EXHIBIT A

Monmouth Walk:

	Address	Block	Lot	Date of Initial Sale	Initial Expiration Date of Affordability Controls	Extended Expiration Date of Affordability Controls
1	20 Arlene Court	41	21	9/18/1990	9/18/2020	9/18/2050
2	21 Arlene Court	41	20	6/21/1991	6/21/2021	6/21/2051
3	22 Arlene Court	41	19	10/17/1990	10/17/2020	10/17/2050
4	23 Arlene Court	41	18	9/8/1990	9/8/2020	9/8/2050
5	24 Arlene Court	41	17	10/19/1990	10/19/2020	10/19/2050
6	20 Dawn Court	41	52	1/14/1991	1/14/2021	1/14/2051
7	21 Dawn Court	41	51	5/15/1991	5/15/2021	5/15/2051
8	22 Dawn Court	41	50	3/5/1991	3/5/2021	3/5/2051
9	23 Dawn Court	41	49	5/5/1991	5/5/2021	5/5/2051
10	24 Dawn Court	41	48	1/11/1991	1/11/2021	1/11/2051
11	25 Dawn Court	41	47	12/28/1990	12/28/2020	12/28/2050
12	30 Joann Court	41	76	8/26/1991	8/26/2021	8/26/2051
13	31 Joann Court	41	77	7/26/1991	7/26/2021	7/26/2051
14	32 Joann Court	41	78	6/20/1991	6/20/2021	6/20/2051
15	33 Joann Court	41	79	10/24/1991	10/24/2021	10/24/2051
16	71 Joann Court	41	88	9/17/1991	9/17/2021	9/17/2051
17	72 Joann Court	41	89	7/26/1991	7/26/2021	7/26/2051
18	73 Joann Court	41	90	10/18/1991	10/18/2021	10/18/2051
19	74 Joann Court	41	91	10/16/1991	10/16/2021	10/16/2051
20	30 Jamie Court	41	126	5/28/1992	5/28/2022	5/28/2052
21	31 Jamie Court	41	127	5/12/1992	5/12/2022	5/12/2052
22	32 Jamie Court	41	128	6/2/1992	6/2/2022	6/2/2052
23	33 Jamie Court	41	129	7/22/1992	7/22/2022	7/22/2052
24	70 Jamie Court	41	138	10/1/1993	10/1/2023	10/1/2053
25	71 Jamie Court	41	139	7/13/1992	7/13/2022	7/13/2052
26	72 Jamie Court	41	140	9/29/1992	9/29/2022	9/29/2052
27	73 Jamie Court	41	141	3/10/1994	3/10/2024	3/10/2054
28	41 Allison Court	41	201	4/27/1994	4/27/2024	4/27/2054
29	42 Allison Court	41	202	4/17/1995	4/17/2025	4/17/2055
30	43 Allison Court	41	203	12/15/1995	12/15/2025	12/15/2055

31	44 Allison Court	41	204	1/6/1995	1/6/2025	1/6/2055
32	45 Allison Court	41	205	6/10/1996	6/10/2026	6/10/2056
33	30 Heather Court	41	206	8/11/1995	8/11/2025	8/11/2055
34	31 Heather Court	41	207	4/30/1997	4/30/2027	4/30/2057
35	32 Heather Court	41	208	7/7/1995	7/7/2025	7/7/2055
36	33 Heather Court	41	209	7/14/1995	7/14/2025	7/14/2055
37	30 Jill Court	41	249	2/4/1995	2/4/2025	2/4/2055
38	31 Jill Court	41	250	11/29/1993	11/29/2023	11/29/2053
39	32 Jill Court	41	251	12/2/1994	12/2/2024	12/2/2054
40	33 Jill Court	41	252	6/3/1993	6/3/2023	6/3/2053
41	70 Jill Court	41	261	2/26/1993	2/26/2023	2/26/2053
42	71 Jill Court	41	262	4/23/1993	4/23/2023	4/23/2053
43	72 Jill Court	41	263	5/27/1993	5/27/2023	5/27/2053

Nassau Square:

	Address	**Block**	**Lot**	**Date of Initial Sale**	**Initial Expiration Date of Affordability Controls**	**Extended Expiration Date of Affordability Controls**
1	4 Rachel Ct.	93.09	4	9/24/1993	9/24/2023	9/24/2053
2	5 Rachel Ct.	93.09	5	1/15/1995	1/15/2025	1/15/2055
3	19 Keith Ct.	93.09	19	9/3/1994	9/3/2024	9/3/2054
4	20 Keith Ct.	93.09	20	1/26/1990	1/26/2020	1/26/2050
5	35 Keith Ct.	93.09	35	5/21/1990	5/21/2020	5/21/2050
6	50 Curtis Ct.	93.09	50	3/29/1990	3/29/2020	3/29/2050
7	51 Curtis Ct.	93.09	51	3/29/1994	3/29/2024	3/29/2054
8	57 Curtis Ct.	93.09	57	9/9/1994	9/9/2024	9/9/2054
9	58 Curtis Ct.	93.09	58	4/30/1993	4/30/2023	4/30/2053
10	65 Lynette Ct.	93.09	65	5/28/1993	5/28/2023	5/28/2053
11	66 Lynette Ct.	93.09	66	11/7/1994	11/7/2024	11/7/2054
12	73 Lynette Ct.	93.09	73	6/30/1993	6/30/2023	6/30/2053
13	74 Lynette Ct.	93.09	74	3/31/1994	3/31/2024	3/31/2054
14	81 Lynette Ct.	93.09	81	5/20/1994	5/20/2024	5/20/2054
15	82 Lynette Ct.	93.09	82	2/28/1994	2/28/2024	2/28/2054
16	11 Carrie Ct.	93.13	11	9/17/1993	9/17/2023	9/17/2053
17	12 Carrie Ct.	93.13	12	3/31/1994	3/31/2024	3/31/2054
18	36 Colleen Ct.	93.13	36	12/26/1989	12/26/2019	12/26/2049

19	37 Colleen Ct.	93.13	37	3/28/1990	3/28/2020	3/28/2050
20	44 Colleen Ct.	93.13	44	8/28/1990	8/28/2020	8/28/2050
21	45 Colleen Ct.	93.13	45	1/26/1990	1/26/2020	1/26/2050
22	52 Colleen Ct.	93.13	52	9/21/1990	9/21/2020	9/21/2050
23	53 Colleen Ct.	93.13	53	9/11/1990	9/11/2020	9/11/2050
24	60 Colleen Ct.	93.13	60	9/28/1990	9/28/2020	9/28/2050
25	61 Colleen Ct.	93.13	61	9/14/1990	9/14/2020	9/14/2050
26	68 Maria Ct.	93.13	68	11/20/1992	11/20/2022	11/20/2052
27	69 Maria Ct.	93.13	69	6/22/1993	6/22/2023	6/22/2053
28	91 Maria Ct.	93.13	91	7/27/1992	7/27/2022	7/27/2052
29	92 Maria Ct.	93.13	92	6/3/1992	6/3/2022	6/3/2052
30	93 Maria Ct.	93.13	93	5/29/1992	5/29/2022	5/29/2052
31	94 Maria Ct.	93.13	94	5/29/1992	5/29/2022	5/29/2052
32	100 Maria Ct.	93.13	100	3/30/1993	3/30/2023	3/30/2053
33	101 Maria Ct.	93.13	101	6/18/1993	6/18/2023	6/18/2053
34	107 Daniel Ct.	93.13	107	1/22/1993	1/22/2023	1/22/2053
35	108 Daniel Ct.	93.13	108	9/30/1994	9/30/2024	9/30/2054
36	109 Daniel Ct.	93.13	109	11/30/1992	11/30/2022	11/30/2052
37	110 Daniel Ct.	93.13	110	12/14/1992	12/14/2022	12/14/2052
38	132 Daniel Ct.	93.13	132	3/31/1994	3/31/2024	3/31/2054
39	133 Daniel Ct.	93.13	133	7/22/1994	7/22/2024	7/22/2054
40	140 Bret Ct.	93.13	140	2/25/1994	2/25/2024	2/25/2054
41	141 Bret Ct.	93.13	141	3/11/1994	3/11/2024	3/11/2054
42	148 Bret Ct.	93.13	148	3/18/1994	3/18/2024	3/18/2054
43	149 Bret Ct.	93.13	149	4/21/1994	4/21/2024	4/21/2054
44	154 Susan Ct.	93.13	154	8/11/1994	8/11/2024	8/11/2054
45	155 Susan Ct.	93.13	155	5/25/1994	5/25/2024	5/25/2054
46	156 Susan Ct.	93.13	156	3/28/1994	3/28/2024	3/28/2054
47	160 Susan Ct.	93.13	160	3/31/1994	3/31/2024	3/31/2054
48	161 Susan Ct.	93.13	161	7/22/1994	7/22/2024	7/22/2054
49	162 Susan Ct.	93.13	162	2/10/1994	2/10/2024	2/10/2054

Regal Point:

	Address	Block	Lot	Date of Initial Sale	Initial Expiration Date of Affordability Controls	Extended Expiration Date of Affordability Controls
1	22 Regal Drive	87.02	22	11/17/1993	11/17/2023	11/17/2053
2	25 Regal Drive	87.02	25	10/30/1990	10/30/2020	10/30/2050
3	43 Regal Drive	87.02	43	3/9/1990	3/9/2020	3/9/2050
4	44 Regal Drive	87.02	44	8/22/1989	8/22/2019	8/22/2049
5	71 Regal Drive	87.02	71	3/24/1989	3/24/2019	3/24/2049

Resolution

Extending Affordable Housing Restrictions on Certain Existing Affordable Housing Units in the Regal Point Condominium Development

WHEREAS, the Uniform Housing Affordability Controls ("UHAC"), specifically N.J.A.C. 5:80-26.25(a) ("Municipal rejection of repayment option on 95/5 units"), provides that "a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low- and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2 ["Length of Controls"]"; and

WHEREAS, such a determination shall be made by resolution of the municipal governing body and shall be effective upon filing with the New Jersey Council on Affordable Housing ("COAH") and/or the New Jersey Superior Court pursuant to the New Jersey Supreme Court's decision in In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015); and

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

WHEREAS, pursuant to N.J.A.C. 5:80-26.25(b) a municipality that exercises the option outlined above shall: (1) provide public notice in a newspaper of general circulation; and (2) notify the administrative agent and COAH and/or the Superior Court of its governing body's action; and

WHEREAS, the municipality's administrative agent shall ensure that the deed restriction on all affected housing units reflects the extended period of controls; and

WHEREAS, N.J.A.C. 5:80-26.25 is the successor regulation to N.J.A.C. 5:93-9.9 ("Municipal rejection of repayment option - sales units"), effective January 5, 1998, and N.J.A.C. 5:92-12.2 ("Length of controls on affordability"), effective August 4, 1986; and

WHEREAS, South Brunswick Township Code Section 62-1997(c) authorizes the Township "to extend the period of restrictions on low- and moderate-income sales and rental housing units beyond the period set forth in subsection (a) [of Section 62-1997] under such circumstances and by such means as may be permitted by law; and

WHEREAS, the Master Deed for the Regal Point Condominium development ("Regal Point") is dated March 2, 1988, and was recorded in the Middlesex County Clerk's Office on March 14, 1988, in Book 3686, Page 449, (the "Master Deed"); and

WHEREAS, the Regal Point development includes five (5) low- and moderate-income restricted

units, which low- and moderate-income restricted units are identified below:

	Address	**Block**	**Lot**
1	22 Regal Drive	87.02	22
2	25 Regal Drive	87.02	25
3	43 Regal Drive	87.02	43
4	44 Regal Drive	87.02	44
5	71 Regal Drive	87.02	71

(hereinafter the "Units"); and

WHEREAS, paragraph 32 of the Regal Point Master Deed mandates that the Units are subject to the resale and rental controls of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the regulations of COAH, and the Ordinances of the Township of South Brunswick (the "Affordability Controls"); and

WHEREAS, the Affordability Controls were to extend for "[t]hirty (30) years from the date of the first conveyance of the Affordable Housing Unit by the Developer"; and

WHEREAS, the individual deeds associated with each of the Units each contain the following restrictive covenant:

> The conveyance evidenced by this Deed is also made in accordance with the terms, limitations, conditions, covenants, restrictions, easements, agreements and other provisions set forth in that certain Master Deed for Regal Point, Inc., A Condominium, dated March 2, 1988, and recorded March 14, 1988, in the Office of the Clerk of Middlesex County in Book 3686 of Deeds at Page 449 and following, as the same may now or hereafter be lawfully amended; and

WHEREAS, additionally, individual owners of the Units also executed Affordable Housing Agreements, all of which were duly recorded with the Office of the Middlesex County Clerk, which state at Paragraph III(c):

> The terms, restrictions and covenants of this Affordable Housing Agreement may be extended by municipal resolution as provided for in N.J.A.C. 5:92-1, et seq. Such municipal resolution shall provide for a period of extended restrictions and shall be effective upon filing with [COAH] and the Township. The municipal resolution shall specify the extended time period by providing for a revised ending date; and

WHEREAS, the Affordable Housing Agreements further provide that "[t]he provisions of this Affordable Housing Agreement shall constitute covenants running with the land with respect to each Affordable Housing unit affected thereby, and shall bind all Purchasers and Owners of each

Affordable Housing unit, their heirs, successors, assigns and all persons claiming by, through or under their heirs, successors, executors, administrators and assigns for the duration of this Agreement as set forth herein"; and

WHEREAS, because the Master Deed, the individual deeds for the Units, the Affordable Housing Agreements and the South Brunswick Township Code specifically grant the Township the authority to extend the period of restrictions by resolution, and that right constitutes a covenant running with the land, which binds all owners, the Township is authorized to extend the period of controls on the Units by way of adoption of a resolution extending controls, which is consistent with the court's holding in Society Hill at Piscataway, et als., v. Township of Piscataway, 445 N.J. Super. 435 (Law Div. 2016); and

WHEREAS, the Township has determined that the most desirable means of promoting an adequate supply of low- and moderate-income housing in South Brunswick is to prohibit the exercise of any repayment option on the 5 Units and to maintain the Affordability Controls on the 5 Units for a period of time that is longer than the initial 30 years;

NOW, THEREFORE, BE IT RESOLVED, on this 14th day of February, 2017, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

1. The Repayment Option applicable to the Units shall not be permitted from the date of this Resolution until the expiration of the extended Affordability Controls shown in the below chart.

2. The Affordability Controls are extended as follows:

	Address	**Block**	**Lot**	**Date of Initial Sale**	**Initial Expiration Date of Affordability Controls**	**Extended Expiration Date of Affordability Controls**
1	22 Regal Drive	87.02	22	11/17/1993	11/17/2023	11/17/2053
2	25 Regal Drive	87.02	25	10/30/1990	10/30/2020	10/30/2050
3	43 Regal Drive	87.02	43	3/9/1990	3/9/2020	3/9/2050
4	44 Regal Drive	87.02	44	8/22/1989	8/22/2019	8/22/2049
5	71 Regal Drive	87.02	71	3/24/1989	3/24/2019	3/24/2049

and during the period of extended Affordability Controls no seller of any of the 5 Units may utilize the repayment option shown in N.J.A.C. 5:93-9.8.

3. The Township Clerk is authorized and directed to print this Resolution in full in the official newspaper of South Brunswick Township and in the Home News Tribune, and to notify the Affordable Housing Administrative Agent, COAH and the Superior Court of the Township's action.

4. The Affordable Housing Administrative Agent shall ensure the deed restriction imposing Affordability Controls on all affected 5 Units extends until the dates shown in the above chart.

5. This Resolution shall evidence pursuant to N.J.A.C. 5:94-4.16(a) and N.J.A.C. 5:97-6.14(b)(2) (Extension of Expiring Controls) that the Affordability Controls have been extended in accordance with the Uniform Housing Affordability Controls ("UHAC"), and that South Brunswick Township is entitled to 5 affordable housing credits to address a portion of its Third Round fair share obligation through the extension of the Affordability Controls in accordance with N.J.A.C. 5:97-9, UHAC and the New Jersey Supreme Court's decision in In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015).

6. All of the restricted Units shall remain subject to the requirements of UHAC and the Affordability Controls, as may be amended and supplemented from time to time, during the extended Affordability Control period and until South Brunswick Township elects to release the Units from such requirements.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Joseph Camarota, Councilman
SECONDER:	Josephine "Jo" Hochman, Councilwoman
AYES:	Joseph Camarota, Charlie Carley, Josephine "Jo" Hochman, Chris Killmurray
ABSENT:	Frank Gambatese

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on February 14, 2017.

Barbara Nyitrai, Township Clerk

Resolution

Extending Affordable Housing Restrictions on Certain Existing Affordable Housing Units in the Monmouth Walk Condominium Development

WHEREAS, the Uniform Housing Affordability Controls ("UHAC"), specifically N.J.A.C. 5:80-26.25(a) ("Municipal rejection of repayment option on 95/5 units"), provides that "a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low- and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2 ["Length of Controls"]"; and

WHEREAS, such a determination shall be made by resolution of the municipal governing body and shall be effective upon filing with the New Jersey Council on Affordable Housing ("COAH") and/or the New Jersey Superior Court pursuant to the New Jersey Supreme Court's decision in In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015); and

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

WHEREAS, pursuant to N.J.A.C. 5:80-26.25(b) a municipality that exercises the option outlined above shall: (1) provide public notice in a newspaper of general circulation; and (2) notify the administrative agent and COAH and/or the Superior Court of its governing body's action; and

WHEREAS, the municipality's administrative agent shall ensure that the deed restriction on all affected housing units reflects the extended period of controls; and

WHEREAS, N.J.A.C. 5:80-26.25 is the successor regulation to N.J.A.C. 5:93-9.9 ("Municipal rejection of repayment option - sales units"), effective January 5, 1998, and N.J.A.C. 5:92-12.2 ("Length of controls on affordability"), effective August 4, 1986; and

WHEREAS, South Brunswick Township Code Section 62-1997(c) authorizes the Township "to extend the period of restrictions on low- and moderate-income sales and rental housing units beyond the period set forth in subsection (a) [of Section 62-1997] under such circumstances and by such means as may be permitted by law; and

WHEREAS, the Master Deed for the Monmouth Walk Condominium development ("Monmouth Walk") is dated March 23, 1989, and was recorded in the Middlesex County Clerk's Office on March 23, 1989, in Book 3770, Page 360, with the accompanying Affordable Housing Plan

recorded as Schedule G to the Master Deed at Book 3770, Page 437 (the "Master Deed and Affordable Housing Plan"); and

WHEREAS, the Monmouth Walk development includes forty-three (43) low and moderate income-restricted two and three-bedroom units, which low and moderate income-restricted units are identified below:

	Address	**Block**	**Lot**
1	20 Arlene Court	41	21
2	21 Arlene Court	41	20
3	22 Arlene Court	41	19
4	23 Arlene Court	41	18
5	24 Arlene Court	41	17
6	20 Dawn Court	41	52
7	21 Dawn Court	41	51
8	22 Dawn Court	41	50
9	23 Dawn Court	41	49
10	24 Dawn Court	41	48
11	25 Dawn Court	41	47
12	30 Joann Court	41	76
13	31 Joann Court	41	77
14	32 Joann Court	41	78
15	33 Joann Court	41	79

16	71 Joann Court	41	88
17	72 Joann Court	41	89
18	73 Joann Court	41	90
19	74 Joann Court	41	91
20	30 Jamie Court	41	126
21	31 Jamie Court	41	127
22	32 Jamie Court	41	128
23	33 Jamie Court	41	129
24	70 Jamie Court	41	138
25	71 Jamie Court	41	139
26	72 Jamie Court	41	140
27	73 Jamie Court	41	141
28	41 Allison Court	41	201
29	42 Allison Court	41	202
30	43 Allison Court	41	203
31	44 Allison Court	41	204
32	45 Allison Court	41	205
33	30 Heather Court	41	206
34	31 Heather	41	207

	Court		
35	32 Heather Court	41	208
36	33 Heather Court	41	209
37	30 Jill Court	41	249
38	31 Jill Court	41	250
39	32 Jill Court	41	251
40	33 Jill Court	41	252
41	70 Jill Court	41	261
42	71 Jill Court	41	262
43	72 Jill Court	41	263

(hereinafter the "Units"); and

WHEREAS, paragraph 33 of the Monmouth Walk Master Deed and the Affordable Housing Plan mandate that the Units are subject to the resale and rental controls of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the regulations of COAH, and the Ordinances of the Township of South Brunswick (the "Affordability Controls"); and

WHEREAS, the Affordability Controls were to extend for "[t]hirty (30) years from the date of the first conveyance of the designated Affordable Housing Unit by the Developer, unless a greater or lesser period of time has been approved by the [Township] and/or COAH..."; and

WHEREAS, the individual deeds associated with each of the Units each contain the following restrictive covenant:

> The Grantee's right, title and interest in this condominium unit and the use, sale, resale and rental of this property, are subject to the terms, conditions, restrictions, limitations and provisions as set forth in the "Affordable Housing Plan of Monmouth Walk Condominium", which plan was filed in the Office of the Clerk of Middlesex County as Schedule G of the Monmouth Walk Condominium Master Deed in Deed Book 3770, Page 437, on March 23, 1989, and is also on file with the Township of South Brunswick Affordable Housing Agency; and

WHEREAS, additionally, individual owners of the Units also executed Affordable Housing Agreements, all of which were duly recorded with the Office of the Middlesex County Clerk, which state at Paragraph III(c):

> The terms, restrictions and covenants of this Affordable Housing Agreement may be extended by Municipal Resolution as provided for in

> N.J.A.C. 5:92-1, et seq. Such municipal resolution shall provide for a period of extended restrictions and shall be effective upon filing with [COAH] and the Township. The municipal resolution shall specify the extended time period by providing for a revised ending date; and

WHEREAS, the Master Deed and Affordable Housing Plan further provide that "[t]he provisions of this Affordable Housing Plan shall constitute covenants running with the land with respect to each affordable housing unit affected hereby and shall bind all purchasers and owners of each affordable housing unit, their heirs, assigns, and all persons claiming by, through or under their heirs, executors, administrators and assigns in perpetuity…"; and

WHEREAS, because the Master Deed and Affordable Housing Plan, the individual deeds for the Units, the Affordable Housing Agreements and the South Brunswick Township Code specifically grant the Township the authority to extend the period of restrictions by resolution, and that right constitutes a covenant running with the land, which binds all owners, the Township is authorized to extend the period of controls on the Units by way of adoption of a resolution extending controls, which is consistent with the court's holding in Society Hill at Piscataway, et als., v. Township of Piscataway, 445 N.J. Super. 435 (Law Div. 2016); and

WHEREAS, the Township has determined that the most desirable means of promoting an adequate supply of low- and moderate-income housing in South Brunswick is to prohibit the exercise of any repayment option on the 43 Units and to maintain the Affordability Controls on the 43 Units for a period of time that is longer than the initial 30 years;

NOW, THEREFORE, BE IT RESOLVED, on this 14th day of February, 2017, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

1. The Repayment Option applicable to the Units shall not be permitted from the date of this Resolution until the expiration of the extended Affordability Controls shown in the below chart.

2. The Affordability Controls are extended as follows:

	Address	**Block**	**Lot**	**Date of Initial Sale**	**Initial Expiration Date of Affordability Controls**	**Extended Expiration Date of Affordability Controls**
1	20 Arlene Court	41	21	9/18/1990	9/18/2020	9/18/2050
2	21 Arlene Court	41	20	6/21/1991	6/21/2021	6/21/2051
3	22 Arlene Court	41	19	10/17/1990	10/17/2020	10/17/2050
4	23 Arlene Court	41	18	9/8/1990	9/8/2020	9/8/2050
5	24 Arlene Court	41	17	10/19/1990	10/19/2020	10/19/2050

6	20 Dawn Court	41	52	1/14/1991	1/14/2021	1/14/2051
7	21 Dawn Court	41	51	5/15/1991	5/15/2021	5/15/2051
8	22 Dawn Court	41	50	3/5/1991	3/5/2021	3/5/2051
9	23 Dawn Court	41	49	5/5/1991	5/5/2021	5/5/2051
10	24 Dawn Court	41	48	1/11/1991	1/11/2021	1/11/2051
11	25 Dawn Court	41	47	12/28/1990	12/28/2020	12/28/2050
12	30 Joann Court	41	76	8/26/1991	8/26/2021	8/26/2051
13	31 Joann Court	41	77	7/26/1991	7/26/2021	7/26/2051
14	32 Joann Court	41	78	6/20/1991	6/20/2021	6/20/2051
15	33 Joann Court	41	79	10/24/1991	10/24/2021	10/24/2051
16	71 Joann Court	41	88	9/17/1991	9/17/2021	9/17/2051
17	72 Joann Court	41	89	7/26/1991	7/26/2021	7/26/2051
18	73 Joann Court	41	90	10/18/1991	10/18/2021	10/18/2051
19	74 Joann Court	41	91	10/16/1991	10/16/2021	10/16/2051
20	30 Jamie Court	41	126	5/28/1992	5/28/2022	5/28/2052
21	31 Jamie Court	41	127	5/12/1992	5/12/2022	5/12/2052
22	32 Jamie Court	41	128	6/2/1992	6/2/2022	6/2/2052
23	33 Jamie Court	41	129	7/22/1992	7/22/2022	7/22/2052
24	70 Jamie Court	41	138	10/1/1993	10/1/2023	10/1/2053
25	71 Jamie Court	41	139	7/13/1992	7/13/2022	7/13/2052
26	72 Jamie Court	41	140	9/29/1992	9/29/2022	9/29/2052
27	73 Jamie Court	41	141	3/10/1994	3/10/2024	3/10/2054
28	41 Allison Court	41	201	4/27/1994	4/27/2024	4/27/2054
29	42 Allison Court	41	202	4/17/1995	4/17/2025	4/17/2055
30	43 Allison Court	41	203	12/15/1995	12/15/2025	12/15/2055
31	44 Allison Court	41	204	1/6/1995	1/6/2025	1/6/2055
32	45 Allison Court	41	205	6/10/1996	6/10/2026	6/10/2056
33	30 Heather Court	41	206	8/11/1995	8/11/2025	8/11/2055
34	31 Heather Court	41	207	4/30/1997	4/30/2027	4/30/2057
35	32 Heather Court	41	208	7/7/1995	7/7/2025	7/7/2055
36	33 Heather Court	41	209	7/14/1995	7/14/2025	7/14/2055
37	30 Jill Court	41	249	2/4/1995	2/4/2025	2/4/2055
38	31 Jill Court	41	250	11/29/1993	11/29/2023	11/29/2053
39	32 Jill Court	41	251	12/2/1994	12/2/2024	12/2/2054
40	33 Jill Court	41	252	6/3/1993	6/3/2023	6/3/2053
41	70 Jill Court	41	261	2/26/1993	2/26/2023	2/26/2053

42	71 Jill Court	41	262	4/23/1993	4/23/2023	4/23/2053
43	72 Jill Court	41	263	5/27/1993	5/27/2023	5/27/2053

and during the period of extended Affordability Controls no seller of any of the 43 Units may utilize the repayment option shown in N.J.A.C. 5:93-9.8.

3. The Township Clerk is authorized and directed to print this Resolution in full in the official newspaper of South Brunswick Township and in the Home News Tribune, and to notify the Affordable Housing Administrative Agent, COAH and the Superior Court of the Township's action.

4. The Affordable Housing Administrative Agent shall ensure the deed restriction imposing Affordability Controls on all affected 43 Units extends until the dates shown in the above chart.

5. This Resolution shall evidence pursuant to N.J.A.C. 5:94-4.16(a) and N.J.A.C. 5:97-6.14(b)(2) (Extension of Expiring Controls) that the Affordability Controls have been extended in accordance with the Uniform Housing Affordability Controls ("UHAC"), and that South Brunswick Township is entitled to 43 affordable housing credits to address a portion of its Third Round fair share obligation through the extension of the Affordability Controls in accordance with N.J.A.C. 5:97-9, UHAC and the New Jersey Supreme Court's decision in In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015).

6. All of the restricted Units shall remain subject to the requirements of UHAC and the Affordability Controls, as may be amended and supplemented from time to time, during the extended Affordability Control period and until South Brunswick Township elects to release the Units from such requirements.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Joseph Camarota, Councilman
SECONDER:	Josephine "Jo" Hochman, Councilwoman
AYES:	Joseph Camarota, Charlie Carley, Josephine "Jo" Hochman, Chris Killmurray
ABSENT:	Frank Gambatese

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on February 14, 2017.

Barbara Nyitrai

Barbara Nyitrai, Township Clerk

Resolution

Extending Affordable Housing Restrictions on Certain Existing Affordable Housing Units in the Nassau Square Condominium Development

WHEREAS, the Uniform Housing Affordability Controls ("UHAC"), specifically N.J.A.C. 5:80-26.25(a) ("Municipal rejection of repayment option on 95/5 units"), provides that "a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low- and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2 ["Length of Controls"]"; and

WHEREAS, such a determination shall be made by resolution of the municipal governing body and shall be effective upon filing with the New Jersey Council on Affordable Housing ("COAH") and/or the New Jersey Superior Court pursuant to the New Jersey Supreme Court's decision in In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015); and

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

WHEREAS, pursuant to N.J.A.C. 5:80-26.25(b) a municipality that exercises the option outlined above shall: (1) provide public notice in a newspaper of general circulation; and (2) notify the administrative agent and COAH and/or the Superior Court of its governing body's action; and

WHEREAS, the municipality's administrative agent shall ensure that the deed restriction on all affected housing units reflects the extended period of controls; and

WHEREAS, N.J.A.C. 5:80-26.25 is the successor regulation to N.J.A.C. 5:93-9.9 ("Municipal rejection of repayment option - sales units"), effective January 5, 1998, and N.J.A.C. 5:92-12.2 ("Length of controls on affordability"), effective August 4, 1986; and

WHEREAS, South Brunswick Township Code Section 62-1997(c) authorizes the Township "to extend the period of restrictions on low- and moderate-income sales and rental housing units beyond the period set forth in subsection (a) [of Section 62-1997] under such circumstances and by such means as may be permitted by law"; and

WHEREAS, the Master Deed for the Nassau Square Condominium development ("Nassau Square") is dated April 24, 1989, and was recorded in the Middlesex County Clerk's Office on April 27, 1989, in Book 3777, Page 751, with the accompanying Affordable Housing Agreement dated September 21, 1989, recorded on October 11, 1989, in Book 3312, Page 486 (the "Master Deed and Affordable Housing Agreement"); and

WHEREAS, the Nassau Square development includes forty-nine (49) low and moderate income-restricted two and three-bedroom units, which low and moderate income-restricted units are identified below:

	Address	**Block**	**Lot**
1	4 Rachel Ct.	93.09	4
2	5 Rachel Ct.	93.09	5
3	19 Keith Ct.	93.09	19
4	20 Keith Ct.	93.09	20
5	35 Keith Ct.	93.09	35
6	50 Curtis Ct.	93.09	50
7	51 Curtis Ct.	93.09	51
8	57 Curtis Ct.	93.09	57
9	58 Curtis Ct.	93.09	58
10	65 Lynette Ct.	93.09	65
11	66 Lynette Ct.	93.09	66
12	73 Lynette Ct.	93.09	73
13	74 Lynette Ct.	93.09	74
14	81 Lynette Ct.	93.09	81
15	82 Lynette Ct.	93.09	82
16	11 Carrie Ct.	93.13	11
17	12 Carrie Ct.	93.13	12
18	36 Colleen Ct.	93.13	36
19	37 Colleen Ct.	93.13	37
20	44 Colleen Ct.	93.13	44
21	45 Colleen Ct.	93.13	45
22	52 Colleen Ct.	93.13	52
23	53 Colleen Ct.	93.13	53
24	60 Colleen Ct.	93.13	60
25	61 Colleen Ct.	93.13	61
26	68 Maria Ct.	93.13	68
27	69 Maria Ct.	93.13	69
28	91 Maria Ct.	93.13	91
29	92 Maria Ct.	93.13	92
30	93 Maria Ct.	93.13	93
31	94 Maria Ct.	93.13	94

32	100 Maria Ct.	93.13	100
33	101 Maria Ct.	93.13	101
34	107 Daniel Ct.	93.13	107
35	108 Daniel Ct.	93.13	108
36	109 Daniel Ct.	93.13	109
37	110 Daniel Ct.	93.13	110
38	132 Daniel Ct.	93.13	132
39	133 Daniel Ct.	93.13	133
40	140 Bret Ct.	93.13	140
41	141 Bret Ct.	93.13	141
42	148 Bret Ct.	93.13	148
43	149 Bret Ct.	93.13	149
44	154 Susan Ct.	93.13	154
45	155 Susan Ct.	93.13	155
46	156 Susan Ct.	93.13	156
47	160 Susan Ct.	93.13	160
48	161 Susan Ct.	93.13	161
49	162 Susan Ct.	93.13	162

(hereinafter the "Units"); and

WHEREAS, paragraph D.1. of the Nassau Square Master Deed and/or paragraph IV of the Affordable Housing Agreement mandate that the Units are subject to the resale and rental controls of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the regulations of COAH, and/or the Ordinances of the Township of South Brunswick (the "Affordability Controls"); and

WHEREAS, the Affordability Controls were to extend for “thirty (30) years from the date hereof unless a greater or lesser period of time has been approved by the agency, the council, or other agency having jurisdiction…”; and

WHEREAS, the individual deeds associated with each of the Units each contain the following restrictive covenant:

> This unit is a [low or] moderate income unit as defined in and required by the Code of the Township of South Brunswick, Chapter 175, Article XIX. Transfer of title to this Unit to another purchaser is subject to and must be done in accordance with the provisions of Chapter 175, Article XIX, the Rules and Regulations of the South Brunswick Affordable Housing Agency, the Affordable Housing Agreement between the Grantor and the South Brunswick Township Affordable Housing Agency, dated September 21, 1989, and recorded in the Middlesex County Clerk’s Office on

> October 11, 1989, in Book 3812, of Deeds for said County at Pages 436 and is also on file with the South Brunswick Township Affordable Housing Agency.

WHEREAS, additionally, individual owners of the Units also executed Affordable Housing Agreements, all of which were duly recorded with the Office of the Middlesex County Clerk, which state at Paragraph III(c):

> The terms, restrictions and covenants of this Affordable Housing Agreement may be extended by Municipal Resolution as provided for in N.J.A.C. 5:92-1, et seq. Such municipal resolution shall provide for a period of extended restrictions and shall be effective upon filing with [COAH] and the Township. The municipal resolution shall specify the extended time period by providing for a revised ending date; and

WHEREAS, because the Master Deed and Affordable Housing Agreement, the individual deeds for the Units, the Affordable Housing Agreements and the South Brunswick Township Code specifically grant the Township the authority to extend the period of restrictions by resolution, and that right constitutes a covenant running with the land, which binds all owners, the Township is authorized to extend the period of controls on the Units by way of adoption of a resolution extending controls, which is consistent with the court's holding in Society Hill at Piscataway, et als., v. Township of Piscataway, 445 N.J. Super. 435 (Law Div. 2016); and

WHEREAS, the Township has determined that the most desirable means of promoting an adequate supply of low- and moderate-income housing in South Brunswick is to prohibit the exercise of any repayment option on the 49 Units and to maintain the Affordability Controls on the 49 Units for a period of time that is longer than the initial 30 years;

NOW, THEREFORE, BE IT RESOLVED, on this 14th day of February, 2017, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

1. The Repayment Option applicable to the Units shall not be permitted from the date of this Resolution until the expiration of the extended Affordability Controls shown in the below chart.

2. The Affordability Controls are extended as follows:

	Address	**Block**	**Lot**	**Date of Initial Sale**	**Initial Expiration Date of Affordability Controls**	**Extended Expiration Date of Affordability Controls**
1	4 Rachel Ct.	93.09	4	9/24/1993	9/24/2023	9/24/2053
2	5 Rachel Ct.	93.09	5	1/15/1995	1/15/2025	1/15/2055

3	19 Keith Ct.	93.09	19	9/3/1994	9/3/2024	9/3/2054
4	20 Keith Ct.	93.09	20	1/26/1990	1/26/2020	1/26/2050
5	35 Keith Ct.	93.09	35	5/21/1990	5/21/2020	5/21/2050
6	50 Curtis Ct.	93.09	50	3/29/1990	3/29/2020	3/29/2050
7	51 Curtis Ct.	93.09	51	3/29/1994	3/29/2024	3/29/2054
8	57 Curtis Ct.	93.09	57	9/9/1994	9/9/2024	9/9/2054
9	58 Curtis Ct.	93.09	58	4/30/1993	4/30/2023	4/30/2053
10	65 Lynette Ct.	93.09	65	5/28/1993	5/28/2023	5/28/2053
11	66 Lynette Ct.	93.09	66	11/7/1994	11/7/2024	11/7/2054
12	73 Lynette Ct.	93.09	73	6/30/1993	6/30/2023	6/30/2053
13	74 Lynette Ct.	93.09	74	3/31/1994	3/31/2024	3/31/2054
14	81 Lynette Ct.	93.09	81	5/20/1994	5/20/2024	5/20/2054
15	82 Lynette Ct.	93.09	82	2/28/1994	2/28/2024	2/28/2054
16	11 Carrie Ct.	93.13	11	9/17/1993	9/17/2023	9/17/2053
17	12 Carrie Ct.	93.13	12	3/31/1994	3/31/2024	3/31/2054
18	36 Colleen Ct.	93.13	36	12/26/1989	12/26/2019	12/26/2049
19	37 Colleen Ct.	93.13	37	3/28/1990	3/28/2020	3/28/2050
20	44 Colleen Ct.	93.13	44	8/28/1990	8/28/2020	8/28/2050
21	45 Colleen Ct.	93.13	45	1/26/1990	1/26/2020	1/26/2050
22	52 Colleen Ct.	93.13	52	9/21/1990	9/21/2020	9/21/2050
23	53 Colleen Ct.	93.13	53	9/11/1990	9/11/2020	9/11/2050
24	60 Colleen Ct.	93.13	60	9/28/1990	9/28/2020	9/28/2050
25	61 Colleen Ct.	93.13	61	9/14/1990	9/14/2020	9/14/2050
26	68 Maria Ct.	93.13	68	11/20/1992	11/20/2022	11/20/2052
27	69 Maria Ct.	93.13	69	6/22/1993	6/22/2023	6/22/2053
28	91 Maria Ct.	93.13	91	7/27/1992	7/27/2022	7/27/2052
29	92 Maria Ct.	93.13	92	6/3/1992	6/3/2022	6/3/2052
30	93 Maria Ct.	93.13	93	5/29/1992	5/29/2022	5/29/2052
31	94 Maria Ct.	93.13	94	5/29/1992	5/29/2022	5/29/2052
32	100 Maria Ct.	93.13	100	3/30/1993	3/30/2023	3/30/2053
33	101 Maria Ct.	93.13	101	6/18/1993	6/18/2023	6/18/2053
34	107 Daniel Ct.	93.13	107	1/22/1993	1/22/2023	1/22/2053
35	108 Daniel Ct.	93.13	108	9/30/1994	9/30/2024	9/30/2054
36	109 Daniel Ct.	93.13	109	11/30/1992	11/30/2022	11/30/2052
37	110 Daniel Ct.	93.13	110	12/14/1992	12/14/2022	12/14/2052

38	132 Daniel Ct.	93.13	132	3/31/1994	3/31/2024	3/31/2054
39	133 Daniel Ct.	93.13	133	7/22/1994	7/22/2024	7/22/2054
40	140 Bret Ct.	93.13	140	2/25/1994	2/25/2024	2/25/2054
41	141 Bret Ct.	93.13	141	3/11/1994	3/11/2024	3/11/2054
42	148 Bret Ct.	93.13	148	3/18/1994	3/18/2024	3/18/2054
43	149 Bret Ct.	93.13	149	4/21/1994	4/21/2024	4/21/2054
44	154 Susan Ct.	93.13	154	8/11/1994	8/11/2024	8/11/2054
45	155 Susan Ct.	93.13	155	5/25/1994	5/25/2024	5/25/2054
46	156 Susan Ct.	93.13	156	3/28/1994	3/28/2024	3/28/2054
47	160 Susan Ct.	93.13	160	3/31/1994	3/31/2024	3/31/2054
48	161 Susan Ct.	93.13	161	7/22/1994	7/22/2024	7/22/2054
49	162 Susan Ct.	93.13	162	2/10/1994	2/10/2024	2/10/2054

and during the period of extended Affordability Controls no seller of any of the 49 Units may utilize the repayment option shown in N.J.A.C. 5:93-9.8.

3. The Township Clerk is authorized and directed to print this Resolution in full in the official newspaper of South Brunswick Township and in the Home News Tribune, and to notify the Affordable Housing Administrative Agent, COAH and the Superior Court of the Township's action.

4. The Affordable Housing Administrative Agent shall ensure the deed restriction imposing Affordability Controls on all affected 49 Units extends until the dates shown in the above chart.

5. This Resolution shall evidence pursuant to N.J.A.C. 5:94-4.16(a) and N.J.A.C. 5:97-6.14(b)(2) (Extension of Expiring Controls) that the Affordability Controls have been extended in accordance with the Uniform Housing Affordability Controls ("UHAC"), and that South Brunswick Township is entitled to 49 affordable housing credits to address a portion of its Third Round fair share obligation through the extension of the Affordability Controls in accordance with N.J.A.C. 5:97-9, UHAC and the New Jersey Supreme Court's decision in In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015).

6. All of the restricted Units shall remain subject to the requirements of UHAC and the Affordability Controls, as may be amended and supplemented from time to time, during the extended Affordability Control period and until South Brunswick Township elects to release the Units from such requirements.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Joseph Camarota, Councilman
SECONDER:	Josephine "Jo" Hochman, Councilwoman
AYES:	Joseph Camarota, Charlie Carley, Josephine "Jo" Hochman, Chris Killmurray
ABSENT:	Frank Gambatese

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on February 14, 2017.

Barbara Nyitrai, Township Clerk

Resolution

Extending Affordable Housing Restrictions on Certain Existing Group Homes

WHEREAS, the Township of South Brunswick previously partnered with certain group home providers to establish affordable group homes for persons with developmental disabilities as follows:

Address	**Block**	**Lot**	**Date of Initial Occupancy**	**Expiration Date of Affordability Controls**
30 Cranston Road Kendall Park, NJ	340	2	11/18/1999	11/18/2019
38 Wheeler Road Kendall Park, NJ	332	3	11/20/2003	11/20/2018
186 Major Road Monmouth Jct, NJ	51	6.01	11/20/2003	11/20/2018

and:

WHEREAS, the group home providers that own, manage and maintain these affordable housing units expressed a desire to continue to operate as affordable housing for persons with developmental disabilities beyond the expiration date of the initial affordability controls, to which the Township agreed; and

WHEREAS, the group home providers and the Township mutually agreed to extend the period of affordability controls for an additional thirty (30) years; and

WHEREAS, pursuant to the New Jersey Supreme Court's decision in In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), extensions of expiring controls was approved as a compliance mechanism available to a municipality to satisfy a portion of its Third Round obligation; and

WHEREAS, pursuant to N.J.A.C. 5:97-6.14, a municipality may address a portion of its Third Round obligation through the extension of affordability controls in accordance with N.J.A.C. 5:97-9 and UHAC, subject to the following:

1. The unit meets the criteria for prior-cycle or post-1986 credits set forth in N.J.A.C. 5:97-4.2 or 4.3;
2. The affordability controls for the unit are scheduled to expire during the 1999 through 2025 period; and

3. The municipality obtains a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards; and

WHEREAS, such a determination shall be made by resolution of the municipal governing body and shall be effective upon filing with the New Jersey Council on Affordable Housing ("COAH") and/or the New Jersey Superior Court pursuant to the New Jersey Supreme Court's decision in In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015); and

WHEREAS, a municipality that extends affordability controls shall: (1) provide public notice in a newspaper of general circulation; and (2) notify the administrative agent and COAH and/or the Superior Court of its governing body's action; and

WHEREAS, the municipality's administrative agent shall ensure that the deed restriction on all affected housing units reflects the extended period of controls; and

WHEREAS, South Brunswick Township Code Section 62-1997(c) authorizes the Township "to extend the period of restrictions on low- and moderate-income sales and rental housing units beyond the period set forth in subsection (a) [of Section 62-1997] under such circumstances and by such means as may be permitted by law; and

WHEREAS, pursuant to the Superior Court's decision in Society Hill at Piscataway Condo. Assoc. v. Township of Piscataway, 445 N.J. Super. 435 (Law Div. 2016), the voluntary extension of affordability controls through additional deed restrictions is both legally and equitably valid and enforceable; and

WHEREAS, the Township has determined that the most desirable means of promoting an adequate supply of low- and moderate-income housing for persons with developmental disabilities in South Brunswick is to extend the affordability controls on the above referenced group homes for a period of time that is longer than the initial period of controls;

NOW, THEREFORE, BE IT RESOLVED, on this 26th day of February, 2019, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

1. The affordability controls on the above referenced group homes are hereby extended by mutual consent of the group home providers as follows:

Address	**Block**	**Lot**	**Date of Initial Occupancy**	**Initial Expiration Date of Affordability Controls**	**Extended Expiration Date of Affordability Controls**
30 Cranston Road Kendall Park, NJ	340	2	11/18/1999	11/18/2019	11/18/2049

38 Wheeler Road Kendall Park, NJ	332	3	11/20/2003	11/20/2018	11/20/2048
186 Major Road Monmouth Jct, NJ	51	6.01	11/20/2003	11/20/2018	11/20/2048

2. The Township Clerk is authorized and directed to print this Resolution in full in the official newspaper of South Brunswick Township and in the Home News Tribune, and to notify the Affordable Housing Administrative Agent, COAH and the Superior Court of the Township's action.

3. The Affordable Housing Administrative Agent shall ensure the deed restriction imposing Affordability Controls on all affected units extends until the dates shown in the above chart.

4. This Resolution shall evidence pursuant to N.J.A.C. 5:94-4.16(a) and N.J.A.C. 5:97-6.14(b)(2) (Extension of Expiring Controls) that the Affordability Controls have been extended in accordance with the Uniform Housing Affordability Controls ("UHAC"), and that South Brunswick Township is entitled to 10 new constructin affordable housing credits to address a portion of its Third Round fair share obligation through the extension of the Affordability Controls in accordance with N.J.A.C. 5:97-9, UHAC and the New Jersey Supreme Court's decision in In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015).

5. All of the restricted Units shall remain subject to the requirements of UHAC and the Affordability Controls, as may be amended and supplemented from time to time, during the extended Affordability Control period and until South Brunswick Township elects to release the Units from such requirements.

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on February 26, 2019.

_____
Barbara Nyitrai, Township Clerk

MIDDLESEX COUNTY CLERK

Return To:

TOWNSHIP OF SO BRUNSWICK
POB 190
MONMOUNTH JCT,NJ,08852

Index DEED BOOK

Book 06882 Page 0592

No. Pages 0008

Instrument MUNCIPAL DEED

Date : 10/26/2016

Time : 11:31:42

Control # 201610260178

INST# DE 2016 014873

Employee ID MALTBS

DELTA COMMUNITY SUPPORTS, INC.

C. Affd Hsg Assessor

RECORDING	$	3.00
- - - - -	$	.00
DARM 3.00	$	3.00
NJPRPA	$	2.00
- - - - -	$	.00
RECORDING	$	3.00
EFILE FEE	$	.00
	$	.00
	$	.00
Total:	$	11.00

STATE OF NEW JERSEY
MIDDLESEX COUNTY CLERK

PLEASE NOTE
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ELAINE FLYNN
COUNTY CLERK

201610260178

COUNTY OF MIDDLESEX

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Township of South Brunswick
P.O. Box 190
Monmouth Junction, NJ 08852

RECORDED
ELAINE M. FLYNN
MIDDLESEX CTY CLERK

2016 OCT 26 AM 11: 39

BOOK #_____
PAGE #_____

Prepared by _____
Donald J. Sears, Esq.

MANDATORY DEED RESTRICTION FOR A
GROUP HOME RENTAL PROJECT

Declaration of Deed Restriction

DEED-RESTRICTED AFFORDABLE HOUSING PROPERTY WITH RESTRICTIONS ON RESALE, RENTAL INCREASES AND REFINANCING

To Group Home Rental Property
With Covenants Restricting Ownership, Rentals, Conveyance and Improvements
And Requiring Notice of Foreclosure and Bankruptcy

THIS DECLARATION OF DEED RESTRICTION is made on the 7 day of September, 2016 by and between

Delta Community Supports, Inc., (formerly known as Developmental Resources Corporation), having its principal office at 1130 Route 202 South, Raritan, NJ 08869 (Grantor and/or Owner) and

Delta Community Supports, Inc., (formerly known as Developmental Resources Corporation), having its principal office at 1130 Route 202 South, Raritan, NJ 08869 (Grantee and/or Owner)

Article 1. Consideration and Conveyance

In return for payment to the Grantor of One Dollar ($1.00), the receipt of which is hereby acknowledged, the Grantor and Grantee hereby declare, covenant and agree to the restrictions set forth herein and as contained in a certain agreement entitled "Affordable Housing Rehabilitation/Affordability Assistance Grant Agreement," between Grantor and the Township of South Brunswick, a municipal corporation having its principal office at 540 Ridge Road, Monmouth Junction, NJ 08852 (Municipality), which restrictions shall apply to all of the land and improvements thereon as is more specifically described in Article 2, hereof (the Property).

Article 2. Description of Property

The Property consists of all of the land, and improvements thereon, that is located in the municipality of South Brunswick Township, County of Middlesex, State of New Jersey, and described more specifically as Block No 332, Lot No 3, and known by the street address:

The property is commonly known as 38 Wheeler Road, Kendall Park, NJ 08824

Being the same premises conveyed to the Grantor herein from Roland L. Cargill and Mary M. Cargill, husband and wife, dated July 14, 1987, and recorded in the Middlesex County Clerk's Office in Deed book 3550, Page 105.

Article 3. Purpose

The purpose of this Deed is to extend the affordability controls initially placed on the Property by way of a Deed to Developmental Resources Corporation, Grantor, by Deed dated November 20, 2003, and recorded in the Middlesex County Clerk's Office on May 25, 2004, in Deed Book 5324, at Page 546, as more fully described below, for an additional period of restriction at least thirty (30) years from the date the affordability controls would have otherwise expired. Such extension period shall run from November 20, 2018, until at least November 20, 2048, or until such time as the Municipality releases such controls.

Article 4. Grantor's Covenant

The Grantor hereby covenants and affirms that Grantor has taken no action to encumber the Property that would prohibit or interfere with the extension of affordability controls contained herein.

Article 5. Affordable Housing Covenants, Controls and Restrictions

The following covenants, controls and restrictions (the "Covenants") shall run with the land for the period of time set forth in Article 3 (the "Control Period"), commencing upon the earlier of the date hereof or the date on which the first certified household occupies the affected unit, and shall expire as determined under the Uniform Controls, as defined below, and/or as set forth herein.

Owner agrees to the following:

(a) To maintain the affordability of these units for at least thirty (30) years from the date of this Deed in accordance with the following conditions:

(1) 100% of the units must have rents that are not greater than the lesser of the latest applicable HUD Fair Market Rents for Middlesex County, low HOME rents for Middlesex County **OR** 30% of the adjusted income for households at 50% of the median family income for households of the same size, less the monthly allowance for utilities and services (excluding telephone) to be paid by the tenant;

(2) The standard used for utility allowance will be that used by the Middlesex County Public Housing Agency and/or its successors;

(3) Future maximum monthly rents must be recalculated annually by Owner, using the latest applicable low HUD HOME rents, affordable to families earning 50% or less of the Middlesex County median income for households of the same size. These rents shall be subject to review and approval by the County;

(b) To insure that 100% of the units are initially occupied by households whose annual incomes are 50% or less of the Middlesex County median income for households of the same size, as published by HUD.

In addition, Owner agrees that the sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq*, the "Regulations"). Consistent with the Regulations, the following covenants shall run with the land for the period of time commencing upon the earlier of (a) the