

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO. O-3-2017-006

ORDINANCE OF THE MONROE TOWNSHIP COUNCIL REPEALING AND REPLACING §131A-1, *ET SEQ.* OF THE AFFORDABLE HOUSING ORDINANCE OF THE TOWNSHIP OF MONROE TO REFLECT AMENDMENTS TO THE FAIR HOUSING ACT

WHEREAS, the Monroe Township Development Fee Ordinance was last amended in its entirety by Ordinance O-2-93-005; and

WHEREAS, a 2008 amendment to the Fair Housing Act and the Statewide Non-Residential Development Fee Act, expanded COAH's jurisdiction to include non-residential development fees; and

WHEREAS, Monroe Township's Spending Plan, which was approved by the Superior Court of New Jersey on October 5, 2016, incorporates projected non-residential development fees; and

WHEREAS, the Monroe Township Council wishes to update its development fee ordinance to incorporate these amendments and its approved spending plan;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. Section 131A-1, *et seq.* shall be repealed in its entirety and replaced with the following:

~~§ 131A-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 N.J.S.A. 52:27D-301 et seq. and the State Constitution, subject to COAH developing rules. The purpose of this chapter is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this chapter shall be used for the sole purpose of providing low and moderate income housing. This chapter shall be interpreted within the framework of COAH's rules on development fees.~~

§ 131A-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, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH).
- B. Pursuant to the Fair Housing Act, as modified by 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 was 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 COAH or a Court of competent jurisdiction and have an approved Spending Plan may retain development fees collected from both residential and non-residential developments.
- C. This Ordinance establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations and are 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. 5:94-6.

§ 131A-2. Definitions.

~~COAH—The New Jersey Council on Affordable Housing.~~

~~DEVELOPER—The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.~~

~~DEVELOPMENT—The division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural addition, relocation, or enlargement 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.~~

~~DEVELOPMENT FEES~~— Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

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

~~SUBSTANTIVE CERTIFICATION~~— A determination by COAH approving a municipality's housing element and fair share plan in accordance with the provisions of the Act and the rules and criteria as set forth herein. A grant of substantive certification shall be valid for a period of six (6) years in accordance with the terms and conditions contained therein.

§ 131A-2. Basic Requirements.

The Township of Monroe shall spend development fees in accordance with its Spending Plan approved by Order of The Honorable Douglas K. Wolfson on October 5, 2016, as amended and approved by the Superior Court of New Jersey from time to time.

§ 131A-3. Retention of fees.

Any fees collected prior to December 13, 1990 shall be retained by the Township of Monroe pursuant to COAH's rules regarding the retention of development fees.

§ 131A-3. Definitions.

The following terms, as used in this Ordinance, shall have the following meanings:

“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 housing development.

“COAH” or the “Council” means the New Jersey Council on Affordable Housing established under the Act which had primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State until 2016 when jurisdiction was vested in the Superior Court of New Jersey.

“Development fee” means money paid by a developer for the improvement of property as permitted at N.J.A.C. 5:94-6.

“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.

“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).

“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.

“Substantive Certification” means a determination by an administrative agency responsible for implementing the Fair Housing Act and adopting regulations pursuant thereto for approving a municipality’s housing element and fair share plan in accordance with the provisions of the Act or its equivalent when granted by a Court of competent jurisdiction.

§ 131A-4. Residential development fees. [Amended 6-8-05 by Ord. No. O-6-2005-028]

Within all zoning districts of the Township of Monroe, developers shall pay a development fee of one percent (1%) of the equalized assessed value of any eligible residential activity.

§ 131A-4. Residential Development Fees

A. Imposition of Fees

- 1) Within the Township of Monroe, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of one percent (1.0%) of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- 2) When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of six percent (6%) percent of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. 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.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments

- 1) Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from the payment of development fees.
- 2) Improvements or additions to existing one and two-family dwellings on individual lots shall not be required to pay a development fee, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.
- 3) Homes replaced as a result of a natural disaster (such as a fire or flood) shall be exempt from the payment of a development fee.

~~§ 131A-5. Nonresidential development fees. [Amended 6-8-05 by Ord. No. O-6-2005-028]~~

~~Developers within all zoning districts of the Township of Monroe shall pay a fee of two percent (2%) of the equalized assessed value for eligible nonresidential activities.~~

§ 131A-5. Non-Residential Development Fees

A. Imposition of Fees

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

- 1) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a two and a half percent (2.5%) development fee, unless otherwise exempted below.
- 2) The two and a half percent (2.5%) development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
- 3) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.
- 4) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as 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 for the non-residential development, whichever is later.
- 5) 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 the Township of Monroe as a lien against the real property of the owner.

~~§ 131A-6. Eligible exaction, ineligible exaction and exemptions.~~

- ~~A. Developers of low and moderate income units shall be exempt from the payment of development fees on units developed within, and as part of, an approved inclusionary development project.~~
- ~~B. Developers that engage in new development shall pay a development fee, with the following exemptions:
 - ~~1. The expansion or addition to an existing single family dwelling.~~
 - ~~2. Structural alterations that do not increase gross floor area of a building or structure or increase the equalized assessed value of a property.~~
 - ~~3. Development by governmental or public agencies, nonprofit hospitals, nonprofit educational or religious institutions, charitable or not for profit entities legally established in accordance with the laws of the State of New Jersey.~~~~
- ~~C. Developers that have received preliminary approval or final approval prior to the effective date of this chapter shall be exempt from paying a development fee, unless the developer seeks a substantial change in the approval or said approval expires without an extension granted by the respective review board.~~
- ~~D. An expansion or intensification of the use of any existing structure, except where the structure will be used as a single family dwelling, shall be subject to the provisions of this chapter. The development fee shall be calculated based on the increase in the equalized assessed value of the development.~~

§ 131A-6. Collection Procedures

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or 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 Township 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 such notification, the Township Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
- E. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Township Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Township of Monroe 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. Except as provided in Section 5.A.3) hereinabove, twenty-five percent (25%) of the initially calculated development fee shall be collected at the time of issuance of the Building Permit.
- I. Developers shall pay the remaining fee to the Township of Monroe when their properties qualify for, but prior to, the issuance of certificates of occupancy. When notified that the properties noted above qualify for certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at that time and the amount paid at the time the building permit is issued.
- J. The developer shall, within ten (10) days from receipt of notification from the Township, pay to the Township the difference between the development fees required to be paid by the developer once such final equalized assessed value has been determined and the estimated development fees actually paid by the developer. The failure of the developer to make timely payment of the aforesaid deficiency shall entitle the township to file, without further notice to the developer, a lien against the subject development. In the event the township shall file such lien, the township may add to the aforesaid deficiency amount reasonable attorney fees to file and discharge such lien, together with any and all costs incurred to file and discharge said lien.
- K. 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 Township of Monroe. 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 Township of Monroe. 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.

§ 131A-7. Collection of fees.

- A. ~~Developers shall pay twenty five percent (25%) of the calculated development fee to the Township of Monroe at the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to the issuance of building permits.~~
- B. ~~Developers shall pay the remaining fee to the Township of Monroe when their properties qualify for, but prior to, the issuance of certificates of occupancy. When notified that the properties noted above qualify for certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at that time and the amount paid at the building permit.~~
- C. ~~The developer shall, within ten (10) days from receipt of notification from the township, pay to the township the difference between the development fees required to be paid by the developer once such final equalized assessed value has been determined and the estimated development fees actually paid by the developer. The failure of the developer to make timely payment of the aforesaid deficiency shall entitle the township to file, without further notice to the developer, a lien against the subject development. In the event the township shall file such lien, the township may add to the aforesaid deficiency amount reasonable attorney fees to file and discharge such lien, together with any and all costs incurred to file and discharge said lien.~~

§ 131A-7. Affordable Housing Trust Fund

- A. By Ordinance O-5-2012-013 Monroe Township created an Affordable Housing Irrevocable Trust into which it transferred all Development Fee funds on deposit as of December 31, 2011 (the "Irrevocable Trust"). All Development Fees received thereafter are deposited into an interest-bearing Affordable Housing Trust Fund in an official depository of the Township of Monroe created for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid by developers pursuant to this chapter shall be submitted to the Treasurer of the Township for deposit into the Affordable Housing Trust Fund. No money shall be expended from the Irrevocable Trust, or the Affordable Housing Trust Fund, unless the expenditure conforms to the Spending Plan approved by the Superior Court of New Jersey.
- 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 a fraction of an affordable unit;
 - 2) Funds contributed by developers to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached unit 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 Monroe's affordable housing program.
- C. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Superior Court of New Jersey.

§ 131A-8. Use of Funds

- A. The expenditure of all funds shall conform to the Spending Plan approved by the Superior Court of New Jersey. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Superior Court of New Jersey to address the Township of Monroe'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; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; 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; and/or any other activity listed as permitted in COAH's Rules and specified in the Court-approved Spending Plan.

- B. At least thirty percent (30%) of all development fees collected and interest earned on such fees 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 the median income for Housing Region 3, in which the Township of Monroe is located.
- 1) Affordability assistance programs may include, but are not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, moving expenses not to exceed \$500 per family, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - 2) 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 may entitle the Township of Monroe to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 - 3) Payments in lieu of constructing affordable housing units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
 - 4) Monroe Township has adopted the following specific affordability assistance programs:
 - a) Rent subsidies for low- and moderate- income households based upon size of household and number of bedrooms in apartment.
 - i. One-bedroom, low-income unit – \$55.00 per month subsidy.
 - ii. One-bedroom, moderate-income unit – \$100.00 per month subsidy.
 - iii. Two-bedroom, low-income unit – \$100.00 per month subsidy.
 - iv. Two-bedroom, moderate-income unit – \$200.00 per month subsidy.
 - v. Three-bedroom, low-income unit -- \$150.00 per month subsidy.
 - vi. Three-bedroom, moderate-income units -- \$250.00 per month subsidy.
 - b) The following additional assistance is offered to very low-income households:
 - i. Payment of "moving expenses" based upon verified receipts, in an amount not to exceed One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) per household.
 - ii. Rental security deposit – Deposits paid to landlord to be returned to the Township Affordable Housing Trust Fund upon termination of tenancy.
 - iii. Rent subsidies for very low-income households based upon number of bedrooms in apartment:
 - (a) One-bedroom – \$75.00 per month subsidy.
 - (b) Two-bedroom – \$125.00 per month subsidy.
 - (c) Three-bedroom -- \$175.00 per month subsidy.
 - 5) Buyer assistance. The Township may pay the following from the Affordable Housing Trust Fund to, or on behalf of, low- and moderate-income households to assist with the purchase of an affordable unit in which the buyer's household will reside:
 - (a) Payment of closing costs: i.e., title work and policy, reasonable attorney's fees for closing of title, preparation of survey, homeowners insurance, recording fees, and other necessary closing expenses to third parties, not to exceed one thousand five hundred dollars (\$1,500.00) per unit.

- (b) Payment of lender fees: i.e., mortgage points, application fees, appraisal fees, bank attorney review fees, and necessary mortgage closing expenses, not to exceed one thousand five hundred dollars (\$1,500.00) per unit.
 - (c) The total buyer assistance per unit shall not exceed three thousand dollars (\$3,000.00) for the above referenced assistance grants.
 - (d) Down payment assistance in the form of a repayable loan, to be repaid to the Township of Monroe Affordable Housing Trust Fund upon the resale of the affordable housing unit (said assistance not to exceed ten percent (10%) of the purchase price). Down payment assistance is subject to approval by the lender.
 - 6) A low- or moderate-income household may not be denied affordability assistance unless funding is no longer available from the Affordable Housing Trust Fund.
- C. The Township of Monroe 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.
- D. 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 consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program.
- 1) 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.
 - 2) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Superior Court of New Jersey's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or actions are not eligible uses of the Affordable Housing Trust Fund.

§ 131A-9. Use of funds. [Amended 11-30-09 by Ord. No. O-11-2009-038]

- A. Monies deposited in the Housing Trust Fund may be used for any activity approved by COAH for addressing the Township of Monroe's low and moderate income housing obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation; new construction; regional contribution agreements; the purchase of land for low and moderate income housing; extensions and/or improvements of roads and infrastructure to low and moderate income housing sites; assistance designed to render units to be more affordable to low and moderate income people; and administrative costs necessary to implement the Township of Monroe's housing element. The expenditure of all money shall conform to a spending plan approved by COAH.
- B. At least thirty percent (30%) of the revenues collected shall be devoted to render units more affordable. Examples of such activities include, but are not limited to: down payment assistance; low interest loans; and rental assistance.
 - (1) Renter assistance.
 - (a) Payment of "moving expenses" based upon verified receipts, in an amount not to exceed five hundred dollars (\$500.) per family.
 - (b) Utility deposits—gas and electric. Deposits paid to utility companies to be returned to the Township Affordable Housing Trust Fund upon termination of tenancy.
 - (c) Rent subsidies based upon size of family and number of bedrooms in apartment.
 - 1. One bedroom, low income unit—\$55. month subsidy.
 - 2. One bedroom, moderate income unit—\$100. month subsidy.
 - 3. Two bedroom, low income unit—\$100. month subsidy.
 - 4. Two bedroom, moderate income unit—\$200. month subsidy.
 - (2) Buyer assistance: The Township may pay the following from the Housing Trust Fund to, or on behalf of, low and moderate income households to assist with the purchase of an affordable unit in which the buyer's household will reside.

- (a) ~~Payment of closing costs: i.e., title work and policy, reasonable attorneys fees for closing of title, preparation of survey, homeowners insurance, recording fees, and other necessary closing expenses to third parties, not to exceed one thousand five hundred dollars (\$1,500.) per unit.~~
 - (b) ~~Payment of lender fees: i.e., mortgage points, application fees, appraisal fees, bank attorney review fees, and necessary mortgage closing expenses, not to exceed one thousand five hundred dollars (\$1,500.) per unit.~~
 - (c) ~~The total buyer assistance per unit shall not exceed three thousand dollars (\$3,000.) for the above referenced assistance grants.~~
 - (d) ~~Down payment assistance in the form of a repayable loan, to be repaid to the Township of Monroe Affordable Housing Trust Fund upon the resale of the affordable housing unit (said assistance not to exceed ten percent (10%) of the purchase price). Down payment assistance is subject to approval by the lender.~~
 - (e) ~~Utility deposits—gas and electric. Deposits paid to utility companies are to be returned to the Township Affordable Housing Trust Fund upon resale of the unit. The buyer will execute such documents required to secure payment to Monroe.~~
- (3) ~~A low or moderate income household may not be denied affordability assistance unless funding is no longer available from the Housing Trust Fund.~~
- C. ~~No more than twenty percent (20%) of the revenues shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative costs include: personnel; consultant services; space costs; consumable supplies; and rental or purchase of equipment.~~
- D. ~~Development fee revenues shall not be expended to reimburse the Township of Monroe for housing activities that preceded substantive certification.~~

§ 131A-9. Monitoring

The Township of Monroe shall file such monitoring reports and forms necessary to comply with the Superior Court of New Jersey's 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 Monroe Township's affordable housing program, as well as to the expenditure of revenues and implementation of the Housing Element and Fair Share Plan approved by the Court.

§ 131A-10. Expiration of chapter.

This chapter shall expire if:

- A. ~~COAH dismisses or denies any future petition for substantive certification submitted by the Township of Monroe;~~
- B. ~~COAH revokes substantive certification or its certification of this chapter;~~
- C. ~~Substantive certification expires prior to the Township of Monroe's filing an adopted housing element with COAH, petitioning for substantive certification or receiving COAH's approval of this chapter.~~

§ 131A-10. Ongoing Collection of Fees

- A. The ability of the Township of Monroe to impose, collect and expend development fees shall expire July 1, 2025, unless prior thereto the Township of Monroe has filed an adopted Housing Element and Fair Share Plan with the Superior Court of New Jersey or with such other State agency having jurisdiction over the adoption and enforcement of Rules in connection with the implementation of the Fair Housing Act and approval of municipal Housing Elements and Fair Share Plans, has petitioned for Substantive Certification or a Judgment of Compliance, and has received approval of its Development Fee Ordinance.
- B. If the Township of Monroe fails to renew its ability to impose and collect development fees prior to July 1, 2025, it may be subject to forfeiture of any or all uncommitted funds remaining within its Affordable Housing 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).

~~§ 131A-11. Effective date of chapter.~~

~~This chapter shall take effect immediately upon COAH's approval of same.~~

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. If any section, subdivision, sentence clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudge and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. This Ordinance shall take effect upon final passage and publication as provided by law.

SO ORDAINED, as aforesaid.

STEPHEN DALINA, Council President

RECORDED VOTE – INTRODUCTION – March 6, 2017						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Dipierro			X			
Councilman Leibowitz	X		X			
Councilwoman Cohen					X	
Council V. President Schneider		X	X			
Council President Dalina			X			

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on March 6, 2017. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on April 3, 2017 at 7:00 p.m. at the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

PATRICIA REID, Township Clerk

RECORDED VOTE – SECOND READING & FINAL ADOPTION – April 3, 2017						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Dipierro						
Councilman Leibowitz						
Councilwoman Cohen						
Council V. President Schneider						
Council President Dalina						

MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

GERALD W. TAMBURRO, Mayor

Date signed: _____