

Township of Mount Laurel
Agenda
Regular Council Meeting
Monday, June 13, 2022
Mount Laurel Municipal Center

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC ANNOUNCEMENT

5. APPROVAL OF BILL LIST

Moved by: Seconded by:

6. APPROVAL OF MINUTES

Moved by: Seconded by:

7. RESOLUTIONS

22-R-146: PROCLAMATION OBSERVING JUNETEENTH

22-R-147: PROCLAIMING THE MONTH OF JUNE 2022 AS PRIDE MONTH

22-R-148: APPROVING CHANGE ORDER #1 2020 ROAD PROGRAM CONTRACT 2020-3

22-R-149: APPROVING CHANGE ORDER #5 2019 ROAD PROGRAM – PHASE I CONTRACT 2019-1

22-R-150: MOUNT LAUREL TOWNSHIP RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR 100-200 CCC, LLC, 100 & 200 CENTURY PARKWAY BLOCK 1311, LOTS 1.02 & 1.03, ZB#21-D-14

22-R-151: RESOLUTION AMENDING RESOLUTION 22-R-144 TO CHANGE THE CORPORATE IDENTITY OF THE SUCCESSFUL BIDDER

22-R-152: RESOLUTION ENDORSING THE 2022 AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN

22-R-153: RESOLUTION AUTHORIZING THE REFUND OR CANCELLATION OF PROPERTY TAXES BLOCK 304.23, LOT 4

22-R-154: RESOLUTION AUTHORIZING THE REFUND OR CANCELLATION OF PROPERTY TAXES BLOCK 406.04, LOT 90

22-R-155: RESOLUTION AUTHORIZING THE PLACING OF LIENS AGAINST CERTAIN PROPERTIES PER CHAPTER 65 OF THE CODE OF THE TOWNSHIP OF MOUNT LAUREL

22-R-156: ANTICIPATION OF A SPECIAL ITEM OF REVENUE IN THE 2022 LOCAL MUNICIPAL BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159)

22-R-157: AUTHORIZATION FOR RENEWAL OF ALCOHOLIC BEVERAGE LICENSES

22-R-158: TRANSFERRING OWNERSHIP OF RETIRING POLICE K-9 DOGS

22-R-159: TRANSFERRING OWNERSHIP OF RETIRING POLICE K-9

8. ORDINANCES FOR SECOND READING & PUBLIC HEARING

ORDINANCE #2022-11: AN ORDINANCE OF THE TOWNSHIP OF MOUNT LAUREL, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY AMENDING THE CODE OF THE TOWNSHIP OF MOUNT LAUREL, CHAPTER 154 ENTITLED ZONING, ARTICLE XVI ENTITLED LOW – AND MODERATE-INCOME HOUSING AND ARTICLE XXVII ENTITLED AFFORDABLE HOUSING

Moved by: Seconded by:

ORDINANCE #2022-12: AN ORDINANCE AMENDING CHAPTER 148 OF THE CODE OF THE TOWNSHIP OF MOUNT LAUREL TO ESTABLISH PARKING RESTRICTIONS ON CENTERTON ROAD, COUNTY ROAD 635

Moved by: Seconded by:

9. PUBLIC PARTICIPATION

10. COMMENTS BY COUNCIL

11. ADJOURNMENT

**Township of Mount Laurel
Regular Council Meeting
May 23, 2022
Mount Laurel Municipal Center**

Mayor Pritchett called the meeting to order.

Pledge of Allegiance & Traditional Moment of Silence

ROLL CALL

Councilwoman Karen Cohen – present, Councilwoman Fozia Janjua – present,
Councilman Nick Moustakas – present, Deputy Mayor Stephen Steglik - present, Mayor
Kareem Pritchett - present, George Morris, Township Solicitor – present, Meredith
Tomczyk, Township Manager/Township Clerk - present

PUBLIC ANNOUNCEMENT

The Public Announcement, which is required by the “Open Public Meetings Act” of the
State of New Jersey and read at every meeting of the Township Council was read by the
Municipal Clerk.

APPROVAL OF BILL LIST IN THE AMOUNT OF \$4,260,559.92

Motion to Move: Deputy Mayor Steglik, 2nd Councilman Moustakas
Roll Call 5 yes votes

APPROVAL OF MINUTES

Motion to Move: Deputy Mayor Steglik, 2nd Councilwoman Janjua
Roll Call 5 yes votes

**RESOLUTION #121-2022: RECOGNIZING THE FIRST FRIDAY IN JUNE AS
NATIONAL GUN VIOLENCE AWARENESS DAY**

Township Clerk read Resolution as entitled.

Motion to Move Resolution #121-2022: Councilwoman Cohen, 2nd Councilman
Moustakas
Roll Call 5 yes votes

**RESOLUTION #122-2022: PROCLAIMING THE MONTH OF MAY 2022 AS JEWISH
AMERICAN HERITAGE MONTH**

Township Clerk read Resolution as entitled.

Motion to Move Resolution #122-2022: Councilwoman Cohen, 2nd Councilwoman
Janjua
Roll Call 5 yes votes

RESOLUTION #123-2022: PROCLAIMING THE MONTH OF MAY 2022 AS ASIAN
AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH

Township Clerk read Resolution as entitled.

Motion to Move Resolution #123-2022: Councilwoman Janjua, 2nd Councilman
Moustakas

Roll Call 5 yes votes

RESOLUTION #124-2022: MOUNT LAUREL TOWNSHIP RESOLUTION AUTHORIZING
RELEASE OF SOIL EROSION/RESTORATION PERFORMANCE GUARANTEE FOR FAIR SHARE
HOUSING DEVELOPMENT, INC., BLOCK 601, LOTS 23, 23.03 AND 35, PBP#1883

Township Clerk read Resolution as entitled.

Motion to Move Resolution #124-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #125-2022: RESOLUTION AUTHORIZING TAX COLLECTOR TO CANCEL
UNCOLLECTIBLE TAXES PURSUANT TO N.J.S.A. 54:4-91.1

Township Clerk read Resolution as entitled.

Motion to Move Resolution #125-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #126-2022: RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT
WITH THE MOUNT LAUREL TOWNSHIP LIBRARY FOR FINANCE SERVICES

Township Clerk read Resolution as entitled.

Motion to Move Resolution #126-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #127-2022: RESOLUTION AUTHORIZING THE UTILIZATION OF THE CHERRY
HILL TOWNSHIP COOPERATIVE AGREEMENT FOR EMERGENCY/MAINTENANCE/REPAIRS
& MODIFICATIONS OF INFRASTRUCTURE FACILITIES

Township Clerk read Resolution as entitled.

Motion to Move Resolution #127-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #128-2022: RESOLUTION AUTHORIZING THE SIGNING OF A
MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF MOUNT LAUREL AND
THE MOUNT LAUREL SUPERIOR OFFICERS' ASSOCIATION

Township Clerk read Resolution as entitled.

Motion to Move Resolution #128-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #129-2022: APPOINTMENT OF JOSEPH (JAY) APPLETON AS EMERGENCY
MANAGEMENT COORDINATOR FOR THREE YEAR TERM

Township Clerk read Resolution as entitled.

Motion to Move Resolution #129-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #130-2022: A RESOLUTION ADOPTING TECHNOLOGY RISK MANAGEMENT
STANDARDS IN COMPLIANCE WITH THE NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT
INSURANCE FUND'S CYBER RISK MANAGEMENT PLAN'S TIER ONE REQUIREMENTS

Township Clerk read Resolution as entitled.

Motion to Move Resolution #130-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #131-2022: A RESOLUTION ADOPTING TECHNOLOGY RISK MANAGEMENT
STANDARDS IN COMPLIANCE WITH THE NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT
INSURANCE FUND'S CYBER RISK MANAGEMENT PLAN'S TIER TWO REQUIREMENTS

Township Clerk read Resolution as entitled.

Motion to Move Resolution #131-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #132-2022: A RESOLUTION ADOPTING TECHNOLOGY RISK MANAGEMENT
STANDARDS IN COMPLIANCE WITH THE NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT
INSURANCE FUND'S CYBER RISK MANAGEMENT PLAN'S TIER THREE REQUIREMENTS

Township Clerk read Resolution as entitled.

Motion to Move Resolution #132-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #133-2022: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF MOUNT LAUREL IN SUPPORT OF THE STATE CANNABIS RETAIL APPLICATION OF
ENVISION GROUP LLC

Township Clerk read Resolution as entitled.

Motion to Move Resolution #133-2022: Deputy Mayor Steglik, 2nd Councilwoman Cohen

Roll Call 5 yes votes

RESOLUTION #134-2022: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT LAUREL IN SUPPORT OF THE STATE CANNABIS RETAIL APPLICATION OF CRUCIAL LIVING LLC

Township Clerk read Resolution as entitled.

Motion to Move Resolution #134-2022: Deputy Mayor Steglik, 2nd Councilwoman Cohen

Roll Call 5 yes votes

RESOLUTION #135-2022: AUTHORIZATION TO INSTALL A FENCE WITHIN A 15' WIDE DRAINAGE EASEMENT AREA FOR BLOCK 1007.04, LOT 1, 7 BRIDLE LANE

Township Clerk read Resolution as entitled.

Motion to Move Resolution #135-2022: Deputy Mayor Steglik, 2nd Councilwoman Cohen

Roll Call 5 yes votes

RESOLUTION #136-2022: RESOLUTION AUTHORIZING THE REFUND OR CANCELLATION OF PROPERTY TAXES BLOCK 403.01 LOT 125 QUALIFIER C0059

Township Clerk read Resolution as entitled.

Motion to Move Resolution #136-2022: Deputy Mayor Steglik, 2nd Councilwoman Cohen

Roll Call 5 yes votes

RESOLUTION #137-2022: RESOLUTION AUTHORIZING THE REFUND OR CANCELLATION OF PROPERTY TAXES BLOCK 310.05 LOT 1

Township Clerk read Resolution as entitled.

Motion to Move Resolution #137-2022: Deputy Mayor Steglik, 2nd Councilwoman Cohen

Roll Call 5 yes votes

RESOLUTION #138-2022: RESOLUTION AUTHORIZING THE REFUND OR CANCELLATION OF PROPERTY TAXES BLOCK 703.02 LOT 21

Township Clerk read Resolution as entitled.

Motion to Move Resolution #138-2022: Deputy Mayor Steglik, 2nd Councilwoman Cohen

Roll Call 5 yes votes

RESOLUTION #139-2022: MOUNT LAUREL TOWNSHIP RESOLUTION AUTHORIZING
RELEASE OF PERFORMANCE GUARANTEE FOR JEFFERSON PLACE, LLC BLOCK 304.05, LOT
1, SP #7976B

Township Clerk read Resolution as entitled.

Motion to Move Resolution #139-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #140-2022: MOUNT LAUREL TOWNSHIP RESOLUTION AUTHORIZING
RELEASE OF PERFORMANCE GUARANTEE FOR FAIR SHARE HOUSING DEVELOPMENT,
INC. BLOCK 601, LOTS 23, 23.01, AND 35, PBP#1883

Township Clerk read Resolution as entitled.

Motion to Move Resolution #140-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #141-2022: RESOLUTION APPOINTING MUNICIPAL ADMINISTRATIVE
AGENT

Township Clerk read Resolution as entitled.

Motion to Move Resolution #141-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #142-2022: RESOLUTION AUTHORIZING THE PLACING OF LIENS AGAINST
CERTAIN PROPERTIES PER CHAPTER 65 OF THE CODE OF THE TOWNSHIP OF MOUNT
LAUREL

Township Clerk read Resolution as entitled.

Motion to Move Resolution #142-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #143-2022: RESOLUTION ADOPTING AFFIRMATIVE MARKETING PLAN

Township Clerk read Resolution as entitled.

Motion to Move Resolution #143-2022: Deputy Mayor Steglik, 2nd Councilwoman
Cohen

Roll Call 5 yes votes

RESOLUTION #144-2022: RESOLUTION AWARDING BID FOR THE SALE OF CERTAIN REAL
PROPERTY NOT NEEDED FOR PUBLIC USE KNOWN AS BLOCK 101.15, LOTS 60 & 61 (95
WOOLMANS LANE)

Township Clerk read Resolution as entitled.

Motion to Move Resolution #144-2022: Deputy Mayor Steglik, 2nd Councilwoman Cohen

Roll Call 5 yes votes

RESOLUTION #145-2022: AUTHORIZATION FOR RENEWAL OF ALCOHOLIC BEVERAGE LICENSES

Township Clerk read Resolution as entitled.

Motion to Move Resolution #145-2022: Deputy Mayor Steglik, 2nd Councilwoman Cohen

Roll Call 5 yes votes

ORDINANCES FOR FIRST READING

ORDINANCE #11-2022: AN ORDINANCE OF THE TOWNSHIP OF MOUNT LAUREL, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY AMENDING THE CODE OF THE TOWNSHIP OF MOUNT LAUREL, CHAPTER 154 ENTITLED ZONING, ARTICLE XVI ENTITLED LOW – AND MODERATE-INCOME HOUSING AND ARTICLE XXVII ENTITLED AFFORDABLE HOUSING

Clerk read Ordinance as entitled.

Motion to move Ordinance #11-2022: Councilwoman Cohen, 2nd Deputy Mayor Steglik
Roll Call 5 yes votes

ORDINANCE #12-2022: AN ORDINANCE AMENDING CHAPTER 148 OF THE CODE OF THE TOWNSHIP OF MOUNT LAUREL TO ESTABLISH PARKING RESTRICTIONS ON CENTERTON ROAD, COUNTY ROAD 635

Clerk read Ordinance as entitled.

Motion to move Ordinance #12-2022: Councilwoman Cohen, 2nd Deputy Mayor Steglik
Roll Call 5 yes votes

PUBLIC PARTICIPATION

Bob Reillo, 676 Cascade Drive - Congratulations on 150th.

Joseph Jared Jones, 4515 Church Road - Thanked Council for recognizing him at the 150th celebration.

COMMENTS BY COUNCIL

Mayor Pritchett – 150th celebration and Veteran's luncheon were both great days. Watch for up and coming events on website.

Manager – Thanked Council for kind words and thanked employees. Everyone worked together.

Attorney Morris – Sorry to have missed 150th celebration. Was driving daughter home from college. She is history major. Brown vs. Board of Education Museum. Case in 1954 that helped country to move forward.

Deputy Mayor Steglik – Great 150th Celebration and Veteran's luncheon. Thanked everyone for coming out. Great passed away last month. She was 97 years old.

Councilwoman Janjua – Echoes what everyone said about 150th. Loved the band. Diversity of town makes Mt. Laurel great.

Councilwoman Cohen – Thanked everyone for comments and for coming out. Battle of Badges blood drive. 150th wonderful event. Farmers market opening up June 5th. June 7th is primary day so please vote. Food drive on June 11th. Thanked Manager for 150th. Thanked sponsors.

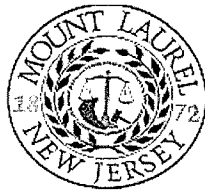
Councilman Moustakas – Amazing 150th. Met police and residents. Thank the military every day. Diverse in our community is so important.

Motion to adjourn: Deputy Mayor Steglik, 2nd Councilman Moustakas

All in favor.

Respectfully submitted,

Meredith Tomczyk, RMC
Township Clerk



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-146

REGULAR MEETING

JUNE 13, 2022

PROCLAMATION OBSERVING JUNETEENTH

WHEREAS, Juneteenth is celebrated annually on June 19. It commemorates the freedom of enslaved people in the United States; and

WHEREAS, President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863, which declared that all enslaved people in the states engaged in rebellion against the Union "shall be then, thenceforward, and forever free." Unfortunately, it was not immediately implemented and enforced in certain places under Confederate control.

WHEREAS, Texas was the last state of the Confederacy in which enslaved people officially gained their freedom. On June 19, 1865, over two years after the signing of the Emancipation Proclamation, Union Major General Gordon Granger and his troops arrived in Galveston Bay, Texas to read the federal orders and announce that the enslaved people were free by executive decree. This day came to be known and celebrated as "Juneteenth" by the newly freed people in Texas.

WHEREAS, Juneteenth officially became a federal holiday in 2021. It marks our country's second independence day. This day should be recognized by all Americans as an opportunity not only to celebrate but to also speak out against racial inequality and discrimination.

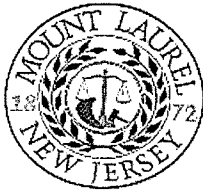
NOW, THEREFORE, BE IT RESOLVED, that the Mayor, Township Council and Township Manager of the Township of Mount Laurel, County of Burlington, State of New Jersey do hereby proclaim June 19, 2022 as Juneteenth and encourage all citizens to become aware of the significance of this celebration in American History.

This resolution was adopted at a meeting of the Township Council held on June 13, 2022 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-147

REGULAR MEETING

JUNE 13, 2022

PROCLAIMING THE MONTH OF JUNE 2022 AS PRIDE MONTH

WHEREAS, Pride month is celebrated each year in June to honor the 1969 Stonewall Uprising in New York City after LGBTQ+ individuals and allied friends rose up and stood against the constant harassment and discriminatory laws that have since been declared unconstitutional; and

WHEREAS, LGBTQ+ Pride is the promotion of the self-affirmation, equality, and increased visibility of the LGBTQ+ community; and

WHEREAS, despite being marginalized, LGBTQ+ individuals continue to celebrate authenticity, acceptance, and love; and

WHEREAS, it is imperative that all people in our community, regardless of sexual orientation, gender identity, and expression, feel valued, safe, empowered, and supported; and

WHEREAS, the Township of Mount Laurel cherishes the value and dignity of each person and appreciates the importance of equality and freedom. All are welcome in this community, and every family, in any shape, deserves a place to call home where they feel safe, happy, and supported by friends and neighbors;

WHEREAS, the Township Council appreciate and support the cultural, civic, and economic contributions of the LGBTQ+ community which strengthen our social welfare; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, Township Council and Township Manager of the Township of Mount Laurel, County of Burlington, State of New Jersey do hereby proclaim June 2022 as Pride Month and urge residents to celebrate diversity and recognize the contributions made by members of the LGBTQ+ community.

This resolution was adopted at a meeting of the Township Council held on June 13, 2022 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-148

REGULAR MEETING

JUNE 13, 2022

**APPROVING CHANGE ORDER #1
2020 ROAD PROGRAM
CONTRACT 2020-3**

WHEREAS, American Asphalt Company, Inc. was awarded a contract for 2020 Road Program, Contract 2020-3; and

WHEREAS, the Project Engineer has notified the Township Clerk that it will be necessary to amend the specifications prepared for this purpose as follows; and

WHEREAS, it is recommended the following Change Order #1 for quantity adjustments and additional items to complete this project. See Attachment A.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey that approval be and is hereby granted for Change Order #1;

BE IT FURTHER RESOLVED, that the Municipal Manager be and she is hereby authorized to sign Change Order #1 on behalf of the Township of Mount Laurel.

This resolution was adopted at a meeting of the Township Council held on June 13, 2022 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



Richard A. Alaimo Associates

200 High Street, Mt. Holly, New Jersey 08060 Tel: 609-267-8310 Fax: 609-845-0300

June 6, 2022

Ms. Meredith Tomczyk, Clerk/Manager
Mount Laurel Township
100 North Mount Laurel Road
Mount Laurel, NJ 08054

RE: Township of Mount Laurel
2020 Road Program
**Current Estimate No. 3 – Final
and Change Order No. 1**
Contract No. 2020-3
Our File No. M-0170-0359-000

Dear Ms. Tomczyk:


Please find enclosed Voucher and Current Estimate No. 3 - Final in the amount of \$261,602.88 payable to American Asphalt Company, Inc. for work performed on the above captioned project. We recommend payment as indicated to be approved at the next meeting. Certified Payroll Reports and Monthly Project Workforce Report will follow under separate cover.

In addition, please find enclosed four (4) copies of NJDOT Change Order No. 1 for approval at your next meeting. This NJDOT Change Order No. 1 provides for quantity adjustments and additional items to complete this project. Note, this change order should be approved prior to your approval of payment for the above Current Estimate No. 3 - Final. Please return three (3) executed copies of Change Order No. 1 to our office for further distribution and approval by NJDOT.

Should there be any questions, please do not hesitate to call me at this office.

Very truly yours,

RICHARD A. ALAIMO ASSOCIATES


Brian A. Lafferty, ~~SE~~ ^{SE}, NJSAT,
Senior Project Manager

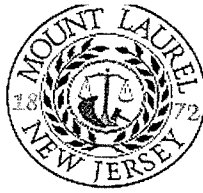
BAL/dal
Enclosure

cc: American Asphalt Company, Inc.
Jennifer Hiros, Burlington County Community Development
Alka Shah, Manager, Project Management Specialist 3, NJ Department of Transportation
William R. Long, P.E., Senior Associate, RAAA
RAAA Field Services Department

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- Consulting Engineers -

Civil • Structural • Mechanical • Electrical • Environmental • Planners



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-149

REGULAR MEETING

JUNE 13, 2022

**APPROVING CHANGE ORDER #5
2019 ROAD PROGRAM – PHASE I
CONTRACT 2019-1**

WHEREAS, American Asphalt Company, Inc. was awarded a contract for 2019 Road Program, Phase I, Contract 2019-1; and

WHEREAS, the Project Engineer has notified the Township Clerk that it will be necessary to amend the specifications prepared for this purpose as follows; and

WHEREAS, it is recommended the following Change Order #5 for quantity adjustments and additional items to complete this project. See Attachment A.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey that approval be and is hereby granted for Change Order #5;

BE IT FURTHER RESOLVED, that the Municipal Manager be and she is hereby authorized to sign Change Order #5 on behalf of the Township of Mount Laurel.

This resolution was adopted at a meeting of the Township Council held on June 13, 2022 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



Richard A. Alaimo Associates

200 High Street, Mt. Holly, New Jersey 08060 Tel: 609-267-8310 Fax: 609-845-0300

May 26, 2022

Ms. Meredith Tomczyk, Clerk/Manager
Mount Laurel Township
100 North Mount Laurel Road
Mount Laurel, NJ 08054

RE: Mount Laurel Township
2019 Road Program – Phase I
**Current Estimate No. 10-Final and
Change Order No. 5**
Contract No. 2019-1
Our File No. M-0170-0355-000

Dear Ms. Tomczyk:


Please find enclosed Voucher and Current Estimate No. 10-Final in the amount of \$131,521.90 payable to American Asphalt Company, Inc. for work performed on the above captioned project. We recommend payment as indicated to be approved at the next meeting. Certified Payroll Reports and Monthly Project Workforce Report will follow under separate cover.

In addition, please find enclosed four (4) copies of Change Order No. 5 for approval at your next meeting. This Change Order No. 5 provides for additional work to complete this project. Note, this change order should be approved prior to your approval of payment for the above Current Estimate No. 10-Final. Please return three (3) executed copies to our office for distribution and retain one (1) copy for your records.

Should there be any questions, please do not hesitate to call me at this office.

Very truly yours,

RICHARD A. ALAIMO ASSOCIATES


Brian A. Lafferty, S.E., N.J.S.A.T.
Senior Project Manager

BAL/dal
Enclosure

cc: American Asphalt Company, Inc.
William R. Long, P.E., Associate, RAAA
RAAA Field Services Department

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- Consulting Engineers -

Civil • Structural • Mechanical • Electrical • Environmental • Planners



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-150

REGULAR MEETING

JUNE 13, 2022

**MOUNT LAUREL TOWNSHIP
RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
GUARANTEE FOR 100-200 CCC, LLC, 100 & 200 CENTURY PARKWAY
BLOCK 1311, LOTS 1.02 & 1.03, ZB#21-D-14**

WHEREAS, the Township has received a request for the release of the performance guarantee that was previously posted in connection with the above-referenced project; and

WHEREAS, by report dated May 31, 2022, attached hereto and made a part hereof, the Township Engineer has advised that the required improvements for the project were installed and are in satisfactory condition and has recommended that the performance guarantee in place for the project be released; and

WHEREAS, the Township Engineer has further advised that since the project involves a private site, a maintenance bond is not required; and

WHEREAS, developer is required to pay all taxes, fees and required escrow deposits, which may be due and owing prior to the release of the performance guarantee.

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of June, 2022, by the Township Council of the Township of Mount Laurel, County of Burlington, and State of New Jersey, that, as recommended by the Township Engineer, the performance guarantee in place for 100-200 CCC, LLC, 100 & 200 Century Parkway, Block 1311, Lots 1.02 & 1.03, ZB#21-D-14 is released.

This resolution was adopted at a meeting of the Township Council held on June 13, 2022 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



Richard A. Alaimo Associates

200 High Street, Mt. Holly, New Jersey 08060 Tel: 609-267-8310 Fax: 609-267-7452

May 31, 2022

Ms. Meredith Tomczyk, Township Manager/Clerk
Mount Laurel Township
100 North Mount Laurel Road
Mount Laurel, NJ 08054

RE: ZB#21-D-14
Mount Laurel Township Zoning
Board of Adjustment
100-200 CCC, LLC
100 & 200 Century Parkway
Block 1311, Lot 1.02 & 1.03
Performance Guarantee
Release Recommendation
Our File No. M-0270-2114-000

Dear Meredith:

At the request of the developer, we have evaluated the status of the required improvements associated with the performance guarantee in place for the referenced project. We found that all the required improvements installed by the developer are in satisfactory condition.

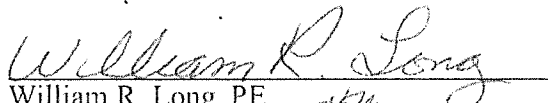
Based on the above, we recommend that the performance guarantee in place for this project be released. A copy of the performance guarantee is enclosed for your information. The developer shall pay all taxes, fees and required escrow deposits which may be due and owing prior to release of the Performance Guarantee. Since this is a private site, a maintenance bond is not required.

Please advise Council to pass a resolution authorizing the same for the next meeting.

Should you have any questions or require additional information, please contact our office.

Very truly yours,

RICHARD A. ALAIMO ASSOCIATES


William R. Long, PE
Senior Associate

WRL/kem
Enclosure

cc: Carol Modugno, Deputy Clerk, Mount Laurel Township
Suzanna O'Hagan, Secretary, Mount Laurel Township Zoning Board of Adjustment
100-200 CCC, LLC
Drew Biddle, Senior Project Manager, Independence Solar
Alaimo Field Services Department

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- Consulting Engineers -

Civil • Structural • Mechanical • Electrical • Environmental • Planners



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-151

REGULAR MEETING

JUNE 13, 2022

**RESOLUTION AMENDING RESOLUTION 22-R-144 TO CHANGE
THE CORPORATE IDENTITY OF THE SUCCESSFUL BIDDER**

WHEREAS, the Township of Mount Laurel adopted Resolution 22-R-144 on May 23, 2022 to sell a 0.55 acre parcel of property located at 95 Woolmans Lane, known as Block 101.15, Lots 60 & 61 on the Official Township Tax Map to the successful bidder; and

WHEREAS, the Resolution awarded the bid to Creek Mercantile LLC; and

WHEREAS, the owner of Creek Mercantile LLC has established a new corporate identity for this purchase and requested an amending resolution to complete the sale;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey hereby amends Resolution 22-R-144 and awards the bid for Block 101.15, Lots 60 & 61 to Creek Road Associates, LLC, for a price of \$66,300.00, with the purchaser paying all closed and recording costs.

AND BE IT FURTHER RESOLVED that the Mayor, Municipal Clerk, Chief Financial Officer and Township Attorney are hereby authorized to execute all documents necessary in the fulfillment of this Resolution.

This resolution was adopted at a meeting of the Township Council held on June 13, 2022 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-152

REGULAR MEETING

JUNE 13, 2022

**RESOLUTION ENDORSING THE 2022 AMENDED HOUSING ELEMENT
AND FAIR SHARE PLAN**

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court and established a transitional process for municipalities like the Township of Mount Laurel to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans ("HE&FSPs") to be constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and Mount Laurel IV, the New Jersey Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

WHEREAS, on February 26, 2014, the Township of Mount Laurel ("Township") filed a declaratory judgment action under docket number BUR-L-1620-15 with the New Jersey Superior Court, Burlington County ("the DJ action") seeking to declare its HE&FSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation; and

WHEREAS, on January 19, 2017, the Township of Mount Laurel entered into a Settlement Agreement with Fair Share Housing Center which set forth its Third Round Affordable Housing obligations. Said Settlement Agreement was approved by the court at a fairness hearing on March 16, 2017; and

WHEREAS, the Planning Board adopted a Housing Element and Fair Share Plan on June 29, 2017. It was endorsed by the Township Council on August 14, 2017. A Compliance hearing was held on October 10, 2017 and the Township received a Conditional Judgment of Compliance and Repose (JOR) dated November 8, 2017 which provided the Township immunity from exclusionary zoning challenges; and

WHEREAS, on December 20, 2021, the Township of Mount Laurel entered into a First Amended Settlement Agreement with Fair Share Housing Center. This First Amended Settlement Agreement largely reflects changes in the mechanisms that the Township is implementing to satisfy its Third Round obligations; and

WHEREAS, in order to meet its Third Round Affordable Housing obligations, the Township decided to reduce its market to affordable obligations and include additional age restricted units; and

WHEREAS, the Township's Affordable Housing Planner Katherine Sarmad, AICP, PP prepared an Amended Housing Element and Fair Share Plan dated May 26, 2022; and

WHEREAS, the Planning Board, at a meeting held on June 9, 2022 reviewed the May 26, 2022 Amended HE&FSP and determined that implementation of the Amended HE&FSP is in the public interest and would promote the general welfare and, the Planning Board, by Resolution dated June 9, 2022 adopted the May 26, 2022 Amended HE&FSP.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Laurel, Burlington County, New Jersey, on this 13th day of June, 2022, that:

1. The Township Council hereby agrees to implement the May 26, 2022 Amended HE&FSP that has been adopted by the Planning Board, and which addresses the terms of the Amended Settlement

Agreement with Fair Share Housing Center in the Superior Court of New Jersey declaratory judgment action; and

2. The Township Council hereby endorses the May 26, 2022 Amended HE&FSP as adopted by the Planning Board as an amendment to the Township's Master Plan and agrees to implement the May 26, 2022 Amended HE&FSP by adopting any applicable ordinances; and
3. The Mayor, Township Manager and Municipal Clerk, together with all other officers, professionals and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution; and
4. This Resolution shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-153

REGULAR MEETING

JUNE 13, 2022

**RESOLUTION AUTHORIZING THE
REFUND or CANCELLATION OF PROPERTY TAXES
Block 304.23 Lot 4
8 Venice Lane**

100% Totally & Permanently Disabled Veteran

WHEREAS, N.J.S.A. 54:4-3.30 permits the exemption from property taxes for any citizen and resident of the State who is a 100% Totally and Permanently Disabled Veteran and,

WHEREAS, the United States Department of Veteran Affairs has classified the veteran, Danyaal Shahid Khan as 100% Totally and Permanently Disabled and,

WHEREAS, this status grants the veteran the right to be exempt from property taxes as of the date of eligibility by application. (N.J.S.A. 54:4-3.30a)

WHEREAS, taxes on the following property have been cancelled as of the date of exemption and any taxes paid by the owner have been refunded. Additionally, the Tax Collector is authorized to cancel 2022 3rd and 4th quarter, yet to be billed.

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Date of Exemption</u>	<u>Amountⁱ</u>
304.23	4	Danyaal Shahid Khan	May 24, 2022	\$108.04

WHEREAS, the Burlington County Board of Taxation requires a resolution for the cancellation of property taxes in order to credit to the Municipality in the Abstract of Ratables the amount of County Taxes and County Open Space Taxes refunded or cancelled for this property. This resolution will be submitted to the Burlington County Board of Taxation with the Application & Approval of Assessment Debit and Credit for the property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Mount Laurel, County of Burlington that the 2022 taxes due on the above noted property have been cancelled.

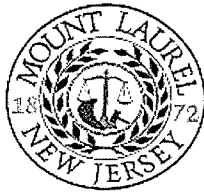
This resolution was adopted at a meeting of the Township Council held on June 13, 2022 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomeczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						

ⁱ Calculation: 2022 Prelim Taxes \$533.30 / 182.5 = \$2.92 per day x 37 days exempt = \$108.04



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-154

REGULAR MEETING

JUNE 13, 2022

**RESOLUTION AUTHORIZING THE
REFUND or CANCELLATION OF PROPERTY TAXES**

**Block 406.04 Lot 90
150 Kettlebrook Drive**

100% Totally & Permanently Disabled Veteran

WHEREAS, N.J.S.A. 54:4-3.30 permits the exemption from property taxes for any citizen and resident of the State who is a 100% Totally and Permanently Disabled Veteran and,

WHEREAS, the United States Department of Veteran Affairs has classified the veteran, Matthew A. Bass as 100% Totally and Permanently Disabled and,

WHEREAS, this status grants the veteran the right to be exempt from property taxes as of the date of eligibility by application. (N.J.S.A. 54:4-3.30a)

WHEREAS, taxes on the following property have been cancelled as of the date of exemption and any taxes paid by the owner have been refunded. Additionally, the Tax Collector is authorized to cancel 2022 3rd and 4th quarter, yet to be billed.

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Date of Exemption</u>	<u>Amountⁱ</u>
406.04	90	Michael A. Bass	June 7, 2022	\$396.98

WHEREAS, the Burlington County Board of Taxation requires a resolution for the cancellation of property taxes in order to credit to the Municipality in the Abstract of Ratables the amount of County Taxes and County Open Space Taxes refunded or cancelled for this property. This resolution will be submitted to the Burlington County Board of Taxation with the Application & Approval of Assessment Debit and Credit for the property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Mount Laurel, County of Burlington that the 2022 taxes due on the above noted property have been cancelled.

This resolution was adopted at a meeting of the Township Council held on June 13, 2022 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						

ⁱ Calculation: 2022 Prelim Taxes \$3150.75 / 182.5 = \$17.26 per day x 23 days exempt = \$396.98



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-155

REGULAR MEETING

JUNE 13, 2022

**RESOLUTION AUTHORIZING THE PLACING OF LIENS AGAINST CERTAIN
PROPERTIES PER CHAPTER 65 OF THE CODE OF THE TOWNSHIP OF MOUNT
LAUREL**

BE IT RESOLVED, that the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey, as authorized by Chapter 65 of the Code of the Township of Mount Laurel, hereby authorizes that liens be placed against the following properties for maintenance performed by the Township on the properties:

16 Federal Street
Block 1305.03, Lot 1
\$1891.67

6 Oregon Avenue
Block 1304.04, Lot 10
\$321.00

139 East Saint Andrews Drive
Block 1104.02, Lot 18
\$321.00

This resolution was adopted at a meeting of the Township Council held on June 13, 2022 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-156

REGULAR MEETING

June 13, 2022

**ANTICIPATION OF A SPECIAL ITEM OF REVENUE
IN THE 2022 LOCAL MUNICIPAL BUDGET PURSUANT TO
N.J.S.A. 40A:4-87 (CHAPTER 159)**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of a special item of revenue in the budget of a municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey who respectfully request of the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the 2022 Local Municipal Budget in the amount of \$91,585.99 which item is now available as revenue:

- Clean Communities Grant - \$91,585.99

BE IT FURTHER RESOLVED that a like amount of \$91,585.99 is hereby appropriated under the captions of:

- Clean Communities Grant - \$91,585.99

BE IT FINALLY RESOLVED that certified copy of this resolution is forwarded to the Director of the Division of Local Government Services, and one certified copy each to the Township CFO and Township Auditor.

This resolution was adopted at a meeting of the Township Council held on June 13, 2022 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
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Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-157

REGULAR MEETING

JUNE 13, 2022

**AUTHORIZATION FOR RENEWAL OF
ALCOHOLIC BEVERAGE LICENSES**

WHEREAS, application has been made by the following licensees for renewal of Alcoholic Beverage Licenses; and

WHEREAS, said applicants have paid the proper fees for renewal of said licensees and have complied with the rules and regulations of the Alcoholic Beverage Control Act for renewal; and

WHEREAS, New Jersey Tax Clearance Certificates have been received for all licenses being renewed; and

SEE ATTACHMENT A

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey that the applicants listed below be and they are hereby granted renewal of their licenses for the year beginning July 1, 2022 through June 30, 2023; and

BE IT FURTHER RESOLVED that the Municipal Clerk be and she is hereby directed to sign said licenses on behalf of the Township Council and that a certified copy of this resolution be forwarded to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey, Department of Law and Public Safety.

This resolution was adopted at a meeting of the Township Council held on June 13, 2022 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						

NUMBER	LICENSE NAME	TRADE NAME	Premise Address	TYPE
0324-33-004-004	Bertucci's Restaurant LLC	Bertucci's Brick Oven Pizzeria	1220 Nixon Drive	Consumption
0324-33-006-005	KMC Enterprises Inc.	Prospectors	3050 Route 38	Consumption
0324-33-023-004	Mt. Laurel Restaurant Operations LLC	On the Boarder	4160 Church Road	Consumption
0324-33-025-005	Grande ABC, LLC	Miller's Ale House	554 Fellowship Road	Consumption
0324-33-027-003	Ruby Tuesday Operations LLC	Ruby Tuesday Operations LLC	4011 Dearborn Circle	Consumption
0324-33-037-001	TopGolf USA Mount Laurel LLC	Top Golf	104 Centerton Road	Consumption
0324-36-009-012	WRDH Mt. Laurel Restaurants LLC	The Hotel Mt. Laurel COCO Key Water Resort	915 Route 73	Hotel/Motel
0324-36-013-007	ARS Hospitality LLC	Clarion Hotel	1111 Route 73 North	Hotel/Motel
0324-36-016-006	515 Restaurant LLC	Redz	515 Fellowship Road	Hotel/Motel
0324-36-017-003	CTYD III Corporation	Courtyard by Marriott	1000 Century Parkway	Hotel/Motel
0324-36-026-002	Apple Nine Hospitality Management Inc.	Homewood Suites	1422 Nixon Drive	Hotel/Motel
0324-36-029-001	Route 46 Management Associates Corp.	Hyatt	8000 Crawford Place	Hotel/Motel
0324-36-032-004	Pollin/Miller Hospitality Strategies Inc	Hampton Inn	5000 Crawford Place	Hotel/Motel
0324-36-033-003	One NJ Mount Laurel 1001 Management LLC	Residence Inn	1000 Bishops Gate Boulevard	Hotel/Motel
0324-36-034-001	Mount Laurel Lodging Associates LLP	Hilton Garden Inn Mt. Laurel	4000 Atrium Way	Hotel/Motel
0324-36-036-002	High Hotels LTD	Spring Hill Suites	7000 MidAtlantic	Hotel/Motel
0324-36-038-002	Highgate Hotels LTD	Hyatt House	3000 Crawford Place	Hotel/Motel
0324-44-022-006	JSW Wine and Spirits Inc.	Wegmans	2 Centerton Road	Distribution
0324-44-028-002	Manderson Liquors LLC	Mt. Laurel Wine & Spirits	3747 Church Road Units 10-13	Distribution



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-158

REGULAR MEETING

JUNE 13, 2022

TRANSFERRING OWNERSHIP OF RETIRING POLICE K-9 DOGS

WHEREAS, Police K-9 dogs Meeko and Rosco have faithfully served the Mount Laurel Township Police Department for years; and

WHEREAS, as part of proper training techniques and to allow for expedited response times, Meeko and Rosco have lived with their handler, Officer Christopher O'Prandy, since the training concluded; and

WHEREAS, the Township has determined that it is time to retire Meeko and Rosco; and

WHEREAS, Officer O'Prandy, has requested that Meeko and Rosco be transferred from Township ownership to his personal ownership; and

WHEREAS, it is proper that Officer O'Prandy be granted ownership of his K-9 partners to ease Meeko and Rosco's retirement transition;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey that Mount Laurel Township hereby transfers the ownership of retiring K-9 dogs Meeko and Rosco to Officer Christopher O'Prandy based on the terms and conditions identified in the attached agreement;

BE IT FURTHER RESOLVED, that Mount Laurel Township thanks Meeko and Rosco for their faithful service to our community.

This resolution was adopted at a meeting of the Township Council held on June 13, 2022 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 22-R-159

REGULAR MEETING

JUNE 13, 2022

TRANSFERRING OWNERSHIP OF RETIRING POLICE K-9

WHEREAS, Police K-9 Nina has faithfully served the Mount Laurel Township Police Department for years; and

WHEREAS, as part of proper training techniques and to allow for expedited response times, Nina has lived with her handler, Officer Wilmar Santiago, since the training concluded; and

WHEREAS, the Township has determined that it is time to retire Nina; and

WHEREAS, Officer Santiago, has requested that Nina be transferred from Township ownership to his personal ownership; and

WHEREAS, it is proper that Officer Santiago be granted ownership of his K-9 partner to ease Nina's retirement transition;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey that Mount Laurel Township hereby transfers the ownership of retiring K-9 Nina to Officer Wilmar Santiago based on the terms and conditions identified in the attached agreement;

BE IT FURTHER RESOLVED, that Mount Laurel Township thanks Nina for her faithful service to our community.

This resolution was adopted at a meeting of the Township Council held on June 13, 2022 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomeczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						

TOWNSHIP OF MOUNT LAUREL

ORDINANCE 2022-11

AN ORDINANCE OF THE TOWNSHIP OF MOUNT LAUREL, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY AMENDING THE CODE OF THE TOWNSHIP OF MOUNT LAUREL, CHAPTER 154 ENTITLED ZONING, ARTICLE XVI ENTITLED LOW- AND MODERATE-INCOME HOUSING AND ARTICLE XXVII ENTITLED AFFORDABLE HOUSING

WHEREAS, the State of New Jersey has a longstanding and well-established commitment to maximizing the opportunities for the development of housing affordable for very low-, low-, and moderate-income households; and

WHEREAS, the provision of “safe, decent and attractive housing that [lower-income households] can afford serves the community’s interest in achieving an integrated, just and free society and promotes the general welfare of all citizens.” De Simone v. Greater Englewood Hous. Corp., 56 N.J. 428, 441 (1970); and

WHEREAS, notably, in the Mount Laurel decisions, the New Jersey Supreme Court held that the State’s Constitution makes it “plain beyond dispute that proper provision for adequate housing of all categories of people is certainly an absolute essential in promotion of the general welfare required in all local land use regulation.” S. Burlington Cty. NAACP v. Mount Laurel, 67 N.J. 151, 179 (1975) (Mount Laurel I); and

WHEREAS, the Court thus found that “each . . . municipality [must] affirmatively . . . plan and provide, by its land use regulations, the reasonable opportunity for an appropriate variety and choice of housing, including, of course, low and moderate cost housing, to meet the needs, desires and resources of all categories of people who may desire to live within its boundaries.” Ibid.; and

WHEREAS, the New Jersey Legislature itself affirmed this commitment when it enacted the Fair Housing Act of 1985, which established that it is in the State’s interest “to maximize the number of low and moderate units by creating new affordable housing and by rehabilitating existing, but substandard, housing in the State.” N.J.S.A. 52:27D-302; and

WHEREAS, accordingly, the New Jersey Supreme Court has determined that “[a]ffordable housing is a goal that is no longer merely implicit in the notion of the general welfare. It has been expressly recognized as a governmental end and codified under the FHA.” Holmdel Builders Ass’n v. Holmdel, 121 N.J. 550, 567 (1990); and

WHEREAS, since then, New Jersey’s courts have consistently recognized that “[t]he public policy of this State has long been that persons with low and moderate incomes are entitled to affordable housing,” and furthermore that those policies do not end when a municipality has satisfied its minimum obligation under the FHA because “[t]here cannot be the slightest doubt that shelter, along with food, are the most basic human needs.” Homes of Hope, Inc. v. Eastampton Tp. Land Use Planning Bd., 409 N.J. Super. 330, 337 (App. Div. 2009) (quoting Mount Laurel I, 67 N.J. at 178); and

WHEREAS, the Township of Mount Laurel has a fair share obligation consisting of a prior round obligation of 815 units, a present need of 86 units. The third-round housing obligation is 1,566. Of the total third-round obligation of 1,566 units, 492 are being deferred to the 2025 – 2035 compliance period, leaving 1,074 to be addressed for the 2015 – 2025 compliance period; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Mount Laurel, Burlington County, New Jersey, that the Land Development Regulations set forth in Chapter 154 entitled Zoning, at Article XVI entitled Low- And Moderate-Income Housing and Article XXVII entitled Affordable Housing of the Code of the Township of Mount Laurel (the “Code”) are hereby amended, modified and supplemented as follows:

Section I.

Article XVI entitled Low- And Moderate-Income Housing, Code Sections 154-119 through -122, and Sections 154-124 through -126, and Sections 154-128 through -131.1, and Section 132, and Code Section 131.5 through -131.21, and specifically not including Code Sections 154-123, -127, -131.1.1, -131.3, and -131.4, are repealed in their entirety. Article XVI shall hereby be renamed "Affordable Housing Zones".

Section II.

Article XXVII entitled "Affordable Housing" is hereby repealed and replaced in its entirety by the following Article XXVII entitled, "Affordable Housing, Development Fees, and Mandatory Setaside" as follows:

§ 154-198. Reserved

§ 154-199. Definitions.

The following terms, when used in this article, shall have the meanings given in this section:

ACT — The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

ADAPTABLE — Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT — The entity responsible for the administration of affordable units in accordance with this article, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26.1), and any provisions under N.J.A.C. 5:97 that were not invalidated by Mount Laurel IV and any successor regulations.

AFFIRMATIVE MARKETING — 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 — The average percentage of median income at which new restricted units in an affordable housing development are affordable to very low-, low- and moderate-income households.

AFFORDABLE — A sales price or rent level that is within the means of a very low-, low-or moderate-income household as defined in N.J.A.C. 5:93 and N.J.S.A. 52:27D-304 and 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 — A housing development of which all or a portion consists of housing affordable to very low-, low- and moderate-income households.

AFFORDABLE HOUSING DEVELOPMENT — 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% affordable housing development.

AFFORDABLE HOUSING PROGRAM(S) — Any mechanism in a municipal fair share plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:93 and any provisions under N.J.A.C. 5:97 that were not invalidated by Mount Laurel IV, and/or funded through an affordable housing trust fund.

AGE-RESTRICTED UNIT — A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that:

- A. All the residents of the development where the unit is situated are 62 years of age or older; or

- B. At least 80% of the units are occupied by one person that is 55 years of age or older; or
- C. The development has been designated by the Secretary of the United States 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.

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

ALTERNATIVE LIVING ARRANGEMENT — A building in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to, transitional facilities for the homeless; Class A, B, C, D, and E boarding homes as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

ASSISTED LIVING RESIDENCE — A facility that is 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 — A household determined to be income eligible for a very low-, low-, or a moderate-income housing unit by a qualified Administrative Agent after the Agent has verified the household's gross annual income, credit history, and compared the household's family size to the occupancy requirements delineated in N.J.A.C. 5:93-9.1(b)14.

COAH — The Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

DCA — The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT — 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 — 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 — 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.

DEVELOPMENT FEE — Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8. and as required by N.J.S.A. 52:27D-329.2.

EQUALIZED ASSESSED VALUE — 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 (N.J.S.A. 54:1-35a through 54:1-35c).

FAIR SHARE PLAN — the plan that describes the mechanisms and the funding sources, if applicable, by which a municipality proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:97-3.

FHA – The New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

GREEN BUILDING STRATEGIES – 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.

HOUSING PLAN ELEMENT – The portion of the Township's Master Plan required by the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-28b(3) and other legislation.

INCLUSIONARY DEVELOPMENT — A development containing both affordable units and market-rate units. This term includes, but is not limited to new construction, the conversion of a nonresidential structure to residential use and the creation of new affordable units through the reconstruction of a vacant residential structure.

INCOME — Includes revenue and receipts, actual or fairly imputed, from all sources, including but not limited to wages, interest, dividends, social security, pensions, government benefits, alimony, child support and rents from income property.

INITIAL RENTAL — The first transfer of occupancy from a developer to a qualified renter.

INITIAL SALE — The first transfer of title of a unit from a developer to a qualified buyer.

LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 50% or less of the median household income for the applicable housing region.

LOW-INCOME UNIT — A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM — 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 — Housing not restricted to very low-, low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME — The median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

MODERATE-INCOME HOUSEHOLD — A household with a total gross annual household income in excess of 50% but less than 80% of the median household income for the applicable housing region.

MODERATE-INCOME UNIT — A restricted unit that is affordable to a moderate- income household.

MUNICIPAL HOUSING LIAISON — A municipal employee responsible for oversight of the municipal affordable housing program, including overseeing the administration of affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent.

NONEXEMPT SALE — 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.

PRESENT NEED — An estimate of low- and moderate-income households living in substandard housing as calculated through the use of census surrogates.

PRIOR ROUND HOUSING OBLIGATION — The 1987 – 1999 fair share based on

N.J.A.C. 5:93-1.

RANDOM SELECTION PROCESS — 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), UHAC (N.J.A.C. 5:80), and except for Section 311.11(j) of the FHA, which allows for a municipality to enter into an agreement with a developer to provide a preference for affordable housing to low- and moderate-income veterans ("Veteran's Preference") who served in time of war or other emergency as defined in section 1 of P.L.1963, c. 171 (C.54:4-8.10), of up to fifty percent (50%) of the affordable units in a particular project. N.J.S.A. 52:27D-311.11(j).

REGIONAL ASSET LIMIT — The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by COAH's (or a Court-approved successor entity's) adopted regional income limits published annually by COAH or a successor entity approved by the Court.

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

RENT — 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 — A dwelling unit, whether a rental unit or an 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 UHOP or MONI.

SUPERIOR COURT — The Superior Court of New Jersey.

THIRD ROUND HOUSING OBLIGATION — The 1999 – 2025 housing obligation as determined by the Superior Court.

TOWNSHIP — The Township of Mount Laurel.

TOWNSHIP COUNCIL — The Township Council of the Township of Mount Laurel.

UHAC — The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26 et seq.

VERY LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 30% or less of the median household income for the applicable housing region.

VERY LOW-INCOME UNIT — A restricted unit that is affordable to a very low-income household.

VETERAN'S PREFERENCE — A preference for very-low-, low- and moderate-income housing that is permitted by law for people that have served in the military, pursuant to Section 311.11(j) of the FHA, which allows for a municipality to enter into an agreement with a developer to provide a preference for affordable housing to low- and moderate-income veterans who served in time of war or other emergency as defined in section 1 of P.L.1963, c. 171 (C.54:4-8.10), of up to fifty percent (50%) of the affordable units in a particular project. N.J.S.A. 52:27D-311.11(j).

WEATHERIZATION — 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 purposes of the rehabilitation program.

§ 154-200. Mandatory development fees

A. Basic requirements.

- (1) Mount Laurel Township shall not spend development fees until the Court has approved a plan for spending such fees.

B. Residential development fees.

- (1) Imposed fees

- (a) Within all residential zones and/or developments in the Township of Mount Laurel, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided that no increased density is permitted.
- (b) 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 are required to pay a development fee of 6% of the equalized assessed value for each additional unit that is 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 would equal 1.5% of the equalized assessed value on the first two units, and 6% of the equalized assessed value for the two additional units, provided that zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- (2) Eligible exactions, ineligible exactions and exemptions for residential development.

- (a) Developments that include affordable housing, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- (b) 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.
- (c) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- (d) Homes replaced as a result of a natural disaster such as a fire or a flood shall be exempt from the payment of a development fee.

C. Nonresidential development fees.

- (1) Imposed fees.

- (a) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all nonresidential construction.
- (b) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be

used for nonresidential purposes.

- (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting 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 nonresidential development fee shall be zero.

(2) Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- (a) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5% unless otherwise exempted below.
- (b) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (c) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in 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.
- (d) A developer of a nonresidential development exempted from the nonresidential 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 nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
- (e) If a property which was exempted from the collection of a nonresidential 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 nonresidential development fees under these circumstances may be enforceable by Mount Laurel Township as a lien against the real property of the owner.

D. Collection procedures.

- (1) 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.
- (2) For nonresidential 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 construction official shall verify the information submitted by the nonresidential 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.
- (3) 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.
- (4) 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.
- (5) The construction official responsible for the issuance of a final certificate of occupancy

shall notify the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

- (6) 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.
- (7) Should Mount Laurel Township 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 of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- (8) 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.
- (9) Appeal of development fees.
 - (a) 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 Mount Laurel Township. 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, N.J.S.A. 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.
 - (b) A developer may challenge nonresidential 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 Mount Laurel Township. 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, N.J.S.A. 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.

E. Affordable Housing Trust Fund.

- (1) There has previously been created a separate, interest-bearing housing trust fund that will continue to be maintained by the Chief Financial Officer and Township Clerk for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- (2) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction of affordable units;
 - (b) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (c) Rental income from municipally operated units;
 - (d) Repayments from affordable housing program loans;
 - (e) Recapture funds;

- (f) Proceeds from the sale of affordable units; and
 - (g) Any other funds collected in connection with Mount Laurel Township's affordable housing program.
- (3) The Township has previously provided COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank with which the affordable housing fees are deposited by the Township and maintained by said bank, and COAH. That authority now rests with the Court.
 - (4) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Court.

F. Use of funds.

- (1) The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address Mount Laurel Township'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 nonresidential 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 shall conform to a spending plan approved by the Court.
- (2) Except as specifically provided by court order, funds shall not be expended to reimburse Mount Laurel Township for past housing activities.
- (3) At least 30% 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% or less of median income by region.
 - (a) 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.
 - (b) Affordability assistance to households earning 30% 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% or less of median income.
 - (c) 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.
- (4) Mount Laurel Township 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. 5:93.
- (5) No more than 20% 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% 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 applicable monitoring requirements. Legal or other fees 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.

- (6) Court approval of Mount Laurel's spending plan constitutes a "commitment" on the part of Mount Laurel Township for expenditure of funds pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions to commence on the anniversary of a final Judgment of Repose in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (Aff'd 442 N.J. Super. 563.)

- G. Monitoring. By January 19 of each year through 2025, Mount Laurel Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

- H. Ongoing collection of fees. The ability for Mount Laurel Township to impose, collect and expend development fees shall expire with its substantive certification or judgment of compliance unless Mount Laurel Township has filed an adopted Housing Element and Fair Share Plan with the Court, has petitioned for substantive certification or judgment of compliance and repose, and has received Court approval of its development fee ordinance. If Mount Laurel Township fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification or judgment of compliance and repose, 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).

- I. Mount Laurel Township 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 Mount Laurel Township retroactively impose a development fee on such a development. Mount Laurel Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

§ 154-201. Rehabilitation.

- A. Mount Laurel's rehabilitation program shall be designed to renovate deficient housing units occupied by very low-, 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. There is a multi-town consortium rental rehabilitation program in Burlington County, administered by Community Grants Planning & Housing, for which the Township has set-aside funding in its Spending Plan, and will participate in and will provide funds for rental units to be rehabilitated, until the minimum rental units prescribed have been completed. Additionally, the Township will continue to participate in the Burlington County Community Development Block Grant (CDBG) Program for owner-occupied units to be rehabilitated. The goal of the Township's rehabilitation program is to satisfy the Township's present need of 86 units.

- (1) All rehabilitated rental and owner-occupied units shall remain affordable to very low-, 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.

- (2) Units in a Rehabilitation Program 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 very low-, low-, or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:93-9 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. 5:93-9 and UHAC.
 - (iii) Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93-9 or the standards issued by a New Jersey administrative agency with proper authority to issue such standards.
 - (iv) Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:93-9 and UHAC, except that households in owner-occupied units shall be exempt from the regional asset limit.

§ 154-202. Extension of controls.

- A. The Township will monitor its existing very low-, low- and moderate-income units to determine the date upon which controls on affordability will expire.
- B. When the controls on affordability are due to expire prior to July 1, 2025, the Township will offer incentives for the owners to voluntarily extend controls on affordability for a new term of at least 30 years. Controls will be extended through use of a deed restriction consistent with UHAC.
- C. Such incentives shall include a:
 - (1) Negotiated payment to the owner; and
 - (2) Payment of the costs associated with bringing the affordable unit up to code.

§ 154-203. Market-to-affordable program.

- A. The Township will administer a program designed to purchase market housing and convert the housing into deed restricted low- and moderate-income housing.
- B. The units shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:
 - (1) Bedroom distribution [N.J.A.C. 5:80-26.3(b) and (c)]; however, this article shall not restrict the number of bedrooms per unit;
 - (2) Low-/moderate-income split [N.J.A.C. 5:80-26.3(a)]; subject to the provisions of N.J.A.C. 5:80-26.3(a) above, units in a market-to-affordable program shall be exempt from the requirement that at least 50% of the units created shall be affordable to households earning 50% or less of regional median income. In programs limited only to moderate-income households, an equivalent number of housing units for low-income households shall be addressed through other mechanisms in the Fair Share Plan; and
 - (3) Affordability average [N.J.A.C. 5:80-26.3(d) and (e)]; however:
 - (a) The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60% of median income, and the maximum rent for a low-income unit shall be affordable to households earning no more than 44% of median income; and
 - (b) The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70% of median income, and the maximum sales price for a low-income unit shall be affordable to households earning no more

than 40% of median income.

§ 154-204. Mandatory Affordable Housing Set-Aside.

- A. Affordable Housing Set-Aside. A mandatory on-site affordable housing set-aside requirement shall apply beginning with the effective date of this ordinance to any residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units at six (6) units per acre or higher, or equivalent, which results, in whole or in part, from: (i) a municipal rezoning or zoning amendment adopted after the effective date of this Ordinance; (ii) any variance pursuant to N.J.S.A. 40:55D-70(d), including but not limited to any use variance or a density variance increasing the permissible density; and (iii) the adoption of a new or amended redevelopment plan or rehabilitation plan. The set-aside shall be twenty percent (20%) where the affordable units are provided for sale and fifteen percent (15%) where the affordable units are provided for rental.
- (1) All affordable housing controls and standards are subject to the rules of the Council on Affordable Housing ("COAH") or any subsequent state agency, or as approved by the Court. The development, marketing and sale of the affordable units shall be pursuant to applicable state regulations and §154-205 of this chapter, and any subsequent amendments thereto.
 - (2) This requirement shall not impose any obligation on a development, or the nonresidential portion of a mixed-use development, that is subject to the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 et seq.
 - (3) All subdivision and site plan approvals of qualifying developments shall be conditioned upon compliance with the provisions of the mandatory affordable housing set-aside.
 - (4) No subdivision shall be permitted or approved for the purpose of avoiding compliance with the mandatory affordable housing set-aside. A developer may not, for example, subdivide a project into two lots and then plan each of them to produce a number of units below the threshold. The approving authority may impose any reasonable conditions to ensure such compliance.
 - (5) The mandatory affordable housing set-aside shall not give any developer the right to any rezoning, variance, redevelopment designation or redevelopment or rehabilitation plan approval, or any other such relief, or establish any obligation on the part of the municipality to grant such rezoning, variance, redevelopment designation, redevelopment or rehabilitation plan approval, or other such or further relief.

§ 154-205. Affordable Housing

- A. Phasing. Inclusionary developments shall be subject to the following schedule, except where an alternate phasing schedule has been incorporated into a development or redevelopment agreement:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

- B. Fractional Units. In the event the number of affordable housing units to be provided includes a fraction, the number shall be rounded up if the fractional amount is 0.5 or greater and rounded down if the fractional amount is less than 0.5. For inclusionary projects, the developer shall provide a payment in lieu of constructing affordable units for the fraction of a unit less than 0.5. The payment in lieu shall be based on the amounts established in N.J.A.C. 5:97-6.4(c) as increased by updated development cost documentation on file in the Township.
- C. Integration of Affordable Units. Affordable units shall be integrated with the market-rate units on-site, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market-rate units. The affordable units shall also be of the same type as the market-rate units (e.g., if the market-rate units are non-age-restricted family units, the affordable units shall be non-age-restricted family units as well). The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
- D. Controls.
- (1) All affordable units created shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, with the sole exception that for inclusionary projects with more than four (4) affordable units at least thirteen percent (13%) of the affordable units shall be required to be restricted for very low-income households earning thirty percent (30%) or less of the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA").
 - (2) At least fifty percent (50%) of the affordable units within each bedroom distribution shall be affordable to low-income households, inclusive of the at least thirteen percent (13%) of units affordable to very low-income households for inclusionary projects with more than four (4) affordable units.
 - (3) The very low-income affordable units shall be proportionately distributed within each bedroom distribution. In a family non-age-restricted development, at no time shall the number of efficiency/one-bedroom very low-income units exceed the number of three-bedroom very low-income units.
 - (4) Affordable units shall be subject to affordability controls of at least thirty (30) years from the date of initial occupancy and affordable deed restrictions as otherwise provided for by UHAC, with the sole exception that very low-income shall be defined as at or below thirty percent (30%) of median income pursuant to the Fair Housing Act, and the affordability controls shall remain unless and until the municipality, in its sole discretion, takes action to extend or release the unit from such controls after at least thirty (30) years. In the event the municipality chooses to release the controls on rental affordable units after at least thirty (30) years, the controls shall remain in effect until the voluntary departure of the occupant household in accordance with N.J.A.C. 5:80-26.11(b).
 - (5) Construction of the affordable and market units shall be phased in compliance with N.J.A.C. 5:93-5.6(d).
 - (6) Affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.
 - (7) No developer may make a payment in lieu of constructing affordable units on site, except for fractional units as noted in Paragraph B, above.

- (8) Nothing in this Ordinance precludes the municipality from imposing an affordable housing set-aside in accordance with applicable law in a development not required to have a set-aside pursuant to this Ordinance.

E. Off-site affordable housing units. Developers authorized to complete off-site construction or conversion of existing units and obtain certificates of occupancy for units intended for very low-, low-, and moderate-income occupancy in tandem with the market- rate (unrestricted) units shall produce affordable units according to the following schedule:

- (1) Fifty percent of the units must be constructed and/or converted and deed restricted for affordable housing purposes prior to the issuance of construction permits for on-site market-rate units. This requirement shall not affect the issuance of permits up to and including footing and foundation permits.
- (2) The remaining 50% of the affordable housing units must be constructed and/or converted and deed restricted for affordable housing purposes prior to the release of certificates of occupancy for the last 50% of the market-rate on-site units.
- (3) As a part of the completeness review for final approval before either Township land use board, the developer shall enter into a developer's agreement with the Township outlining the commitment, time line and process for identifying off- site units. Said agreement shall be reviewed and approved by the Township Solicitor and become effective at the time of final approval by the appropriate land use board.

§ 154-206. New construction.

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. At least 13% of all restricted rental units shall be very low-income units (affordable to a household earning 30% or less of median income). The very low-income units shall be counted as part of the required number of low-income units within the development.
- (2) In each affordable development, at least 50% 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:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - (b) At least 30% of all low- and moderate-income units shall be two-bedroom units;
 - (c) At least 20% of all low- and moderate-income units shall be three-bedroom units; and
 - (d) 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. This 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 designstandards 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:

- (a) An adaptable toilet and bathing facility on the first floor;
- (b) An adaptable kitchen on the first floor;
- (c) An interior accessible route of travel on the first floor;
- (d) 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;
- (e) An interior accessible route of travel between stories within an individual unit, except that if all of the terms of Subsection B(2)(a) through (d) above have been satisfied, an interior accessible route of travel shall not be required between stories within an individual unit; and
- (f) 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 Township has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

- [1] 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.
- [2] To this end, each builder of income-restricted units shall deposit funds with the Township's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
- [3] The funds deposited under Subsection B(2)(f)[2] above shall be used by the Township for the sole purpose of making the adaptable entrance of an 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.
- [4] The developer of the restricted units shall submit a design plan and cost estimate for the conversion of adaptable to accessible entrances to the Construction Official of the Township.
- [5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets 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 Township's Affordable Housing Trust Fund in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

C. Design:

- (1) In inclusionary developments, to the extent possible, very low-, low- and moderate-income units shall be integrated with the market units, and not situated so as to be in less desirable locations than the other units in the development. This shall mean that very low-, low- and moderate-income units shall not be concentrated in separate building(s) or in separate area(s) from the market-rate units. In buildings with multiple dwelling units, this shall mean that the very low-, low- and moderate-income units shall be generally distributed within each building with market units. The residents of the very low-, low- and moderate-income units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
- (2) In inclusionary developments, very low-, low- and moderate-income residents shall have and enjoy access equal to the market units to all common open space(s) and elements, amenities, public facilities, shopping facilities, and public transportation than the market units.
- (3) In inclusionary developments, the very low-, low- and moderate-income units shall be no less than the largest minimum bedroom and unit square footages

required under the DCA Balanced Housing and HMFA Low Income Housing Tax Credit program for bedroom sizes and unit sizes in affordable units of the same bedroom number.

D. Income limits; 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 the calculation procedures as approved by the Court and detailed below:
 - (a) Regional income limits shall be established for the region in which the Township is located (i.e. Region 5) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80% of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50% of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low-income unit for a household of four shall be 30% of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. The income limits calculated each year shall be the result of applying the percentages set forth above to HUD's determination of median income for the relevant fiscal year, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year. In no event shall the income limits be less than those for the previous year.
 - (b) The regional asset limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the regional asset limit be less than that for the previous year.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% 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, provided that at least 13% of all low- and moderate- income rental units shall be affordable to very low-income households earning no more than 30% of median income.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type. Low-income ownership units must be available for at least two different sales prices for each bedroom type.

- (5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) 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% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowners' association fees do not exceed 28% 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.
- (7) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate size household, including an allowance for tenant-paid utilities, 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.
- (8) 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.
- (9) The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% 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.

§ 154-207. Utilities.

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§ 154-208. Occupancy standards.

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

§ 154-209. 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 article for a period of at least 30 years, until the Township takes action to release the unit from such requirements; prior to such action, 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.

- 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 without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial 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 nonexempt sale after the unit's release from the restrictions set forth in this article, an amount equal to the difference between the unit's nonrestricted 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 article 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 following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 154-210. Price restrictions for restricted ownership units; homeowners' association fees; 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 master deeds of inclusionary developments shall provide no distinction between the condominium or homeowners' association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- 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 anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See § 154-213.

§ 154-211. 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 very low-income ownership units shall be reserved for households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to a certified household

for a period not to exceed one year. Violations of this provision shall be subject to the applicable enforcement provisions of this Ordinance.

- C. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is very low-income household, 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 homeowners' association fees, as applicable) does not exceed 33% of the household's eligible monthly income. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Township Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.

§ 154-212. Limitations on indebtedness secured by ownership unit: subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination, in writing, that the proposed indebtedness complies with the provisions of this section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of a first purchase money mortgage, 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% of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.6(b).

§ 154-213. Capital improvements to ownership units.

- A. 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 made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit, and not included in the base price, may be made a condition of the unit resale, provided the price, which shall be subject to ten-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 154-214. 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 article for a period of at least 30 years, until the Township takes action to release the unit from such requirements. Prior to such action, 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.

- 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 recorded by the developer or seller with the records office of the County of Burlington. A copy of the filed, recorded 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 article 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 on the property containing the unit.

§ 154-215. Rent restrictions for rental units; leases.

- A. A written lease shall be required for all restricted rental units, except for units in assisted living residences, 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 5% 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 article.

§ 154-216. 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% of median income.
 - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% 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 household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% 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% (40% 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% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its continuing 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 reliable anticipated 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 Subsection B(1) through (5) above with the Administrative Agent, who shall counsel the household on budgeting.

§ 154-216.1 Requirements for Alternative Living Arrangements

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
1. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the State licensing/funding agency (i.e., DHS);
 2. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- C. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 154-217. Municipal Housing Liaison.

- A. State regulations require the Township to appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the administration of the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. This ordinance creates the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by resolution of the governing body and may be a full- or part-time municipal employee. The Municipal Housing Liaison shall be approved by the Superior Court unless such approval is delegated by the Court to COAH or a successor entity and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey either before or within one-year of assuming the duties of Municipal Housing Liaison.
- B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Mount Laurel, including the following responsibilities which may not be contracted out to the Administrative Agent:
- (1) Serving as Mount Laurel'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 Mount Laurel's Fair Share Plan;
 - (3) Compiling, verifying and submitting annual monitoring reports as required by COAH, the organizations listed in the Township's Settlement Agreement with FSHC, or any successor entity approved by the Court;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH, or a successor entity approved by the Court.

§ 154-218. Administrative agent.

Subject to the approval of the Superior Court, the Township shall designate one or more Administrative Agent(s) to administer affordable units in accordance with N.J.A.C. 5:93 and UHAC. An operating manual shall be provided by the Administrative Agent(s) to be adopted by

resolution of the Township Council and subject to approval of the Superior Court or its designee. The operating manuals shall be available for public inspection in the office of the Township Clerk and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s). The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in N.J.A.C. 5:80-26.14, 5:80-16 and 5:80-18 thereof, which includes:

A. Affirmative marketing.

- (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township and the provisions of N.J.A.C. 5:80-26.15; and
- (2) Providing counseling or contracting to provide counseling services to very low-, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household certification.

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a very low-, low- or moderate-income unit;
- (3) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
- (4) 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.;
- (5) 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 (Housing Region 5) comprising Burlington, Camden and Gloucester Counties; and
- (6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Township when referring households for certification to affordable units.

C. Affordability controls.

- (1) 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;
- (2) 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;
- (3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Burlington County Clerk's office after the termination of the affordability controls for each restricted unit;
- (4) Communicating with lenders regarding foreclosures; and
- (5) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and re-rentals.

- (1) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
- (2) Instituting and maintaining an effective means of communicating information to very low-, low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

E. Processing requests from unit owners.

- (1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this article;
- (2) 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 depreciated cost of central air-conditioning systems;
- (3) Notifying the municipality of an owner's intent to sell a restricted unit; and
- (4) Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement.

- (1) Securing annually from the municipality a list of all for-sale 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;
- (2) 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;
- (3) The posting annually in all rental properties, including legal two-family homes, of a notice as to the maximum permitted rent for affordable units, together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
- (4) 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;
- (5) 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; and
- (6) Creating and publishing a written operating manual, as approved by the Court, COAH or a successor entity approved by the Court, setting forth procedures for administering the affordability controls.

G. Additional responsibilities:

- (1) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.
- (2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time for their submission by the Municipal Housing Liaison to COAH, the organizations listed in the Township's Settlement Agreement with FSHC, or any successor entity approved by the Court, as required by COAH or a successor entity approved by the Court.
- (3) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH or a successor entity approved by the Court.

§ 154-219. Affirmative marketing requirements.

- A. The Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15 and the FHA, 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 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 marketing activities

toward COAH Housing Region 5 and is required to be followed throughout the period of restriction.

- C. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), FSHC, 510 Park Boulevard, Cherry Hill, NJ; Fair Share Housing Development, One Ethel Lawrence Boulevard., Mount Laurel, NJ 08054; Camden County NAACP, 1123 1/2 Kaign Avenue, Camden, NJ 08103; the Latino Action Network, PO Box 943, Freehold, NJ 07728; Willingboro NAACP, PO Box 207, Roebling, NJ 09854; Southern Burlington County NAACP, PO Box 3211, Cinnaminson, NJ 08077; Burlington County Community Action Program, 718 Route 130 South, Burlington, NJ 08016; the Supportive Housing Association, 15 Alden Street, No. 14, Cranford, NJ 07016, and the New Jersey Housing Resource Center, <https://www.nj.gov/njhrc/>, in accordance with applicable law, and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this subsection.
- D. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 5, comprising Burlington, Camden and Gloucester Counties.
- E. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Township of Mount Laurel shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- F. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to very low-, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- G. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- H. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- I. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ 154-220. 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 Township shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in 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 very low-, 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(s) 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 Township may file a court action in Superior Court 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 adjudged 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 Superior Court:
 - (a) A fine of not more than \$500 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - (b) In the case of an owner who has rented a very low-, low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Mount Laurel Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (c) In the case of an owner who has rented a very low-, 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 Superior Court.
- (2) The Township may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such 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 very low-, low- or moderate-income unit.
 - (a) The judgment shall be enforceable, at the option of the Township, by means of an execution sale by the Sheriff, at which time the very low-, 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 his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - (b) 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 very low-, low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Township 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 Township in full as aforesaid, the violating owner shall be personally responsible for the full 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 Township 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 Township, whether such balance shall be paid to the owner or forfeited to the municipality.
 - (c) Foreclosure by the Township 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 very low-, 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.

- (d) 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 Township may acquire title to the very low-, 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 very low-, 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.
- (e) Failure of the very low-, 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 very low-, low- and moderate- income unit as permitted by the regulations governing affordable housing units.
- (f) 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.

§ 154-221. Reporting.

- A. By January 19 of every year through the end of the repose period, the Township shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
- B. By January 19 of every year through the end of the repose period, the Township shall provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with copies provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Court-appointed Special Master and Fair Share Housing Center.
- C. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township shall post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the Court regarding these issues.
- D. For the review of very low-income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the date of Mount Laurel Township's January 19, 2017 Settlement Agreement with Fair Share Housing Center, and every third year thereafter, the Township shall post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its satisfaction of its very low-income requirements, including the family very low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to Fair Share Housing Center, on the issue of whether the municipality has complied with its very low-income housing obligation.

§ 154-222. Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this article shall be filed, in writing, with the Superior Court unless the Superior Court delegates this responsibility.

Section III.

Severability. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect and shall be deemed valid and effective.

Inconsistencies. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the municipality, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency.

Referral to Planning Board. A copy of this Ordinance shall be referred to the Planning Board following its introduction for review pursuant to N.J.S.A. 40A:55D-26A.

Effective Date and Scope. This Ordinance shall immediately take effect upon its passage and publication, and as otherwise provided for by law. The provisions of this Ordinance shall be applicable within the entire municipality upon final adoption and shall become a part of the Code once completed and adopted.

Introduction Date: May 23, 2022

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen	1	✓				Ad
Janjua		✓				Attorney
Moustakas		✓				
Pritchett		✓				
Steglik	2	✓				

Publication Date: May 26, 2022

Public Hearing Date: June 13, 2022

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						

TOWNSHIP OF MOUNT LAUREL

BY: _____
Kareem Pritchett, Mayor

ATTEST:

Meredith Tomczyk, Township Clerk

TOWNSHIP OF MOUNT LAUREL

ORDINANCE 2022-12

**AN ORDINANCE AMENDING CHAPTER 148 OF THE CODE OF THE
TOWNSHIP OF MOUNT LAUREL TO ESTABLISH PARKING RESTRICTIONS
ON CENTERTON ROAD, COUNTY ROAD 635**

WHEREAS, the County of Burlington received complaints regarding vehicles and trailers parking in the shoulder area on a certain portion of Centerton Road, also known as County Road 635; and

WHEREAS, parking at the intersection of Centerton Road and Stern Light Drive in the shoulder area used for turning onto Stern Light Drive creates a dangerous visual obstruction for drivers; and

WHEREAS, the Township Council of the Township of Mount Laurel finds it in the community's best interest to restrict parking at the intersection of Centerton Road and Stern Light Drive to mitigate traffic concerns.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of Mount Laurel, County of Burlington and State of New Jersey that the Council amends and supplements Schedule I, located at Chapter 148, Section 30 of the Township Code, to designate the following portion of Centerton Road, County Road 635 as no parking:

§ 148-30 Schedule I: No Parking.

in accordance with the provisions of § 148-6A, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Centerton Road	South	From the intersection of Stern Light Drive to a point approximately 150 feet southwest

Repealer, Severability and Effective Date.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. This Ordinance shall take effect upon passage and publication according to law.

Introduction Date: May 23, 2022

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen	1	✓				✓
Janjua		✓				
Moustakas		✓				
Pritchett		✓				
Steglik	2	✓				

Publication Date: May 26, 2022

Public Hearing Date: June 13, 2022

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						

TOWNSHIP OF MOUNT LAUREL

BY: _____
Kareem Pritchett, Mayor

ATTEST:

Meredith Tomczyk, Township Clerk
4890-5934-4672, v. 1