

**TOWNSHIP OF MULLICA**  
**MEETING AGENDA**  
**MAY 27, 2025**  
**7:00 PM**

**MEETING CALLED TO ORDER**

This meeting has been properly advertised according to Public Law 1975, Chapter 231 in The Press of Atlantic City on January 11, 2025, and the Hammonton Gazette on January 15, 2025.

**FLAG SALUTE**

**ROLL CALL**

**APPROVAL OF MINUTES**

None

**PUBLIC COMMENT ON AGENDA ITEMS**

**ORDINANCES ON SECOND READING – HEARING/ADOPTION:**

- Ordinance 6-2025 – Street Vacation Portion of Fourth Avenue
- Ordinance 7-2025 – Street Vacation Portion of Hamburg Avenue

**ORDINANCES ON FIRST READING – INTRODUCTION**

- Ordinance 8-2025 – Repealing and replacing Chapter 144 Article XA captioned “Affordable Housing”

**CORRESPONDENCE**

None

**COMMITTEE REPORTS**

- Department of Revenue and Finance – Committeeman Muller
- Department of Administration – Committeewoman Hanselmann
- Department of Public Works – Committeeman Moore
- Department of Development and Housing – Deputy Mayor Forman
- Department of Public Safety – Mayor DeMarco

**OLD BUSINESS**

**NEW BUSINESS**

**RESOLUTIONS/CONSENT AGENDA**

All matters listed under the consent agenda are considered to be routine in nature, and having been reviewed by Committee, will be enacted in one motion. Any item may be removed from the Consent Agenda at the request of any Committee Member and if so removed, it will

**TOWNSHIP OF MULLICA**  
**MEETING AGENDA**  
**MAY 27, 2025**  
**7:00 PM**

be treated as a separate matter. Any items requiring expenditure are supported by a Certification of Availability of Funds.

- **Resolution 134-2025 – Award EMS Competitive Salary**
- **Resolution 135-2025 – Authorizing Contract with State Contract Police Vehicle**
- **Resolution 136-2025 – Cancellation of Property Taxes and Refund of Overpayment – 100% Disabled Veteran – 7301.1 Wittenberger, Aubrey and Amsden Dalt**
- **Resolution 137-2025 – Cancellation of Property Taxes and Refund of Overpayment – 100% Disabled Veteran – B801 L 12 – Zaweirucha**
- **Resolution 138-2025 – Engineering Services Wharton Park Blvd**
- **Resolution 139-2025 – Chapter 159 Click it or Ticket**
- **Resolution 140-2025 – Chapter 159 Recycling Tonnage**
- **Resolution 141-2025 – Chapter 159 Clean Communities**
- **Resolution 142-2025 – Liquor License Renewals**
- **Resolution 143-2025 – Authorizing Refund of Taxes**
- **Resolution 144-2025 – Appointing Municipal Housing Liaison**

**PAYMENT OF BILLS:** \$364,207.50

**PUBLIC DISCUSSION**

**EXECUTIVE SESSION:**

Resolution 145-2025 – Authorizing Executive Session

Resolution 146-2025 – Memorandum of Understanding for Mainland PBA

**ADJOURNMENT**

The next Township Meeting is scheduled to be held on Tuesday, June 24, 2025, at 7:00pm, 500 Elwood Road, Elwood, NJ 08217, Mullica Township Elementary School Library

**TOWNSHIP OF MULLICA  
ORDINANCE NO. 06-2025**

**AN ORDINANCE ENTITLED "AN ORDINANCE TO VACATE AND RELEASE FROM DEDICATION A PORTION OF FOURTH AVENUE, A PAPER STREET, ALONG THE PROPERTIES DESIGNATED AS BLOCK 6702, LOTS 6, 7 AND 8; BLOCK 6701, LOTS 5 AND 6, IN THE TOWNSHIP OF MULLICA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY"**

**WHEREAS** N.J.S.A. 40:67-1(b) authorizes Municipalities to vacate public streets in the public interest; and

**WHEREAS** an application having been made by property owners to the Mullica Township Planning Board, based upon a recommendation from the Mullica Township Planning Board, it has been determined by the Mullica Township Committee as follows:

1. The portion of Fourth Avenue described below is a "paper street" marked on a map or plat recorded with the Township of Mullica that shows the existence of an intended public right of way (the "Area to be Vacated").
2. It has been confirmed by the Township Engineer that the Township of Mullica does not hold title to that portion of the Area to be Vacated.
3. The Area to be Vacated has not been physically improved, does not provide public access, and is not needed for public road purposes.
4. The said portion of the Area to be Vacated lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the Township of Mullica that any public easements, rights, and interests in and to same shall be vacated, released, and extinguished.
5. The Township Engineer has confirmed that the right – of - way proposed to be vacated based on the Tax Map Sheet #67 the property frontage along Fourth Avenue from approximately 225 linear feet northeast of New York Avenue to approximately 1,000 linear feet of northeast of New York Avenue is 750 feet. (Fourth Avenue between New York and Rhodie Island Avenue)
6. The property designated on the official Township Tax Map as Block 6702, Lots 6, 7 and 8 abutting the area to be vacated and to which the title to the right – of – way will revert upon vacation is currently owned by John Sarappa.
7. The property designated on the official Township Tax Map as Block 6701, Lots 5 and 6 abutting the area to be vacated and to which the title to the right – of – way will revert upon vacation is currently owned by Whitetail Farms, LLC.

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE, OF THE TOWNSHIP OF MULLICA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, that**

**SECTION 1. DESCRIPTION OF THE PORTION OF THE AREA TO BE VACATED:**

All that certain tract or parcel of land located in the Township of Mullica, County of Atlantic, New Jersey BEING DESIGNATED AS that portion of Fourth Avenue shown cross-hatched on Sheet 67 of the Official Tax Map of Mullica Township, New Jersey attached hereto and incorporated herein (the Fourth Avenue Vacation Area”).

**SECTION 2. A PORTION OF PUBLIC RIGHT OF WAY IS TO BE VACATED SUBJECT TO STATUTORY PRESERVATION OF EASEMENTS:**

1. Subject to the conditions set forth herein, the rights of the public in and to a portion of the Unimproved Street, identified as the Fourth Avenue Vacation Area, is hereby released, extinguished, and vacated except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over and under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions herein, unless otherwise noted, shall be satisfied prior to said vacation being effective.
2. One-half of the Fourth Avenue Vacation Area, being a portion of the Unimproved Street, which is hereby vacated, shall revert to the owner of, and shall merge, consolidate with, and become a part of the property designated as Block 6701, Lots 5 and 6, on the Official Tax Map of the Township of Mullica.
3. The remaining one-half of the Fourth Avenue Vacation Area, being a portion of the Unimproved Street, which is hereby vacated, shall revert to the owner of, and shall merge, consolidate with, and become a part of the property designated as Block 6702, Lots 6, 7, and 8 on the Official Tax Map of the Township of Mullica.

**SECTION 3. STATUTORY PUBLICATION AND NOTICE:**

A. The Municipal Clerk is directed to publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and the time and place when and where the Ordinance will be further considered for public hearing and final passage, shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof.

B. At least seven (7) days prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof at a time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance insofar as has been ascertained by the Tax Assessor. Said notices shall be made by the Township Clerk to the record owners of:

2320 Fourth Avenue Mullica Township NJ  
Block 6701, Lots 5

2310 Fourth Avenue Mullica Township NJ  
Block 6701, Lot 6

2331 Fourth Avenue Mullica Township NJ  
Block 6702, Lot 6,

2310 Weekstown Road Mullica Township NJ  
Block 6702 Lots 7 & 8

C. Within sixty (60) days after adoption of this ordinance, the Township Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Atlantic County Register of Deeds and to the Municipal Tax Assessor.

**SECTION 4. FEES AND COSTS TO BE PAID BY BENEFICIAL OWNER(S)**

All fees and costs associated with preparation and publication of this ordinance shall be paid by the applicant who applied to the Mullica Township Planning Board. All such fees, costs, and expenses shall be payable from an escrow account deposited with the Mullica Township Planning Board.

**SECTION 5. REPEALER CLAUSE.**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

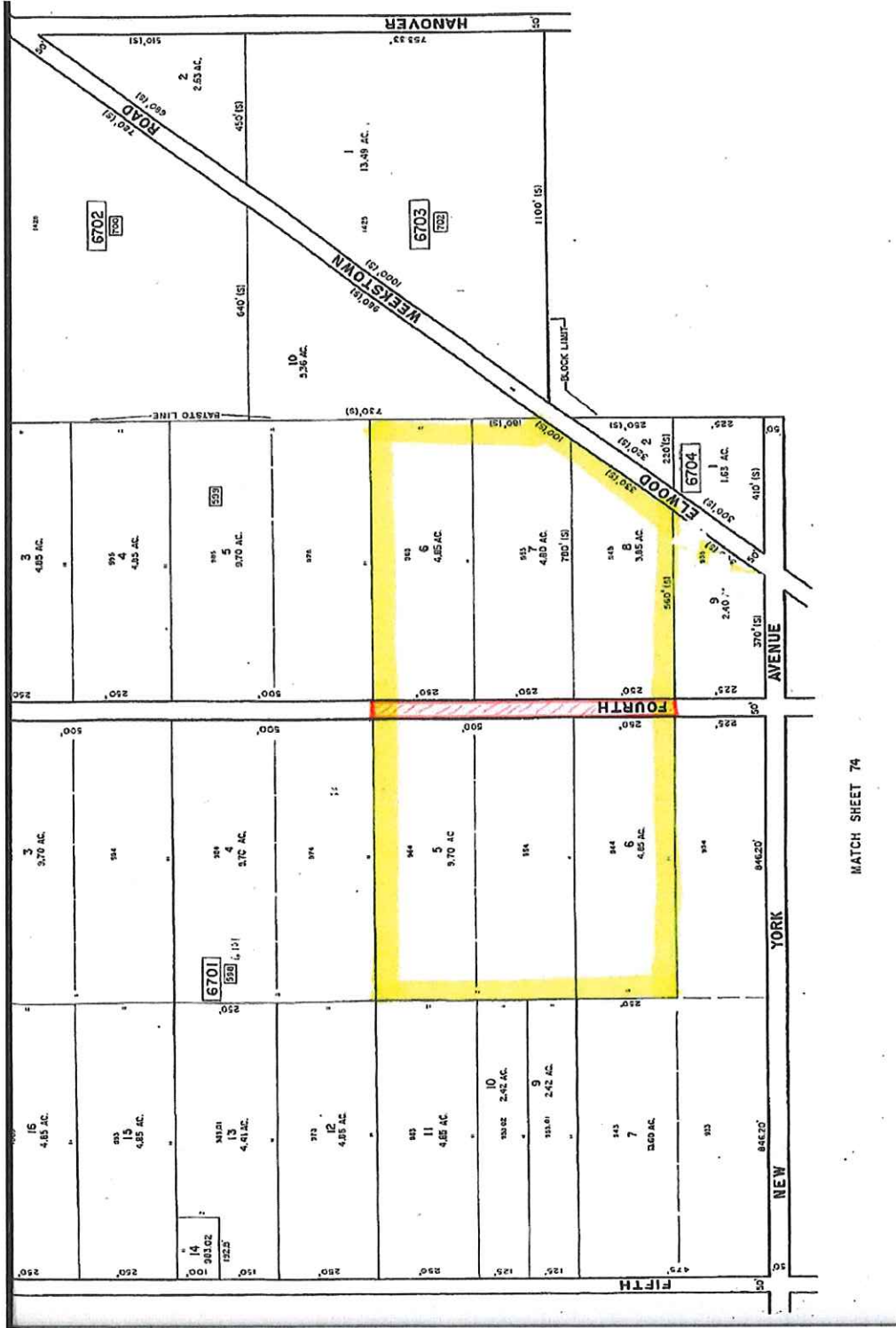
Introduced: April 29, 2025

Adopted: May 27, 2025

Attest:

\_\_\_\_\_  
DEANNA DEMARCO  
MAYOR

\_\_\_\_\_  
DAWN M STOLLENWERK  
ACTING MUNICIPAL CLERK



MATCH SHEET 74

Tax Map: Block 6701, Lot 5 & 6, Block 6702, Lots 6, 7 & 8

**TOWNSHIP OF MULLICA  
ORDINANCE NO. 07-2025**

**AN ORDINANCE ENTITLED "AN ORDINANCE TO VACATE AND RELEASE FROM  
DEDICATION A PORTION OF HAMBURG VENUE, A PAPER STREET, ALONG THE  
PROPERTY DESIGNATED AS BLOCK 4601, LOT 4 IN THE TOWNSHIP OF MULLICA,  
COUNTY OF ATLANTIC AND STATE OF NEW JERSEY"**

**WHEREAS** N.J.S.A. 40:67-1(b) authorizes Municipalities to vacate public streets in the public interest; and

**WHEREAS** an application having been made by property owners to the Mullica Township Planning Board, based upon a recommendation from the Mullica Township Planning Board, it has been determined by the Mullica Township Committee as follows:

1. The portion of Hamburg Avenue described below is a "paper street" marked on a map or plat recorded with the Township of Mullica that shows the existence of an intended public right of way (the "Area to be Vacated").
2. It has been confirmed by the Township Engineer that the Township of Mullica does not hold title to that portion of the Area to be Vacated.
3. The Area to be Vacated has not been physically improved, does not provide public access, and is not needed for public road purposes.
4. The said portion of the Area to be Vacated lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the Township of Mullica that any public easements, rights, and interests in and to same shall be vacated, released, and extinguished.
5. The Township Engineer has confirmed that the right – of - way proposed to be vacated based on the Tax Map Sheet #46 the property frontage along NW ½ of Hamburg Avenue is approximately 51,800 SF or 1.2+ acres.
6. The property designated on the official Township Tax Map as Block 4601 Lot 4 abutting the area to be vacated and to which the title to the right – of – way will revert upon vacation is currently owned by Cedar IV Properties, LLC

**BE IT ORDAINED** BY THE TOWNSHIP COMMITTEE, OF THE TOWNSHIP OF MULLICA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, that

**SECTION 1. DESCRIPTION OF THE PORTION OF THE AREA TO BE VACATED:**

All that certain tract or parcel of land located in the Township of Mullica, County of Atlantic, New Jersey BEING DESIGNATED AS that portion of Hamburg Avenue shown on Sheet 46 of the Official Tax Map of Mullica Township, New Jersey attached hereto and incorporated herein (the Hamburg Avenue Vacation Area”).

**SECTION 2. A PORTION OF PUBLIC RIGHT OF WAY IS TO BE VACATED SUBJECT TO STATUTORY PRESERVATION OF EASEMENTS:**

1. Subject to the conditions set forth herein, the rights of the public in and to a portion of the Unimproved Street, identified as the Hamburg Avenue Vacation Area, is hereby released, extinguished, and vacated except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over and under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions herein, unless otherwise noted, shall be satisfied prior to said vacation being effective.
2. The Hamburg Avenue Vacation Area, being a portion of the Unimproved Street, which is hereby vacated, shall revert to the owner of, and shall merge, consolidate with, and become a part of the property designated as Block 4601, Lot 4 on the Official Tax Map of the Township of Mullica.

**SECTION 3. STATUTORY PUBLICATION AND NOTICE:**

A. The Municipal Clerk is directed to publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and the time and place when and where the Ordinance will be further considered for public hearing and final passage, shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof.

B. At least seven (7) days prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof at a time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance insofar as has been ascertained by the Tax Assessor. Said notices shall be made by the Township Clerk to the record owners of:

2779 Green Bank Road Mullica Township NJ  
Block 4601, Lot 4

C. Within sixty (60) days after adoption of this ordinance, the Township Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Atlantic County Register of Deeds and to the Municipal Tax Assessor.

**SECTION 4. FEES AND COSTS TO BE PAID BY BENEFICIAL OWNER(S)**

All fees and costs associated with preparation and publication of this ordinance shall be paid by the applicant who applied to the Mullica Township Planning Board. All such fees, costs, and expenses shall be payable from an escrow account deposited with the Mullica Township Planning Board.

**SECTION 5. REPEALER CLAUSE.**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Introduced: April 29, 2025

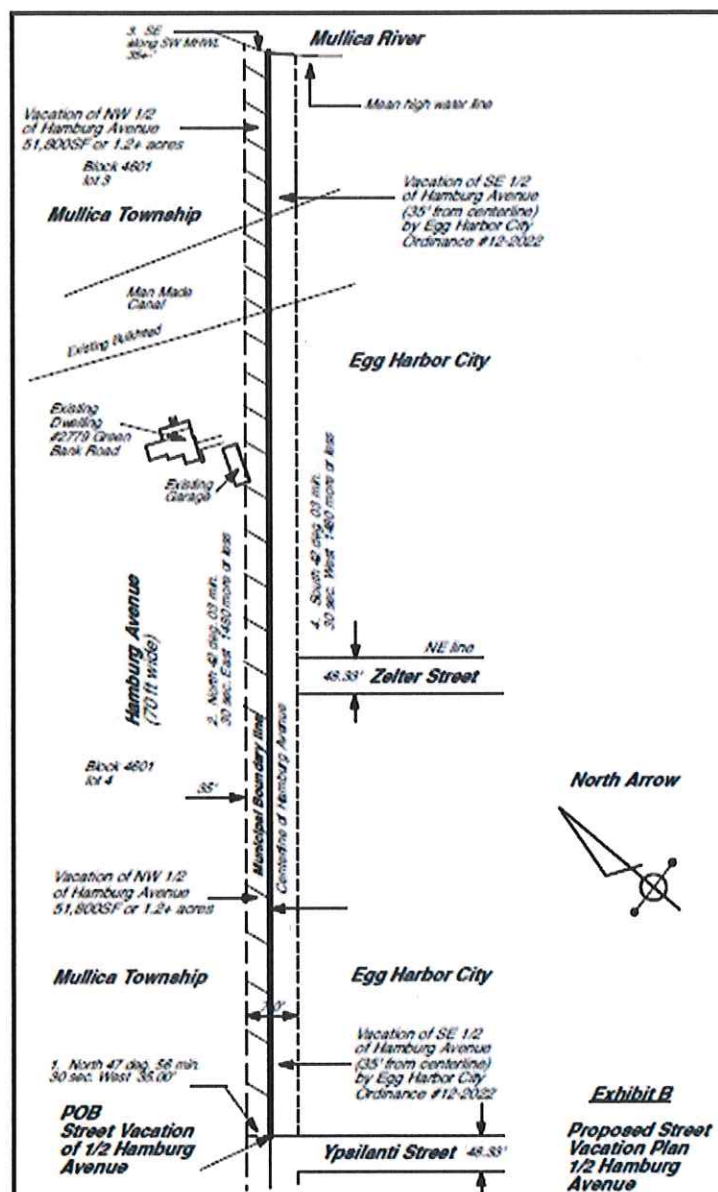
Adopted: May 27, 2025

Attest:

\_\_\_\_\_  
DEANNA DEMARCO  
MAYOR

\_\_\_\_\_  
DAWN M STOLLENWERK  
ACTING MUNICIPAL CLERK





**Thomas H. Darcy**

Professional Land Surveyor NJ License 23925

Municipality: Mullica Township

Scale: 1"=150'

Thomas H. Darcy Assoc. P.A. 1 N. New York Road, Smithville, NJ 08205

*Thomas H. Darcy*

Atlantic County, New Jersey

Date: 10-29-2024

Revised:

609-652-1198



**TOWNSHIP OF MULLICA  
COUNTY OF ATLANTIC  
STATE OF NEW JERSEY**

**ORDINANCE # 2025 - 8**

**ORDINANCE OF THE TOWNSHIP OF MULLICA REPEALING CHAPTER 144  
ARTICLE XA OF THE CODE OF THE TOWNSHIP OF MULLICA CAPTIONED  
“AFFORDABLE HOUSING” AND REPLACING IT WITH A NEW CHAPTER 144  
ARTICLE XA OF THE CODE OF THE TOWNSHIP OF MULLICA CAPTIONED  
“AFFORDABLE HOUSING” TO ADDRESS THE REQUIREMENTS OF THE FAIR  
HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS  
(UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP OF MULLICA’S  
AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Township of Mullica wishes to establish its compliance with the current rules and regulations on Affordable Housing by repealing Chapter 144 Article XA of the Code of the Township of Mullica captioned “Affordable Housing” and replacing it with a new Chapter 144 Article XA of the Code of the Township of Mullica captioned “Affordable Housing”.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Township Committee of the Township of Mullica County of Atlantic, State of New Jersey that it hereby repeals Chapter 144 Article XA of the Code of the Township of Mullica captioned “Affordable Housing” and replaces it with a new 144 Article XA of the Code of the Township of Mullica captioned “Affordable Housing” as follows:

**Section 1. AFFORDABLE HOUSING REGULATIONS**

**A. Monitoring and Reporting Requirements**

The Township of Mullica shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Housing Element and Fair Share Plan:

1. On each anniversary of a final judgment of repose, and on every anniversary of that date, the Township shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Committee on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDCA), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
2. On each anniversary of a final judgment of repose, and on every anniversary of that date, the Township of Mullica shall provide annual reporting of the status of all affordable housing activity within the Township through posting on the municipal website with a

copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose.

3. As required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the Township, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.
4. Every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low-income requirements, including its family very low-income requirements. Such posting shall invite any interested party to submit comments to the Township and FSHC on the issue of whether the Township has complied with its very low-income and family very low-income housing obligations.

## **B. Definitions**

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity designated by the Township to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a Township’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change

in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region, as adopted annually by the Court or a Court approved entity.

“Municipal Housing Liaison” means the employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Township of Mullica.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by the Court or a Court approved entity.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

### **C. Applicability**

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Mullica pursuant to the Township’s most recently adopted Housing Element and Fair Share Plan.
2. Moreover, this Ordinance shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units, and also including projects funded with Low-income Housing Tax Credits.

### **D. Alternative Living Arrangements**

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
  - a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
  - b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

#### **E. Phasing Schedule for Inclusionary Zoning**

To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing within the Township inclusionary zoning shall permit minimum presumptive densities and presumptive maximum affordable housing set-asides as follows:

1. All new residential development or mixed commercial/residential development producing five or more residential units shall be required to be set aside a minimum of 20% of all units as affordable for low- and moderate-income households. In addition projects where 100% of the residential units are made affordable for low- and moderate-income households shall be credited toward that obligation.
2. Thirteen percent of all constructed restricted units shall be very-low-income units, with half of the very-low-income units available to families.
3. Additional incentives to subsidize the creation of affordable housing available to very-low-income households may be included in the zoning section of this chapter or specified in a Developer's or Redeveloper's Agreement.
4. Phasing. In inclusionary developments the following schedule shall be followed:

<b>Maximum % of Market-Rate Units Completed in Any Development</b>	<b>Minimum % of Total Planned Units Which Must Be Completed and Available as Very-Low, Low- and Moderate-Income Units</b>
10	3
20	5
30	8
40	10
50	13
60	15
70	18
80	20
90	23

5. Design. In inclusionary developments, to the extent possible, very-low, low-, and moderate-income units shall be integrated with the market units.
6. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

## **F. New Construction**

### **1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:**

- a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13 percent of all restricted rental units shall be very low-income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low-income units shall be counted as part of the required number of low-income units within the development.
- b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or very low-income units and low income households with the remainder to affordable moderate-income households. At least 25% shall be rental units with half of those units available to families.
- c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
  - 1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
  - 2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
  - 3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
  - 4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
- d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

### **2. Accessibility Requirements:**

- a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:
- b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- 1) An adaptable toilet and bathing facility on the first floor; and
- 2) An adaptable kitchen on the first floor; and
- 3) An interior accessible route of travel on the first floor; and
- 4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- 5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- 6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Mullica has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
  - a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
  - b) To this end, the builder of restricted units shall deposit funds within the Township of Mullica's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
  - c) The funds deposited under paragraph 6)b) above shall be used by the Township of Mullica for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
  - d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of Mullica for the conversion of adaptable to accessible entrances.
  - e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

- 7) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

3. Design:

- a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

4. Maximum Rents and Sales Prices:

- a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and using calculation procedures approved by the Court. Income limits for all units that are part of the Township's Housing Element and Fair Share Plan and for which income limits are not already established through a federal program exempted from the UHAC pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Township annually within 30 days of the publication of determinations of median income by the Department of Housing and Urban Development ("HUD") as follows:
  - 1) Regional income limits shall be established for the region that the Township is located within based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low-income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

- 2) The income limits are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the fiscal year 2025, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
  - 3) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)(3) shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
- b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
  - c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.
  - d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
  - e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
    - 1) A studio shall be affordable to a one-person household;
    - 2) A one-bedroom unit shall be affordable to a one and one-half person household;
    - 3) A two-bedroom unit shall be affordable to a three-person household;
    - 4) A three-bedroom unit shall be affordable to a four and one-half person household; and
    - 5) A four-bedroom unit shall be affordable to a six-person household.

- f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
  - 1) A studio shall be affordable to a one-person household;
  - 2) A one-bedroom unit shall be affordable to a one and one-half person household; and
  - 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
- j. The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

#### **G. Utilities**

- 1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- 2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

## **H. Occupancy Standards**

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sexes with separate bedrooms;
3. Provide separate bedrooms for parents and children; and
4. Prevent more than two persons from occupying a single bedroom.

## **I. Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

1. Control periods for newly constructed restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, except as may be modified by the terms of the settlement agreement between the Township of Mullica and Fair Share Housing Center (FSHC), as said settlement agreement may be further amended and supplemented, and each newly constructed restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least fifty (50) years, until Mullica takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, except as modified by the terms of the settlement agreement between the Township of Mullica and Fair Share Housing Center (FSHC), as said settlement agreement may be further amended and supplemented.
2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit

meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

#### **J. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices**

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of approved capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

#### **K. Buyer Income Eligibility**

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Township Committee, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as

applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

#### **L. Limitations on Indebtedness Secured by Ownership Unit; Subordination**

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

#### **M. Capital Improvements To Ownership Units**

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

#### **N. Control Periods for Restricted Rental Units**

1. Control periods for newly constructed restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, except as may be modified by the terms of a settlement agreement between the Township of Mullica and Fair Share Housing Center (FSHC), as such settlement agreement may be further amended and supplemented, and each newly constructed restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until the Township takes action to release the unit

from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, except as may be modified by the terms of a settlement agreement between the Township of Mullica and Fair Share Housing Center (FSHC), as such settlement agreement may be further amended and supplemented.

2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Atlantic. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
  - a. Sublease or assignment of the lease of the unit;
  - b. Sale or other voluntary transfer of the ownership of the unit; or
  - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

#### **O. Rent Restrictions for Rental Units; Leases**

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

#### **P. 100% Affordable Projects**

1. All 100% affordable projects, including projects funded through Low-income Housing Tax Credits, shall comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et. seq., except as may be modified by the terms of a settlement agreement executed between the Township of Mullica and Fair Share Housing Center (FSHC), as such settlement agreement may be further amended and supplemented. All such projects shall

be required to have an initial thirty (30) year affordability control period plus a fifteen (15) year extended use period.

**Q. Tenant Income Eligibility**

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.
  - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.
  - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - c. The household is currently in substandard or overcrowded living conditions;
  - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

**R. Establishment of Municipal Housing Liaison position and compensation; powers and duties.**

1. Establishment of position of Municipal Housing Liaison Officer. There is hereby established the position of Municipal Housing Liaison Officer for the Township of Mullica.
2. Subject to the approval of the Court, the Municipal Housing Liaison Officer shall be appointed by the governing body and may be a full- or part-time municipal employee.
3. The Municipal Housing Liaison Officer shall be responsible for oversight and administration of the affordable housing program for the Township of Mullica, including the following responsibilities which may not be contracted out, exclusive of Subsection 3.f below, which may be contracted out:
  - a. Serving as the Township of Mullica's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents, and interested households;
  - b. Monitoring the status of all restricted units in the Township of Mullica's Fair Share Plan;
  - c. Compiling, verifying, and submitting annual reports as required by Court;
  - d. Coordinating meetings with affordable housing providers and administrative agents, as applicable;
  - e. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved;
  - f. If applicable, serving as the administrative agent for some or all of the restricted units in the Township of Mullica as described in Subsection 6 below.
4. Subject to approval by Court, the Township of Mullica 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 Township of Mullica, except for those responsibilities which may not be contracted out pursuant to Subsection C above. If the Township of Mullica 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 Officer shall supervise the contracting administrative agent.
5. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison Officer.
6. Administrative powers and duties assigned to the Municipal Housing Liaison Officer:
  - a. Affirmative marketing.

- 1) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the affirmative marketing plan of the Township of Mullica and the provisions of N.J.A.C. 5:80-26.15; and
- 2) 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.

b. Household certification.

- 1) Soliciting, scheduling, conducting and following up on interviews with interested households;
- 2) 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;
- 3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- 4) 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 Appendixes J and K of N.J.A.C. 5:80-26.1 et seq.;
- 5) 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
- 6) Employing the random selection process as provided in the affirmative marketing plan of the Township of Mullica when referring households for certification to affordable units.

c. Affordability controls.

- 1) 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;
- 2) 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;
- 3) 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;

- 4) Communicating with lenders regarding foreclosures; and
  - 5) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- d. Resale and rental.
- 1) 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 upon availability of the information to the Municipal Housing Liaison Officer; and
  - 2) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental upon availability of the information to the Municipal Housing Liaison Officer.
- e. Processing request from unit owners.
- 1) Reviewing and approving, in conjunction with the Township Attorney, requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
  - 2) Reviewing and approving, in conjunction with the Township Attorney, 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
  - 3) Processing requests and making determinations, in conjunction with the Township Attorney, on requests by owners of restricted units for hardship waivers.
- f. Enforcement.
- 1) The posting annually in all rental properties when the information becomes available to the Municipal Housing Liaison, 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;
  - 2) Creating and publishing a written operating manual, as approved by Court, setting forth procedures for administering such affordability controls; and
  - 3) Providing annual reports to Court as required.
- g. The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

## **S. Administrative Agent**

An Administrative Agent shall be an independent entity serving under contract to and reporting to the Township. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

### **1. Affirmative Marketing:**

- a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Mullica 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;
- f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Mullica when referring households for certification to affordable units; and
- g. Notifying the following entities of the availability of affordable housing units in the Township of Mullica: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Atlantic County and Southern Burlington County Branches of the NAACP, the Supportive Housing Association of New Jersey, and the New Jersey Housing Resource Center.

### **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 Atlantic County Clerk and Register of Deeds 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. Resales and Re-rentals:
  - 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 re-rental; and
  - b. Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.
- 5. Processing Requests from Unit Owners:
  - a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
  - 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 depreciated cost of central air conditioning systems;
  - c. Notifying the Township of an owner's intent to sell a restricted unit; and
  - d. Making determinations on requests by owners of restricted units for hardship waivers.
- 6. Enforcement:

- a. Securing annually from the Township a list 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. Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges 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 Township's Affordable Housing Trust Fund; and
  - f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Committee and the Court, setting forth procedures for administering the affordability controls.
7. Additional Responsibilities:
- a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
  - b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.
  - c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

#### **T. Affirmative Marketing Requirements**

- 1. The Township of Mullica shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- 2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is

intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region and is required to be followed throughout the period of restriction.

3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 5, comprised of Burlington, Atlantic and Gloucester Counties.
4. The Township has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Township of Mullica shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and, if one, the municipal library in the Township in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
9. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in the Township, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Atlantic County Branch of the NAACP, the Supportive Housing Association of New Jersey, STEPS, Senior Citizens United Community Services, and the New Jersey Housing Resource Center.
10. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

#### **U. Enforcement of Affordable Housing Regulations**

1. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the Township shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of

any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the Township may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
  - a. The Township may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
    - 1) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
    - 2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Mullica Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - 3) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
  - b. The Township may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
    - 1) The judgment shall be enforceable, at the option of the Township, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the Township, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
    - 2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Township for any and all costs and expenses incurred in connection with

either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Township in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Township in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Township for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the Township for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the Township. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Township, whether such balance shall be paid to the Owner or forfeited to the Township.

- 3) Foreclosure by the Township due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- 4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the Township may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- 5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the Township shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the Township, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- 6) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

## **V. Appeals**

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

### **Section 2. Development Fees**

In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and the State Constitution, subject to the adoption of Rules by the Committee on Affordable Housing (COAH).

Pursuant to P.L. 2008, c. 46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of COAH and that are now before a court of competent jurisdiction and have a Court-approved Spending Plan may retain and spend non-residential development fees collected in accordance with the approved Spending Plan.

#### **A. Mandatory Development Fees**

**Purpose.** This Ordinance establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with current regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

**B. Basic requirements.** The Township of Mullica shall not spend development fees until the Court has approved a plan for spending such fees.

#### **C. Definitions**

The following terms, as used in this ordinance, shall have the following meanings:

1. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
2. "Construction" means new construction and additions, but does not include alterations, reconstruction, renovations, and repairs as those terms are defined under the State Uniform Construction Code promulgated pursuant to the "State Uniform Construction Code Act,"

P.L.1975, c.217 (C.52:27D-119 et seq.).

3. "Department of Community Affairs"
4. "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
5. "Development fee" means funds paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.
6. "Equalized assessed value" means the value of a property determined by the municipal tax assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the municipal tax assessor.
7. "Mixed use development" means any development which includes both a non-- residential development component and a residential development component, and shall include developments for which (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities may be considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including but not limited to lots separated by a street, a river, or another geographical feature.
8. "Non-residential development" means: (1) any building or structure, or portion thereof, including but not limited to any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code promulgated to effectuate the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), including any subsequent amendments or revisions thereto; (2) hotels, motels, vacation timeshares, and child-care facilities; and (3) the entirety of all continuing care facilities within a continuing care retirement community which is subject to the "Continuing Care Retirement Community Regulation and Financial Disclosure Act," P.L.1986, c.1 03 (C.52:27D-330 et seq.).
9. "Non-residential development fee" means the fee authorized to be imposed pursuant to sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8. 1 through C.40:55D-8.7).
10. "Relating to the provision of housing" shall be liberally construed to include the construction, maintenance, or operation of housing, including but not limited to the provision of services to such housing and the funding of any of the above.
11. "Spending plan" means a method of allocating funds collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to P.L.2008, c.46 (C.52:27D-329.1 et al.) for the purpose of meeting the housing needs of low and moderate

income individuals.

#### **D. Residential Development fees**

1. Where residential development occurs within the Township of Mullica, residential developers shall pay a fee of 1.5% of the equalized assessed value for residential development provided no increased density is permitted.
2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
3. The 1.5% of the equalized assessed value fee may be imposed on the construction of new residential development and additions and alterations to existing development. New construction fees shall be based on the equalized assessed value of land and improvements. Fees that result from additions and alterations shall be based on the increase in equalized assessed value that results from the addition or alteration.

#### **D. Non-residential Development fees**

1. Where residential development occurs within the Township of Mullica, non- residential developers shall pay a mandatory fee of 2.5% of the equalized assessed value for non-residential development pursuant to P.L.2008, c.46.
2. If an increase in floor area ratio is approved pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) shall incur a bonus development fee of 6% of the equalized assessed value for non-residential development. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the variance application.
3. The 2.5% of the equalized assessed value fee may be imposed on the construction of new non-residential development and additions and alterations to existing development. Ordinances governing the imposition of development fees shall clearly indicate which types of development shall be subject to the imposition of development fees. New construction fees shall be based on the equalized assessed value of land and improvements. Fees that result from additions and alterations shall be based on the increase in equalized assessed value that results from the addition or alteration.

#### **E. Eligible exactions, ineligible exactions and exemptions**

1. Affordable housing developments and developments where the developer has made a payment in lieu of constructing affordable units shall be exempt from development fees.

2. Development fees may be imposed and collected when an existing structure is expanded, undergoes a change to a more intense use, or is demolished and replaced. The development fee that may be imposed and collected shall be calculated on the increase in the equalized assessed value.
3. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees unless the developer seeks substantial change in an approval. Where a site plan approval does not apply, a zoning and/or construction permit shall be synonymous with preliminary or final site plan approval for this purpose.
4. Development fees shall be imposed and collected when an existing structure is expanded or undergoes a change to a more intense use. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
5. All non-residential construction of buildings or structures on property used by churches, synagogues, mosques, and other houses of worship, and property used for educational purposes, which is tax-exempt pursuant to R.S.54:4-3.6, shall be exempt from the imposition of a non-residential development fee, provided that the property continues to maintain its tax exempt status under that statute for a period of at least three years from the date of issuance of the certificate of occupancy. In addition, the following shall be exempt from the imposition of a non-residential development fee:
  - (a) parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a non-residential development, such as an office building, or whether the parking lot is developed as an independent non-residential development;
  - (b) any non-residential development which is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers, and senior centers, which are developed in conjunction with or funded by a non-residential developer;
  - (c) non-residential construction resulting from a relocation of or an on-site improvement to a nonprofit hospital or a nursing home facility;
  - (d) projects that are located within a specifically delineated urban transit hub, as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208);

#### **F. Collection of fees**

1. Fifty percent of the development fee will be collected at the time of issuance of the building permit. The remaining portion will be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

#### **G. Appeal of Development fees**

1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, the collected fee shall be placed in an interest-bearing escrow account by the Township.

Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq. within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

#### **H. Affordable Housing trust fund**

1. There is hereby created a separate, interest-bearing housing trust fund to be established in a Barile approved by the Township under authority and regulations promulgated by the State of New Jersey for selecting banks in which to place municipal funds for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls. All development fees paid by developers pursuant to this ordinance shall be deposited into this account.
2. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - (a) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement;
  - (b) Funds contributed by developers to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
  - (c) Rental income from municipally operated units;
  - (d) Repayments from affordable housing program loans;
  - (e) Recapture funds;
  - (f) Proceeds from the sale of affordable units; and
  - (g) Any other payments or funds collected in accordance with the Township of Mullica's Affordable Housing Program;
3. In the event of a failure by the Township of Mullica to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 N.J.Super. 565 (Law Div. 2015) (aff'd 442 N.J.Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that

all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Township, or, if not practicable, then within the County or the Housing Region.

## **I. Use of funds**

1. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the municipal fair share. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; Regional Housing Partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or State standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved Spending Plan.
2. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households, at least half of which shall be available to low and moderate income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to very low income households.
  - (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, and rental assistance.
  - (b) Affordability assistance to very low income households may include offering a subsidy to developers of inclusionary or 100% affordable developments or buying down the cost of low or moderate income units in the municipal fair share plan.
  - (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement
3. The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance.
4. No more than 20 percent of all development fee revenue shall be expended on administration. This includes but is not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program.
5. In the case of a Rehabilitation Program, no more than thirty (30%) percent of the revenues collected from Development fees shall be used for administrative expenses for such a Program. The Township may contract with a private or public entity to administer any

part of its Rehabilitation Program.

Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the DCA's monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

#### **J. Monitoring.**

The Township of Mullica shall complete and return to the Court or DCA all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls, and the expenditure of revenues and implementation of the plan approved by the Court of DCA. All monitoring shall be completed on forms designed by the Court or DCA.

#### **K. Ongoing collection of fees**

1. The ability for the Township of Mullica to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its Judgment of Compliance unless the Township has first filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
2. If the Township of Mullica fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (C. 52:27D-320).
3. The Township of Mullica shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance, nor shall the Township retroactively impose a development fee on such a development. The Township also shall not expend any of its collected development fees after the expiration of its Judgment of Compliance.

#### **Section 3.**

All ordinances, policies and or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

#### **Section 4.**

Pursuant to the Municipal Land Use Law, the Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the County Planning Board pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this ordinance after public hearing

thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance with the County Planning Board as required by N.J.S.A. 40:55D-16.

## **Section 5.**

### **Severability**

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction or invalid by an administrative agency, such decision shall not affect the legality and enforceability of the remaining portions of this Ordinance.

## **Section 6.**

### **Repealer**

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

## **Section 7.**

### **When effective.**

This Ordinance shall take effect upon final passage and publication as provided by law; however, subsequent to first reading, this ordinance must be referred to the Township Planning Board for review, which shall be based on whether the proposal is substantially consistent with the Master Plan. The Planning Board has a period of thirty-five (35) days after referral to report on the proposed ordinance.

---

**Deanna DeMarco, Mayor**

---

**Monica Newton, Acting Township Clerk**

Introduction: May 27, 2025

Final:

Adopted:

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Mullica at a regular meeting held on \_\_\_\_\_, 2025 at the Mullica Township Municipal Building.

Date:

---

Township Clerk

**TOWNSHIP OF MULLICA  
RESOLUTION NO. 134-2025**

**AWARD OF BID FOR THE PROVISION OF BASIC LIFE SUPPORT EMERGENCY  
MEDICAL SERVICE (EMS) RESPONSE AND TRANSPORTATION SYSTEM**

**WHEREAS**, the Township of Mullica did advertise for the receipt of sealed bids for the Provision of Basic Life Support Emergency Medical Service (EMS) Response and Transportation System (CC Nr. 2025-02) in accordance with the specifications on file in the Clerk's Office and according to N.J.S.A. 40A:11-4 et seq.; and

**WHEREAS**, the Chief Financial Officer/QPA did receive and open bids in public on the 29th day of April 2025 at 10:00 a.m. in the Township Municipal Building; and

**WHEREAS**, the Chief Financial Officer/QPA did review the bid to determine that all documentation and calculations are complete, correct, and in compliance with bid specifications; and

**WHEREAS**, the proposals were reviewed and ranked, according to the criteria published in the bid specifications; and

**WHEREAS**, the bid submitted by AtlantiCare Regional Medical Center Emergency Medical Services, 6685 Washington Avenue, Egg Harbor Township, NJ 08234 in the amount of \$40,000 for year 1 and 2 and \$50,000 for year 3 was determined to be the most favorable proposal based on the stated criteria.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mullica, that the bid of AtlantiCare Regional Medical Center Emergency Medical Services is hereby accepted for a three-year contract, with two optional one year extensions, beginning July 1, 2025

**BE IT FURTHER RESOLVED**, that certified copy of this Resolution shall be forwarded to AtlantiCare Regional Medical Center Emergency Medical Services, together with all proper contractual documentation, and that the Mayor and Municipal Clerk are authorized to sign the afore- mentioned contractual documents.

Adopted: May 27, 2025

\_\_\_\_\_  
DeAnna DeMarco, Mayor

ATTEST:

\_\_\_\_\_  
Monica Newton, Acting Municipal Clerk

**TOWNSHIP OF MULLICA  
RESOLUTION NO. 135-2025**

**A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO  
EXECUTE A CONTRACT WITH APPROVED STATE CONTRACT VENDORS  
PURSUANT TO N.J.S.A. 40A:11-12a**

**WHEREAS**, the Township of Mullica, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-72.9(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contract entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, the Township of Mullica has the need for a new police vehicle; and

**WHEREAS**, the Township Committee wishes to enter into a three-year lease agreement with Tax-Exempt Leasing Corp. to purchase new 2025 Ford Utility Vehicle from Winner Ford, Inc., State Contract Nr. 20-FLEET-01189, and equipment from Tactical Public Safety, State Contract Nr. 17-FLEET-00723 and accessories for the total estimated amount of \$70,378.07, payable in three equal annual installments of \$26,661.04 and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for the first lease installment by encumbering said funds in the CY 2025 Budget account 5-01-25-240-051.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township of Mullica Committee authorizes the Purchasing Agent/Chief Financial Officer to execute the required documents to lease (1) 2025 Ford Utility Vehicle as stated above.

Adopted: May 27, 2025

\_\_\_\_\_  
DEANNA DEMARCO  
MAYOR

ATTEST:

\_\_\_\_\_  
MONICA NEWTON  
ACTING MUNICIPAL CLERK

**TOWNSHIP OF MULLICA**  
**RESOLUTION 136-2025**

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF MULLICA  
AUTHORIZING THE CANCELLATION AND REFUND OF TAXES PURSUANT TO  
N.J.S.A. 54:4-3.30 & N.J.S.A. 54:4-3.32 ON PROPERTY KNOWN AS 2260 SEVENTH  
AVENUE, BLOCK 7301 / LOT 1**

**WHEREAS**, it has been brought to the attention of the Township of Mullica that there are taxes assessed on 2260 SEVENTH AVENUE, Block 7301, Lot 1, for 2025 which should be cancelled pursuant to N.J.S.A. 54:4-3.30(a); and

**WHEREAS**, it is the desire of the Township to adjust the records of the Tax Collector in accordance therewith, which is the purpose of this Resolution; and

**WHEREAS**, WITTENBERGER, AUBREY & AMSDEN, DALTON, took title to 2260 SEVENTH AVENUE, Block 7301, Lot 1, on February 28, 2025; and

**WHEREAS**, AUBREY WITTENBERGER is qualified to receive a permanent and totally disabled veteran's property tax exemption, pursuant to N.J.S.A. 54:4-3.30(b).

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Mullica, County of Atlantic, State of New Jersey, as follows:

1. The Tax Collector, pursuant to the exemption under N.J.S.A. 54:4-3.30(a), is hereby authorized to cancel taxes on 2260 SEVENTH AVENUE, Block 7301, Lot 1, as follows due to the fact that said property is exempt:

Year	Cancel Amount	Quarter	Owner
		1 <sup>st</sup>	
2025	\$774.27		WITTENBERGER, AUBREY & AMSDEN, DALTON
Year	Cancel Amount	Quarter	Owner
		2 <sup>nd</sup>	
2025	\$2247.85		WITTENBERGER, AUBREY & AMSDEN, DALTON

2. The Township Treasurer and other appropriate officials, pursuant to N.J.S.A. 54:4-3.30(b) and N.J.S.A. 54:4-3.32, are hereby authorized to refund taxes on 2260 SEVENTH AVENUE, Block 7301, Lot 11, as follows to:

Corelogic Tax Refund  
3001 Hackberry Rd.  
Irving, TX 75063-0156

Year	Refund Amount	Quarter	Owner
2025	\$774.27	1st	WITTENBERGER, AUBREY & AMSDEN, DALTON

Year	Refund Amount	Quarter	Owner
2025	\$2247.85	2 <sup>nd</sup>	WITTENBERGER, AUBREY & AMSDEN, DALTON

ADOPTED: MAY 27, 2025

\_\_\_\_\_  
Deanna DeMarco  
Mayor

\_\_\_\_\_  
Monica Newton  
Acting Municipal Clerk

### **CERTIFICATION**

I, Monica Newton, Acting Municipal Clerk of the Township of Mullica, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Resolution 136-2025 was adopted by the Mayor and Committee of the Township of Mullica at a Regular Meeting held on Tuesday, May 27, 2025.

\_\_\_\_\_  
Monica Newton  
Acting Municipal Clerk

**TOWNSHIP OF MULLICA**  
**RESOLUTION 137-2025**

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF MULLICA  
AUTHORIZING THE CANCELLATION AND REFUND OF TAXES PURSUANT TO  
N.J.S.A. 54:4-3.30 & N.J.S.A. 54:4-3.32 ON PROPERTY KNOWN AS 3616 NESCO ROAD,  
BLOCK 801 / LOT 12**

**WHEREAS**, it has been brought to the attention of the Township of Mullica that there are taxes assessed on 3616 NESCO ROAD, Block 801, Lot 12, for 2025 which should be cancelled pursuant to N.J.S.A. 54:4-3.30(a); and

**WHEREAS**, it is the desire of the Township to adjust the records of the Tax Collector in accordance therewith, which is the purpose of this Resolution; and

**WHEREAS**, ZAWIERUCHA,DANIEL G. & T.E. CAMACHO, took title to 3616 NESCO ROAD, Block 801, Lot 12, on July 06, 2018; and

**WHEREAS**, DANIEL ZAWIERUCHA is qualified to receive a permanent and totally disabled veteran's property tax exemption, pursuant to N.J.S.A. 54:4-3.30(b).

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Mullica, County of Atlantic, State of New Jersey, as follows:

1. The Tax Collector, pursuant to the exemption under N.J.S.A. 54:4-3.30(a), is hereby authorized to cancel taxes on 3616 NESCO ROAD, Block 801, Lot 12, as follows due to the fact that said property is exempt:

Year	Cancel Amount	Quarter	Owner
2025	\$966.62	2nd	ZAWIERUCHA,DANIEL G. & T.E. CAMACHO

2. The Township Treasurer and other appropriate officials, pursuant to N.J.S.A. 54:4-3.30(b) and N.J.S.A. 54:4-3.32, are hereby authorized to refund taxes on 3616 NESCO ROAD, Block 801, Lot 12, as follows to:

Corelogic Tax Refund  
3001 Hackberry Rd.  
Irving, TX 75063-0156

Year	Refund Amount	Quarter	Owner
2025	\$966.62	2nd	ZAWIERUCHA,DANIEL G. & T.E. CAMACHO

ADOPTED: May 27, 2025

---

Deanna DeMarco  
Mayor

---

Monica Newton  
Acting Municipal Clerk

**CERTIFICATION**

I, Monica Newton, Acting Municipal Clerk of the Township of Mullica, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Resolution 136-2025 was adopted by the Mayor and Committee of the Township of Mullica at a Regular Meeting held on Tuesday, May 27, 2025.

---

Monica Newton  
Acting Municipal Clerk

**TOWNSHIP OF MULLICA**  
**RESOLUTION 138-2025**

**RESOLUTION OF THE TOWNSHIP COMMITTEE  
OF MULLICA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY  
AWARD ENGINEERING SERVICES TO ARH ASSOCIATES FOR RECONSTRUCTION OF  
WHARTON PARK BLVD & BURDICK AVENUE FY 2025 NJDOT MUNICIPAL AID**

**WHEREAS**, the Governing Body of the Township of Mullica has received funding from the NJDOT for the reconstruction of Wharton Park Boulevard & Burdick Avenue FY2025 Project and

**WHEREAS**, the Governing Body of the Township of Mullica is desirous to enter into an agreement with the Municipal Engineer, ARH Associates for engineering services associated with the Reconstruction of Wharton Park Boulevard as per the proposal submitted on February 18, 2025; and

**WHEREAS**, the not to exceed amount of this contract is \$48,500 and the funds will be encumbered against budget accounts 5-01-20-165-028 and G-02-40-794-500, with applicable amount charged to the grant fund as permitted by NJDOT regulations.

**WHEREAS**, the total dollar amount of the contract is based on a reasonable estimate of services required according to the proposal, and the local unit is not obligated to spend the entire amount; and

**WHEREAS**, the Township Deputy Clerk has received a certification of funds from the Finance Officer that funds are available in the amount of \$34,500 for this project.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mullica that the proposal from ARH Associates is hereby accepted and the Chief Financial Officer are authorized to sign the proposal for engineering services.

**BE IT FURTHER RESOLVED** that upon approval by the Township Committee, a certified copy of this Resolution shall be submitted to ARH Associates, together with all proper contractual documentation.

ADOPTED: May 27, 2025

\_\_\_\_\_  
DeAnna DeMarco  
Mayor

\_\_\_\_\_  
Monica Newton  
Acting Municipal Clerk

**TOWNSHIP OF MULLICA**  
**RESOLUTION NO. 139-2025**  
**RESOLUTION INSERTING AN ITEM OF REVENUE IN THE 2025 BUDGET**

**WHEREAS**, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation of equal amount,

**WHEREAS**, the Township of Mullica has been awarded a \$5,600.00 Grant from the NJ Department of Public Safety, Division of Highway Traffic Safety and wishes to amend its 2025 Budget to include this amount as revenue.

**SECTION 1:**

**NOW THEREFORE BE IT RESOLVED**, that the Township of Mullica County of Atlantic hereby requests the Director of the Division of Local Government Services to approve the insertion of the following item of revenue in the budget of the year 2025:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior  
Written Consent of the Director of Local Government  
Services:

State of New Jersey, Department of Law and Public Safety  
Division of Highway Traffic Safety  
Click It or Ticket Grant

**SECTION 2:**

**BE IT FURTHER RESOLVED**, that a like sum of \$5,600.00 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% Caps Public and Private  
Program Off-Set by Revenues:

State of New Jersey, Department of Law and Public Safety  
Division of Highway Traffic Safety  
Click It or Ticket Grant

Adopted: May 27, 2025

\_\_\_\_\_  
DEANNA DEMARCO  
MAYOR

\_\_\_\_\_  
MONICA NEWTON  
ACTING MUNICIPAL CLERK

**TOWNSHIP OF MULLICA**  
**RESOLUTION #140-2025**  
**RESOLUTION INSERTING AN ITEM OF REVENUE IN THE 2025 BUDGET**

**WHEREAS**, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation of equal amount,

**WHEREAS**, the Township of Mullica has been awarded \$6,928.35 from the State of New Jersey, Department of Environmental Protection for the 2022 Recycling Tonnage Grant, and wishes to amend its 2025 Budget to include this amount as revenue.

**SECTION 1:**

**NOW THEREFORE BE IT RESOLVED**, that the Township of Mullica County of Atlantic hereby requests the Director of the Division of Local Government Services to approve the insertion of the following item of revenue in the budget of the year 2025:

Miscellaneous Revenue  
Special Items of General Revenue Anticipated with Prior  
Written Consent of the Director of Local Government  
Services:

State of New Jersey  
Department of Environmental Protection  
2022 Recycling Tonnage Grant

**SECTION 2:**

**BE IT FURTHER RESOLVED**, that a like sum of \$6,928.35 is hereby appropriated under the caption of:

General Appropriations  
(a) Operations Excluded from 5% Caps Public and Private  
Program Off-Set by Revenues:

State of New Jersey  
Department of Environmental Protection  
2022 Recycling Tonnage Grant

Adopted: May 27, 2025

---

DEANNA DEMARCO  
MAYOR

---

MONICA NEWTON  
ACTING MUNICIPAL CLERK

**TOWNSHIP OF MULLICA  
RESOLUTION NO. 141-2025**

**RESOLUTION INSERTING AN ITEM OF REVENUE IN THE 2025 BUDGET**

**WHEREAS**, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation of equal amount,

**WHEREAS**, the Township of Mullica has been awarded a \$28,337.26 Grant from the NJ Department of Environmental Protection, Clean Communities Fund and wishes to amend its 2025 Budget to include this amount as revenue.

**SECTION 1:**

**NOW THEREFORE BE IT RESOLVED**, that the Township of Mullica County of Atlantic hereby requests the Director of the Division of Local Government Services to approve the insertion of the following item of revenue in the budget of the year 2025:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior  
Written Consent of the Director of Local Government  
Services:

State of New Jersey, Department of Environmental Protection  
Clean Communities Fund

**SECTION 2:**

**BE IT FURTHER RESOLVED**, that a like sum of \$28,337.26 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% Caps Public and Private  
Program Off-Set by Revenues:

State of New Jersey, Department of Environmental Protection  
Clean Communities Fund

Adopted: May 27, 2025

---

DEANNA DEMARCO  
MAYOR

---

MONICA NEWTON  
ACTING MUNICIPAL CLERK

**TOWNSHIP OF MULLICA  
RESOLUTION NO. 142-2025**

**LIQUOR LICENSE RENEWALS**

**WHEREAS**, the Township Committee for the Township of Mullica in the County of Atlantic, State of New Jersey have received an application for renewal of a Liquor License heretofore issued by the Township Committee of the Township of Mullica which license number and license is more specifically enumerated below, and

**WHEREAS**, the applications have been reviewed by the issuing authorities and no objections have been received on any such application, and

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mullica that the Township Committee shall renew the liquor licenses as enumerated below for a period of one year commencing on July 1, 2025.

0117-33-002-006	<b>Sweetwater OPS LLC</b> 2780 7 <sup>th</sup> Ave. Sweetwater, NJ 08037	\$500.00
0117-33-001-002	<b>Columbia Hotel of Hammonton Inc</b> 3238 White Horse Pike Hammonton, NJ 08037	\$500.00
0117-44-004-006	<b>Nesco Liquors Inc</b> 3180 Nesco Rd. Mullica, NJ 08037	\$500.00

Adopted: May 27<sup>th</sup>, 2025

---

DEANNA DEMARCO  
MAYOR

ATTEST:

---

MONICA NEWTON  
ACTING MUNICIPAL CLERK

**STATE OF NEW JERSEY  
COUNTY OF ATLANTIC  
TOWNSHIP OF MULLICA**

**RESOLUTION 143-2025**

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF  
MULLICA AUTHORIZING REFUND OF TAXES**

**WHEREAS**, it has been brought to the attention of the Township Committee that the below amounts for 2025 property taxes are to be refunded to Moya, Juana Est of, for the following purpose:

<b>YEAR</b>	<b>BLOCK/LOT</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
2025	2903/11	\$801.92	Overpayment

TOTAL TO REFUND MOYA, JUANA EST OF: \$801.92

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Mullica, County of Atlantic, State of New Jersey, hereby authorizes the refund of taxes for the above listed Block and Lot as referenced herein.

ADOPTED: May 27, 2025

\_\_\_\_\_  
DeAnna DeMarco  
Mayor

\_\_\_\_\_  
Monica Newton  
Municipal Clerk

**STATE OF NEW JERSEY  
COUNTY OF ATLANTIC  
TOWNSHIP OF MULLICA**

**RESOLUTION 144-2025**

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF MULLICA  
APPOINTING A MUNICIPAL HOUSING LIAISON PURSUANT TO THE FAIR SHARE  
HOUSING ACT**

**WHEREAS**, pursuant to P.L. 2024, c.2, the Township of Mullica is required to appoint a Municipal Housing Liaison for the oversight and administration of the Township's Affordable Housing Program to enforce the requirements of the Fair Share Housing Act; and

**WHEREAS**, the Township of Mullica has amended Chapter 144 of the Township Code captioned "Affordable Housing" to provide for the appointment of a Municipal Housing Liaison to administer the Township of Mullica's Affordable Housing Program.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Mullica, County of Atlantic, State of New Jersey, that it thereby amends Chapter 144 of the Code of the Township of Mullica to appoint **Monica Newton, Acting Township Clerk**, as the Municipal Housing Liaison for the Township of Mullica for the administration of the Affordable Housing Program.

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be forwarded to the DCA for approval of this appointment.

**BE IT FURTHER RESOLVED**, this Resolution shall take effect immediately upon adoption.

ADOPTED: May 27, 2025

\_\_\_\_\_  
DeAnne DeMarco  
Mayor

\_\_\_\_\_  
Monica Newton  
Acting Municipal Clerk

**CERTIFICATION**

I, Monica Newton, Acting Municipal Clerk of the Township of Mullica, do hereby certify that the above is a true and correct copy of a resolution duly adopted by the Mayor and Township Committee at its Meeting held on May 27, 2025.

\_\_\_\_\_  
**Monica Newton**  
**Acting Municipal Clerk**

**TOWNSHIP OF MULLICA**  
**RESOLUTION 145-2025**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE**  
**TOWNSHIP OF MULLICA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY,**  
**AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Township Committee of the Township of Mullica to be held in public, N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive Session," i.e. without the public being permitted to attend; and

**WHEREAS**, the Township Committee of the Township of Mullica has determined that the issues permitted by N.J.S.A. 10:4-12(b) are to be discussed without the public in attendance during an Executive Session to be held on **May 27, 2025**, and

**WHEREAS**, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which **the number** of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

☐

**"(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion."** The legal citation to the provision(s) at issue is: \_\_\_\_\_ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_;

☐

**"(2) Any matter in which the release of information would impair a right to receive funds from the federal government."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_;

☐

**"(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_;

1

**"(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body."** The collective bargaining contract(s) discussed are between the Board and PBA/MOA

**"(5) Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_;

**"(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_;

2

• **"(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise his ethical duties as a lawyer."** The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are N/A and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is accrued time claim & Rotimi Owoh, Esq. v. Mullica Township Police \_\_\_\_\_;

**"(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting."** Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality are \_\_\_\_\_;

**"(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_;

**WHEREAS**, the length of the Executive Session is estimated to be 45 minutes/hour(s) after which the public meeting of the Township Committee shall either reconvene and immediately adjourn or reconvene and proceed with business.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Mullica will go into Executive Session for only the above stated reasons.

**BE IT FURTHER RESOLVED**, that the Township Committee of the Township of Mullica hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public's interest in disclosure is greater than any privacy or governmental interest being protected from disclosure.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will be privately discussed.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees allowed by N.J.S.A. 47:1A-1 et seq.

ADOPTED: MAY 27, 2025

---

Deanna DeMarco  
Mayor

---

Monica Newton  
Acting Municipal Clerk

**CERTIFICATION**

I, Monica Newton, Acting Municipal Clerk of the Township of Mullica, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Resolution 143-2025 was adopted by the Mayor and Committee of the Township of Mullica at a Regular Meeting held on Tuesday, May 27, 2025.

---

Monica Newton  
Acting Municipal Clerk

**TOWNSHIP OF MULLICA  
RESOLUTION NO. 146-2025**

**APPROVING MEMORANDUM OF UNDERSTANDING  
Mainland PBA Local No. 77**

**WHEREAS**, the Township Committee has reached an Understanding with the negotiating committee of New Jersey Policeman's Benevolent Association, Mainland PBA #77, for terms and conditions of a successor agreement to be presented to the member of PBA #77 for approval and

**WHEREAS**, the Mullica Township Committee has reviewed the terms of the Memorandum of Agreement and found them to be agreeable,

**NOW THEREFORE BE IT RESOLVED**, that the attached Understanding with all its terms and conditions as approved by the Governing Body and between the Mainland PBA #77 on this 27<sup>th</sup> day of May 2025

Adopted: May 27, 2025

---

DEANNA DEMARCO  
MAYOR

ATTEST:

---

MONICA NEWTON  
ACTING MUNICIPAL CLERK

May 21, 2025  
10:43 AM

TOWNSHIP OF MULLICA  
Bill List By Vendor Id

Page No: 1

P.O. Type: All  
Range: First to Last  
Format: Condensed  
Vendors: All  
Rcvd Batch Id Range: First to Last  
Include Non-Budgeted: Y  
Open: N Paid: N Void: N  
Rcvd: Y Held: Y Aprv: N  
Bid: Y State: Y Other: Y Exempt: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01982	ATLANTIC CITY ELECTRIC								
	25-00314	04/01/25	APRIL SERVICES	Open	6,840.87	0.00			
03074	BEST EASTERN EXTERMINATING								
	25-00290	04/25/25	RENEWAL MAY 2025-2026	Open	240.00	0.00			
05271	CASA PAYROLL SERVICES, LCC								
	25-00012	01/01/25	JAN-APRIL SERVICES	Open	191.30	0.00		B	
	25-00303	05/01/25	MAY-DECEMBER SERVICES	Open	171.50	0.00		B	
					362.80				
06925	LORCO PETROLEUM SERVICES								
	25-00299	04/21/25	USE OIL REMOVAL	Open	270.00	0.00			
15672	G & P FLOOR MAINTENANCE								
	25-00288	05/01/25	MARCH SERVICES	Open	425.00	0.00			
17281	GRAINGER INDUSTRIAL SUPPLY								
	25-00281	04/06/25	TRASH BAGS	Open	129.75	0.00			
28632	LOWE'S								
	25-00306	04/04/25	SHOP VAC	Open	56.98	0.00			
287	A.E. STONE INC								
	25-00284	04/09/25	PATCH	Open	339.60	0.00			
33469	THE HAMMONTON GAZETTE								
	25-00291	04/30/25	APRIL PUBLICATIONS	Open	251.58	0.00			
34299	VERIZON								
	25-00307	04/28/25	MAY SERVICES	Open	49.77	0.00			
34302	VERIZON WIRELESS								
	25-00283	04/01/25	APRIL SERVICES	Open	360.91	0.00			
	25-00322	05/01/25	MAY SERVICES	Open	458.16	0.00			
					819.07				
48225	SOUTH JERSEY GAS COMPANY								
	25-00280	04/01/25	APRIL SERVICES	Open	1,185.66	0.00			
48492	UNITEDHEALTHCARE INSURANCE CO								
	25-00323	05/12/25	JUNE PREMIUM	Open	964.32	0.00			
48709	STAPLES CONTRACT & COMMERCIAL								
	25-00279	04/01/25	OFFICE SUPPLIES	Open	320.83	0.00			

May 21, 2025  
10:43 AM

TOWNSHIP OF MULLICA  
Bill List By Vendor Id

Page No: 3

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
GENTI005	GENTILINI FORD	25-00316	04/01/25	APRIL PURCHASES - DPW	Open	754.25	0.00		
GO2GU005	GO2GUIDES, LLC	25-00267	04/01/25	PD COMPLAINT SOFTWARE	Open	165.45	0.00		
HALET005	HALE TRAILER BRAKE & WHEEL INC	23-00501	07/21/23	EMS Office Trailer Rental	Open	210.00	0.00		B
HYWAY005	HY-WAY MOTORS, INC.	25-00253	04/15/25	MARCH POLICE SERVICES	Open	907.86	0.00	CO000020	C
		25-00317	04/01/25	APRIL SVCS DPW	Open	2,261.15	0.00	CO000020	C
		25-00318	04/01/25	MOWER/BRINE REPAIRS	Open	1,867.07	0.00		
						5,036.08			
MAJES005	MAJESTIC OIL COMPANY, INC.	25-00285	04/01/25	APRIL-DECEMBER PURCHASES	Open	4,616.87	0.00		B
MARES005	MARESSA & PATTERSON, LLC	25-00261	02/01/25	FEB-APRIL SERVICES	Open	6,482.00	0.00		
MOTOR005	MOTOROLA SOLUTIONS, INC.	25-00255	01/01/25	body camera licensing 24-25	Open	3,900.00	0.00		
NATIO020	NATIONAL HIGHWAY PRODUCTS INC.	25-00272	05/01/25	Sign posts	Open	85.00	0.00		
NJ006	NJ DIVISION OF PENSIONS	25-00196	03/24/25	2025 Employer Contribution	Open	100.00	0.00		
NJ010	TREASURER, STATE OF NJ	25-00310	05/12/25	QPA LICENSE RENEWAL	Open	35.00	0.00		
NJ019	NJ STATE HEALTH BENEFITS FUND	25-00304	04/22/25	MAY PREMIUM	Open	110,863.63	0.00		
ROKIN005	ROK INDUSTRIES, INC.	25-00278	03/01/25	ON LINE TAX SALE SERVICES	Open	1,590.00	0.00		
ROTIM005	ROTIMI A. OWOH, ESQUIRE	25-00324	05/20/25	OPRA settlement	Open	1,500.00	0.00		
SITE0005	SITE ONE LANDSCAPE SUPPLY	25-00277	04/15/25	IRRIGATION SUPPLIES	Open	1,094.76	0.00		
SOUTH020	SOUTH STATE, INC.	25-00308	05/12/25	DARMSTADT AVE PROJECT FINAL	Open	141,024.29	0.00	CO000011	C
T0011	CORELOGIC CENTRALIZED REFUNDS	25-00294	05/12/25	REFUND RES 125-2025	Open	50.72	0.00		
TWP08	MULLICA DISTRICT SCHOOLS	25-00268	04/28/25	MAYOR'S AWARD	Open	50.00	0.00		

Totals by Year-Fund		Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
Fund Description	Fund						
Current Fund	4-01	3,103.16	0.00	3,103.16	0.00	0.00	3,103.16
Current Fund	5-01	213,453.66	0.00	213,453.66	0.00	0.00	213,453.66
Capital Fund	C-04	547.29	0.00	547.29	0.00	0.00	547.29
Grant Fund	G-02	146,403.40	0.00	146,403.40	0.00	0.00	146,403.40
Trust Fund	T-03	699.99	0.00	699.99	0.00	0.00	699.99
Total of All Funds:		364,207.50	0.00	364,207.50	0.00	0.00	364,207.50