(c)

State of New Jersey
Council on Affordable Housing
101 South Broad Street
PO Box 813
Trenton, NJ 08625-0813
(609) 292-3000
(609) 633-6056 (FAX)

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

SEAN THOMPSON
Acting Executive Director

May 1, 2013

MAY - 2 2013

The Honorable Robert Greenbaum
Township of Mount Olive
204 Flanders Drakstown Rd.PO Box 450
Budd Lake, New Jersey 07828

Re: Municipal Affordable Housing Trust Fund Current Balance

Dear Mayor Greenbaum:

As required by N.J.S.A. 52:27D-329.2 and -329.3, a municipality that fails to spend or commit to spend development fees or payment-in-lieu monies in its affordable housing trust fund within four years of the date of collection must transfer such funds at the end of the four-year period to the New Jersey Affordable Housing Trust Fund.

To ensure the accuracy of this process, and in accordance with the July 13, 2012 Order issued by the Superior Court, Appellate Division, the Council on Affordable Housing (COAH) sent you a letter dated July 24, 2012 setting forth the exact amount of funds intended for transfer based on the trust fund balance as of July 17, 2008 less any funds spent between July 18, 2008 and July 17, 2012. The letter also requested the Mayor of each affected municipality to complete a certification verifying the correctness of the amounts included in that letter, which were based on municipally generated affordable housing trust fund monitoring reports submitted to COAH. If the amounts were incorrect, the certification required the Mayor to include the correct amounts.

At its May 1, 2013 public meeting, COAH adopted Resolution 2013-1, which ratified, affirmed, and validated the issuance of the July 24, 2012 letters. By that same resolution, COAH authorized the Acting Executive Director to initiate a process to require the transfer of affordable housing trust funds collected between July 18, 2008 and March 31, 2009 that remain unspent or uncommitted for expenditure within four years from the date of collection.

As reflected in the Acting Executive Director's letter of July 24, 2012, COAH records indicated that as of July 17, 2008, Mount Olive Township had a trust fund balance of $1,510,137.60 and that in the four years subsequent to July 17, 2008, the Township spent

$252,872.06, leaving a balance of $1,257,265.54 that was to have been spent or committed to be expended by July 17, 2012.

COAH's records also indicate that Mount Olive Township collected an additional $89,521.48 between July 18, 2008 and March 31, 2009 which was to be spent or committed within four years of collection. This amount, when added to the $1,257,265.54 balance cited in COAH's July 24, 2012 letter, minus expenditures of $6,496.50 reported by the Township to have been made between July 18, 2012 and March 31, 2013, results in a remaining balance of $1,340,290.52 that was to be spent or committed for expenditure by March 31, 2013.

COAH's records indicate that Mount Olive Township has failed to commit to spend or spend $1,340,290.52 of all trust funds required to be committed or spent by March 31, 2013, and is not statutorily authorized to retain such funds.

In accordance with N.J.S.A. 52:27 D-329.2 and -329.3 and as directed by the Council, Mount Olive Township shall remit all funds collected prior to March 31, 2009 that the Borough is not statutorily authorized to retain. Please do so by check payable to "New Jersey Affordable Housing Trust Fund" to be sent to the Council on Affordable Housing, P.O. Box 813, Trenton, New Jersey 08625 no later than May 22, 2013.

If Mount Olive Township asserts that a portion of that balance collected by July 17, 2008 reflects funds committed as of July 17, 2012, the Township must submit documentation to COAH substantiating either a legally enforceable agreement entered into by Mount Olive Township with a third party or other documentation that demonstrates a firm and binding obligation by the Township to spend trust fund monies in a manner consistent with the municipality's fair share plan, the Fair Housing Act, an approved Spending Plan and all applicable regulations including but not limited to N.J.A.C. 5:97-6.1 et seq. If Mount Olive Township asserts that a portion of that balance collected between July 18, 2008 and March 31, 2009 reflects funds committed within four years of the date of collection, the Township must submit documentation to COAH substantiating either a legally enforceable agreement entered into by Mount Olive Township with a third party or other documentation that demonstrates a firm and binding obligation by the City to spend trust fund monies in a manner consistent with the municipality's fair share plan, the Fair Housing Act, an approved Spending Plan, and all applicable regulations, including but not limited to N.J.A.C. 5:97-6.1 et seq., and within the required four years of the date of collection. Mount Olive Township should submit to COAH, by May 17, 2013, arguments and supporting documentation in support of it claims that it has properly spent or committed the funds within the requisite time periods. Mount Olive Township must remit to the New Jersey Affordable Housing Trust Fund, by May 22, 2013, any funds for which commitment documentation is not submitted to COAH.

Please be reminded that COAH may exercise its authority pursuant to executed escrow agreements to request information concerning all deposits, disbursements, transaction dates and interest earned from the financial institution. In addition, all trust funds remain subject to the provisions of N.J.A.C. 5:97-8.13. Please note that pursuant to N.J.A.C. 5:97-8.9, legal or other fees related to litigation opposing COAH regulations and/or actions are not eligible uses of the affordable housing trust fund.

Please complete and return the attached certification, to be certified by you as Mayor. If you believe that any of the balances provided above are not accurate, indicate the balance you believe to be correct in the certification. In addition, you must certify that after reviewing and/or updating municipal affordable housing trust fund records, all trust fund monitoring and data entry

are current and accurate through March 31, 2013, and that all prior expenditures have been authorized via a Spending Plan that has been approved by COAH. If updating the trust fund monitoring does not reconcile the discrepancy, please include a bank statement for the month of March 2013 with your certification.

Thank you for cooperation in this matter.

Sincerely,

Sean Thompson
Acting Executive Director

cc: Municipal Clerk
CFO
Municipal Housing Liaison
Affordable Housing Trust Fund Preparer

CERTIFICATION OF MUNICIPAL AFFORDABLE HOUSING TRUST FUND STATUS

I, Robert Greenbaum, Mayor of Mount Olive Township, certify that all monitoring and data entry for the municipal affordable housing trust fund (AHTF) of Mount Olive Township are current and accurate through March 31, 2013 and that the AHTF contained $_____ as of July 17, 2008. I also certify that all prior expenditures have been authorized via a Spending Plan approved by COAH. A review of municipal affordable housing trust fund records indicates that $_____ of the municipal trust fund was spent on approved housing activity(ies), in accordance with a COAH-approved spending plan, between July 17, 2008 and July 17, 2012, leaving a balance of $_____ that was to have been committed for expenditure as of July 17, 2012. $_____ of the remaining July 17, 2008 balance has been committed for expenditure as evidenced by the enclosed documentation accompanying this certification that demonstrates a legally enforceable agreement with a third party or a firm and binding obligation to spend these trust fund monies in a manner consistent with the municipality's fair share plan, a COAH-approved spending plan, the Fair Housing Act, and all applicable regulations, including but not limited to N.J.A.C. 5:97-6.1 et seq.

In addition, between July 18, 2008 and March 31, 2009, (name of muni) collected an additional $_____. This balance was to have been expended or committed to be expended within four years of collection. Of the trust funds collected between July 18, 2008 and March 31, 2009, $_____ has been expended on approved affordable housing activity(ies) within four years of collection, in accordance with a COAH-approved spending plan, as evidenced by the enclosed documentation. $_____ of the remaining balance has been committed for expenditure as evidenced by the enclosed documentation accompanying this certification that demonstrates a legally enforceable agreement with a third party or a firm and

binding obligation to spend the trust fund monies that were collected between July 18, 2008 and March 31, 2009 in a manner consistent with the municipality's fair share plan, a COAH-approved spending plan, the Fair Housing Act, and all applicable regulations, including but not limited to N.J.A.C. 5:97-6.1 et seq.

Any assertions by the municipality of funds committed for expenditure are based upon the enclosed documentation accompanying this certification. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me, in whole or in part, are willfully false, I am subject to punishment.

_____
(Mayor's Signature)

_____
(Print Name)

Dated: _____

Lashway, Lisa

From: COAHmail [COAHmail@DCA.state.nj.us]
Sent: Wednesday, May 01, 2013 5:11 PM
To: Lashway, Lisa
Subject: Affordable Housing Trust Fund letter for the Mayor
Attachments: Affordable Housing Trust Funds.pdf

Dear Clerk,

Please make sure the Mayor gets the attached letter regarding Affordable Housing Trust Funds. All responses must be submitted by May 22, 2013.