

**LAMBERTVILLE HOUSING PLAN ELEMENT
AND FAIR SHARE PLAN**

Adopted by the

Lambertville City Planning Board on

December 3, 2008

Lambertville City Planning Board
City Hall
18 York Street
Lambertville, New Jersey 08530

City of Lambertville Local Officials 2008

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City of Lambertville Housing Plan Element

I. BACKGROUND

The City of Lambertville is a historic small town of approximately 3,750 persons and is located on the Delaware River in the southern tip of Hunterdon County. The Lambertville Planning Board adopted a Housing Plan Element and Fair Share Plan in December, 2005, in accordance with the rules and regulations of COAH's third round program. COAH did not take any formal action on the City's plans. Since that time, the rules and regulations of the affordable housing program changed considerably and municipalities throughout the State, including Lambertville, are required to prepare and submit new housing plans in compliance with the current regulations.

This Housing Plan Element and Fair Share Plan has been prepared in accordance with the Third Round substantive and procedural regulations of the Council on Affordable Housing (hereinafter "COAH"), with amendments up to September 2008, and shall serve as the basis for which decisions are made regarding affordable housing in the City of Lambertville.

The *Housing Plan Element* includes historical data on housing and demographics and outlines the City's fair share housing obligation, including the prior round obligation, the rehabilitation share and the growth share projection. The *Fair Share Plan* explains how the three components of the fair share obligation will be implemented and describes the proposed mechanisms and time frame for implementation. The *Spending Plan* is a sub-component of the Fair Share Plan. The Spending Plan includes the projected revenue for affordable housing projects and explains how the revenue will be spent to satisfy the City's fair share obligation in accordance with the Housing Plan Element and Fair Share Plan.

II. AFFORDABLE HOUSING IN NEW JERSEY

The Fair Housing Act (*N.J.S.A. 52:27D-301 et seq.*), was enacted by the New Jersey State Legislature in 1985, creating the Council on Affordable Housing (COAH). COAH is responsible for determining the allocation of low and moderate-income housing for every municipality in the State. It also establishes guidelines for implementing the Fair Housing Act and evaluates municipal compliance strategies. For administrative purposes, COAH divided the state into six housing regions. Lambertville is included in Region 3, which includes the counties of Hunterdon, Middlesex and Somerset.

Rules and Regulations

Subsequent to the adoption of the Fair Housing Act, COAH created a formula for determining a municipal affordable housing obligation for the six-year period 1987 through mid-1993 (*N.J.A.C. 5:91-1 et seq.*); this later came to be known as the first round. That formula was superseded by 1994 COAH regulations (*N.J.A.C. 5:93-1.1 et seq.*) which recalculated a portion of the 1987-1993 affordable housing obligation for each municipality and computed the additional municipal housing need through 1999; this six year period from 1993 through 1999 is known as the second round. On December 20, 2004, COAH's third round rules became effective, which applied a "Growth Share" methodology to determine the amount of affordable housing a municipality must provide during the ten year period of January 1, 2004 to January 1, 2014 (*N.J.A.C. 5:94-1 et seq.*). In 2007, the New Jersey courts ruled that those regulations were deemed to be insufficient to address the state's need for affordable housing regulation. In 2008, a

comprehensive set of revised regulations and policies were released by COAH for the Third Round. These revisions include:

- The length of the Third Round has been extended to 2018; it is now 2004-2018
- A municipality's fair share obligation for housing constructed in the Third Round is based upon one affordable house for every four market units, rather than the previous one house for every eight units. Also, one affordable housing unit must be provided for every 16 jobs created during the Third Round, rather than the previous 1 unit per 25 jobs requirement.
- COAH now determines growth share projections for municipalities instead of the metropolitan planning organizations (MPO).
- Developers must be given incentives to provide inclusionary affordable housing projects, which includes presumptive densities based upon planning area designations. In Lambertville, the presumptive density is 4 units per acre because it is a sewer service area within Planning Area 4B.
- A-500 was signed into law on July 17, 2008 by Governor Corzine. Among other things, the new law eliminates Regional Contribution Agreements (RCA) and requires a minimum of 13% of an affordable housing project to be targeted for very low income persons

Once adopted by the Planning Board and endorsed by the City Council, the Lambertville Housing Plan Element and Fair Share Plan will be forwarded to COAH with a petition requesting "substantive certification", a formal review and approval process. By petitioning for substantive certification, municipalities are afforded a measure of legal protection from potential litigation alleging the City's land use and zoning regulations are invalid or unconstitutional because of a failure to provide sufficient affordable housing opportunities.

Growth share methodology and Fair Share Plan

The Third Round "growth share" procedures mark a significant departure from the prior two rounds of affordable housing. The Third Round methodology implements a growth share approach that will link the production of affordable housing with existing and projected residential and non-residential development within the period of 2004-2018. The third round methodology requires municipalities to provide one affordable unit for every 4 market rate housing units and one affordable unit for every 16 jobs developed, as expressed in constructed non-residential floor area.

The Fair Share Plan refers to the three required components of an affordable housing program: (1) rehabilitation share, (2) the prior round obligation, and (3) projected growth share, as follows:

- The rehabilitation share is the number of existing substandard housing units in a municipality that are occupied by low or moderate income households, as determined by COAH. The third round rehabilitation share for Lambertville City is 37 units.
- The "prior round obligation" refers to a municipality's adjusted second round new construction component brought forward to the third round. Accordingly, third round housing plans must explain how existing or proposed affordable housing units satisfy this obligation. Lambertville City's recalculated prior round obligation is 0 units.
- The Growth Share Obligation is the affordable housing need generated from both residential and non-residential development as shown by certificates of occupancy issued, or expected to be issued, between January 1, 2004 and December 31, 2018. The projected growth share obligation is 108 units according to COAH projections. However, after applying the exclusions for

affordable housing units constructed during that period, the City’s adjusted growth share is 33 affordable housing units.

III. HOUSING INVENTORY AND DEMOGRAPHICS

This section of the Housing Plan Element provides an overview of the housing characteristics in the City of Lambertville and the people that live in them. The information provides the context for the subsequent discussion on affordable housing needs and planning programs.

Housing stock inventory

In 2000, there were 1,961 housing units in the City of Lambertville, of which 101, or 5.2%, were vacant. Almost half, or 46, of the vacant units were kept for seasonal or recreational use. This is a large increase

from 1990, when only 3.7% were retained for seasonal or recreational use. Of the 1,860 occupied units, 64.5% were owner occupied and 35.4% were rented. The number of owner occupied units increased 10% from the number in 1990, while the percentage of renters and vacant units remained similar. This would indicate that the recent construction of units has all been within the home ownership market. Table 1, Housing Units by Occupancy Status, illustrates the occupancy status in 2000.

As of 2000, slightly more than 73% of the total housing stock consisted of single-family detached and single-family attached units, of which the majority, 46.4%, were single-family attached units. Two-family units and structures with 3 or four units made up almost 17% of the total housing stock. Housing units in buildings containing 5 or more units (apartment buildings) comprised 9.9% of all the housing units in 2000. Of the owner occupied units, 34.89% were single-family detached units and 62.70% were single-family attached.

Table 1. Housing Units by Number of Units in Structure

<u>Number of Units</u>	<u>Owner Occupied</u>	<u>Rental</u>	<u>Vacant</u>	<u>Total</u>
Single Family Detached	419	76	30	525
Single Family Attached	753	123	34	910
Two Family	29	106	23	158
3 or 4 units	0	160	14	174
5 to 9 units	0	95	0	95
10 to 19 units	0	31	0	31
20 to 49 units	0	60	0	60
50 or more units	0	8	0	8
Mobile Home	0	0	0	0
Other type of unit	0	0	0	0
Total	1,201	659	101	1,961

Source: 2000 US Census

Table 2. Housing Units by Age

<u>Year Built</u>	<u>Total Units</u>	<u>Percent</u>	<u>Owner Occupied</u>	<u>Rental Occupied</u>	<u>Vacant</u>
1999- March 2000	6	0.3%	6	0	0
1990-1998	194	9.9%	165	29	0
1980-1989	146	7.5%	92	40	14
1970-1979	141	7.2%	88	49	4
1960-1969	31	1.6%	7	24	0
1950-1959	93	4.7%	54	39	0
1940-1949	117	6.0%	77	28	12
Before 1939	1,233	62.9%	712	450	71
Totals	1,961		1,201	659	101

Source: 2000 US Census

See Table 2, Housing Units by Number of Units in Structure for an overview of all of the housing units in 2000. Table 3, Housing Units by Age,

illustrates the aging of the City’s housing stock. The majority of the housing stock, 63% was built prior to 1939. Many of these residences were built in the 19th century, when the canal and railroad had a profound impact on the area.

After 1940, housing construction slowed down and only relatively small numbers of housing units were constructed until the past few decades, when the city’s housing stock increased by more than a third. An update of housing and population data is found at the end of this section.

Approximately 15% of the City’s housing stock in 2000 had between one and three rooms; 57.8% had between four and six rooms; and 27.39% has seven or more rooms. Owner occupied housing averaged

Table 4. Housing Values, Owner Occupied, 2000

Housing Value	Lambertville City		Hunterdon County	
	No. of Units	% of total	No. of Units	% of total
Less than \$50,000	0	0%	135	0.4%
\$50,000-\$99,999	13	1.1%	1,532	4.2%
\$100,000-\$124,999	59	4.9%	1,673	4.6%
\$125,000-\$149,999	295	24.6%	2,707	7.4%
\$150,000-\$174,999	280	23.3%	3,071	8.4%
\$175,000-\$199,999	165	13.7%	3,481	9.5%
\$200,000-\$249,999	162	13.5%	6,076	16.6%
\$250,000-\$299,999	97	8.1%	5,513	15.1%
\$300,000-\$399,999	92	7.7%	6,409	17.5%
\$400,000 or more	38	3.2%	5,952	16.3%
Total	1,201	100%	36,549	100%
2000 Median Value	\$170,800		\$246,700	

Source: 2000 US Census

closer to six or seven rooms, while rental housing averaged closer to 3 or 4 rooms. The data from this and other tables indicate

that the housing stock in Lambertville is, on average, moderate in size.

Lambertville’s median housing value of owner-occupied housing was \$170,800 in 2000, which was 30.77% below the median value of \$246,700 for Hunterdon County. The difference between the City and County’s rental costs was not as dramatic. The City’s median gross rental cost was \$811 per month, compared to \$867 for the County. The distribution of the City and County’s rental costs is similar, including a sudden peak for higher end rental properties valued between \$1,000 and \$1,249.

According to the Census, Lambertville had thirty-two housing units that lacked complete plumbing facilities and twenty units that were overcrowded (defined as having 1.01 or more persons per room); however, none of these units exhibit both characteristics, see Table 7, Selected Quality Indicators. It should be noted that overcrowding is often associated with substandard housing due

to the overuse of facilities. Overcrowded housing is often occupied by lower income households who share space to save on housing costs. These households may not be able to afford to maintain the home, leading to deteriorated conditions.

Table 3. Housing Units by Number of Rooms

Rooms	Number of Units	Percent
1	16	0.8%
2	105	5.4%
3	172	8.8%
4	392	20.0%
5	248	12.7%
6	491	25.0%
7	290	14.8%
8	180	9.2%
9+	67	3.4%
Total	1,961	100%

Source: 2000 US Census

All reported overcrowded units in the 2000 census were built prior to 1939. Twenty of the 32 units lacking plumbing were occupied and built prior to 1939, as well. It makes sense that units built prior to modern building code standards might be deficient; however, the 2000 census also indicated that 7 units built between 1995 and 1998 lacked complete plumbing.

General population characteristics

Until recently, Lambertville’s population had been decreasing since 1970, due to the loss of major employers and the increase in property taxes. The revitalization of the City in the 1980s and 1990s spurred new residential development in the new millennium. In 2004, construction began on a 129 unit townhouse development and an 86 unit age-restricted development as constructed. According to the Hunterdon County Planning Board, the City’s 2008 population was estimated to be 3,477 persons.

The number of Lambertville residents under the age of thirty-five (35) decreased from 1990 through 2000, with the most significant decrease occurring in the twenty-five (25) through thirty-four (34) age group, which was reduced from 831 persons to 473 persons. The age group forty-five (45) through fifty-four (54) increased dramatically from 395 persons to 718 persons. These age cohorts correspond with both the “Baby Bust” and the peak of the “Baby Boom” generations. Lambertville has also seen an increase in the number of “older seniors”, those greater than 85, which could indicate a need for city services to support the special needs of this age group, such as transportation, emergency response, and health care. See Table 9, Age Distribution.

Household characteristics

A household is defined by the U.S. Census Bureau as those persons who occupy a single room or group of rooms constituting a housing unit; these persons may or may not be related. By comparison, a family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. In 2000

Table 5. Comparison of City of Lambertville and Hunterdon County Monthly Rental Cost*, 2000

<u>Monthly Rent</u>	<u>Number in Lambertville</u>	<u>Percent</u>	<u>Number in Hunterdon</u>	<u>Percent</u>
\$0-\$249	30	4.9%	165	2.6%
\$250-\$499	29	4.7%	363	5.8%
\$500-\$599	12	1.9%	314	5%
\$600-\$699	108	17.5%	596	9.5%
\$700-\$799	117	19%	1009	16.1%
\$800-\$899	117	19%	1,022	16.3%
\$900-\$999	46	7.5%	811	13.0%
\$1,000 to \$1,249	74	12%	1,058	16.9%
\$1,250 to \$1,499	42	6.8%	476	7.6%
\$1,500 to \$1,999	30	4.9%	328	5.2%
\$2000 +	12	1.9%	120	1.9%
Total	617		6,262	
Median Rent	\$811		\$867	

*Includes only those units with cash rents. Source: 2000 US Census

Table 6. Selected Quality Indicators, Occupied Housing Stock, 2000

	<u>Overcrowded</u>	<u>Lacking Complete Plumbing</u>	<u>Combined Overcrowded and Lacking Complete Plumbing</u>
No. Units	20	32	0

Source: 2000 US Census

Table 7. Population Growth 1980-2000.

	<u>1980</u>	<u>1990</u>	<u>2000</u>	<u>Percent Change (1980-1990)</u>	<u>Percent Change (1990-2000)</u>
Lambertville	4,044	3,927	3,868	-2.9%	-1.5%
Hunterdon County	87,361	107,776	121,989	23.4%	13.2%

Source: 1980, 1990, 2000 US Census

there were 1,860 households in Lambertville, with an average of 2.06 persons per household and 962 families, with an average of 2.82 persons per family.

Table 10, Households by Household Type, breaks down the different household types. Approximately 40% of the households are comprised of married couples. Another 7.8% are headed by a woman with no husband present, while approximately 2.4% of households are headed by a man, with no wife present. Nearly half (49.5%) of City households are "non-family" households.

Income characteristics

Residents of Lambertville have comparable incomes to those throughout Hunterdon County as a whole. The median household income in 2000 in Lambertville was \$52,647, while figures for the County were \$56,613 for households. The 2000 per capita incomes for Lambertville and Hunterdon County were very similar, at \$36,267 for the City and \$36,370 for the County.

Table 10, Household Income by Income Brackets, further illustrates these findings by noting the number of families and households in each of the income categories. Within the City, 35.56% of all households have incomes of \$75,000 or more.

Conversely, the Census reports that 5.95% of all Lambertville residents and 4.30% of persons in families live below the poverty level as defined by the 2000 U.S. Census. This is higher than for Hunterdon County as a whole, which had 2.57% of County residents living below the poverty level in 2000.

Employment characteristics

Table 11, Distribution of Employment by Industry, shows the distribution of employment by industry for employed Lambertville residents. The three industries to capture the largest segments of the population were the professional, scientific, management, administrative and waste management service industry at 16%; the education, health and social services industry at 15%; and the retail trade industry at 14%.

Table 8. Age Distribution 1990 - 2000

Age Group	1990	Percent of Total	2000	Percent of Total	Percent Change
Under 5	232	5.9%	152	3.9%	-2.0%
5-14	419	10.7%	320	8.3%	-2.4%
15-24	411	10.5%	314	8.1%	-2.4%
25-34	831	21.2%	473	12.2%	-8.9%
35-44	724	18.4%	838	21.7%	3.2%
45-54	395	10.1%	718	18.6%	8.5%
55-64	379	9.7%	427	11.0%	1.4%
65-74	300	7.6%	368	9.5%	1.9%
75-84	189	4.8%	184	4.8%	0%
85+	47	1.2%	74	1.9%	0.7%
Totals:	3,927	100%	3,868	100%	42.8%

Table 9. Households by Household Type,

	Number of Households	Percent
<u>Family Households</u>		
Married Couple with children	272	14.6%
Married without children	478	25.7%
Male Household with children	21	1.1%
Female Household with children	66	3.6%
Male Household without children	24	1.3%
Female Household without children	79	4.2%
<u>Non-Family Households</u>		
Total Households:	1860	

Source: 2000 US Census

Table 10. Household Income by Income Brackets, 2000

	Households	Percent
Less than \$10,000	167	9.0%
\$10,000-\$14,999	75	4.0%
\$15,000-\$24,999	128	6.9%
\$25,000-\$34,999	183	9.8%
\$35,000-\$49,999	334	17.9%
\$50,000-\$74,999	313	16.8%
\$75,000-\$99,999	223	12.0%
\$100,000-\$149,999	247	13.3%
\$150,000-\$199,999	91	4.9%
\$200,000+	101	5.4%
Total	1,862	100%
Median Income	\$52,647	

Source: 2000 US Census

Table 12, Employment by Occupation, identifies the occupations of employed persons. While Lambertville residents work in a variety of industries, the data in Table 13 indicates that 45% of employed residents work in management, professional and related occupations; 25% are employed in sales and office occupations; and 13% are employed in service occupations.

The number of jobs located within the City greatly exceeds the number of employed people residing in Lambertville. The New Jersey Department of Labor tracks covered employment throughout the state. Covered employment data includes only those jobs for which unemployment compensation is paid. By definition it does not cover public employees (federal, state, county and municipal), nor the self-employed, unpaid family workers, most part-time or temporary employees, and certain agricultural and in-home domestic workers. See Table 13, Covered Employment Estimates.

	<u>Number</u>	<u>Percent</u>
<u>Sector Jobs</u>		
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.0%
Construction	201	8%
Manufacturing	242	9%
Wholesale Trade	60	2%
Retail Trade	358	14%
Transportation and Warehousing, and Utilities	85	3%
Information	109	4%
Finance, Insurance, Real Estate, and Renting and Leasing	107	4%
Professional, Scientific, Management, Administrative, and Waste Management Services	401	16%
Education, Health and Social Services	382	15%
Arts, Entertainment, Recreation, Accommodation and Food Services	277	11%
Public Administration	69	2%
Other	158	6%
Total	2,449	

Source: 2000 US Census

	<u>Number</u>	<u>Percent</u>
<u>Sector Jobs</u>		
Management, Professional, and Related Occupations	1,099	45%
Service Occupations	319	13%
Sales and Office Occupations	614	25%
Farming, Fishing, and Forestry Occupations	13	0.5%
Construction, Extraction, and Maintenance Occupations	212	9%
Production, Transportation, and Material Moving Occupations	192	8%
Total	2,449	

Source: 2000 US Census

<u>Year</u>	<u>Lambertville City</u>	<u>Hunterdon County</u>
2003	6,883	155,171

Source: New Jersey Department of Labor, Division of Planning and Research, Office of Demographic and Economic Analysis, NJ Covered Employment Trends. Data are as of December 2003, which is the most current data available at the municipal level.

IV. REHABILITATION AND SUB-STANDARD HOUSING

Lambertville's Rehabilitation requirement for the Third Round obligation is 37 units. This number, determined by COAH, is defined as the number of owned and occupied units reported in the 2000 Census that were lacking complete plumbing and complete kitchens and the units reported as overcrowded that were built before 1940. Any rehabilitated units of low and moderate income households that occurred as of January 1, 2000, and did not involve RCA funding, may be credited to the City's Third Round obligation.

Between April 1, 2000 and October 31, 2005, the City issued 28 certificates of occupancy for the rehabilitation of homes owned and occupied by low and moderate income households. During that time, the City continued to use monies from the Community Development Block Grant (CDBG) for the rehabilitation program; however, the program guidelines changed to require matching funds. The City therefore used matching funds as they became available through regional contribution agreements (RCA) received from Delaware, Holland and West Amwell Townships. Lambertville did not know at the time that by using these funds, the City would not receive credit for the rehabilitation.

V. PRIOR ROUND COAH OBLIGATION

COAH's second round obligation was determined using a formula comprised of three components: indigenous need, reallocated present need, and prospective need. The number calculated for Lambertville was 21 units based upon indigenous need. The obligation was satisfied through the City's housing rehabilitation program. The City completed 31 rehabilitation units, producing ten credits for this third round. No additional compliance measures were necessary and the City received Substantive Certification on September 6, 1995.

VI. FUTURE GROWTH AND THIRD ROUND GROWTH SHARE OBLIGATION

For the period 2004-2018, Lambertville will incur the greatest number of new housing units it has witnessed in a single decade. It will also be the last major surge of land use activity in the City because it includes the development of all the remaining large tracts of land. There is one relatively large vacant parcel in the City located on Connaught Hill. However, this parcel is a former landfill site and is laden with environmental issues.

The potential for future non-residential growth in Lambertville is also strictly limited due to the lack of developable lands, vacant buildings and underutilized sites. For this reason, past trends in Lambertville's commercial growth are not indicative of its future growth. With the support and encouragement of the City officials, the redevelopment of Lambertville's former industrial buildings successfully led to new office and retail space in the 1980s and 1990s. Only fifteen years ago, the City had vacant and underutilized buildings in both its business and commercial districts. However, all of those structures have since been redeveloped and, significantly, there are no vacant or buildable lots within the City's business district and commercial zones. Future non-residential growth will therefore be quite minimal. The only site that the City anticipates to be redeveloped is the Lambertville Station Inn on Bridge Street. However, this site has had approvals for nearly 7 years for the expansion of its hotel and meeting rooms and has still yet to be developed. This past year, the approvals were extended for the last possible time in accordance with the Municipal Land Use Law; therefore, if construction does not begin in two years, the project's approval will be void. The NJ Permit Extension Act does not apply to projects in Lambertville due to City's Planning Area 4B designation. In summary, while the City's economic development

policies support and encourage redevelopment, there are no non-residential sites other than the Lambertville Station inn that currently have re-development potential or landowner interest.

With a paucity of buildable land and redevelopment opportunities in Lambertville, the City is nearing its build-out potential. This means that future market-rate growth will be minimal compared to past years. It also means that opportunities for new affordable housing construction will be severely limited. Most, if not all, of the future affordable housing construction in Lambertville will occur either on the few remaining small, vacant parcels or on municipally-owned property. Any site that is chosen for affordable housing construction will be served by public water and sewer. Also, Lambertville's land development ordinances restrict development in environmentally sensitive areas, therefore, the building envelope of any affordable housing construction will be void of critical areas, such as steep slopes and 100 year floodplains,.

VII. LAMBERTVILLE CITY'S FAIR SHARE OBLIGATION

Lambertville's third round affordable housing obligation, or Fair Share Obligation, includes the following three components in accordance with the rules and regulations of the Council on Affordable Housing (COAH):

- **Rehabilitation Share**

The rehabilitation obligation is determined by COAH based upon the City's sub-standard housing conditions, per the 2000 Census. The City's rehabilitation share for the period 2004-2018 is *37 units*.

- **Prior Round Recalculated Obligation**

The City of Lambertville does not have a prior round affordable housing obligation. Therefore this second component does not apply.

- **Growth Share Obligation**

The growth share obligation is based upon COAH's projections for residential and non-residential growth. These projections include 252 new residential units and 929 new jobs for the period of 2004-2018. These projections translate into a growth share obligation of 50 affordable housing units based upon the residential growth and 58 affordable housing units based upon the non-residential growth, for a total of 108 units. The obligation has been further reduced to 33 units as a result of the Worksheet A Exclusions, which subtracts the 86 affordable housing units that were constructed in 2004-2005 and included in the certificate of occupancy data.

City of Lambertville Fair Share Plan

I. GENERAL INFORMATION

A Fair Share Plan describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation. In accordance with NJAC 5:97-1 et al, the following general information has been provided as an overview of the Fair Share Plan:

1. Descriptions of any credits intended to address any portion of the fair share obligation, which shall include all information and documentation required by N.J.A.C. 5:97-4 for each type of credit;

The City of Lambertville seeks 10 credits for its rehabilitation program from the prior round and 28 credits for the rehabilitation of low and moderate income homes from 2000-2005, as further explained in this Plan.

2. Descriptions of any adjustments to any portion of the fair share obligation, which shall include all information and documentation required by N.J.A.C. 5:97-5 for each adjustment sought;

The City of Lambertville seeks 5 rental bonuses, as further explained in this Plan.

3. Descriptions of any mechanisms intended to address the prior round obligation, the rehabilitation share, and the growth share obligation;

The Lambertville Fair Share Plan consists of existing age-restricted apartments, special needs housing, Habitat for Humanity homes and future 100% housing. These mechanisms are all further described in this section. For the rehabilitation share, the City will continue to administer its program under the administration of its professional housing consultant.

4. An implementation schedule that sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6, based on the following:

A timetable has been provided below for the construction of 100% affordable housing project(s) to satisfy the remainder of the growth share obligation. The construction of this project(s) will be in proportion to the rate of the growth that is projected to occur in the City. Details of the project(s) will be provided two years in advance of projected implementation of the project.

A timetable to provide a realistic opportunity for rehabilitation is provided below. The timetable for this project reflects the fact that the majority of rehabilitation projects were completed between 2000 and 2004. The program will therefore resume in two years, or sooner, if development fees become available to fund the program.

6. Draft and/or adopted ordinances necessary for the implementation of the mechanisms designed to satisfy the fair share obligation;

A fair share ordinance will be adopted by the City of Lambertville to implement its fair share obligation. The City will use the COAH model ordinance as soon as it becomes available.

7. *A demonstration that existing zoning or planned changes in zoning provide adequate capacity to accommodate any proposed inclusionary developments pursuant to N.J.A.C. 5:97-6.4;*

No zoning changes are necessary for the implementation of the City's Fair Share Plan.

8. *A demonstration of existing or planned water and sewer capacity sufficient to accommodate all proposed mechanisms; and*

The future 100% affordable housing projects will be serviced by public water and public sewer. The details of this project(s) will be submitted no later than two years prior to the scheduled date of implementation.

9. *A spending plan pursuant to N.J.A.C. 5:97-8.10, if the municipality maintains or intends to establish an affordable housing trust fund pursuant to N.J.A.C. 5:97-8.*

A spending plan is provided in this Plan.

II. AFFORDABLE HOUSING OPTIONS

There are a variety of affordable housing programs that a municipality can use to satisfy its COAH obligation, including those below. The requirements for each program are specified in the COAH regulations. These options include:

Affordable Housing Options

- Rehabilitation of substandard units (required component of rehabilitation obligation)
- Municipal zoning
 - Zoning for inclusionary developments
 - Redevelopment districts/sites
- Municipally sponsored new construction and 100% affordable developments
- Alternative living arrangements
 - Permanent supportive housing (where tenant has a lease and support services are provided)
 - Group homes
 - Congregate housing
 - Transitional facilities
 - Residential health care facilities
- Accessory apartments
- Buy-down program of for-sale market-rate units
- Municipally sponsored rental program
- ECHO housing (elder cottage housing opportunities) for rehabilitation credit
- Assisted living residences
- Affordable housing partnership program
- Expanded crediting opportunities
- Extension of affordable units with expiring controls
- Age-restricted housing
- Rental housing with bonus credit
- Very low-income housing with bonus credit

III. LAMBERTVILLE’S AFFORDABLE HOUSING PLAN

Lambertville proposes to address its affordable housing obligation by using credits from the prior round and existing units, and will continue to implement its rehabilitation program as soon as funding becomes available through the development fee ordinances.

A. Rehabilitation

Credits from Previous Round

The rehabilitation share is based upon substandard units occupied by low and moderate income households. The City of Lambertville’s Rehabilitation obligation is 37 units. Lambertville has rehabilitated 28 units during COAH’s third round cycle. Since these units utilized RCA funds, COAH does not credit them to the City’s obligation. However, Lambertville contends that the credits should be given to the City.

Existing	10	2 nd Round Credits
Existing	28	Completed in 2000-2005
Future	5-10	Future Rehabs
Obligation	37	
Proposed	43-48	

Lambertville has a long, rich history in assisting its low-income population and rehabilitating sub-standard homes. In 1965, Lady Bird Johnson came to Lambertville to inaugurate the War on Poverty that her husband, President Johnson, had just initiated. Lambertville’s participation in the new public assistance program set the precedence for this small community. Since that time, Lambertville has continued to be involved in the rehabilitation of housing for lower-income housing. In just the past 15 years, 72 sub-standard homes, occupied by low and moderate income families, have been rehabilitated. The rehabilitation program has met *and exceeded* the City’s past COAH obligation and intends to exceed its 3rd round obligation.

In addition to the City’s historical commitment to housing rehabilitation are the technical reasons for giving credit for RCA-funded rehabilitation. The COAH rehabilitation obligation is derived from the Census figures on sub-standard units. Using the Census-defined number of sub-standard units, or “need”, COAH redefines that figure into an “obligation”. Since the most recent Census data (2000), there have been 28 sub-standard homes owned and occupied by low and moderate income households that received funding for rehabilitation. The rehabilitation of all 28 homes was completed between 2000 and 2005. The City’s actual “need” has therefore been reduced by 28 units – regardless of who funded the work. Further, the 28 projects were not just funded by RCAs. They were all also funded in part by the Community Development Block Grant (CDBG) that the City had been regularly applying for and receiving.

In addition to the above requested credit for 28 rehabilitation units, the City is requesting an additional ten units to be credited from the 2nd round rehabilitation program, as noted in the previous housing plan and monitoring forms. Finally, although the requested credits exceed the COAH rehabilitation obligation, the City intends to resume its rehabilitation program on or about 2011, as funding becomes available through the development fee ordinances. With the funding, the City anticipates the completion of 5-9 additional rehabilitation projects. Five units will be funded using development fees. Additionally, if houses that received rehabilitation funds in previous years are sold, the homeowners are required to return the loaned monies to the City so that the funds can be re-distributed to other qualified homes and families.

B. Growth Share Obligation

The Lambertville projected growth share obligation for COAH’s third round is 33 units. These units will be provided through a variety of mechanisms: single family homes constructed by Habitat for Humanity, an existing age-restricted development, an existing two-bed Easter Seals group home, and two rooms from the Little Haven group home. The balance of the growth share obligation will be satisfied with the construction of by one or more 100% affordable rental (family) housing projects and rental bonuses. These projects are itemized in Tables 15 and 16.

Table 15. Existing Affordable Housing Units

	Sale	Rental	Total	Moderate Income	Low Income	Very Low Income
Easter Seals (group home/disability)		2	2			2
Little Haven (group home)		2	2			2
Habitat for Humanity (family)	5		5	5		
Heritage Living (age-restricted)		8	8		8	
SUB-TOTAL	5	12	17	5	8	4

Table 16. Future Affordable Housing Units

	Sale	Rental	Total	Moderate Income	Low Income	Very Low Income
100% Affordable (family/rental)		11	11	7	2	2
Rental Bonus		5	5			
SUB-TOTAL	0	16	16	7	2	
TOTAL	5	28	33	12	10	6

** Bonuses are applied for units that exceed the 25% rental requirement (or nine), of which half must be family units, or five. The four age-restricted rental are already existing; therefore, after five family rentals are provided, bonuses are assigned for each rental unit that exceeds the nine required units, but the total number of rental bonuses may not exceed 25% of the total obligation, or eight.*

Table 17. Timeline for Rehabilitation Program (Third Round)

Year	Units
< 2000	10 credits
2000-2005	28 *
2006	0
2007	0
2008	0
2009	0
2010	0
2011	1
2012	1
2013	1
2014	1
2015	1
2016	0
2017	0
2018	0
Total	43

* existing

IV. FAIR SHARE PLAN: IMPLEMENTATION

A. Timeline for Implementation

In accordance with the Third Round rules of the COAH affordable housing program, the future provision of affordable housing units is commensurate with the growth that will generate the growth-share obligation. Therefore the following timelines approximate the projection of growth as it will occur during the Third Round 2004-2018 and provide a corresponding schedule for providing additional affordable housing units.

Rehabilitation Program

The City anticipates resuming its rehabilitation program on or about 2011, as soon as funding becomes available through the development fee ordinances. Additional monies may also become available to the City if previous rehabbed houses are sold and the loaned monies are returned to the City’s coffers. However, this is not something that can be projected or predicted and is therefore not scheduled in the timeline.

Growth Share Timeline

The timeline for providing affordable housing commensurate with the rate of growth in the City is shown on Table 18.

B. Fair Share Ordinances and Affirmative Marketing

The City of Lambertville will prepare a Fair Share Ordinance using COAH’s model ordinance when it becomes available, and as referenced in COAH’s rules, at *NJAC 5:96* and *5:97*, and in accordance with the UHAC at *NJAC 5:80-26.15*. In general, the Fair Share Ordinance will govern the establishment of new affordable units in the City, as well as regulating the occupancy of such units. In addition, COAH requires that the new UHAC regulations apply to the marketing and occupancy of existing affordable units to the fullest extent possible. The City’s Fair Share Ordinance will cover the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, accessible townhouse units, municipal housing liaison and administrative agent.

The City of Lambertville will also prepare an affirmative marketing plan as referenced in COAH’s rules, at *NJAC 5:94-7.3*, and in accordance with the Uniform Housing Affordability Controls at *NJAC 5:80-26.15*. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups to the affordable housing units in the municipality.

The affirmative marketing plan must be adhered to by all private, non-profit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. The costs of implementing the affirmative marketing plan (i.e., the costs of advertising the affordable units, etc.) are the responsibilities of the developers of the affordable units. This requirement is included in the City’s fair share ordinances and shall be a condition of any municipal development approval. In the case of the affordable units developed by the City, the costs of implementing the affirmative marketing plan are factored into the development and operating pro forma statements.

Table 18. Timeline for Third Round Growth Share Obligation

Year	Projected Growth-Share	Affordable Units Provided	Project
			Existing Easter Seals (2) and Little Haven (2) Group Homes
2004	0	4	
2005	4	2	Habitat for Humanity (2)
2006	5	8	Heritage (8)
2007	2	2	Habitat for Humanity (2)
2008	2	1	Habitat for Humanity
2009	0		
2010	2		
2011	2		
2012	2		
2013	2	11	100% affordable
2014	2	5	Rental bonuses credited
2015	2		
2016	2		
2017	3		
2018	3		
Total	33	33	

C. Progress and monitoring periods

The City of Lambertville shall complete annual monitoring reports and submit them to COAH as required. Additionally, on the third, fifth and eighth anniversaries of submitting the Third Round petition to COAH, Lambertville City shall prepare a Progress Report that reviews the City’s pro-rated municipal growth share projections with the actual growth that occurred in the municipality in that time period.

These three progress reports will assess the number of affordable housing units or credits constructed or provided with the number of affordable units required by virtue of the obligation triggered by the actual growth in that time period. Should this comparison conclude that there is a 10% or greater shortfall in the provision of affordable units, the City will amend the Housing Element and Fair Share Plan to provide the necessary additional affordable units.

V. SPENDING PLAN

The City of Lambertville Housing Plan Element and Fair Share Plan addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing has been drafted and submitted to COAH for review. The ordinance will establish the City of Lambertville's affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, the City of Lambertville has not collected any growth share fees or development fees. However, in its previous petition for substantive certification in December 2005, the City had requested permission to create a housing trust fund to deposit future growth share fees. The trust fund was never created because the growth share ordinance did not generate any fees.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, Lambertville considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

There has been no payment in lieu of construction.

(c) Other funding sources:

There are currently no other funds as a source of revenue to subsidize affordable housing projects in the City.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

(c) Administrative Expenses (N.J.A.C. 5:97-8.9)

The City of Lambertville projects that \$24,000, or 20%, will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, include professional planning services of the City’s housing consultant and professional planner.

4. EXPENDITURE SCHEDULE

The City of Lambertville intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan. See Tables 22 and 23 below.

Table 20. SPENDING PLAN SUMMARY	
Balance as of July 17, 2008	\$ 0
PROJECTED REVENUE July 18, 2008-2018	
Development fees	+ \$ 120,000
Payments in lieu of construction	+ \$
Other funds	+ \$
Interest	+ \$ minimal
TOTAL REVENUE	\$ 120,000
EXPENDITURES	
Funds used for Rehabilitation	- \$ 96,000
Funds used for New Construction	
1. <i>[list individual projects/programs]</i>	- \$
2.	- \$
Affordability Assistance	- \$ 12,000
Administration	- \$ 24,000
Excess Funds for Housing Activity	= \$
1. <i>[list individual projects/programs]</i>	- \$
TOTAL PROJECTED EXPENDITURES	= \$ 120,000
REMAINING BALANCE	= \$0.00

5. EXCESS/SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of the City of Lambertville has adopted a resolution agreeing to fund any shortfall of funds required for implementing the rehabilitation program. A copy of the adopted resolution is attached. In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used for the rehabilitation program.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with Lambertville’s Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

The City of Lambertville intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with this Housing Plan Element and Fair Share Plan.

Table 21. Projected Revenues-Housing Trust Fund - 2008 - 2018												
SOURCE OF FUNDS	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development fees:												
1. Approved Development												
2. Development Pending Approval (est. \$6,000 fee per new dwelling unit)		0	3 units, or \$18,000	3 units, or \$18,000								\$36,000
3. Projected Development					2 units, or \$12,000	\$84,000						
(b) Payments in Lieu of Construction												
(c) Other Funds												
(d) Interest			*	*	*	*	*	*	*	*	*	
Total			\$18,000	\$18,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$120,000

* Any monies deposited monies will be quickly re-used for rehabilitation projections; the interest accrued will be minimal.

The City of Lambertville projects a total of \$120,000 in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

Program	Number of Units Projected	Funds Expended and/or Dedicated	Table 22. Projected Expenditure Schedule 2009 -2018											
			Prior to July 17, 2008	<u>7/18/08 - 12/31/08</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
<i>Lambertville Rehabilitation Program</i>	5	0	0			12,000	12,000		12,000	12,000	12,000			\$60,000
Total Programs														
Affordability Assistance						\$7,200	\$7,200		\$7,200	\$7,200	\$7,200			\$36,000
Administration						\$4,800	\$4,800		\$4,800	\$4,800	\$4,800			\$24,000
Total						\$24,000	\$24,000		\$24,000	\$24,000	\$24,000			\$120,00

Attachments

- A. COAH Application
- B. COAH Workbook A
- C. Rehabilitation Checklist
- D. 100% Housing Checklist
- E. Resolution of Planning Board to Adopt Housing Element and Fair Share Plan
- F. Resolution of Governing Body to Adopt Spending Plan
- G. Resolution of Governing Body to Adopt Petition
- H. Resolution/Ordinance to Appoint Housing Liaison (updated in January 2009)
- I. Service List Form
- J. Affordable Housing Ordinance (submitted in January, 2009)
- K. Development Fee Ordinance (submitted in January, 2009)



**STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
COUNCIL ON AFFORDABLE HOUSING
PETITION APPLICATION**



This application is a guideline for creating a Housing Element and Fair Share Plan. A completed version of this application must be submitted as part of your petition for substantive certification to COAH. This application will be used by COAH staff to expedite review of your petition. This application can serve as your municipality's Fair Share Plan. A brief narrative component of the Fair Share Plan should be included with this application and can serve primarily to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would include a description of any waivers being requested.

This form reflects COAH's newly adopted procedural and substantive rules and the amendments to those rules adopted on September 22, 2008. Footnotes and links to some helpful data sources may be found at the end of each section. **To use this document electronically, use the TAB KEY to navigate from field to field. Enter data or use the Right Mouse Button to check boxes.**

MUNICIPALITY	M	COUNTY	Hunterdon
COAH REGION	<u>3</u>	PLANNING AREA(S)	4B
SPECIAL RESOURCE AREA(S)	_____		

PREPARER NAME	Linda B. Weber, Aicp/Pp	TITLE	Principal
EMAIL	Lweber@Mosaic-Planning-Design	PHONE NO.	609.773.0500
ADDRESS	20 South Main Street Suite 2a Lambertville, NJ	FAX NO.	206.350.6243

MUNICIPAL HOUSING LIAISON	Loretta Buckelew	TITLE	City Clerk
EMAIL	Cityclerk@Lambertvillenj.Org	PHONE NO.	609.397.0110
ADDRESS	<u>50 York Street</u> <u>Lambertville, Nj 08530</u>	FAX NO.	_____

Enter the date(s) that COAH granted Substantive Certification or that the Court granted a Judgment of Compliance (JOC) on the Housing Element and Fair Share Plan.

History of Approvals	<u>COAH</u>	<u>JOC</u>	<u>N/A</u>
First Round	_____	_____	<input checked="" type="checkbox"/>
Second Round	<u>9/6/1995</u>	_____	<input type="checkbox"/>
Extended Second Round	_____	_____	<input checked="" type="checkbox"/>

Does the Petition include any requests for a waiver from COAH Rules? Yes No
If Yes, Please note rule section from which waiver is sought and describe further in a narrative section: _____

FILING/PETITION DOCUMENTS (N.J.A.C. 5:96-2.2/3.2 & N.J.A.C. 5:97-2.3/3.2)

All of the following documents must be submitted in order for your petition to be considered complete. Some documents may be on file with COAH. Please denote by marking the appropriate box if a document is attached to the Housing Element and Fair Share Plan or if you are using a document on file with COAH from your previous third round submittal to support this petition. Shaded areas signify items that must be submitted anew.

Included	On File	Required Documentation/Information
<input checked="" type="checkbox"/>		Certified Planning Board Resolution adopting or amending the Housing Element & Fair Share Plan
<input checked="" type="checkbox"/>		Certified Governing Body Resolution endorsing an adopted Housing Element & Fair Share Plan and either (check appropriate box):
		<input checked="" type="checkbox"/> Petitioning <input type="checkbox"/> Filing <input type="checkbox"/> Re-petitioning <input type="checkbox"/> Amending Certified Plan
<input checked="" type="checkbox"/>		Service List (in the new format required by COAH)
<input checked="" type="checkbox"/>		Adopted Housing Element & Fair Share Plan narrative (including draft and/or adopted ordinances necessary to implement the Plan)
<input checked="" type="checkbox"/> <input type="checkbox"/> N/A		If applicable, Implementation Schedule(s) with detailed timetable for the creation of units and for the submittal of all information and documentation required by N.J.A.C. 5:97-3.2(a)4
<input type="checkbox"/> <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	If applicable, Litigation Docket No., OAL Docket No., Settlement Agreement and Judgment of Compliance or Court Master’s Report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Municipal Master Plan (most recently adopted; if less than three years old, the immediately preceding, adopted Master Plan)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Municipal Zoning Ordinance (most recently adopted) ¹ Date of Last Amendment: _____ Date of Submission to COAH: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Municipal Tax Maps (most up-to-date, electronic if available) Date of Last Revision: _____ Date of Submission to COAH: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other documentation pertaining to the review of the adopted Housing Element & Fair Share Plan(list): _____

FOR OFFICE USE ONLY		
Date Received _____	Affidavit of Public Notice _____	Date Deemed _____
Complete/Incomplete _____	Reviewer’s Initials _____	

¹ Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

HOUSING ELEMENT

(N.J.A.C. 5:97-2 & N.J.S.A. 40:55D-1 et seq.)

The following issues and items must be addressed in the Housing Element for completeness review. Where applicable, provide the page number(s) on which each issue and/or item is addressed within the narrative Housing Element.

1. The plan includes an inventory of the municipality's housing stock by¹:

- Age;
- Condition;
- Purchase or rental value;
- Occupancy characteristics; and
- Housing type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated

Yes, Page Number: 3 No (incomplete)

2. The plan provides an analysis of the municipality's demographic characteristics, including, but not necessarily limited to²:

- Population trends
- Household size and type
- Age characteristics
- Income level
- Employment status of **residents**

Yes, Page Number: 5 No (incomplete)

3. The plan provides an analysis of existing and future employment characteristics of the **municipality**, including but not limited to³:

- Most recently available in-place employment by industry sectors and number of persons employed;
- Most recently available employment trends; and
- Employment outlook

Yes, Page Number: 7 No (incomplete)

4. The plan includes a determination of the municipality's present and prospective fair share for low and moderate income housing and an analysis of how existing or proposed changes in zoning will provide adequate capacity to accommodate residential and non-residential growth projections.
AND

The analysis covers the following:

- The availability of existing and planned infrastructure;
- The anticipated demand for the types of uses permitted by zoning based on present and anticipated future demographic characteristics of the municipality;
- Anticipated land use patterns;
- Municipal economic development policies;
- Constraints on development including State and Federal regulations, land ownership patterns, presence of incompatible land uses or sites needing remediation and environmental constraints; and
- Existing or planned measures to address these constraints.

Yes, Page Number: _____ No (incomplete)

5. The plan includes a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

Yes, Page Number: _____ No (incomplete)

6. The plan relies on household and employment projections for the municipality as provided in Appendix F of COAH's rules (if yes check the yes box below and check no in lines 6a-8).

Yes, Page Number: 9 No (go to 6a)

- 6a. The Plan relies on higher household and employment projections for the municipality as permitted under N.J.A.C. 5:97-2.3(d) (optional - see Fair Share Plan section starting on page 7 of this application).

Yes (go to 7 and 8) No (go to 6b)

- 6b. The Plan relies on a request for a downward adjustment to household and employment projections for the municipality as provided in N.J.A.C. 5:97-5.6 (optional - see Fair Share Plan section starting on page 7 of this application).

Yes, Page Number: _____ No

7. If the municipality anticipates higher household projections than provided by COAH in Appendix F, the plan projects the municipality's probable future construction of housing for fifteen years covering the period January 1, 2004 through December 31, 2018 using the following minimum information for residential development:

- Number of units for which certificates of occupancy were issued since January 1, 2004;
- Pending, approved and anticipated applications for development;
- Historical trends, of at least the past 10 years, which includes certificates of occupancy issued; and
- The worksheet for determining a higher residential growth projection provided by COAH. (Worksheets are available at www.nj.gov/dca/coah/planningtools/gscalculators.shtml)

- Yes, Page Number: _____
- No (incomplete)
- Not applicable (municipality accepts COAH's projections)

8. If the municipality anticipates higher employment projections than provided by COAH in Appendix F, the plan projects the probable future jobs based on the use groups outlined in Appendix D for fifteen years covering the period January 1, 2004 through December 31, 2018 for the municipality using the following minimum information for non-residential development:

- Square footage of new or expanded non-residential development authorized by certificates of occupancy issued since January 1, 2004;
- Square footage of pending, approved and anticipated applications for development;
- Historical trends, of at least the past 10 years, which shall include square footage authorized by certificates of occupancy issued;
- Demolition permits issued and projected for previously occupied non-residential space; and
- The worksheet for determining a higher non-residential growth projection provided by COAH.

- Yes, Page Number: _____ No (incomplete)
- Not applicable (municipality accepts COAH's projections)

9. The plan addresses the municipality's :

- Rehabilitation share (from Appendix B);
- Prior round obligation (from Appendix C); and
- Projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4.

Yes, Page Number: 9 No (incomplete)

10. If applicable, the plan includes status of the municipality's application for plan endorsement from the State Planning Commission.

Yes, Page Number: _____ No (incomplete) Not Applicable

Petition date: _____ Endorsement date: _____

¹ Information available through the U.S. Census Bureau at

http://factfinder.census.gov/servlet/ACSSAFFHousing?_sse=on&_submenuId=housing_0

² Information available through the U.S. Census Bureau at <http://factfinder.census.gov/home/saff/main.html>.

³ Information available through the New Jersey Department of labor at

<http://www.wnjin.net/OneStopCareerCenter/LaborMarketInformation/lmi14/index.html>

FAIR SHARE PLAN (N.J.A.C. 5:97-3)

Please provide a summary of the Fair Share Plan by filling out all requested information. Enter N/A where the information requested does not apply to the municipality. A fully completed application may serve as the actual Fair Share Plan. A brief narrative should be attached to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would fully describe, under a separate heading, any waivers that are being requested.

Determining the 1987-2018 Fair Share Obligation

The following tables will assist you in determining your overall 1987-2018 fair share obligation. For each cycle of the affordable housing need and rehabilitation share, please use the “need” column to enter the number of units addressed in the municipal petition. Where the municipality has received and/or is proposing any adjustments to its rehabilitation share, prior round and/or growth share obligation, use the footnotes providing rule references and follow the procedures for determining the municipal need and/or for calculating any adjustments applicable to the municipality. Enter the affordable housing need as provided by COAH or that results from the adjustment under the “Need” column.

Line		<u>Need</u>
1	<input type="radio"/> Rehabilitation Share (From <u>N.J.A.C. 5:97 Appendix B</u>) OR	<u>37</u>
2	<input type="radio"/> Optional Municipally Determined Rehabilitation Share (If a municipally determined rehabilitation share is being used, attach the survey results as an exhibit to this application and indicate that it is attached as Exhibit _____.)	_____
<u>Need</u>		
3	<input type="radio"/> Prior Round (1987-1999) Affordable Housing Obligation (From <u>N.J.A.C. 5:97 Appendix C</u>)	<u>0</u>
	<input type="radio"/> Prior Round Adjustments:	
	<input type="radio"/> 20% Cap Adjustment	<u>0</u>
	<input type="radio"/> 1000 Unit Cap Adjustment	<u>0</u>
4	Total Prior Round Adjustments	<u>0</u>
5	Adjusted Prior Round Obligation: (Number in Appendix C minus Total Prior Round Adjustment(s))	<u>0</u>
<hr style="border-top: 3px double #000;"/>		
	<input type="radio"/> Prior Round Vacant Land Adjustment (Unmet Need)	<u>0</u>
6	Realistic Development Potential(RDP) ¹	<u>0</u>

¹ RDP = Adjusted Prior Round Obligation minus Vacant Land Adjustment

Summary of Plan for Total 1987-2018 Fair Share Obligation

(For each mechanism, provide a description in the Fair Share Plan narrative. In the table below, specify the number of completed or proposed units associated with each mechanism.)

	<u>Completed</u>	<u>Proposed</u>	<u>Total</u>
Rehabilitation Share			<u>37</u>
<i>Less: Rehabilitation Credits</i>	<u>38</u>		<u>38</u>
Rehab Program(s)		<u>5</u>	<u>5</u>
Remaining Rehabilitation Share			<u>0</u>
Prior Round (1987-1999 New Construction) Obligation			<u>0</u>
<i>Less: Vacant Land Adjustment (If Applicable)</i>			
<i>(Enter unmet need as the adjustment amount. Unmet need = Prior round obligation minus RDP):</i>			
Unmet Need			_____
RDP			_____
Mechanisms addressing Prior Round			
Prior Cycle Credits (1980 to 1986)			_____
Credits without Controls			_____
Inclusionary Development/Redevelopment			_____
100% Affordable Units			_____
Accessory Apartments			_____
Market-to-Affordable			_____
Supportive & Special Needs			_____
Assisted Living			_____
RCA Units previously approved			_____
Other			_____
Prior Round Bonuses			_____
Remaining Prior Round Obligation			_____
Third Round Projected Growth Share Obligation			<u>33</u>
<i>Less: Mechanisms addressing Growth Share</i>			
Inclusionary Zoning			_____
Redevelopment			_____
100% Affordable Development	<u>13</u>	<u>11</u>	<u>24</u>
Accessory Apartments			_____
Market-to-Affordable Units			_____
Supportive & Special Need Units	<u>4</u>		<u>4</u>
Assisted Living: post-1986 Units			_____
Other Credits			_____
Compliance Bonuses			_____
Smart Growth Bonuses			_____
Redevelopment Bonuses			_____
Rental Bonuses		<u>5</u>	<u>5</u>
Growth Share Total			_____
Remaining (Obligation) or Surplus			<u>0</u>

PARAMETERS¹

<u>Prior Round 1987-1999</u>			
RCA Maximum	0	RCAs Included	0
Age-Restricted Maximum	0	Age-Restricted Units Included	0
Rental Minimum	0	Rental Units Included	0

<u>Growth Share 1999-2018</u>			
Age-Restricted Maximum	8	Age-Restricted Units Included	8
Rental Minimum	9	Rental Units Included	23
Family Minimum	17	Family Units Included	17
Very Low-Income Minimum ²	4	Very Low-Income Units Included	4

¹ Pursuant to the procedures in N.J.A.C. 5:97-3.10-3.12

² Pursuant to N.J.S.A. 52:27D-329.1, adopted on July 17, 2008, at least 13 percent of the housing units made available for occupancy by low-income and moderate income households must be reserved for occupancy by very low income households.

Summary of Built and Proposed Affordable Housing

Provide the information requested regarding the proposed program(s), project(s) and/or unit(s) in the Fair Share Plan. Use a separate line to specify any bonus associated with any program, project and/or unit in the Plan. As part of completeness review, all monitoring forms must be up-to-date (i.e. 2007 monitoring must have been submitted previously or included with this application) and all proposed options for addressing the affordable housing obligation must be accompanied by the applicable checklist(s) (found as appendices to this application). Enter whether a project is proposed or completed and attach the appropriate form or checklist for each mechanism as appendices to the plan. Please note that bonuses requested for the prior round must have been occupied after December 15, 1986 and after June 6, 1999 for the third round.

Please make sure that a corresponding mechanism checklist is submitted for each mechanism being employed to achieve compliance. Separate checklists for each mechanism are available on the COAH website at www.nj.gov/dca/coah/planningtools/checklists.shtml.

Table 1. Projects and/or units addressing the Rehabilitation Share

Project/Program Name	Proposed (use Checklists) or Completed (use <u>Rehabilitation Unit Survey Form</u>)	Rental, Owner Occupied or Both	Checklist or Form Appendix Location ¹
1. <u>Municipal Progra</u>	<u>Completed</u>	<u>Owner-Occupied</u>	<u>Appendix A</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit Rehabilitation Unit Survey Forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter “on file” in this column.

Table 2. Programs, Projects and/or units addressing the Prior Round.

Project/Program Name	Mechanism or Bonus Type	Proposed (use checklists) or Completed (use Project/Unit Program Information Forms)	Units Addressing Obligation (Note with “BR” where Special Needs bedrooms apply)	Number Addressing Rental Obligation)	Number Subject to Age-Restricted Cap	Checklist or Form Appendix Location¹
1. N/A	_____	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____	_____
9.	_____	_____	_____	_____	_____	_____
10.	_____	_____	_____	_____	_____	_____
11.	_____	_____	_____	_____	_____	_____
12.	_____	_____	_____	_____	_____	_____
13.	_____	_____	_____	_____	_____	_____
14.	_____	_____	_____	_____	_____	_____
15.	_____	_____	_____	_____	_____	_____
				Subtotal from any additional pages used	_____	
				Total units (proposed and completed)	_____	
				Total rental	_____	
				Total age-restricted	_____	
				Total very-low	_____	
				Total bonuses	_____	

Please add additional sheets as necessary.

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter “on file” in this column.

Table 3. Programs, Projects and/or Units Addressing the Third Round.

Project Name	Mechanism or Bonus Type	Proposed (use checklist(s) or Completed (use Project/Unit Program Information Form)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply	Units Addressing Rental Obligation	Units Addressing Family Obligation	Units Subject to Age-restricted Cap	Checklist or Form Appendix Location¹
16. Little Haven Rest Home	Alternative Living	<u>Completed</u>	<u>2</u>	<u>2</u>	<u>2</u>		
17. Heritage Living	Site Specific Zoning	<u>Completed</u>	<u>8</u>	<u>8</u>		<u>8</u>	
18. Easter Seals Apartment	Special Needs	<u>Completed</u>	<u>2</u>	<u>2</u>			
19. Habitat For Humanity	Site Specific Zoning	<u>Completed</u>	<u>5</u>		<u>5</u>		
20. Lambertville 100% Project	Municipally Sponsore	<u>Proposed</u>	<u>11</u>	<u>11</u>	<u>13</u>		
21. Lambertville Rental Bonus	Rental Bonus	<u>Proposed</u>	<u>5</u>				
22.							
23.							
24.							
25.							
26.							
27.							
28.							
29.							
30.							
Subtotal from any additional pages used		<u>—</u>	Total units (proposed and completed)		<u>33</u>		
Total family units		<u>18</u>	Total rental units		<u>23</u>		
Total age-restricted units		<u>8</u>	Total family rental units		<u>1</u>		
Total Supportive/Special Needs units		<u>2</u>	Total very-low units		<u>4</u>		
Total Special Needs bedrooms		<u>2</u>	Total bonuses		<u>5</u>		

Please add additional sheets as necessary.

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

3. Does the ordinance follow the ordinance model **updated September 2008** and available at www.nj.gov/dca/coah/round3resources.shtml? If yes, skip to question 5.

Yes No

4. If the answer to 3. above is no, indicate that the necessary items below are addressed before submitting the Development Fee ordinance to COAH:

Information and Documentation

The ordinance imposes a residential development fee of 2.00% and a Non-residential fee of 2.5 %

A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);

A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e)

A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d)

A description of collection procedures per N.J.A.C. 5:97-8.3(f)

A description of development fee appeals per N.J.A.C. 5:97-8.3(g)

A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h)

If part of a court settlement, submit court ordered judgment of compliance, implementation ordinances, information regarding period of time encompassed by the judgment of compliance and a request for review by the court

5. Does the ordinance include an affordability assistance provision per N.J.A.C. 5:97-8.8 (**Note: must be at least 30 percent of all development fees plus interest**)?

Yes (Specify actual or anticipated amount) \$36000

No **Submit an amended ordinance with provisions for affordability assistance along with a governing body resolution requesting COAH approval of the amended ordinance.)**

■ If yes, what kind of assistance is offered?

■ Has an affordability assistance program manual been submitted? Yes No

¹ Any amendment to a previously approved and adopted development fee ordinance must be submitted to COAH along with a resolution requesting COAH’s review and approval of the amendment prior to the adoption of said amendment by the municipality.

**PAYMENTS-IN-LIEU OF CONSTRUCTING AFFORDABLE UNITS ON
SITE (N.J.A.C. 5:97-8.4)**

1. Does the Fair Share Plan include an inclusionary zoning ordinance that provides for payments-in-lieu as an option to the on-site construction of affordable housing?
 Yes No (**Skip to the next category; Barrier Free Escrow**)

2. Does the plan identify an alternate site and/or project for the payment-in-lieu funds? (**Optional**)
 Yes (**attach applicable checklist**)
 No (identify possible mechanisms on which payment in lieu will be expended in narrative section of plan.)

3. Does the ordinance include minimum criteria to be met before the payments-in-lieu becomes an available option for developers? (**Optional**)
 Yes (indicate ordinance section) _____
 No

BARRIER FREE ESCROW/OTHER FUNDS (N.J.A.C. 5:97-8.5/8.6)

1. Has the municipality collected or does it anticipate collecting fees to adapt affordable unit entrances to be accessible in accordance with the Barrier Free Subcode, N.J.A.C. 5:23-7?
 Yes No

2. Does the municipality anticipate collecting any other funds for affordable housing activities?
 Yes (specify funding source and amount) _____
 No

SPENDING PLANS (N.J.A.C. 5:97-8.10)

1. Does the petition include a Spending Plan? (**Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a Spending Plan will forfeit the ability to retain development fees.**)
 Yes No

2. Does the Spending Plan follow the Spending Plan model **updated October 2008** and available at www.nj.gov/dca/coah/round3resources.shtml? If yes, skip to next section - Affordable Housing Ordinance.
 Yes No

3. If the answer to 1. above is no, indicate that the necessary items below are addressed before submitting the spending plan to COAH:

Information and Documentation

- A projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historical development activity;
- A projection of revenues anticipated from other sources (specify source(s) and amount(s));
- A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
- A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7;
- A schedule for the expenditure of all affordable housing trust funds;
- A schedule for the creation or rehabilitation of housing units;
- If the municipality envisions being responsible for public sector or non-profit construction of housing, a detailed pro-forma statement of the anticipated costs and revenues associated with the development, consistent with standards required by HMFA or the DCA Division of Housing in its review of funding applications;
- If the municipality maintains an existing affordable housing trust fund, a plan to spend the remaining balance as of the date of its third round petition within four years of the date of petition;
- The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan;
- A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and
- If not part of the petition, a resolution of the governing body requesting COAH review and approval of spending plan or an amendment to an approved spending plan.

AFFORDABLE HOUSING ORDINANCE (N.J.A.C. 5:80-26.1 et seq.)

1. Does the Fair Share Plan include an Affordable Housing Ordinance?
 Yes No
2. Does the ordinance follow the ordinance model available at www.nj.gov/dca/coah/round3resources.shtml ? Yes No
3. If the answer to 1. or 2. above is no, indicate that the required items below are addressed before submitting to COAH. If the required items are addressed in ordinances other than an Affordable Housing Ordinance, please explain in a narrative section of the Fair Share Plan.

Required Information and Documentation

- Affordability controls
- Bedroom distribution
- Low/moderate-income split and bedroom distribution
- Accessible townhouse units
- Sale and rental pricing
- Municipal Housing Liaison
- Administrative Agent
- Reference to the Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

AFFORDABLE HOUSING ADMINISTRATION (As Applicable)

Items that must be submitted with the petition:

- Governing body resolution designating a municipal housing liaison (COAH must approve)

Items that must be submitted prior to COAH's grant of Substantive Certification:

- Operating manual for rehabilitation program
- Operating manual for affordability assistance
- Operating manual for an Accessory Apartment program
- Operating manual for a Market-to-Affordable program
- COAH approved administrative agent if municipal wide

Items that must be submitted prior to any time prior to marketing completed units:

- COAH approved administrative agent(s) is project specific
- Operating manual for sale units
- Operating manual for rental units
- Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

CERTIFICATION

I, _____, have prepared this petition application for substantive certification on behalf of _____. I certify that the information submitted in this petition is complete, true and accurate to the best of my knowledge. I understand that knowingly falsifying the information contained herein may result in the denial and/or revocation of the municipality's substantive certification.

Signature of Preparer (affix seal if applicable)

Date

Title

N.J.S.A. 2C:21-3, which applies to the certifications, declares it to be a disorderly person offense to knowingly make a false statement or give false information as part of a public record.

Narrative Section

The City of Lambertville's affordable housing plan is a combination of the existing housing that has been constructed since 2000 and future 100% affordable housing project(s) that will be constructed either on private or public property. The Council will contract for the future development of the property(ies) and therefore does not expect to incur any major costs for planning, design or acquisition.

The City's rehabilitation program has been ongoing since the 1980's, but recently has been idle due to a lack of funding. The program will resume as soon as development fees are collected in the City.

From 2000-2004, the City rehabilitated 28 COAH-qualified housing units in the City. Since the City used RCA monies to fund a portion of these units, the affordable housing credit goes to the sending municipality, not the City of Lambertville. The City respectfully requests a waiver of this policy since the rehabilitation of these units has decreased the number of sub-standard units - regardless of who funded them. Also, the City contributed to the cost of a portion, albeit small, of the rehabilitation costs by securing CBDG grants.

Affordable and Market-Rate Units Excluded from Growth
Municipality Name: 0

Prior Round Affordable Units NOT included in Inclusionary Developments Built post

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
Total	0

Market and Affordable Units in Prior Round Inclusionary Development
Built post 1/1/04
N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units
		0		
		0		
		0		
		0		
		0		
Total		0	0	0

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development
N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
Heritage Living	86	1376
		0
		0
		0
Total	86	1376

[Return To Workbook A Summary](#)

REHABILITATION PROGRAM (N.J.A.C. 5:97-6.2)

General Description

Municipality/County: *City of Lambertville/Hunterdon County*

Program Name: *Lambertville Housing Rehabilitation Program*

Number of proposed units to be rehabilitated: 5

Information and Documentation Required with Petition

- Determination of Rehabilitation Share
- Accept number in N.J.A.C. 5:97 – Appendix B; **OR**
- Exterior Housing Survey conducted by the municipality
- Information regarding the rehabilitation program on forms provided by the Council. (If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)
- Documentation demonstrating the source(s) of funding
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- Schedule illustrating how the rehabilitation share will be addressed within the period of substantive certification

Information and Documentation Required Prior to Substantive Certification

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted rehabilitation operating manual that includes a description of the program procedures and administration including a copy of sample deed restriction and/or lien.
- Affirmative Marketing Plan for the re-rental of rehabilitated rental units, in accordance with UHAC

Rehabilitation Narrative Section

The City of Lambertville is requesting credit for the 10 surplus units rehabilitated in the second round and 28 units rehabilitated in 2000-2005 using municipal, CDBG and RCA monies. An additional 5 units are proposed to be rehabilitated as soon as a sufficient amount of development fees have been collected. The program will continue to be administered by the City's professional housing administrator.

No. Continue with this checklist.

Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- Name and address of owner
- Subject property street location
- Subject property block(s) and lot(s)
- Subject property total acreage
- Indicate if urban center or workforce housing census tract
- Description of previous zoning
- Current zoning and date current zoning was adopted
- Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- Description of surrounding land uses
- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- Wetlands and buffers
- Steep slopes
- Flood plain areas
- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site

- Based on the above, a quantification of buildable and non-buildable acreage
- RFP or Developer's Agreement
- Construction schedule with a minimum provision to begin construction within two years of substantive certification; including timetable for each step in the development process
- Pro-forma statement for the project
- Demonstration that the first floor of all townhouse or other multi-story dwelling units are accessible and adaptable per N.J.A.C. 5:97-3.14
- Evidence of adequate and stable funding; including municipal bond and/or general revenue funds where applicable

Information and Documentation Required Prior to Marketing the Completed Units

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- An affirmative marketing plan in accordance with UHAC

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE DEVELOPMENTS
(N.J.A.C. 5:97-6.7)**

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Identification	1/1/2010	3/1/2010	3/1/2010

RFP Process	4/1/2010	5/1/2010	5/1/2010
Developer Selection	5/1/2010	6/1/2010	6/1/2010
Executed Agreement with provider, sponsor or developer	7/1/2010	7/1/2010	7/1/2010
Development Approvals	10/1/2010	1/1/2011	1/1/2011
Contractor Selection	2/1/2011	3/1/2011	3/1/2011
Building Permits	3/1/2011	3/1/2011	3/1/2011
Occupancy	11/1/2011	12/1/2011	12/1/2011

(B) Site specific information, including the following:

Site Information	Date Supporting Documentation to be Submitted to COAH
Site Description	3/1/2010
Site Suitability Description	3/1/2010
Environmental Constraints Statement	3/1/2010

(C) Financial documentation including, the following:

Financial Documentation	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Documentation of Funding Sources	3/1/2011	3/1/2011
Project Pro-forma	9/1/2011	9/1/2011

Municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds		
---	--	--

100% or Municipally Sponsored Narrative Section

The City of Lambertville will sponsor at least one 100% affordable housing project in the near future. There are two options available to the City: 1) the City will enter into a contract with a developer to construct a 100% affordable housing project on municipal property; or, 2) a private developer will construct a 100% affordable housing project(s) on private property. In either event, the City does not anticipate spending municipal funds on the 100% project. Therefore, a resolution to bond in the event of a shortfall is not necessary.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

Resolution Number 2008-113

“Lambertville City Council Resolution Requesting Review and Approval of Municipal Affordable Housing Trust Fund Spending Plan”

WHEREAS, the Governing Body of the City of Lambertville, Hunterdon County, has adopted a resolution on December 29, 2008 to petition the Council on Affordable Housing (COAH) for substantive certification; and,

WHEREAS, the City of Lambertville submitted to COAH on December 31, 2008 its development fee ordinance for review and approval; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or any other approved programs;

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

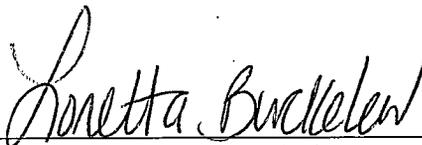
WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and

8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the City of Lambertville has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Lambertville, Hunterdon County, requests that COAH review and approve Lambertville's spending plan.



Loretta Buckelew, City Clerk

I, Loretta Buckelew, City Clerk of the City of Lambertville in the County of Hunterdon in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted on December 29, 2008, by the Mayor and City Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey.



Loretta Buckelew, City Clerk

Resolution Number 2008-112

“Lambertville City Council Petitioning with an Adopted Housing Element and Fair Share Plan”

WHEREAS, the Planning Board of Lambertville, Hunterdon County, State of New Jersey, adopted the Housing Element of the Master Plan on December 3, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on December 3, 2008; and

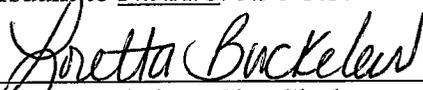
WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Governing Body of Lambertville, Hunterdon County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Lambertville Planning Board; and

BE IT FURTHER RESOLVED that the Governing Body of Lambertville, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

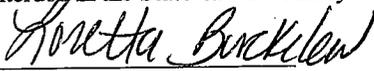
BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing’s Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Lambertville municipal clerk’s office located at 18 York Street, during the hours of 9:00 a.m. and 4:30 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.



Loretta Buckelew, City Clerk

December 29, 2008

I, Loretta Buckelew, City Clerk of the City of Lambertville in the County of Hunterdon in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted on December 29, 2008, by the Mayor and City Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey.



Loretta Buckelew, City Clerk

City of Lambertville

ORDINANCE NO. _____ - _____

AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE CITY OF LAMBERTVILLE'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT

BE IT ORDAINED by the City Council of the City of Lambertville in the County of Hunterdon and State of New Jersey that the following amendments be made to Chapter _____ of the City of Lambertville :

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of the City of Lambertville'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 City of Lambertville.

ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for City of Lambertville 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; powers and duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the City of Lambertville.
- 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 City of Lambertville, including the following responsibilities, which may not be contracted out, exclusive of item 6 which may be contracted out:

- (1) Serving as the City of Lambertville '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 City of Lambertville 's Fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in the City of Lambertville as described in F. below.
- D. Subject to approval by COAH, the City of Lambertville 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 City of Lambertville, except for those responsibilities which may not be contracted out pursuant to subsection C above. If the City of Lambertville 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. Administrative powers and duties assigned to the Municipal Housing Liaison shall include the following, unless otherwise contracted with an outside consultant, such as the City's rehabilitation program.
- (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 City of Lambertville 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 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 City of Lambertville 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 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) Processing request from 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) Securing annually lists 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) 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) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - (g) 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.

Adopted: (Insert date)

ATTEST:

APPROVED:

Loretta Buckelew

Municipal Clerk

David DelVecchio

Mayor



**MUNICIPALITY, COUNTY
SERVICE LIST**
N.J.A.C. 5:96-3.7



CITY OF LAMBERTVILLE, HUNTERDON COUNTY

A municipality that petitions the Council on Affordable Housing (COAH) for substantive certification or is otherwise participating in COAH’s substantive certification process must include an updated service list in order for COAH to review its submittal. At the time it files or petitions for substantive certification a municipality must provide COAH with a Service List which includes the following information (Please print clearly):

1. Current names and addresses of owners of sites included in previously certified or court settled plans that were zoned for low- and moderate-income housing and/or were to pay a negotiated fee(s). Owners of sites that have been completely developed may be excluded;

Not Applicable – all sites have been completely developed

2. The names and addresses of owners of all new or additional sites included in the Fair Share Plan;

Not Applicable – Sites not yet identified

3. Except for Mayors, Clerks, Municipal Attorneys and Municipal Housing Liaisons, which are automatically added to every Service List by COAH, the names and addresses of all municipal employees or designees that the municipality would like notified of all correspondence relating to the filing or petition;

NAME	Timothy Korzun	TITLE	<u>Planning Board Chair</u>
EMAIL	Riverwalk19@earthlink.net	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____
NAME	<u>Linda Weber</u>	TITLE	<u>Lambertville City Planner</u>
EMAIL	lweber@mosaic-planning-design.com	PHONE NO.	<u>609-773-0500</u>
ADDRESS	<u>20 South Main Street Suite 2A</u>	FAX NO.	<u>206-350-6243</u>
	<u>Lambertville, NJ 08530</u>		
NAME	_____	TITLE	_____
EMAIL	_____	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____

NAME	_____	TITLE	_____
EMAIL	_____	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____



**MUNICIPALITY, COUNTY
SERVICE LIST**

N.J.A.C. 5:96-3.7



4. The names and addresses of relevant County, Regional and/or State entities; AND

NAME	_____	TITLE	_____
EMAIL	_____	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____
NAME	_____	TITLE	_____
EMAIL	_____	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____
NAME	_____	TITLE	_____
EMAIL	_____	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____
NAME	_____	TITLE	_____
EMAIL	_____	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____
NAME	_____	TITLE	_____
EMAIL	_____	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____
NAME	_____	TITLE	_____

5. Names of known interested party(ies).

NAME	_____	TITLE	_____
EMAIL	_____	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____
NAME	_____	TITLE	_____
EMAIL	_____	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____
NAME	_____	TITLE	_____
EMAIL	_____	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____



MUNICIPALITY, COUNTY
SERVICE LIST
N.J.A.C. 5:96-3.7



NAME	_____	TITLE	_____
EMAIL	_____	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____

NAME	_____	TITLE	_____
EMAIL	_____	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____

NAME	_____	TITLE	_____
EMAIL	_____	PHONE NO.	_____
ADDRESS	_____	FAX NO.	_____

City of Lambertville
Hunterdon County, New Jersey

Affordable Housing Ordinance No. 2009- _____

AN ORDINANCE OF THE CITY OF LAMBERTVILLE TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

Section 1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The City of Lambertville Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways City of Lambertville shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The City of Lambertville shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the City of Lambertville Municipal Building, Municipal Clerk's Office, [*insert address*], New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, www.nj.gov/dca/affiliates/coah.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Accessory apartment” means 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.

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

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

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

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

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of 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; or 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 the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means 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, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or 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 use or change in the use 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 N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household 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, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

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

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

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses 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.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such 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 (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

“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. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

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

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

“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.

Section 3. Affordable Housing Programs

The City of Lambertville has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

- (a) A Rehabilitation program.
 1. Lambertville’s rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
 2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
 3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.

4. The City of Lambertville shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
 5. The City of Lambertville shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for Lambertville.
 6. The City of Lambertville shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
 7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
 - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.
- (b) (b) Municipally sponsored and 100 percent affordable programs.
- i. Projects will be municipally-sponsored or constructed by non-profit or for-profit developers.
 - ii. All units will include 30 year controls on affordability.

Section 4. Reserved

Section 5. Reserved

Section 6. Reserved

Section 8. New Construction

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

(a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation 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.
2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(b) Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have 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 on the first floor;
 - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
 - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

- vi. An accessible entranceway as set forth at 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 and N.J.A.C. 5:97-3.14, or evidence that the City of Lambertville has collected funds from the developer sufficient to make 10 percent 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 City of Lambertville's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - C. The funds deposited under paragraph B. above shall be used by the City of Lambertville for the sole purpose of making the adaptable entrance of any 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 a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the City of Lambertville.
 - E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the City of Lambertville's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
 - F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum 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 and in COAH, utilizing the regional income limits established by COAH.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.

3. 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.
 - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.

**NOTE: N.J.S.A. 52:27D-329.1 (P.L. 2008, C. 46) includes the requirement that all municipal fair share plans provide for the reservation of at least 13% of the affordable units for very low income households, i.e. households earning 30% or less of the median income. The new statute states that the requirement is not project-specific. Each municipality's version of this ordinance must reflect the determinations made in the Fair Share Plan as to the percentage of units necessary for very low income units in rental projects. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for 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.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

7. 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 Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. **Utilities.** 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 approved by DCA for its Section 8 program.

The following general guidelines apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

Section 9. Affirmative Marketing Requirements

- (a) City of Lambertville shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) 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 also 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 COAH Housing Region [*insert number*] and covers the period of deed restriction.

- (c) Reserved.
- (d) The Administrative Agent designated by the City of Lambertville shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, 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.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the City of Lambertville.

Section 10. Occupancy Standards

- (a) 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:
 1. Provide an occupant for each bedroom;
 2. Provide children of different sex with separate bedrooms; and
 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

Section 11. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the City of Lambertville elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.

- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 12. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 13. Buyer Income Eligibility

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) 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, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

Section 14. Limitations on indebtedness secured by ownership unit; subordination

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent 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.5:80-26.6(b).

Section 15. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the City of Lambertville elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) 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, and the deed restriction shall be filed by the developer or seller with the records office of the County of Hunterdon. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

Section 16. Price Restrictions for Rental Units; Leases

- (a) 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 provided to the Administrative Agent.

- (b) No additional fees 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.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 17. Tenant Income Eligibility

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - 2. 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;
 - 3. The household is currently in substandard or overcrowded living conditions;
 - 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - 5. 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.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 18. Administration

- (a) The position of Municipal Housing Liaison (MHL) for City of Lambertville is established by this ordinance. The Mayor and City Council shall make the actual appointment of the MHL by means of a resolution.
1. The MHL must be either a full-time or part-time employee of the City of Lambertville.
 2. The person appointed as the MHL must be reported to COAH for approval.
 3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the City of Lambertville, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.
 - iv. Monitoring the status of all restricted units in the City of Lambertville's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required by COAH;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (b) The City of Lambertville shall designate by resolution of the City Council, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- **NOTE:** If it is decided that an employee of the municipality will act as administrative agent or if the Housing Affordability Service (HAS) of the Agency is selected, the determination of such can be included in this ordinance.
- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in

the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:

1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
2. Affirmative Marketing;
2. Household Certification;
3. Affordability Controls;
4. Records retention;
5. Resale and re-rental;
6. Processing requests from unit owners; and
7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

Section 19. Enforcement of Affordable Housing Regulations

- (a) 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.
- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income 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:
 1. 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 _____ or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing 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 City of Lambertville 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 low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
 - 2. 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- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income 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.
 - (d) 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- and 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 and to the 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, if any, 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.
 - (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same 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.

- (f) 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 low- and moderate-income 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 low- and moderate-income 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 which would have been realized from an actual sale as previously described.
- (g) Failure of the low- and 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 which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The 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.

Section 20. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

City of Lambertville Development Fee Ordinance

Ordinance No. 2009 - _____

1. Purpose

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

2. Basic requirements

- a) This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- b) The City of Lambertville shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. "**Affordable housing development**" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

- ii. “**COAH**” or the “**Council**” means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
- iii. “**Development fee**” means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
- iv. “**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.
- v. “**Equalized assessed value**” 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 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
- vi. “**Green building strategies**” means those 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.

4. Residential Development fees

- a) Imposed fees
 - i. Within all of the City’s residential zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent percent of the equalized assessed value for residential development provided no increased density is permitted.
 - ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six percent of the equalized assessed value for each additional unit that may be realized. However, 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 one percent of the equalized assessed value on the first two units; and the specified higher percentage up to six

related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. Monitoring

- a) The City of Lambertville 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 Lambertville'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.

10. Ongoing collection of fees

- a) The ability for the City of Lambertville to impose, collect and expend development fees shall expire with its substantive certification unless the City of Lambertville has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the City of Lambertville fails to renew its ability to impose and collect development fees prior to the expiration substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal 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). The City of Lambertville shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the City of Lambertville retroactively impose a development fee on such a development. The City of Lambertville shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

percent 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
 - i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

5. Non-residential Development fees

- a) Imposed fees
 - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
 - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
 - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time 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

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption” Form. Any exemption claimed by a developer shall be substantiated by that developer.
- iii. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time 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.
- iv. If a property which 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 Lambertville as a lien against the real property of the owner.

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 as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the 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 local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should Lambertville 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 (C.40:55D-8.6).
- h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i) Appeal of development fees
 - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the City of Lambertville. 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.
 - 2) 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 City of Lambertville. 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.

7. Affordable Housing trust fund

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer 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 Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - 1. payments in lieu of on-site construction of affordable units;
 - 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached 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 Lambertville's affordable housing program.
- c) Within seven days from the opening of the trust fund account, the City of Lambertville shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

8. Use of funds

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the City of Lambertville's 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, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, 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, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

- b) Funds shall not be expended to reimburse the City of Lambertville for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. 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, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle the City of Lambertville to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) The City of Lambertville may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees