

**BOROUGH OF NEW PROVIDENCE
ORDINANCE 2006-20**

11-6-2006
Ch 275, Art I
Affordable
Housing Board
amend

"AN ORDINANCE AMENDING CHAPTER 275, OF THE CODE OF THE BOROUGH OF NEW PROVIDENCE ENTITLED 'AFFORDABLE HOUSING' TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING NEW PROVIDENCE BOROUGH'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT"

BE IT ORDAINED by the Borough Council of the Borough of New Providence, County of Union and State of New Jersey that the following amendments be made to Chapter 275, Article 1, Paragraph 5 of the Code of the Borough of New Providence.

Section 1. Article 1, Section 275-5, entitled "Housing Officer" shall be deleted and replaced as follows:

Section 275-5. Municipal Housing Liaison.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Borough of New Providence.
- 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 Borough of New Providence, including the following responsibilities that may not be contracted out:
 - 1. Serving as the Borough of New Providence'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 Borough of New Providence'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 Borough of New Providence as described in F. below.
- D. Subject to approval by COAH, the Borough of New Providence 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 Borough of New Providence. If the Borough of New Providence contract with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison:
- 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 Borough of New Providence 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. 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) Establishing a rent-to-equity program.
 - g) Creating and publishing a written, operating manual, as approved by COAH, setting forth procedures for administering such affordability controls.
 - h) Providing annual reports to COAH as required.
3. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

Section 2. Severability

If any section, subsection, paragraph, sentence or other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this ordinance shall remain in full force and effect.

Section 3. Inconsistent Ordinances Repealed

All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 4. Effective Date.

This ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

INTRODUCED: September 11, 2006
ADOPTED: November 6, 2006

**BOROUGH OF NEW PROVIDENCE
COUNTY OF UNION
STATE OF NEW JERSEY**

Allen Morgan, Mayor

Attest:

**Wendi B. Barry
Borough Clerk**