

Roles & Responsibilities

1. Question: Who can serve as the Administrative Agent?

Answer: The Administrative Agent position can be filled several ways. The municipality can designate a municipal employee such as the Municipal Housing Liaison to perform this function for all or some of the restricted units in their municipality or directly contract with the HMFA's Housing Affordability Service a consultant. The municipality is also permitted to contract directly with a developer, affordable housing sponsor, or owner of restricted rental units to perform the Administrative Agent functions. Developers, affordable housing sponsors and owners that have been contracted to perform these functions are further permitted to subcontract all or part of these services to a consultant, property manager or landlord. COAH must approve each entity providing administrative services for the municipality.

2. Question: My municipality is still protected by its Round II certification and continues to administer and monitor its restricted units; however, we do not have an Operating Manual. Are we still required to prepare one? When is it due?

Answer: Yes, all municipalities maintaining compliance with, or seeking, substantive certification from COAH are required to comply with UHAC, including preparation of an Operating Manual. Municipalities currently working on Round III Plans should submit an Operating Manual along with their petition for Round III substantive certification or with COAH monitoring.

3. Question: Our municipality is already working with consultants, property managers and landlords that are serving as Administrative Agents. Is there any guidance for bringing these relationships into compliance with UHAC?

Answer: COAH encourages municipalities to bring its existing relationships with Administrative Agents into compliance with UHAC as soon as possible. It is suggested that an Operating Manual be written to ensure that the allocation of responsibilities between the municipality and the Administrative Agent(s) covers all necessary duties and is fully compliant with UHAC.

4. Question: Is there any guidance or advice from COAH on determining when an Operating Manual and/or application should be available in other languages?

Answer: Review the municipality's Affirmative Marketing Plan to determine which populations are least likely to participate in your affordable housing program(s)? If these households are non English speaking, then, certainly, whenever feasible, translation of relevant documents into the applicable language(s) should be done. Another alternative to translating all documents into one or more additional languages is to advertise in those languages in periodicals catering to those population groups, and explain that assistance during the application process may be provided upon their request. Both the translation of documents and the services of an interpreter may sometimes be provided at minimal or no cost by various social service non-profit organizations focusing on providing services to these various population groups.

5. Question: Who pays for the Municipal Housing Liaison's salary?

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Answer: Payment of the salary and fringe benefits of the Municipal Housing Liaison is the responsibility of the municipality. However, municipalities that collect development fees may pay the Municipal Housing Liaison's salary out of the Affordable Housing Trust Fund as an administrative expense, subject to COAH's rules at N.J.A.C. 5:94-6 and a COAH-approved Spending Plan.

6. Question: Does UHAC or COAH provide any cap on charges for Administrative Agent services?
Answer: No. COAH suggests that municipalities solicit multiple bids to help ensure that pricing is competitive and compare the services to be provided.
7. Question: How long must the Administrative Agent keep files on applications for affordable housing units and certified Owners/tenants of affordable housing units?
Answer: Pursuant to N.J.A.C. 5:80-26.14(a)8, N.J.A.C. 5:80-26.15(c) and N.J.A.C. 5:80-26.17 current records must be maintained by the Administrative Agent and outdated records must be given to the municipality for safe-keeping. A file must be created and maintained on each restricted unit for its control period.

Determining Affordable Sales Prices and Rent

100. Question: What should homeowner insurance be based on?
Answer: Homeowner insurance should be based on replacement value, not the maximum resale price.
101. Question: Does COAH require design standards for affordable housing units?
Answer: COAH does not require any additional design standards above what is required by municipal zoning. COAH does recommend, however, that the affordable housing units be identical to the market-rate units within the same development and that affordable units be integrated with market-rate units in a development. Certain financing sources, such as DCA's Balanced Housing Program, the Low-Income Housing Tax Credit Program, and the Federal Home Loan Bank, Affordable Housing Program do require specific design standards.
102. Question: Is there a cap on fees related to parking, pets, and amenities?
Answer: There is no cap on fees related to parking, pets, and amenities as they are outside the maximum sales price or rent calculations and are considered optional services. However, the fees for optional services must be the same for affordable units as for market-rate units. For example, pool privileges cannot be free to market-rate unit households and an extra expense for affordable unit households. Affordable unit Owners must have the same access to amenities as market-rate Owners. Additionally, the fees for optional services cannot be part of the monthly rent and cannot be charged once the tenant has decided not to use the service.
103. Question: Do the utility allowances associated with rental units need to be adjusted annually in the same way that rent increases are adjusted according to the COAH income limits?

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Answer: The Utility Allowance Chart published annually with COAH's Regional Income Limits Chart is only used when determining the initial rent. COAH units that are not financed with Federal funds need only to apply the annual rent increase permitted by COAH or local rent control, whichever is less. Units financed with Federal sources need to apply the Utility Allowance annually plus the percent increase in the PMSA median income as the basis of the rent increase.

104. Question: If a landlord has previously charged less than the maximum allowable rent, may the landlord charge the full rent to a new tenant?

Answer: With the approval of the Administrative Agent, when a new tenant leases a unit the landlord may use the maximum allowable rent, not the previously charged rent, to calculate the annual increase.

Affirmative Marketing

200. Question: Who is responsible for making sure applications are available at the county administration building and libraries?

Answer: Whatever entity the municipality designates to implement the Affirmative Marketing Plan is responsible for ensuring that an adequate supply of applications exists at these locations. Besides periodically contacting those locations to take stock, the designated entity may wish to place a note near the last few copies of the application alerting the reader of where to call for additional copies. A strong, congenial working relationship with contact people within the administration buildings and libraries is another excellent way to have an "extra" pair of eyes on all of your handouts, alerting you when supplies are low or out. Finally, an electronic copy of the application and other key forms (PDF, MS Word, etc.) posted on the web or available for e-mail can also help prevent delays in getting applications to interested applicants.

201. Question: How often should we advertise?

Answer: Administrative Agents responsible for new developments, or newly hired Administrative Agents, must advertise initially to create an applicant pool. For new developments, advertising should begin four months prior to the anticipated occupancy of the units. Advertising should continue monthly until all units are sold or rented. Once all vacant units are filled with eligible households, the Administrative Agent can either close the applicant pool or keep it open. If the applicant pool has sufficient eligible households for approximately two years worth of turnover, COAH recommends that the applicant pool be closed and applications no longer be accepted. In this case, advertising does not need to be conducted until four months before the applicant pool is to be re-opened. If the Administrative Agent wishes to keep the applicant pool open, they must conduct some form of advertising on a monthly basis. However, all the components of the Affirmative Marketing Plan do not need to be implemented every month. One strategy can be implemented each month on a rotating basis. Chapter 4 provides more information on random selection and applicant pool maintenance to help determine how often advertising should be conducted.

202. Question: My county doesn't have a library. How do I comply with the application availability rule?

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Answer: Only 11 of New Jersey's 21 counties have a county library (a list is included on COAH's website for Administrative Agents). If one or more of the counties in a housing region do not have county libraries, applications must be made available at the county administration building.

203. Question: Our affordable housing development is very small. It is unnecessary for us to conduct monthly marketing initiatives and the number of applicants in our existing pool already exceeds the two-year rule of thumb. Is there any way for us to maintain compliance without conducting monthly outreach initiatives?

Answer: COAH suggests that you attempt to partner with other municipalities in your housing region to help defray time and cost or close the applicant pool and do not accept applications until the applicant pool contains fewer applicants and affirmative marketing is implemented.

204. Question: We have moderate-income units available, but not low-income units. Can we keep only the moderate portion of the applicant pool open?

Answer: Yes. In fact, if you regularly have a type of unit that is hard to fill, you may tailor marketing initiatives to fill that type of unit. However, households that submit applications and are not interested or eligible for the targeted unit type must be notified that they will not be placed in the applicant pool until it is reopened for their unit type.

205. Question: Are all developments required to conduct affirmative marketing, or just those with a certain number of units, for example, more than five units?

Answer: All affordable units governed by UHAC are required to be affirmatively marketed. If it is burdensome for a small development to conduct its own affirmative marketing, the municipality and Administrative Agent(s) should consider conducting the affirmative marketing for all the units within the municipality at the municipal level, not at the development level. An alternative is to contract with an Administrative Agent who will do the affirmative marketing for your units as well as other units they manage.

206. Question: Is a regional preference permitted in UHAC?

Answer: Although not explicitly stated in the most recent version of UHAC, the regional preference remains an option that is consistent with COAH's methodology, which determines the municipal fair share on a State and regional basis. For the same reason, a municipal preference is not permitted.

207. Question: As the Administrative Agent, may I charge an application fee to a potential tenant? If so, how much can this fee be?

Answer: N.J.A.C. 5:80-26.12 is applicable only to the fee charge by the Administrative Agent to the Affordable Housing Applicant for filing an application. This interpretation is supported by N.J.A.C. 5:80-26.15(h)8. This requires that the ads for Affordable Housing, both sale and rental, include the application fee, if any. Obviously, there is no application fee that a developer/seller may charge to an individual or family interested in purchasing a unit, but there will be an unknown and unregulated mortgage application fee. Therefore, the "fee" noted in 26.15 must be that of the Administrative Agent. Since the Administrative Agent is ultimately the Agent of the Municipality's interests and would normally be the recipient of the application, the Application Fee should be a reflection of the Administrative Agent's costs associated with placing an applicant name on an affordable housing list and not their eligibility for a particular unit. An Administrative Agent who pre-

screens or pre-qualifies Applicants will have significantly higher costs associated with taking an application than an Administrative Agent who takes all applications for either addition to a list or random selection without significant concern for eligibility until a unit is available. Although COAH allows up to 5% of the rent for a unit to be charged for a fee, it is COAH's expectation that Application Fees charged by Administrative Agents reflect their costs associated with their procedures. Administrative Agents are discouraged from taking by the regulatory allowance charge of 5% of rent when it is not necessary to meet their expenses. Applications fees required by landlords to candidates for affordable housing units may not exceed the fees charged to market candidates in the same project. If there are Administrative Agent application fees and/or Landlord application fees they should be separately noted in all paid and unpaid literature seeking applications for affordable housing.

Establishing and Managing an Applicant Pool

300. Question: What happens if a moderate-income household “walks in” (when the applicant pool is closed and no affirmative marketing is being conducted) and I have a moderate unit available with no eligible moderate-income households in the applicant pool?

Answer: If the Administrative Agent notices that a specific unit type is hard to fill and few eligible households are in the applicant pool, the Administrative Agent should conduct ongoing affirmative marketing for that unit type to ensure a steady stream of certified households and keep the list open for that unit type. The walk-in can be added to the list.

301. Question: Does COAH have any guidance for Administrative Agents that are transitioning from a first-come, first-served waiting list system to random selection?

Answer: Once an Affirmative Marketing Plan is written and approved by COAH, the Administrative Agent should conduct random selection with the households currently on the waiting list. If there are not a sufficient number of applicants on the waiting list, affirmative marketing should be conducted. Applicants currently on the waiting list must be informed of the new procedures.

302. Question: Can a household living or working in the local community be given preference for occupancy or ownership of an affordable unit over other applicants within the region?

Answer: No, local preference is not permitted. COAH only allows preference to be given to households that live or work in the host municipality's COAH housing region. A local ordinance must be adopted before an Administrative Agent can use regional preference in the selection process.

303. Question: I am working with an applicant household that requires an accessible unit. Do they skip ahead on the list when an accessible unit becomes available?

Answer: UHAC does not provide any guidance on this situation. However, COAH suggests that the Administrative Agent consider an accessible unit a unit type, just as a unit is defined by bedroom size. Therefore, if the Administrative Agent is using the initial

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randomization model, the first household on the randomized list that requires an accessible unit should be selected when an accessible unit becomes available. If the Administrative Agent is using the randomization after certification model, all households of the appropriate size who are in need of an accessible unit, would be selected, and randomized.

304. Question: An applicant household has a daughter that has room and board at her college. Can they request a unit that is large enough for her to have a bedroom when she is at home?

Answer: Yes. If the household has a student away at college who is still claimed as a dependent and maintains the parents' address as a legal address, the student should be counted in the household size.

305. Question: If an Owner of an affordable unit receives a bid on their home from the first household selected from random selection and this offer is for less than the maximum resale price (MRP), must the Seller accept this price or can they ask that the next household selected bid on the house in hopes of getting the maximum resale price?

Answer: The Seller of an affordable unit does not have to accept a bid that is less than the maximum resale price and may request that the next applicant household bid on their unit. However, if after a number of applicant households bid on the unit, the maximum resale price is not offered, the Seller could return to the highest bidding household or simply reject all offers and take the unit off the market. Sellers, however, should recognize that in some situations the resale market will not support holding out for maximum resale price, such as the condition of the unit or the unit in comparison to other units in the area.

306. Question: Do I have to place a one-person household in a two-bedroom unit if there is no one-bedroom units available or the applicant requests a two-bedroom unit?

Answer: A household should not be placed in a unit where there is more than one bedroom per household member. In order to deviate from these standards, the Administrative Agent must obtain written approval from COAH. If a development does not have any one-bedroom units, for example, the Administrative Agent should inform one-person households that they will not be offered a unit unless there are no eligible households with more than one person. The Administrative Agent should also refer one-bedroom households to other Administrative Agents within the municipality or region that offer one-bedroom units. The Administrative Agent must demonstrate that every effort has been made to find a household of the appropriate size and composition and that a hardship exists that would justify deviating from the established standard.

307. Question: I am working with an applicant household that consists of two parents and five children. This household is applying for a three-bedroom unit. Should this household only be offered a four-bedroom unit?

Answer: No. The administrator must strive to prevent more than two people from occupying one bedroom, as outlined in N.J.A.C. 5:80-26.4(c), but may not force a family to purchase or rent a larger unit as long as it does not violate municipal regulations for overcrowding.

Certifying Households

400. Question: Is it a requirement of UHAC that Administrative Agents meet with applicants in person?
Answer: Because an applicant interview could prove to be burdensome to many households it is not a pre-requisite to purchase or occupancy, although it is encouraged. Administrative Agents should be prepared to conduct the household certification via mail.
401. Question: With households filing taxes through e-filing we are having trouble getting copies of tax returns. How can we get copies of e-filed tax returns?
Answer: According to the IRS website, transcripts of previously filed tax returns can be ordered by completing a [Form 4506-T](#) or calling (800) 829-1040 and following the prompts in the recorded message. There is no charge for the transcript and you should receive it in 10 business days from the time they receive your request. Tax return transcripts are generally available for the current and past three years¹.
402. Question: How can child support payments that are made in cash be documented?
Answer: If the applicant is depositing the cash child support payments into a bank account, a series of statements from that account should be used to establish a trend of payments. If not, a notarized statement from the former spouse should be obtained to document the income.
403. Question: Is it a requirement that the Administrative Agent always obtain a written statement from the household's employer(s) confirming their income and job status?
Answer: No. However, when evaluating overtime and other income trends, such as bonuses, working directly with the employer is typically much more efficient and reliable than simply evaluating pay stubs.
404. Question: Are there any potential issues with selling or renting to a separated family that has a divorce pending?
Answer: Yes, until a divorce is finalized, a spouse can make claim on a residence purchased or rented by the other spouse. Until a divorce is finalized, it is suggested that Administrative Agents place these types of cases on hold.
405. Question: How can income eligibility be established for someone that may have been out of work for two years, but had a job during the most recent tax year?
Answer: As long as the applicant is currently employed, a series of consecutive pay stubs (at least 3 months) should be used to establish the income of an applicant in this or similar situations.
406. Question: Can an applicant for a rental unit be rejected solely because they have Section 8 rental assistance?
Answer: No. A household receiving Section 8 assistance cannot be rejected based on this status. Discrimination such as this is illegal.

¹ <http://www.irs.gov/faqs/faq-kw31.html>

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407. Question: Can an applicant be required to attend and graduate from a Housing Counseling Program in order to purchase or rent a restricted unit?
Answer: No. A household is only required to attend housing counseling if their monthly housing expense exceeds UHAC standards. Administrative Agents, however, are required to provide housing counseling or refer applicants to an approved Housing Counseling Program.
408. Question: Do households with Section 8 vouchers automatically qualify for affordable housing under UHAC?
Answer: Yes, a Section 8 voucher is acceptable for income qualification, provided the applicant meets the criteria of the property manager, landlord or lending institution. The Administrative Agent must still collect income verification documentation to match the household to an appropriately priced unit.
409. Question: Can an existing moderate-income tenant be moved to a low-income unit when they can substantiate that there has been a change in their income? If so, can they bypass the random selection process?
Answer: Yes, an existing tenant household may re-apply for a low-income unit within the same project if they can prove a change in their circumstances. If qualified, the tenant would be added to the applicant pool. The tenant should also be referred to the local Affordability Assistance Program, if available.
410. Question: Does the Administrative Agent need to impute the value of a household's stocks as an asset?
Answer: Only dividends from stock count towards a household's income. IRS Form-1099 from the previous year should be requested from the applicant if it was not part of their initial application.
411. Question: Is there a maximum cost for the credit check?
Answer: No, but the credit check is included in application fees.
412. Question: In order to overcome inadequate or poor credit, can an applicant have a cosigner on a mortgage or lease?
Answer: An applicant may have a cosigner on a lease if permitted by the property manager or landlord. However, no one outside the household, as certified by the Administrative Agent, may cosign or otherwise be party to any financing or legal instruments.
413. Question: Does UHAC set a minimum income for eligibility for affordable housing?
Answer: No, UHAC does not specify a minimum income for affordable housing units. However, an applicant household must be able to afford the unit and must not pay more than 33 percent for sale units or 35 percent for rental units of its monthly income (or 40 percent for age-restricted units), unless they meet the exemption criteria set forth in N.J.A.C. 5:80-26.7(b) or N.J.A.C. 5:80-26.13(b).
414. Question: After I certify an applicant, how long is that certification valid?
Answer: Pursuant to N.J.A.C. 5:80-26.16(b), an initial certification is valid for 180 days and may be extended for an additional 180 days once the household's eligibility is verified.

415. Question: How do I document third-party assistance from a guarantor? For example, a relative is providing funds toward the applicant's purchase.

Answer: Third-party funds should be placed into an applicant's bank account or in escrow prior to closing. In the case of a rental unit, the applicant should demonstrate regular deposits from third party assistance, or a notarized letter from the third party documenting future assistance. The Administrative Agent must receive a copy of the policy regarding guarantors from the developer, affordable housing provider, owner, property manager or landlord so as to assure the policy is applied consistently.

416. Question: If an applicant for affordable housing has a "reverse mortgage", how does an Administrative Agent count income from that mortgage?

Answer: An applicant for affordable housing with a "reverse mortgage" would not be eligible for affordable housing unless that mortgage was satisfied or, at a minimum, a contract for sale of the market unit was in place. "Reverse mortgages" require that the mortgaged property remain the principal place of residence of the person taking the mortgage. Since this is also a requirement of affordable housing only one such residence can be owned or leased at any given time.

417. Question: For the purpose of income-qualification, what is considered part-time income of full-time students?

Answer: Under UHAC, part-time income of persons enrolled as full-time students, who are reported as dependents to the IRS, is not included in income calculations for determining eligibility. COAH recommends stipulating in the Operating Manual the following criteria in applying this rule:

- A full-time student is a member of the household who is enrolled in a degree seeking program for more than 12 credit hours per semester; and
- Part-time income is income earned on less than a 35-hour work week.

Please note that full-time income of full-time students is included in the income calculation.

Legal Instruments, Control Periods and Enforcement

500. Question: What are 95/5 units?

Answer: After July 14, 1989, all new ownership units under COAH's jurisdiction were subject to the 95/5 Rule. This rule stipulates that at the first non-exempt transfer of title of the property after the ending date of the restricted period, the Seller is entitled to the maximum restricted sales price and five percent of the amount over the maximum restricted sales price.

The 95/5 Rule, as set out in the Recapture Mortgage recorded against this unit, requires that 95 percent of the difference between the maximum restricted sales price and the actual contract price at the time of sale must be returned to the Administrative Agent, who then

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forwards it to the municipality, to be used for affordable housing purposes as monitored by COAH. Below is an example of this calculation.

Purchase price	\$80,000
Maximum Restricted Sales Price at expiration of controls	\$120,000
Non-restricted sales price	\$200,000
$(\$200,000 \text{ (SALE PRICE)} - \$120,000 \text{ (MRP)}) \times 5 \% =$	\$4,000
SELLER RETAINS $(\$120,000 + \$4,000) =$	\$124,000
PROCEEDS TO MUNICIPALITY $(\$200,000 - \$124,000) =$	\$86,000

However, if the Administrative Agent, in the example above, determined that the fair market value of the unit to be \$300,000, rather than the \$200,000 selling price, then the sale should not be considered the first non-exempt sale of the unit and the Recapture Mortgage would not be satisfied upon the completion of the transaction. No money would be due the municipality on completion of the transaction, but the Recapture Mortgage will assume the position of the first mortgage. The Administrative Agent should not subordinate to another mortgage provider. The Administrative Agent may discharge the Restrictive Covenant, but not the Recapture Mortgage.

501. Question: Can we extend affordability controls for another 30-year period at every resale?

Answer: Yes. COAH permits the continued re-extension of affordability controls at each resale as long as it is stated in the ordinance and the Operating Manual. It is recommended in all cases, when possible, that the new affordability controls be applied.

502. Question: How do we extend the controls on an expiring unit for additional COAH credit pursuant to N.J.A.C. 5:94?

Answer: In order to receive additional COAH credit for extending controls, the controls must be expiring during the period between 1999 and 2014 and the unit must meet the standards for a continuing certificate of occupancy or have any deficiencies brought up to code.

For 95/5 units, controls are most easily extended when the unit is made available for the first non-exempt sale of the unit. Ideally, the municipality would have put all the tools in place to allow this to happen before the situation arose. An ordinance allowing funds for purchasing the unit and a notice of intent to extend the controls would make the process easier. Additionally, the municipality should give written notice of its intention to extend controls to all affordable homeowners.

If a for-sale unit is pre-95/5, then the municipality should pass an ordinance and notify affordable homeowners of the municipality's intent to apply the 95/5 Rule. A municipality should be warned that such an action might result in a lawsuit that the municipality would need to defend.

For rental units the process is substantially more complicated. If a project had a DCA Balanced Housing or municipal loan that matures at the expiration of affordability controls the negotiation process would involve the extension or forgiveness of the loan. If there was no such loan, then it is likely that some type of financial agreement would have to be reached with the property owner to secure extended controls.

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503. Question: Can I start using the new UHAC documents at the resale of the units in my municipality's affordable housing inventory?
Answer: Generally, yes, the new documents should be used. However, if the unit is subject to a Master Deed that limits the restriction period and does not contain a saving clause (severability clause), the new documents cannot be used.
504. Question: How do I determine the amount of the Recapture Mortgage? Does my method, either the appraised value or the equalized assessed value, need to be spelled out in a municipal ordinance or should it be outlined in my Operating Manual?
Answer: The amount that the Mortgage Note recaptures is the difference between the fair market value and the restricted maximum sales price. Fair market value of the unit is based on either an appraisal or the unit's equalized assessed value at the time of each purchase. For example, if the sales price of the unit is \$110,000 and the appraised market value of the unit is \$200,000, the Recapture Mortgage Note would be for \$90,000. The method chosen by the municipality to be utilized for calculating the Recapture Mortgage must be outlined in the Operating Manual.
505. Question: Must the Administrative Agent attend the dosing?
Answer: Administrative Agents are encouraged, although not required, to attend closings. Mistakes discovered after closing and after the recording of documents are difficult and expensive to correct. However, COAH monitoring and auditing will verify the quality of the Administrative Agent's documentation.
506. Question: Are COAH credited assisted living units Deed Restricted per room or for the facility as a whole?
Answer: The Deed Restriction is placed on the entire facility for a specific number of affordable housing units.
507. Question: Must I re-income qualify a tenant at the expiration of unit affordability controls?
Answer: Yes. Pursuant to N.J.A.C. 5:80-26.11(b), tenants of units where affordability controls have technically expired must be re-qualified by the Administrative Agent to determine the level of household income. If the household occupying the unit continues to earn a gross income of less than or equal to 80 percent of the regional median income, that household may occupy the unit at the restricted price until the household voluntarily vacates the unit. If a rental household's income is found to exceed 80 percent of the regional median income, the rental rate restriction shall expire at the later of either the next scheduled lease renewal or 60 days.
508. Question: One of the affordable housing homeowners in my community is illegally renting the unit. How do I begin legal proceedings against this household?
Answer: Carefully reviewing the legal instruments that were signed by the Owner is a good first step. It is important to confirm that all appropriate documents have been recorded (Declaration of Covenants, Conditions and Restrictions, if applicable, Deed, Recapture Mortgage). Share these documents with the municipality's legal counsel and work with them to develop a plan of action for bringing the unit back into compliance.

COAH suggests that the Administrative Agent or legal counsel immediately contact the Owner of the property in writing and alert them that they are in direct violation of the terms of the sale. If the restricted unit is no longer the primary residence of the Owner, the Owner should be

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instructed to immediately begin preparing to sell the unit, including the relocation of the current tenants. Sending a copy of the letter to the current tenants may also prove useful in bringing the unit back into compliance quickly. If the Owner fails to comply with this request in a timely manner, the municipality may be forced to foreclose on the mortgage.

Assuming that the restricted unit is no longer the Owner's primary residence, it may be difficult to find the Owner's new mailing address. Contacting the local tax office may provide the new address. If initial eligibility documentation or loan closing documents are still on file, those may also provide some resources for determining where the Owner is residing (employer, mortgage company, insurance agent, etc.).

509. Question: I am in the process of administering the resale of an affordable condominium unit which was constructed and first occupied in 2003. The documents used at the 2003 dosing included an Affordable Housing Agreement and a Repayment Mortgage Note. The Affordable Housing Agreement imposed a 30-year affordability control. There is no recorded Master Deed for the development. Based on the matrix provided by COAH, I intend to use the following documents: Appendices C-2, D, H, G and J.

Answer: If a municipality chooses to move a 95/5 unit to the current UHAC restrictions, the documents that should be used are Appendices A, O, N and J. I would strive to get the condominium association to record Appendix C-1 so you could use Appendix D in the future. Appendix A has the terms found in Appendix C-1. Appendices A and O are recorded with the county. The Recapture Mortgage Note (Appendix N) and Appendix J are kept in the file and are not recorded with the county.