

**TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #05-25

**AN ORDINANCE AMENDING CHAPTER 25 AFFORDABLE HOUSING TO CREATE
THE POSITION OF THE MUNICIPAL HOUSING LIAISON FOR THE TOWN OF
GUTTENBERG**

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal, and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Town of Guttenberg is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, pursuant to P.L. 2024, c.2, the Town of Guttenberg is required to appoint a Municipal Housing Liaison for the oversight of administration of the Town of Guttenberg's affordable housing program to enforce the requirements of the law and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, there exists a need to amend Chapter 25 entitled Affordable Housing to create the position for the appointment of a Municipal Housing Liaison to administer the Town of Guttenberg's affordable housing program.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Guttenberg do hereby amend the Ordinance to create the position for the appointment of a Municipal Housing Liaison to administer the Town of Guttenberg's affordable housing program:

§ 25-2 Municipal Housing Liaison.

§ 25-2.1 Purpose.

The purpose of this Article is to create the administrative mechanisms needed for the execution of the Town of Guttenberg's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

§ 25-2.2 Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ADMINISTRATIVE AGENT — Shall mean the entity responsible for administering the affordability controls of some or all units in the affordable housing program for the Town of Guttenberg to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

MUNICIPAL HOUSING LIAISON — Shall mean the employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Town of Guttenberg.

§ 25-2.3 Establishment of Municipal Housing Liaison Position and Compensation: Powers and Duties.

- a. Establishment of Position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Town of Guttenberg.
- b. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the governing body and may be a full or part-time municipal employee.
- c. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Town of Guttenberg, including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:
 1. Serving as the Town of Guttenberg's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 2. Monitoring the status of all restricted units in the Town of Guttenberg's Fair Share Plan;
 3. Compiling, verifying, and submitting annual reports as required by COAH;
 4. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 5. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 6. If applicable, serving as the Administrative Agent for some or all of the restricted units in the Town of Guttenberg as described in Subsection f below.
- d. Subject to approval by COAH, the Town of Guttenberg may contract with or authorize a consultant, authority, government or any agency charged by the governing body, which entity shall have the responsibility of administering the affordable housing program of the Town of Guttenberg except for those responsibilities which may not be contracted out pursuant to Subsection c above. If the Town of Guttenberg contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.

e. Compensation. Compensation, if any, shall be determined by the governing body at the time of the appointment of the Municipal Housing Liaison.

f. Administrative Powers and Duties Assigned to the Municipal Housing Liaison.

1. Affirmative Marketing.

(a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Town of Guttenberg and the provisions of N.J.A.C. 5:80-26.15; and

(b) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

2. Household Certification.

(a) Soliciting, scheduling, conducting and following up on interviews with interested households;

(b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

(c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

(d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

(e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

(f) Employing the random selection process as provided in the Affirmative Marketing Plan of the Town of Guttenberg when referring households for certification to affordable units.

3. Affordability Controls.

- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
- (d) Communicating with lenders regarding foreclosures; and
- (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resale and Rental.

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

5. Processing Request from Unit Owners.

- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
- (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air-conditioning systems; and
- (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement.

- (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - (g) Providing annual reports to COAH as required.
7. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
8. All or some of the provisions above in Subsection f may be specifically delegated at a later date to an approved Administrative Agent as part of a contract.

SECTION TWO

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION THREE

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR

In order to avoid accidental repeal of existing provisions, the Town Clerk and Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION FIVE

When Effective. This Ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 25 to create the position of Municipal Housing Liaison for the oversight of administration of the Town of Guttenberg's affordable housing program to enforce the requirements of the law and N.J.A.C. 5:80-26.1 et seq.

Introduced: January 29, 2025

Adopted: