligation of the Borough of Berlin.
 - (2) Act as the main point of contact between the Borough of Berlin and the NJ Council on Affordable Housing (COAH), or its successor.
 - (3) Provide educational materials for the public; receive requests from the public concerning the affordable housing program, and direct inquiries to the appropriate official or service provider.
 - (4) The Municipal Housing Liaison shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Berlin's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH. In this activity, the Municipal Housing Liaison shall have the assistance of the Administrative Agent.
 - (5) The Municipal Housing Liaison shall evaluate the results of the affirmative marketing activities undertaken in accordance with the affirmative marketing plan established by the Administrative Agent and developer's administrative agent and file monitoring reports as required by COAH or successor agency.
 - (a) Electronic reporting of affordable housing activity; any required paper forms;
 - (b) Copies of any press releases, brochures, flyers, print advertisements and application forms used in the affirmative marketing program.
 - (c) An evaluation of the income and demographic characteristics of each household applying and occupying income-restricted housing.
 - (d) An evaluation of any necessary adjustments required to the affirmative marketing program and communication of same to the Administrative Agent.

- (6) To institute and maintain an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted dwellings for resale or rental.
 - (7) Other duties as directed by the Borough Administrator.
- C. The Administrative Agent shall have the following duties:
- (1) The affordability controls as required in *N.J.A.C. 5:80-26.1 et seq.* shall be administered and enforced by the Administrative Agent. The primary responsibility of the Administrative Agent shall be to ensure that the restricted dwellings under administration are sold or rented, as applicable, only to very low, low and moderate income households. The Administrative Agent shall have the following duties:
 - (2) To conduct an outreach process to ensure affirmative marketing of affordable housing dwellings in accordance with the provisions of *N.J.A.C. 5:80-26.15*;
 - (3) To solicit, schedule, conduct and follow up on interviews with interested households;
 - (4) Conduct interviews and obtain sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low or moderate income dwelling;
 - (5) Provide written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (6) Create and maintain 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 dwellings are located;
 - (7) To employ a random selection process when referring households for certification to occupy affordable dwellings;
 - (8) Furnish to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted dwelling;
 - (9) Create and maintain a file on each restricted dwelling for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (10) To institute and maintain an effective means of communicating information to the Municipal Housing Liaison and low and moderate income households regarding the availability of restricted dwellings for resale or re-rental;

- (11) Review and approve requests from owners of restricted dwellings who wish to take out home equity loans or refinance during the term of their ownership;
 - (12) Review and approve requests to increase sales prices from owners of restricted dwellings who wish to make capital improvements to the dwellings 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);
 - (13) Process requests and make determinations on requests by owners of restricted dwellings for hardship waivers;
 - (14) To communicate with lenders regarding foreclosures;
 - (15) To ensure the issuance of Continuing Certificates of Occupancy or certifications pursuant to *N.J.A.C. 5:80-26.10* for affordable housing units in the program;
 - (16) To notify the Municipal Housing Liaison of an owner's intent to sell a restricted dwelling;
 - (17) To ensure that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Camden County Register of Deeds after the termination of the affordability controls for each restricted dwelling;
 - (18) To assist the Municipal Housing Liaison in completing monitoring reports to be submitted to COAH as required; and
 - (19) Such other responsibilities as may be necessary to carry out the provisions of this Chapter as directed by the Borough Administrator.
- D. The Administrative Agent shall create a program manual for each affordable housing program operated by the municipality that implements the requirements of the Uniform Housing Affordability controls rules and regulations (*N.J.A.C. 5:80-26.1, et seq.*).
- E. The Administrative Agent shall prepare an affirmative marketing plan for each affordable housing program, as applicable, comporting with *N.J.A.C. 5:80-26.15*, for review and approval by the Borough Administrator. Upon approval, the Administrative Agent shall utilize the affirmative marketing plan as applicable. The affirmative marketing plan shall have the following characteristics or be designed to effectuate such characteristics:
- (1) The low and moderate income housing dwellings shall be aggressively marketed so as to attract potential purchasers and/or renters of all majority and minority groups, regardless of age, race, sex, religion or number of

children, residing or working within the housing region, including the Counties of Camden, Burlington and Gloucester.

- (2) Outreach.
 - (a) The availability of very low, low and moderate income dwellings in any development shall be advertised beginning at least three months prior to the expected issuance of a certificate of occupancy for any of the income-restricted dwellings in a development and shall continue until either all of the low and moderate income dwellings in the development are initially sold or rented or until a waiting list has been created which contains the names of at least 10 income-eligible households per dwelling. Thereafter, such advertising shall occur on an as-needed basis throughout the period of the deed restriction with a frequency sufficient to maintain a waiting list of at least five income-eligible households for each income-restricted dwelling that has been constructed.
 - (b) The primary advertising shall take the form of weekly press releases and paid block advertisements in at least one of the following newspapers:
 - [1] Courier-Post.
 - [2] Burlington County Times.
 - [3] Gloucester County Times.
 - (c) Additionally, monthly advertising circulars shall be sent to each of the following agencies for publication in their journals and for circulation among their members:
 - [1] Camden County Board of Realtors.
 - [2] Burlington County Board of Realtors.
 - [3] Gloucester County Board of Realtors.
 - (d) Monthly informational circulars shall also be sent to the offices of each of the following agencies in the Counties of Burlington, Camden and Gloucester.
 - [1] County Department of Human Services.
 - [2] County Rental Assistance Office (local office of the Department of Community Affairs).
 - [3] County Office on Aging.
 - [4] County Housing Agency or Authority, if applicable.

- [5] County Library (main branches), and Berlin Borough Public Library.
 - (e) Municipal website.
 - (3) Content. Each advertisement or circular shall provide at least the following information:
 - (a) The name and address of the project.
 - (b) The number of dwellings, including the number of sales and/or rental dwellings.
 - (c) The description (number of bedrooms, etc.) and prices of sales and/or rental dwellings.
 - (d) The approximate starting date for initial occupancy.
 - (e) The name, physical address, telephone numbers and office hours of the rental manager and/or sales agent.
 - (4) Applications. Prequalification application forms for the affordable dwellings shall be available, as a minimum, in each of the following locations:
 - (a) Berlin Borough Municipal Building (Clerk's office).
 - (b) Berlin Borough Public Library.
 - (c) Developer's sales or rental office(s).
 - (5) Cost. The cost of the affirmative marketing advertising shall be paid by a housing administration fee charged to the developer at the time of initial occupancy of an affordable dwelling, unless undertaken by the developer's administrative agent; or, to the owner or seller at the time of rental or resale of an affordable dwelling. The housing administration fee shall be payable to the Borough of Berlin.
- F. The Administrative Agent of the Borough shall monitor the designated administrative agent of the developer in the initial sales and rental transactions for low and moderate income dwellings in accordance with *N.J.A.C. 5:80-26.14*, as it may be amended or superseded. The developer shall assume all costs for the affirmative marketing and initial sales and rental transactions associated with the low and moderate income housing development. The developer's administrative agent shall have all of responsibilities as put forth in this rule and shall follow the same procedures for affirmative marketing, qualifying individuals and households and recording of property instruments as described herein for the Borough's Administrative Agent. After the initial sales and rental transactions, the Administrative Agent shall assume the duties of the developer's administrative

agent for any re-sales or re-rentals. The Administrative Agent may charge a reasonable fee to program participants for the administration of the affordability controls program.

- G. In order to ensure an orderly transfer of control responsibility from a municipality to an administrative agent, from one administrative agent to another administrative agent, or other transfer, the requirements as set forth in *N.J.A.C. 5:80-26.17* shall apply as are necessary before or during the transition. The Administrative Agent's enforcement responsibility for implementing such practices and procedures shall not be delegated or otherwise transferred to any other party, except to a successor administrative agent.
- H. The Borough of Berlin shall be deemed to have delegated to the Administrative Agent the day-to-day responsibility for implementing practices and procedures designated to ensure effective compliance with the controls set forth in this Chapter. The Borough of Berlin, however, shall retain the ultimate responsibility for ensuring effective compliance with the requirements as set forth in *N.J.A.C. 5:80-26.1, et seq.*

Section 6. §193-4, Priority Lists, is amended in its entirety, as follows:

§ 193-4. Selection of Eligible Households; Certificate of Eligibility.

- A. The Administrative Agent shall secure all information from applicant households necessary and appropriate to determine that restricted units are occupied by properly sized households with appropriate low or moderate income levels. No household may be referred to a restricted unit, or may receive a commitment with respect to a restricted unit, unless that household has received a signed and dated certification, as set forth in this section, and has executed the certificate in the form provided.
- B. The Administrative Agent shall prepare a standard form of certification and shall sign and date one for each household when certified. This certification shall be known as a Certificate of Eligibility and shall be a prerequisite for the purchase or rental of an income-restricted dwelling. An initial certification shall be valid for no more than 180 days unless a valid contract for sale or lease has been executed within that time period. In this event, certifications shall be valid until such time as the contract for sale or lease is ruled invalid and no occupancy has occurred. Certifications may be renewed in writing at the request of a certified household for an additional period of 180 days at the discretion of the Administrative Agent.
- C. When reviewing an applicant household's income to determine eligibility, the Administrative Agent shall compare the applicant household's total gross annual income to the regional very low, low and moderate income limits then in effect, as adopted by COAH or successor agency. For the purposes of this subchapter, income includes, but is not limited to, wages, salaries, tips, commissions, alimony, regularly scheduled overtime, pensions, social security, unemployment

compensation, TANF, verified regular child support, disability, net income from business or real estate, and income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds and imputed income from non-income producing assets, such as equity in real estate.

- D. Except as otherwise specifically stated in this subchapter, the sources of income considered by the Administrative Agent shall be the types of regular income reported to the Internal Revenue Service and which is eligible to be used for mortgage loan approval. Household annual gross income shall be calculated by projecting current gross income over a 12-month period.
- E. Assets not earning a verifiable income shall have an annual imputed interest income using a current average annual savings interest rate. Assets not earning income include, but are not limited to, present real estate equity. Applicants owning real estate must produce documentation of a market value appraisal and outstanding mortgage debt. The difference shall be treated as the monetary value of the asset and the imputed interest added to income. If the applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit as published annually by COAH or successor agency, a certificate of eligibility shall be denied by the Administrative Agent, unless the applicant's existing monthly housing costs (including principal, interest, taxes, homeowner and private mortgage insurance, and condominium and homeowner association fees as applicable) exceed 38 percent of the household's eligible monthly income.
- F. Rent from real estate shall be considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance and reasonable property management expenses as reported to the Internal Revenue Service. Other expenses are not deductible. If actual rent is less than fair market rent, the Administrative Agent shall impute a fair market rent.
- G. Income does not include benefits, payments, rebates or credits received under any of the following:
 - (1) Federal or State low-income energy assistance programs;
 - (2) Food stamps, payments received for foster care, relocation assistance benefits;
 - (3) Income of live-in attendants, scholarships, student loans, and personal property, including but not limited to, automobiles; and
 - (4) Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements, and part-time income of persons enrolled as full-time students.
 - (5) Income, however, does include interest and other earnings from the investment of any of the foregoing benefits, payments, rebates, or credits.

- H. The Administrative Agent shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify the member's income, including income received by adults on behalf of minor children for their benefit. Household members 18 years of age or older who do not receive income must produce documentation of current status. Income verification documentation may include, but is not limited to, the following for each and every member of a household who is 18 years of age or older:
- (1) 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;
 - (2) Copies of Federal and State income tax returns for each of the preceding three tax years;
 - (3) A letter or appropriate reporting form verifying monthly benefits such as Social Security, unemployment, welfare, disability or pension income (monthly or annually);
 - (4) A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support;
 - (5) Income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds; and
 - (6) Evidence or reports of income from directly held assets such as real estate or businesses.
 - (7) Court ordered payments for alimony or child support to another household, whether or not it is being paid regularly, shall be excluded from income for purposes of determining income eligibility.
- I. At the discretion of the Administrative Agent, households may also be required to produce documentation of household composition for determining the correct unit size and applicable median income guide.
- J. Withholding of a Certificate of Eligibility.
- (1) A certificate of eligibility may be withheld by the Administrative Agent as a result of an applicant's inability to demonstrate sufficient present assets for down payment or security deposit purposes, subject to development phasing that may provide opportunity for future savings.
 - (2) A certificate of eligibility may be withheld by the Administrative Agent as a result of an applicant's inability to verify funds claimed as assets, household composition or other facts represented.

- (3) A certificate of eligibility shall be denied by the Administrative Agent as a result of any willful and material misstatement of fact made by the applicant in seeking eligibility.
- K. The Administrative Agent shall screen households that apply for low and moderate income housing for preliminary income eligibility, by comparing their total gross annual income to the regional low and moderate income limits adopted for that year by COAH or successor agency.
- L. The following information shall promptly be provided to the Borough's Administrative Agent by the developer or sponsor of any project containing any affordable units subject to the requirements of this Chapter, upon the latter of either final municipal land use approval or issuance of a grant contract by a governmental authority:
- (1) The total number of units in the project, and number of restricted units, broken down by bedroom size, identifying which are low and which are moderate income dwellings, and including street addresses of restricted dwellings;
 - (2) Floor plans of all affordable dwellings, including complete and accurate identification of uses and dimensions of all rooms;
 - (3) A project map identifying the locations of low and moderate income and market dwellings;
 - (4) A list of project principals or partners, together with a list of all other affordable projects in which they have been involved over the previous five years;
 - (5) Projected construction schedule;
 - (6) Proposed pricing for all units, including any purchaser options and add-on items;
 - (7) A list of all public funding sources and copies of grant or loan agreements for those sources;
 - (8) Condominium fees or homeowner association and any other maintenance or other fees;
 - (9) Estimated real property taxes for sale units;
 - (10) Sewer, trash disposal and any other utility assessments;
 - (11) Flood insurance requirement, if applicable;
 - (12) A description of all HVAC systems;

- (13) Location of any common areas and elevators;
 - (14) Proposed form of lease for any rental units;
 - (15) The name of the person who will be responsible for official contact with the Borough's Administrative Agent for the duration of the project;
 - (16) The name and qualifications of the developer's administrative agent; and
 - (17) The State-approved Planned Real Estate Development public offering statement and/or master deed where available or applicable.
- M. In referring certified households to specific restricted dwellings, to the extent feasible, and without causing an undue delay in occupying the unit, the Borough's or developer's administrative agent shall strive to;
- (1) Provide an occupant for each unit bedroom;
 - (2) Provide children of different sex with separate bedrooms; and
 - (3) Prevent more than two persons from occupying a single bedroom.
 - (4) The administrative agent shall employ a random selection process when referring households for certification to affordable dwellings.
- N. Waiting list procedures.
- (1) Households remaining on a waiting list shall update the application no later than April 30 each year, including the most recent federal income tax return of each member of the proposed household and such other updated income and other information requested on the application.
 - (2) Households on the waiting list who have not submitted the required information by May 15 each year shall be notified by certified mail, mailed to the address on file that they have until June 30 of that year to provide the information or they shall be removed from the waiting list.
 - (3) Any household whose income or priority category has changed such that the household has become eligible for a different category of housing or priority list shall be placed on the appropriate list without penalty or favor as of the date of the original application.
 - (4) Any household whose income has increased to the degree that it is no longer eligible for low or moderate income housing shall be removed from the waiting list.
 - (5) If the Administrative Agent has reason to believe that the information on file is erroneous or incomplete, he or she shall have the right to conduct an