

investigation and request any additional information deemed necessary to obtain accurate household information. If an applicant does not cooperate in such investigation or refuses to reply with the requested additional information within 30 days of said request, the applicant shall be removed from the list.

- (6) All applications shall be notarized and certified complete and accurate. Anyone knowingly submitting incomplete, inaccurate, incorrect or false information may be removed from eligibility for very low, low and moderate income dwellings. All information submitted to the Administrative Agent of the purposes of determining applicant eligibility shall be strictly confidential and not considered a public record.
- (7) Prior to the time of availability of a very low, low and moderate income dwelling, the Administrative Agent shall notify by certified mail the top three households on the waiting list for the type of dwelling available, its location and the estimated date it will be available. If a purchaser or tenant cannot be found from the top three households on the waiting list, notice shall be sent to the fourth, fifth, etc., household until a purchaser or tenant is found. The household shall, within 14 days of mailing, notify the Administrative Agent, in writing, of its intent to occupy the dwelling and, if selected, its intent to comply with the requirements of Subsection -M(8), below, within 15 days. Any household which fails to respond to the notice or chooses to reject a specific dwelling by informing the Administrative Agent in writing, shall retain its priority and shall be notified of available dwellings in the future, except that if a household chooses to reject a dwelling or fails to respond three times, it shall be removed from the list and must reapply and re-qualify if it wishes to be placed on the list at a new qualified priority.
- (8) At the time of notice to a household of the availability of an appropriate type of dwelling and if the household notifies the Administrative Agent of its intent to occupy the dwelling and that household is selected for occupancy, each household member shall update the records on file and recertify the accuracy of the information as required herein. Information shall be reviewed and the eligibility status reconfirmed. The household selected shall only at that point proceed to make the legal and financial arrangements to acquire or lease the dwelling.
- (9) If a household selected for occupancy is unable to obtain financing, it shall lose its eligibility for that dwelling, after notice, but shall retain its priority status for a similar appropriate dwelling as other dwellings become available and as long as the household remains eligible. When notified of the availability of another dwelling, updating and recertifying data as outlined in Subsection -M(8) above is required.

Section 7. §193-5, Purchase and Sale of Units, is amended in its entirety, as follows:

§ 193-5. Purchase and Sale of Dwellings.

- A. Both the buyer and seller of low and moderate income dwellings, including the initial seller, shall comply with *N.J.A.C. 5:80-26.5*, Control Periods of Ownership Units; -26.6, Price Restrictions for Ownership Units; -26.7, Buyer Income Eligibility for Ownership Units; -26.8, Limitations on Indebtedness Secured by Ownership Unit; Subordination; -26.9, Capital Improvements to Ownership Units; and -26.10, Maintenance of Restricted Ownership Units, as they may be amended or superseded.
- B. Deed restrictions, restrictive covenants, form of release, payment of recapture amounts, certificates of eligibility, mortgage notes and other property documents for affordable housing shall be as required in *N.J.A.C. 5:80-26.1 et seq.*, as it may be amended or superseded.
- C. No person may buy a restricted dwelling who has not received a Certificate of Eligibility from the Administrative Agent, or the developer's administrative agent for the initial sale, pursuant to the procedures in §193-4.
- D. Deed provisions on sale of rental dwellings. A deed conveying title from an owner of a rental dwelling occupied by very low, low and moderate income families shall include a clause which shall read, "The rental dwelling(s) located in the premises conveyed herein are subject to the terms, conditions, restrictions, limitations and provisions as set forth in an ordinance of the Borough of Berlin 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,' as amended and supplemented."
- E. Exempt transactions. The following transfer of ownership of a dwelling shall be deemed "non-sales" for the purposes of this chapter:
 - (1) Between husband and wife.
 - (2) Between former spouses ordered as a result of a judicial decree of divorce (and not including sales to third parties).
 - (3) To an heir as a result of inheritance.
 - (4) Through an order of the Superior Court or other court, in a foreclosure proceeding or transfer in lieu of foreclosure after a foreclosure proceeding has commenced.
 - (5) Statement of exemption. To permit the transfer of title under this subsection or to permit the sale, resale or lease of an affordable dwelling, the Administrative Agent shall issue a statement of exemption in recordable form to the person receiving title to the dwelling. A copy of the statement of