

**TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY**

RESOLUTION #20-60

**A RESOLUTION EXTENDING AFFORDABLE HOUSING RESTRICTIONS AND
CONTROLS ON EXISTING TOWNSHIP AFFORDABLE HOUSING UNITS**

WHEREAS, N.J.A.C. 5:80-26.25(a) provides that “a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low and moderate income housing is to prohibit the exercise of any repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2” (the “Controls”); and

WHEREAS, such a determination shall be made by resolution of the municipal governing body and shall be effective upon adoption; and

WHEREAS, the municipality’s resolution must specify the time period for which the repayment option shall not be applicable, and that during such period, no seller in the municipality may utilize any repayment option permitted by N.J.A.C. 5:93-9.8; and

WHEREAS, pursuant to N.J.A.C. 5:80-26.25(b), a municipality that exercises the option outlined above shall: (1) provide public notice in a newspaper of general circulation and (2) notify the municipality’s administrative agent; and

WHEREAS, the municipality’s administrative agent or attorney shall ensure that the deed restriction(s) on all affected housing units reflect the extended period of Controls; and

WHEREAS, the Controls set forth in any declaration may be extended by municipal resolution as provided for in N.J.A.C. 5:93-9 and said paragraph provides that the resolution shall provide for a period of extended restrictions; and

WHEREAS, out of an abundance of caution and due to the discrepancy in some dates of potential termination of the Controls, and because Raritan Township has determined that the most desirable means of promoting an adequate supply of low and moderate income housing in Raritan Township pursuant to N.J.A.C. 5:80-26.25 is to maintain the Controls on certain affordable housing units for a longer period than the initial time period(s), Raritan Township has determined to adopt the within Resolution to extend the Controls on these affordable housing units (the “Units”).

WHEREAS, certain buyers of six Units have previously voluntarily extended at real estate closings the Controls on those Units and the Township affirms that those six Units shall also be subject to the extended restrictions set forth in this resolution in a similar manner and fashion.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, as follows:

1. Any repayment option shall not be permitted from the date of this Resolution until in perpetuity.

2. The Controls are extended in perpetuity, and during this period of extended Controls no seller of the Units may utilize any repayment option as permitted by N.J.A.C. 5:93-9.8.
3. The Raritan Township Clerk is authorized and directed to publish this Resolution in full in the official newspaper of Raritan Township and to notify the administrative agent and affordable housing attorney for the Township of the Raritan Township Committee's action.
4. This Resolution shall evidence that the Controls have been extended in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. and any amendments, changes or supplements thereto ("UHAC") and the Raritan Township affordable housing ordinances.
5. The Township of Raritan shall ensure that the Controls on the Units extend in perpetuity or until otherwise released by Raritan Township in accordance with UHAC.
6. The sale and use of the Units is governed by UHAC.
7. The covenants (the "Covenants") in paragraph 8 herein shall run with the Units for the in perpetuity period of time (the "Control Period").

**The Units in the
Township of Raritan, County of Hunterdon**

	<u>Block</u>	<u>Lot</u>	<u>Unit</u>	<u>Unit Address</u>
1.	71.25	1	(C01108)	108 Blackberry Court
2.	71.25	1	(C0508)	508 Reed Court
3.	71.25	1	(C01208)	1208 Southard Court
4.	71.25	1	(C0710)	710 Reed Court
5.	71.25	1	(C0714)	714 Reed Court
6.	71.25	1	(C0308)	308 Saddle Court
7.	71.25	1	(C0408)	408 Saddle Court
8.	71.25	1	(C1010)	1010 Wheatfield Court
9.	71.25	1	(C1108)	1108 Wheatfield Court

Block 71.25, Lot 1, is formerly known as Block 71, Lot 25. Said Units 1 to 9 above further subject to the provisions of a Deed dated July 13, 1990, from Stone Gate Developers, Inc. as grantor, to Stone Gate Developers, Inc. as Grantee, recorded with the Hunterdon County Clerk on July 25, 1990, in Deed Book 1046, Page 317, formerly known as Block 71, Lot 25.

10.	64	3	(C0203)	203 Clark Circle
11.	64	3	(C0404)	404 Clark Circle
12.	64	3	(C0504)	504 Clark Circle
13.	64	3	(C0505)	505 Clark Circle
14.	64	3	(C0604)	604 Clark Circle
15.	64	3	(C0705)	705 Clark Circle

Said Units 10 to 15 above, located and known as South Main Village Condominium Association, Inc. Said Units being further subject to the provisions of the South Village Condominium Master Deed dated April 28, 1989, recorded in the Hunterdon County Clerk's Office on May 11, 1989, in Deed Book 1025, Page 819, and as recorded further on the same date in Deed Book 1025, Page 882.

**Six Previously Closed
And Extended Units**

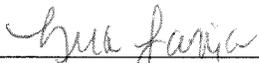
	<u>Block</u>	<u>Lot</u>	<u>Unit</u>	<u>Unit Address</u>	<u>Closing Date</u>
16.	64	3	(C0103)	103 Clark Circle	March 15, 2012
17.	64	3	(C0104)	104 Clark Circle	May 14, 2009
18.	64	3	(C0304)	304 Clark Circle	July 17, 2013
19.	64	3	(C0403)	403 Clark Circle	October 30, 2013
20.	64	3	(C0603)	603 Clark Circle	April 6, 2011
21.	71	25	(C0608)	608 Wheatfield Court	December 29, 2015

Mailing address for all 21 units is Flemington, New Jersey 08822.

8. In accordance with N.J.A.C. 5:80-26.11, each restricted Unit shall remain subject to the requirements of the Control Period until Raritan Township elects to release the Unit from such requirements. Prior to such a municipal election, a restricted Unit must remain subject to the requirements of this subchapter for a period of at least thirty (30) years from the date of this Resolution.
 - A. Sale and use of the Units is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, et seq., the "Uniform Controls").
 - B. The Units shall be used solely for the purpose of providing dwelling units for very low, low, or moderate income households, and no commitment for any such very low, low, or moderate income dwelling unit shall be given or implied, without exception, to any person who has not been certified for that Unit in writing by the Administrative Agent. So long as any very low, low, or moderate income dwelling unit remains within its Control Period, sale of the Unit must be expressly subject to UHAC Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no sale of the Units shall be lawful, unless approved in advance and in writing by the Administrative Agent and Raritan Township.
 - C. No improvements may be made to the Units that would affect the bedroom configuration of any of its very low, low, or moderate income dwelling units, and any improvements to the very low, low, or moderate income dwelling units must be approved in advance and in writing by the Administrative Agent and Raritan Township.

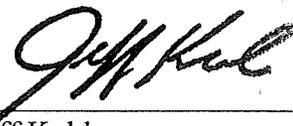
- D. The Owner shall notify the Administrative Agent and Raritan Township of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.
 - E. The Owner shall notify the Administrative Agent and Raritan Township within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.
9. A breach of the Covenants will cause irreparable harm to the Administrative Agent, to Raritan Township and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of very low, low and moderate income housing.
- A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the units, the Administrative Agent and Raritan Township shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.
 - B. Upon the occurrence of a breach of any Covenants by a Unit owner, or any successor in interest or other owner of the Units, the Administrative Agent and the Municipality shall have all remedies provided at law or equity, including but not limited to, forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

ATTEST:



Lisa Fania, RMC
Township Clerk

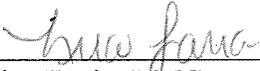
**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RARITAN**



Jeff Kuhl
Mayor

CERTIFICATION

I, Lisa Fania, Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey, hereby certify that the foregoing resolution is a true, complete and accurate copy of a resolution adopted by the Township Committee of the Township of Raritan at a meeting held on February 4, 2020.



Lisa Fania, RMC
Township Clerk