

MANSFIELD TOWNSHIP

Ordinance 2021-21

AN ORDINANCE AMENDING ORDINANCE 2021-12, THE “MANSFIELD TOWNSHIP AFFORDABLE HOUSING ORDINANCE” TO ADOPT TWO SUBCHAPTERS INCORPORATING THE TOWNSHIP’S “MARKET TO AFFORDABLE” AND “SUPPORTIVE AND SPECIAL NEEDS HOUSING” PROGRAMS.

WHEREAS, as part of Mansfield Township's affordable housing compliance, on July 21, 2021, the Township adopted Ordinance 2021-12, the “Mansfield Township Affordable Housing Ordinance”; and

WHEREAS, on September 8, 2021, Judge Covert, the Assignment Judge of the Burlington County Superior Court, conducted a final compliance hearing to consider Mansfield Township's compliance with its affordable housing obligation; and

WHEREAS, as part of the final compliance hearing conducted by Judge Covert, the Court Special Master, David J. Banich, PP/AICP, issued a third and final Compliance Report, dated September 7, 2021; and

WHEREAS, as part of said report, the Special Master recommended that the Township amend the Township’s “Affordable Housing Ordinance” to include two subchapters further detailing the Township's “Market to Affordable” program and its “Supportive and Special Needs Housing” program; and

WHEREAS, after hearing the Special Master’s testimony and accepting the Special Master Compliance Report, the Court ordered the Township to adopt to the following amendments.

NOW, THEREFORE, IT BE ORDAINED, by the Township of Mansfield, in the County of Burlington that Ordinance 2021-12, the “Mansfield Township Affordable Housing Ordinances” is hereby amended to add the two sub-chapters as set forth below:

Section 3A: Market to Affordable Rental Rehabilitation Write-down/buy-down Program:

Purpose. Mansfield Township’s Third Round affordable housing Housing Plan Element and Fair Share Plan identifies a minimum of twenty-two (22) units of existing rental housing stock in Columbus village and in the area of Kinkora Road to address a portion of the Township’s 265-unit Third Round new construction affordable housing obligation. These units are to be subsidized through the Township’s affordable housing trust fund under the provisions of the NJ Council on Affordable Housing’s Market-to-affordable regulations found at N.J.A.C. 5:93-5.11, “Write-down/buy down of previously owned units” and will be subject to a 30-year deed restriction and mortgage lien on each unit as per N.J.A.C. 5:80-26.11. The program shall create 22-units of affordable rental. At least 11 units shall be low-income units, of which three (3) shall

be very low-income units at rents affordable to very low-income households, subject to the requirements of N.J.A.C. 5:80-26.1 et seq. and the following:

- a. A minimum of at least \$20,000 per unit shall be used to subsidize the cost of the buydown unit.
- b. Rents shall conform to the standards in N.J.A.C. 5:93-7.4.
- c. At least half of the units in each building shall be affordable to low-income households and rents shall be affordable to households earning an average 52 percent of median income for the region. or the range of affordability will be accommodated elsewhere in the housing plan. The sales prices shall be based on the number of bedrooms in accordance with N.J.A.C. 5:93-7.4.
- d. All rental units created through this program shall be affirmatively marketed in accordance with N.J.A.C. 5:93-11.
- e. The units shall be exempt from bedroom mix requirements pursuant to N.J.A.C. 5:93-7.3.
- f. All units shall have a 30-year deed restriction and mortgage lien on each unit as per Technical Appendix E, N.J.A.C. 5:93;
- g. The program shall be administered by the Township's Administrative Agent, who shall:
 - i. Maintain an up-to-date inventory of units that meet the requirements of a buy-down program.
 - ii. Qualify and place income eligible households in low- and moderate-income units upon initial occupancy.
 - iii. Place income eligible households in low- and moderate-income units as they become available during the 30-year term of affordability controls.
 - iv. Enforce the terms of the deed restriction and mortgage lien.
 - v. Sponsor a home ownership counseling program and post purchase session for prospective purchasers.
 - vi. Conduct annual household income surveys to ensure that occupancy remains available to affordable households in accordance with the deed restriction.
10. Encourage the dispersment of these units throughout the municipality if all 22 affordable rental cannot be completed within the Columbus village and Kinkora Road areas of the Township.

Section 3B: State Licensed Community Residences / Supportive and Special Needs Housing Program:

Mansfield Township's State Licensed Community Residences / Supportive and Special Needs Housing Program is designed to respond to a portion of the Township's Third Round affordable housing new construction obligation by creating a minimum of twelve (12) units of supportive and special needs housing (group homes) for the special needs population. The units shall conform to the following minimum standards identified at N.J.A.C. 5:93-5.8, "Alternative living arrangements."

- a. The unit of credit for an alternative living arrangement shall be the bedroom.
- b. Alternative living arrangements that are age restricted shall be included with the 25 percent that may be age restricted pursuant to N.J.A.C. 5:93-5.14.
- c. A minimum subsidy of \$15,000 per unit (bedroom) shall be provided.

- d. Controls on affordability on a community residence / alternative living arrangement group home shall be provided and shall remain in effect for the maximum time period permitted by the State licensing agency providing on-going service costs for the State-licensed community residence.
- e. The agreement between the State-licensing agency and the service provider shall include a reversion clause providing a first right of refusal to the licensing agency for purchase of the community residence prior to any sale the community residence.

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 Committee 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. Effective Date: This Ordinance shall take effect upon proper passage in accordance with the law.

CERTIFICATION

I, **LINDA SEMUS, RMC, CMR, Municipal Clerk** of the Township of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance which was introduced by the Mansfield Township Committee, County of Burlington, State of New Jersey at their regular meeting held on September 15, 2021, with a Second Reading, public hearing and final adoption held on October 20, 2021.

LINDA SEMUS, RMC, CMR
Municipal Clerk

INTRODUCED: September 15, 2021
ADOPTED: _____, 2021