

Priority Schedule for Siting Facilities

Priority	Zone*	Equipment	Location	Permitted or Conditional
1	Commercial/ Transportation	Antenna	Collocated with other antennas on existing structure or tower within a transportation corridor	P
2	Commercial/ Transportation	Antenna	Existing structure or tower within a transportation corridor	P
3	Commercial	Antenna	Collocated with other antennas on existing structures or towers	P
4	Commercial	Antenna	Existing structure or tower	P
5	Residential/ Transportation	Antenna	Collocated with other antennas on existing structure or tower within a transportation corridor	C
6	Residential/ Transportation	Antenna	Existing structure or tower	C
7	Residential	Antenna	Collocated with other antenna on existing structure or tower	C
8	Residential	Antenna	Existing structure or tower	C
9	Commercial/ Transportation	Tower	Construct a tower within a commercial transportation corridor	C
10	Commercial	Tower	Construct a tower in a commercial area	C
11	Residential/ Transportation	Tower	Construct a tower within a residential transportation corridor	C
12	Residential	Tower	Construct a tower in a residential zone	C

Note: * "Commercial" includes the C and R-O-M zones

"Transportation" means the lot has frontage on Route 31 or Route 513

4. Bulk standards. An applicant desiring to construct a wireless telecommunications tower who has satisfied the requirements of Subsection 3 above, shall also satisfy the following bulk standards, which bulk standards shall be interpreted and reviewed pursuant to N.J.S.A. 40:55D-70(c):
 1. Minimum lot area - two (2) acres.
 2. Minimum setback of wireless telecommunications tower from:
 - (1) Any property line – The zoning district setback requirement or the tower height, whichever is greater.
 - (2) Any existing residence in a non-residential zone – 500 ft.
 - (3) Any wireless telecommunications tower – 5,280 ft.
 3. Minimum setback for equipment compound from any property line – The zoning district yard requirements for a principal building.
 4. Maximum height of wireless telecommunications tower (exclusive of lightning rod) designed to accommodate:
 - (1) 3 or more vendors – 150 ft.
 - (2) 2 vendors – 120 ft.
 - (3) Single vendor – 100 ft.
 - e. Maximum height of attached antenna – Ten (10) feet beyond the height of the building or structure on which attached.
5. Major site plan application requirements for the installation of wireless telecommunications towers.
 1. All site plan details required by Section 606 shall be provided and shall include the site boundaries; tower location; existing and proposed structures, including accessory structures; existing and proposed ground-mounted equipment; vehicular parking and access; and uses, structures, and land use designations on the site and abutting parcels.

2. A landscape plan drawn to scale showing proposed landscaping, including species type, size, spacing, other landscape features, and existing vegetation to be retained, removed or replaced.
 3. A report from a qualified expert certifying that the wireless telecommunications tower and equipment facility comply with the latest structural and wind loading requirements as set forth in the Building Officials and Code Administrators (BOCA) International, Inc. Code; or the Electronic Industries Association/Telecommunications Industries Association (ELA/TLA) 222 Revision F Standard, entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), as it may be updated or amended; or such other code as may apply to these facilities, including a description of the number and type of antennas it is designed to accommodate.
 4. A binding, irrevocable letter of commitment by the applicant to lease excess space on the tower to other potential users at prevailing market rates and conditions. The letter of commitment shall be recorded prior to issuance of a building permit. The letter shall commit and be binding upon the tower owner and successors in interest.
 5. Elevations of the proposed tower and accessory building generally depicting all proposed antennas, platforms, finish materials, and all other accessory equipment.
 6. A copy of the lease or deed for the property.
 7. A plan which shall reference all existing wireless telecommunications facilities in the Borough, any such facilities in the abutting towns which provide service to areas within the Borough of High Bridge, and any changes proposed within the following twelve (12)-month period, including plans for new locations and the discontinuance or relocation of existing facilities.
 8. Perspectives of the proposed tower at the proposed location from several sides from distances of one-thousand (1,000) feet, one-half (½) mile and one (1) mile drawn to an appropriate scale.
 9. An Environmental Impact Statement prepared in accordance with Section 604.
6. Design standards.
- a. The wireless telecommunications tower shall be designed and constructed so as to accommodate at least three (3) antenna arrays of separate telecommunication providers (the applicant's plus two (2) collocators).
 - b. Signs shall not be permitted except for a sign displaying owner contact information, warnings, equipment information, and safety instructions. Such signs shall not exceed two (2) square feet in area. No commercial advertising shall be permitted on any wireless telecommunications facility.
 - c. No lighting is permitted except that wireless telecommunication equipment compounds enclosing electronic equipment may have security and safety lighting at the entrance, provided that the light is attached to the facility, is no greater than one-hundred and fifty (150) watts, is focused downward and is on timing devices and/or sensors so that the light is turned off when not needed for safety or security purposes.
 - d. Wireless telecommunications antennas and towers shall be maintained to assure their continued structural integrity, and shall be inspected at least once a year by the owner or operator. The results of the inspection shall be filed with the Construction Code Official. The owner of the tower or antenna shall also perform such other maintenance of the structure and of the site as to assure that it does not create a visual nuisance.
 - e. Wireless telecommunications towers shall be of a color appropriate to the tower's locational context and to make it as unobtrusive as possible, unless otherwise required by the Federal Aviation Administration (FAA).
 - f. Wireless telecommunications facilities shall be surrounded by security features such as a fence. All towers shall be designed with anti-climbing devices in

- order to prevent unauthorized access. Additional safety devices shall be permitted or required, as needed, and as approved by the approving authority.
- g. Any proposed new telecommunication tower shall be a "monopole" unless the applicant can demonstrate that a different type pole is necessary for the collocation of additional antennas on the tower. Such towers may employ camouflage technology.
 - h. No equipment shall be operated so as to produce noise in excess of the limits set by N.J.A.C. 7:29-1.1 et seq., except for in emergency situations requiring the use of backup generator.
 - i. Wireless telecommunications towers and antennas shall be constructed to the Electronic Industries Association/Telecommunications Industries Association (ELA/TLA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), as it may be updated or amended.
 - j. The proposed tower and antenna shall not produce electromagnetic interference affecting surrounding property owners, and the tower owner shall remedy any problems that can be shown to be caused by the tower or antenna, in accordance with applicable FCC regulations.
7. **Antenna modifications.**
 - a. Whenever antennas are modified, operators of wireless telecommunications facilities shall provide to the Borough of High Bridge a report from a qualified expert certifying that a wireless telecommunications tower or building or other support structure as modified complies with the latest structural and wind loading requirements as set forth in the Building Officials and Code Administrators (BOCA) International, Inc. Code and the ELA/TLA Standard referenced above. Such modifications shall be subject to site plan review and approval.
 - b. Operators of wireless telecommunications facilities shall notify the Borough of High Bridge when the use of such antennas and equipment is discontinued. Facilities that are not in use for wireless telecommunications purposes for six (6) months shall be removed by the provider at its cost. This removal shall occur within ninety (90) days of the end of such six (6)-month period. Upon removal, the site shall be cleared, restored, and revegetated to blend with the existing surrounding vegetation at the time of abandonment. The facility owner shall post a bond to cover the costs of tower removal and site restoration. The amount of the bond shall take into consideration cost escalations.
 8. **Collocation and shared facilities and sites.** FCC-licensed wireless telecommunication providers are encouraged to construct and site their facilities with a view toward sharing facilities with other utilities, collocating with other existing wireless facilities and accommodating the collocation of other future facilities where technically, practically, and economically feasible.
 9. **Application and escrow fee.** Site plan application fees and escrows for wireless telecommunication installations shall be as set forth in Section 701.A. of this Chapter.

M. Planned Industrial Parks.

1. A planned industrial park shall consist of a tract or parcel of land under single ownership that has a total area of not less than ten (10) acres. Easements and rights-of-way held by a public agency, authority or utility within the perimeter of the tract or parcel of land shall be included in the total area and shall not affect the status of the planned industrial park as defined herein. Only industrial uses specified as a permitted use in the R-O-M Zone will be permitted in a planned industrial park.
2. **Lot Area.** Individual sites or lots shall be of such size that the development will have architectural uniformity and flexibility in arrangements and be of such size that all space requirements provided in this Ordinance are satisfied; however, no lot shall have an area less than eighty-five thousand (85,000) square feet.

3. The minimum lot width shall be two-hundred and twenty-five (225) feet.
4. The minimum front yard shall be seventy (70) feet.
5. No side yard shall be less than thirty (30) feet. The total of the two side yards shall be no less than seventy (70) feet.
6. The minimum rear yard shall be forty (40) feet.
7. The maximum lot coverage shall be forty-five percent (45%).
8. The maximum building height shall be forty (40) feet.
9. Five-thousand (5,000) square feet shall be the minimum gross floor area.
10. Parking areas may be located in any of the required yard areas provided that they are at least forty (40) feet from a street line or fifty (50) feet from the boundary of a residential use or zone. Ingress and egress shall be provided by not more than two (2) driveways, each not less than twenty (20), but no more than thirty (30), feet in width. No driveways shall be located within one hundred (100) feet of an existing driveway or private street.
11. The planned industrial park shall set aside twenty percent (20%) of the tract for the preservation of existing vegetative communities and use this area for no other purpose. If requested by the Planning Board, supplemental planting with native species or removal of invasive species to enhance or restore the existing vegetative community shall be performed.
12. Prohibited uses include explosives; residential or commercial sanitation collection; medical, chemical or radioactive waste storage, and operations such as the parking, storage, maintenance, or repair of vehicles usually and customarily associated with such businesses permitted in the industrial park.

N. Affordable Age-Restricted Housing.

1. Affordable Age-Restricted Housing is to be designed to provide sound, decent, attractive, and safe apartments restricted to low and moderate income senior citizen households, as defined by the Council on Affordable Housing (COAH) (or as further regulated by funding sources). Each development is also permitted to contain one (1) apartment for use by an on-site superintendent. This unit, which will contain not more than two (2) bedrooms, need not be age restricted, although it may in fact be income restricted in accordance with the administrative rules of COAH.
2. No building permit shall be issued for a building for this use until a site plan has been submitted in accordance with Article 6 and approved by the Planning Board, and until building construction plans and site plans thereof shall comply with all of the following requirements:
 - a. Height. Building height shall be consistent with that permitted for the zone; however, cupolas, belfries, steeples, and other non-habitable architectural design features are permitted, in fact, encouraged, provided they do not exceed ten percent (10%) of the building's height.
 - b. Yards. No principal building shall be located closer than fifteen (15) feet to the front property line. Required side yard setback is fifteen (15) feet. Required rear yard setback is twenty (20) feet. Accessory structures, recreation facilities and parking areas are permitted in side and rear yards, provided that no accessory structure, recreation facility or parking area shall project closer than ten (10) feet to any property line.
 - c. Minimum Lot Area. No senior citizen apartment building shall be constructed upon any lot containing an area of less than one-half (0.5) acre. No lot shall have less than seventy-five (75) feet of frontage.
 - d. Density of Development. Buildings within this zone shall contain not fewer than four (4) apartments, and no more than twenty (20) apartments, all of which shall be restricted for low-income senior citizen households, as defined by COAH and applicable Federal regulations, exclusive of the superintendent's apartment. Apartments shall not have more than two (2) bedrooms and shall provide a mix of one (1) and two (2) bedroom units.

- e. **Parking.** Parking shall be provided at a rate of not less than 0.75 parking stalls for each apartment plus ten (10%) percent or in accordance with the RSIS. Parking lots shall be located conveniently close to building entrances. Parking lot and driveway access shall comply with generally acceptable design standards for age-restricted housing. The number of parking spaces reserved for handicapped drivers shall be based on a recognized published standard for this type and quantity of housing.
 - f. **Access Drives.** Access drives shall be installed to provide adequate circulation within the property. All access drives shall be paved and curbed to meet Borough road specifications. All access drives for parking lots shall have minimum pavement width of twenty-four (24) feet for two-way traffic and eighteen (18) feet for one-way traffic circulation. Primary site access drive(s) linking this site to a Borough street shall provide for a twenty-four (24) foot wide aisle, if not provided with a center median. If a center median aisle is proposed, then each of the one-way lanes of traffic shall be fifteen (15) feet in width.
 - g. **Walks.** There shall be an adequate system of sidewalks leading from all apartments to all parking areas, along access drives, and to and along front streets. All walks shall be handicapped accessible to the apartment door.
 - h. **Landscaping.** Those portions of all front, side, and rear yards that are not used for structures, off-street parking, access drives, or recreational amenities shall be attractively planted and maintained with native hardy trees, shrubs, and grass lawns or other ground covers as set forth on a landscaping plan to be furnished by the developer with the site plan application. Special landscape treatments and/or fences may be required by the Planning Board alongside and front property lines so that the parking area is appropriately buffered from adjacent properties. Every effort shall be made to disturb a minimal amount of property. The maximum lot coverage shall be eighty percent (80%).
 - i. **Signs.** One (1) ground-mounted, monument-type sign identifying the development is permitted in accordance with the requirements for signs for approved multi-family residential developments given in Article 3, Section 302.D.2.
 - j. **Garbage.** Adequate facilities shall be provided for handling garbage and trash. In units with no garage, a raised platform shall be installed a minimum of three (3) inches from ground level, for each dwelling unit. Said platform shall be enclosed or walled in with the same material as used on the main building. All garbage and waste receptacles shall be stored and maintained on said platform and there shall be a minimum capacity of thirty (30) gallons per dwelling unit. The height of said wall or enclosure shall be at least the height of the garbage or waste receptacle. If a multiple unit receptacle is used it must also be installed on a concrete or asphalt pad and the enclosure must be at least the height of the receptacle.
 - k. **Laundry.** No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area for equipment shall be made available to each dwelling for the laundering and artificial drying of laundry by occupants of the dwelling.
3. Selection of tenants and setting of rent shall comply with the regulations set forth in Article 5 of this Chapter. All housekeeping units shall be occupied by senior citizens who meet age and income requirements as established by COAH and applicable Federal regulations at the time of application for occupancy. All age restricted apartments constructed under this conditional use shall be restricted to low and moderate income, senior citizen households. All applicants must provide the necessary documentation as required by COAH and applicable Federal regulations to establish their eligibility to be selected for an apartment. The maximum rent for a unit shall be established in

accordance with COAH guidelines and applicable Federal regulations but shall not be more than forty percent (40%) of a housekeeping unit's gross income.

ARTICLE 5

AFFORDABLE HOUSING REGULATIONS

Section 501. General Provisions.

A. Purpose.

The purpose of this Article is to establish a mechanism for assuring that housing units designated for occupancy by low and moderate income households remain affordable to and occupied by low and moderate income households.

B. Definitions.

The following terms, wherever used or referenced to in this Article, shall have the following meanings unless a different meaning clearly appears from the context:

ADMINISTRATIVE ENTITY – The agency responsible for ensuring that housing units are restricted and affordable to low and moderate income households. The agency shall also be responsible for ensuring that income eligible households occupy housing units, unless otherwise excepted by this Article.

AFFORDABLE HOUSING PLAN – An instrument recorded with the Hunterdon County Clerk's Office constituting restrictive covenants running with the land with respect to the low and moderate income units described and identified in such instrument. The instrument shall set forth the terms, restrictions and provisions applicable to the low and moderate income units and shall be consistent with this Article concerning use, occupancy, sale, resale, rental, re-rental, sales price and rental determination, duration of restrictions, exempt transactions, hardship exemptions, foreclosure, violation, legal description of the specific low and moderate income units governed by the instrument, determination of eligible purchasers and owners, responsibilities of owners and improvements and creating the liens and rights of the Administrative Entity upon such low and moderate income units. The instrument also authorizes the Administrative Entity or, in the alternative, High Bridge Borough to enforce the restrictive covenants referred to herein, all as such provisions of this Article exist at the time that the instrument is executed by the Administrative Entity. The terms, restrictions, and provisions of the instrument shall bind all purchasers and owners of any low and moderate income units, their heirs and assigns and all persons claiming by, through or under their heirs, assigns and administrators. If a single instrument is used to govern more than one (1) low and moderate income unit, then the instrument must identify the location of each low and moderate income unit governed by the instrument, and the deed of each and every individual low and moderate income unit so governed must contain the recording information of the instrument applicable to such low and moderate income units. The instrument shall be executed by the Administrative Agency prior to recording of the Affordable Housing Plan. The instrument shall also be executed by the developer and /or the then current titleholder of record of the property upon which the low and moderate income units are to be constructed.

ASSESSMENTS – Taxes, levies, charges or assessments both public and private, including those imposed by the association, as the applicable case may be upon the low and moderate income units which are part of the association.

FIRST PURCHASE MONEY MORTGAGE – The most senior mortgage lien to secure repayment of funds for the purchase of low and moderate income units.

FIRST PURCHASE MONEY MORTGAGEE – The holder and/or assigns of the first purchase money mortgage and which must also be an institutional lender or investor, licensed or regulated by a state or federal government or an agency thereof. Other lenders, investors or persons may be holders of a first purchase money mortgage; however, for the purposes of this Article, such other lenders, investors, or persons shall not be "first purchase money mortgagees."

FORECLOSURE – A termination of all rights of the mortgagor or the mortgagor's assigns or grantees in a low and moderate income unit covered by a recorded mortgage through legal processes, or through a deed in lieu of foreclosure which has been executed and delivered prior to a judicially regulated sale.

GROSS AGGREGATE HOUSEHOLD INCOME – The total annual income from all sources of all members of the household or family, except income received by a family household member (other than the family head, spouse or foster children) who is under the age of eighteen (18) years or a full-time student of any age. Income includes but is not limited to compensation for employment services, interest, dividends, rent, pension benefits, government benefits, unemployment compensation, welfare payments, disability income, support payments and return-on-assets income as defined herein.

IMPROVEMENT – Additions within a low and moderate income unit, including materials, supplies, appliances or fixtures which become a permanent part of, or affixed to, such low and moderate income units.

INCOME CEILING – Eighty percent (80%) of the regional median income for moderate income households and fifty percent (50%) of the regional median income for low income households, with adjustments for household size.

JUDGMENT OF REPOSE – A judgment entered by the Superior Court approving a municipality's plan to satisfy its fair share obligation.

LOW-INCOME PURCHASER – A low income household purchasing either a low income unit or a moderate income unit, as the case may be.

LOW INCOME UNIT – A unit which is affordable to a low income household.

MARKET UNIT – Any residential unit within a development which is not designated as a low and moderate income unit.

MODERATE INCOME PURCHASER – A moderate income household purchasing a moderate income unit.

MODERATE INCOME UNIT – A unit which is affordable to a moderate income household.

NET FAMILY ASSETS – The value of equity in real property, including gains from the sale of real property, savings and other forms of capital investment; but not including equity in a business or farm operation where that business or farm operation is the principal means of support of the household, amounts in an irrevocable trust fund, or the value of personal property (e.g., car, furniture, etc.).

OWNER – The then current titleholder of record of a low or moderate income unit. "Owner" shall refer to and mean the titleholder of record as the same is reflected in the most recently dated and recorded deed for the particular low and moderate income unit. For purposes of the initial sale or rental of any low or moderate income unit, "owner" shall include the developer/owner of the land upon which the low and moderate income unit is to be constructed. Ownership of a low and moderate income unit shall be deemed to be acceptance and ratification of the provisions of this

Article and the Affordable Housing Plan. Where appropriate, the term "owner" shall also mean and refer to a person who owns a low and moderate income unit as a landlord or who occupies a low and moderate income unit as a tenant. "Owner" shall not include any co-signer or co-borrower on any purchase money mortgage unless such co-signer or co-borrower is also a named titleholder of record of such low and moderate income unit.

QUALIFIED PURCHASER – A person who, pursuant to this Article and the Affordable Housing Plan, submits an application for certification as a qualified purchaser to the Administrative Entity and whose gross aggregate household income, at the time of proposed purchase of a low and moderate income unit, is within the low and moderate income levels, as these income levels are designated herein. In the case of a development unit, the approval from a lending institution meeting the minimum qualifications set forth herein for issuance of a commitment for a mortgage to purchase a low and moderate income unit, is within low and moderate income levels, as these income levels are designated herein. Once a "qualified purchaser" becomes an owner of a lower income unit in accordance with the provisions of this Article, any increase or decrease in the gross aggregate household income of such owner shall not affect ownership rights, privileges or obligations of a person or family who occupies the low and moderate income unit subject to the qualifications and conditions stated above and elsewhere herein. Any person who submits false information in support of an application for certification and who subsequently received such certification and either title to a low and moderate income unit as owner or possession of a low and moderate income unit as tenant shall be deemed to have committed a substantial breach of the provisions of this Article and the Affordable Housing Plan, and any right of ownership of such unit shall be subject to forfeiture. A "qualified purchaser" shall not be permitted to own more than one (1) low and moderate income unit at the same time.

REGIONAL MEDIAN INCOME, HUNTERDON, SOMERSET AND MIDDLESEX – The median household income shall mean and refer to the annual median income of the Hunterdon, Somerset, Middlesex County housing region as determined by COAH.

RETURN-ON-ASSETS INCOME – When the household's total net family assets exceed five-thousand dollars (\$5,000.00), the gross aggregate household income shall include the dollar amount resulting from multiplying the value of the household's total net family assets by ten percent (10%) after excluding the first five-thousand dollars (\$5,000.00) in assets.

C. Administrative Entity.

1. The Borough shall designate an Administrative Entity with the responsibilities for administering the Borough's responsibilities related to ensuring controls on affordability, pricing low and moderate income households, affirmative marketing, and referring income qualified households to low and moderate income housing. The Administrative Entity shall also work with the Borough in completing monitoring forms required by COAH.
2. The Borough hereby designates the Borough Clerk or such other municipal official that may be appointed by the Borough Council as its liaison to the Administrative Entity. The clerk or other municipal official shall be responsible for assisting the Administrative Entity in completing its responsibilities.
3. Administrative Entity Responsibilities.
 - a. To determine the maximum sale, resale, and rental charges for low or moderate income units and to provide certification of the same to the developer. Said sales and rental prices shall be adjusted annually to reflect recalculations of the regional median income.
 - b. To prequalify prospective owners and renters based upon income and household size and to issue a certificate as to income eligibility status.
 - c. To establish selection procedures and criteria for determining qualified purchasers and households.

- d. To verify that an Affordable Housing Plan has been recorded and the deeds of individual low and moderate income units reference such Affordable Housing Plan.
 - e. To develop a formula for use in calculating the maximum resale price of low and moderate-income units which is consistent with the provisions of this Article.
 - f. To determine whether the cost or value of the installation of improvements or amenities within or as part of a low or moderate income unit should be included in the calculation of the resale price or rental charge for the unit and to establish guidelines whereby a homeowner can obtain a determination from the Administrative Entity in this regard prior to the time the improvements are made. In no event may the maximum homeowner's/renter's housing cost exceed the maximum homeowner's/renter's housing cost permitted pursuant to COAH's rules for the number of bedrooms within the housing unit.
 - g. To review and to approve or disapprove the Affordable Housing Plan required of all developers of low and moderate income housing.
 - h. To review and approve or disapprove the developer's proposed affirmative marketing plan and to require developers to submit proofs of publication in accordance with approved affirmative marketing plans, and to monitor the marketing practices of developers of low and moderate income units to ensure that they comply with the affirmative marketing requirements of this Article.
 - i. To report semiannually to the Borough Mayor and Council and Borough Planning Board on the status of low and moderate income units including, but not limited to, such things as the Administrative Entity's actions in connection with any statements of exemption and foreclosures upon any low and moderate income unit.
4. Fees.
- a. Developers of low and moderate income housing shall be responsible for reimbursing the Administrative Entity for its services as provided in N.J.S.A. 52:27D-324 upon initial sale.
 - b. Owners of low and moderate income housing units shall be responsible for reimbursing the Administrative Entity for its services as provided in N.J.S.A. 52:27D-324 upon subsequent sales.
 - c. Owners of rental low and moderate income units shall be responsible for reimbursing the Administrative Entity for its services as provided in N.J.S.A. 52:27D-324 upon each rental and re-rental.
 - d. In addition to the above fees, each and every applicant for low and moderate income housing shall be responsible for any application fee required by the Administrative Entity.
5. Wherever reference is made to low or moderate income housing in this Chapter of the Borough Code, the standards, definitions and procedures set forth in this Article shall apply.
6. Except as otherwise expressly provided herein, no low income unit shall be offered for sale or rental except at prices that are affordable by low income households, and no moderate income unit shall be offered for sale or rental except at prices that are affordable by moderate income households. Except as otherwise expressly provided herein, no low income unit shall be sold, resold, rented or re-rented except to a household that has been qualified as a low income household by the Administrative Entity. The provisions of this subsection shall apply equally to qualified low and moderate income units or renters in terms of controls on sale, resale, rental, or re-rental of any low and moderate income unit.
7. However, nothing contained in this Article shall restrict or preclude any household which was classified as low or moderate income based upon its gross aggregate household income at the time it purchased or leased a low or moderate income unit from continuing to own or lease said unit after its income exceeds the income ceilings established in this Article.

Section 502. Occupancy Selection.

A. Application Requirements and Eligibility.

The Administrative Entity shall designate an application period during which applications to purchase affordable housing units will be accepted. Applications shall be accepted only if submitted on an application form prepared and/or approved by the Administrative Entity. Applications for affordable housing shall be available at the municipal building, the municipal library, and the developer's sales office. Applications shall be mailed to prospective applicants upon request. Applications shall be completely filled out and notarized. Knowingly or intentionally making any false statement on a form shall be grounds for disqualifying an applicant even if the applicant is otherwise eligible. In placing households in low and moderate income units, the following verification and certification procedures shall be employed:

1. Every household member eighteen (18) years of age or over who will live in the affordable unit and receives income shall be required to provide income documentation as applicable and determined by the Administrative Entity. This includes income received by adults on behalf of minor children for their benefit. Household members eighteen (18) years of age or over not receiving income must produce documentation of current status.
2. Verification may include, but is not limited to, the following:
 - a. Four (4) consecutive pay stubs including overtime, bonuses, or tips dated within one-hundred and twenty (120) days of the interview date or a letter from an employer stating present annual income figure as projected annually.
 - b. A copy of regular IRS Form 1040 (Tax computation form) 1040A, or 1040 EZ as applicable and State income tax returns filed for each of the three (3) years prior to the date of interview.
 - c. A letter of appropriate reporting form verifying benefits such as Social Security, Unemployment, Welfare, Disability or Pension income (monthly or annually).
 - d. A letter or appropriate reporting form verifying any other sources on income claimed by the applicant such as alimony and child support.
 - e. Reports that verify income from assets to be submitted by banks or other financial institutions managing trust funds, money market accounts, certificates of deposits, stocks or bonds.
 - f. Evidence or reports of income from assets such as real estate or businesses that are directly held by any household member.
 - g. Evidence or reports that verify assets that do not earn regular income such as non-income producing real estate or savings that do not earn interest.
 - h. A notarized statement of explanation in such form as to be satisfactory to the Administrative Entity.
3. Generally, sources of annual income shall be based on regular income reported to the IRS and which can be utilized for mortgage approval. Household annual gross income shall be calculated by projecting current gross income over a twelve (12)-month period.
4. Income includes, but is not limited to, wages, salaries, tips, commissions, alimony, regularly scheduled overtime, pensions, social security, unemployment compensation, AFDC, verified regular child support, disability, net income from business or real estate, and income from assets such as savings, CDs, money market, mutual funds, stocks and bonds and imputed income from non-income producing assets such as equity in real estate.
5. Assets not earning a verifiable income shall have an imputed interest income using a current average annual savings interest rate. Assets not earning income include present real estate equity. Applicants owning real estate must produce documentation of a market value appraisal and outstanding mortgage debt. The difference will be treated as the monetary value of the asset and the imputed interest added to income.

6. Income from assets that have delayed earnings, such as IRA's or annuity programs shall not be included in current income until such payments are being received. However, these assets must be reported and verified.
7. Net rent from real estate is considered income after the monthly mortgage payment including real estate taxes and insurance is deducted. Other expenses are not deductible. In addition, the equity in the rented real estate is considered an asset and will have the imputed interest income on the calculated value of equity added to income.
8. Income does not include payments, rebates or credits received under Federal or State low income home energy assistance programs; Food Stamps; payments received for care of foster children; relocation assistance benefits; income of live-in attendants; scholarships; student loans; personal property such as automobiles; lump-sum additions to family assets such as inheritances, one-time lottery winnings, and insurance settlements except for additional income earned from these additions; and causal, sporadic or irregular gifts and bonuses.
9. Standard credit information services that provide conventional credit and tenant reports may be utilized when certifying a household with required written permission from the household. An unsatisfactory credit history or credit information that demonstrates a disproportionate debt to income ratio may result in a denial of certification. Court-ordered payments for alimony or child support to another household shall be considered a regular monthly debt whether or not it is being paid regularly.
10. Households whose total gross annual income is measured at or below fifty percent (50%) of the authorized median income guideline shall be certified as low income households and referred to units designated for low income households.
11. Households whose total gross annual income is measured above fifty percent (50%) but below eighty percent (80%) of the authorized median income shall be certified as moderate income households and referred to units designated for moderate income households.
12. Generally, households will be referred to units where predetermined total monthly housing costs correspond to the household's calculated ability to pay using twenty-eight percent (28%) of gross monthly income as a standard for home ownership and thirty percent (30%) of gross monthly income as a standard for rental units.
13. At the discretion of the Administrative Entity, households may also be required to produce documentation of household composition for determining the correct unit size and the applicable median income guide.
14. Generally, households will be referred to available units using the following standards for occupancy:
 - a. A maximum of two (2) persons per bedroom;
 - b. Children of same sex in same bedroom;
 - c. Unrelated adults or persons of the opposite sex other than husband and wife in separate bedrooms; and
 - d. Children not in same bedroom with parents.
15. Households may be considered for units other than as above, but in no case shall a household be referred to a unit that provides for more than one (1) additional bedroom per household occupancy standard as stated in A.14 above.

B. Certification Procedures.

1. A form for certification shall be prepared and signed by the Administrative Entity. Only households receiving certification shall be referred to affordable housing units.
2. Certified households who reject an opportunity for affordable housing may remain on the referral list at their request and may be interviewed again for certification when their name appears on a listing for a subsequent unit.
3. Certification shall be valid for no more than one-hundred and twenty (120) days unless a valid sales contract or lease has been executed within that time period. In this event, certifications shall be valid until such time as the sales contract or lease is ruled invalid and no occupancy has occurred. Certifications may be renewed in writing at the request

of a certified household for no more than an additional period of one-hundred and twenty (120) days at the discretion of the Administrative Entity.

4. Households who are denied certification may make a written request for a re-determination. Households shall be required to produce additional documentation to support their claim. Households who are denied certification a second time may request a hearing before the Mayor and Borough Council by forwarding a written request to the Administrative Entity thirty (30) days following the household's receipt of denial notification. If a written request has not been received within the thirty (30)-day time period, the ineligible determination will be final. The hearing decision shall be final.

C. Income Eligibility Standards.

1. The Administrative Entity shall adopt income eligibility ceilings for low and moderate income units for various sized households consistent with those adopted by COAH. No applicant with a household income in excess of these ceilings shall be eligible to purchase or rent the low and moderate income units.
2. Upon annual adoption of adopted income standards by COAH, the Administrative Entity shall modify its income eligibility ceilings accordingly.

D. Bedroom Distribution and Pricing of Units.

1. High Bridge Borough's new construction or inclusionary component will be divided equally between low and moderate income households.
2. Except for inclusionary development constructed pursuant to low income tax credit regulations:
 - a. At least fifty percent (50%) of all unit within inclusionary developments will be affordable to low income households;
 - b. At least fifty percent (50%) of all rental units will be affordable to low income households; and
 - c. At least thirty-three percent (33%) of all units in each bedroom distribution pursuant to pursuant to N.J.A.C. 5:93-7.3 will be affordable to low income households.
3. Inclusionary developments that are not restricted to senior citizens will be structured in conjunction with realistic market demands so that:
 - a. The combination of efficiency and one (1) bedroom units is at least ten percent (10%) and no greater than twenty percent (20%) of the total low and moderate income units; and
 - b. At least thirty percent (30%) of all low and moderate income units are two (2) bedroom units; and
 - c. At least twenty percent (20%) of all low and moderate income units are three (3) bedroom units.
4. Low and moderate income units restricted to senior citizens may utilize a modified bedroom distribution. At a minimum, the number of bedrooms will equal the number of senior citizen low and moderate income units within the inclusionary development.
5. In conjunction with realistic market information, the following criteria will be used in determining maximum rents and sales prices:
 - a. Efficiency units will be affordable to one (1) person households.
 - b. One (1) bedroom units will be affordable to a one and one-half (1.5) person household.
 - c. Two (2) bedroom units will be affordable to a three (3) person household.
 - d. Three (3) bedroom units will be affordable to a four and one-half (4.5) person household.

- e. Median income by household size will be established by a weighted average of the uncapped income limits as adopted on an annual basis by COAH.
 - f. The maximum average price of low and moderate income units within each inclusionary development will be affordable to households earning fifty-five percent (55%) of median income. The maximum average rent of low and moderate income rental units within each inclusionary development will be affordable to households earning fifty-two percent (52%) of median income.
 - g. Moderate income sales units will be available for at least three (3) different prices and low income units will be available for at least two (2) different prices.
 - h. For both owner-occupied and rental units, the low and moderate income units will utilize the same heating source as the market units within an inclusionary development.
 - i. Low income units will be reserved for households with a gross household income less than or equal to fifty percent (50%) of the median income approved by COAH. Moderate income units will be reserved for households with a gross household income less than eighty percent (80%) of the median income approved by COAH.
6. For rental units, developer and/or municipal sponsors may:
- a. Establish one (1) rent for a low income unit and one (1) for a moderate income unit for each bedroom distribution.
 - b. Gross rents, including an allowance for utilities, will be established so as not to exceed thirty percent (30%) of the gross monthly income of the appropriate household size as per Subsection D.5 above. The tenant paid utility allowance will be consistent with the utility allowance approved by HUD for use in New Jersey.
7. For sales units:
- a. The initial price of a low and moderate income unit will be established so that after a down payment of five percent (5%), the monthly principal, interest, homeowner's insurance, property taxes (based on the restricted value of the low and moderate income unit) and condominium or homeowner fee do not exceed twenty-eight percent (28%) of the eligible gross monthly income.
 - b. Master Deeds of inclusionary developments will regulate condominium or homeowner association fees or special assessments of low and moderate income purchasers at fifty percent (50%) of that paid by market purchasers. Once established within the Master Deed, the percentage will not be amended without prior approval from COAH.

Section 503. Raising Rents, Phasing, Terms of Controls, and Certificates of Occupancy.

A. Procedures for Raising Rents.

Rental charges shall remain in effect for a period of at least one (1) year, except that the landlord may request a modification of these charges by applying to the Administrative Entity for recalculation of the rents based on changes in the index for rentals adopted by COAH.

B. Phasing and Integration.

- 1. Low and moderate income units shall be built pursuant to the following phasing schedule:

<u>Minimum % of Low/Mod Income Units Completed</u>	<u>% of Market Housing Units Completed</u>
0	25 + 1
10	50
50	75
100	100

2. The integration of low and moderate income units with market units is encouraged.

C. **Term of Controls.**

1. Newly constructed, low and moderate income units shall remain affordable to low and moderate income households for at least thirty (30) years from the date that the first low and moderate income unit is occupied. The Administrative Entity shall require a deed restriction and mortgage lien that conforms to those published in the Appendices to N.J.A.C. 5:93-1 et. seq.
2. Affordability controls on accessory apartments will be for a period of ten (10) years, except if the apartment is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.13. For accessory apartments that will receive a rental bonus, controls on affordability shall extend for thirty (30) years.
3. Alternative living arrangements (including but not limited to assisted living facilities) will be controlled in a manner suitable to COAH that provides assurance that such a facility will house low and moderate income households for at least ten (10) years. If the low and moderate income units are to receive a rental bonus, pursuant to N.J.A.C. 5:93-5.13, then the controls on affordability shall extend for thirty (30) years.
4. All lower income dwelling units shall be covered by covenants to ensure that the units will continue to remain available and affordable to the lower income households for which they were intended for the period specified in this subsection in accordance with the requirements and standards established by COAH.

D. **Certificate of Occupancy.**

1. No Certificate of Occupancy for a low or moderate income unit shall be issued until the developer shall have submitted and have approved by the Administrative Entity a deed restriction encompassing all the provisions of these regulations.
2. No Certificate of Occupancy shall be issued for the re-rental of a low or moderate income unit unless the Administrative Entity certifies that the rental complies with the terms of these regulations.
3. No low and moderate income unit may be occupied by an initial tenant or subsequent tenant without a Certificate of Occupancy.

Section 504. Affirmative Marketing.

A. **Program Definition.**

The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by the developer of affordable housing. It is a continuous program and covers the period of the deed restriction. The affirmative marketing program will be administered by the Administrative Entity.

B. Advertising.

1. Advertising for affordable housing units shall begin at least four (4) months prior to expected occupancy. There shall be at least one (1) paid advertisement in the *Hunterdon Democrat* or *Hunterdon Review* and a newspaper of general circulation within the housing region during the first week of the marketing program. Such a newspaper may include the *Home News*, *Courier News*, *Newark Star Ledger* and *Easton Express*. The advertisement shall include:
 - a. The location of the units;
 - b. Directions to the housing units;
 - c. A range of prices for the housing units;
 - d. The size, as measured in bedrooms, of the housing units;
 - e. The maximum income permitted to qualify for the housing units;
 - f. The location of applications for the housing units; and
 - g. The business hours when interested households may obtain an application for a housing unit.
2. The Administrative Entity shall supplement newspaper advertisements by:
 - a. Providing quarterly published materials to the Hunterdon, Somerset and Middlesex Offices on Aging, Boards of Social Service, and Boards of Realtors;
 - b. Providing quarterly published materials to mailing lists of employers, public housing authorities, community development block programs and non-profit agencies that provide housing services within Hunterdon, Somerset and Middlesex Counties;
 - c. Posting advertisements in local businesses in and surrounding High Bridge Borough;
 - d. Mailing information about affordable housing to local religious organizations;
 - e. Advertising on WPST and local cable provider; and
 - f. Posting advertisements and flyers at major employers such as Taylor Wharton Square 1792 in High Bridge, Exxon in Clinton Township, Foster Wheeler in Union Township, and Merck in Readington Township.
3. The cost of all newspaper and radio advertising shall be the developer's responsibility and shall be established at preliminary approval.
4. Applications for affordable housing shall be available at the municipal building, the municipal library, and the developer's sales office. Applications shall be mailed to prospective applicants upon request.

C. Random Selection Procedures.

Applications for low and moderate income units shall be reviewed as follows:

1. Households that apply for low and moderate income housing shall be screened for preliminary income eligibility by comparing their total income to the low and moderate income limits adopted by COAH. Applicants shall be notified as to their eligibility status.
2. Having screened applicants for preliminary income eligibility, the Administrative Entity may analyze the income and household sizes of applicants to determine which applicants have the assets and/or income necessary to purchase or rent each available low or moderate income unit.
3. The Administrative Entity shall interview each applicant and utilize the procedures outlined in Section 502.A to verify the applicant's income and household size, determine the applicant's asset availability and review the applicant's credit history. This process shall be utilized in establishing the final certified applicant group.
4. The process described in C.1 through C.3 above shall begin no sooner than one (1) month after the initial advertisement outline in B.2. above. Households shall proceed through the process described in C.1 through C.3., based on their ability to provide the