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

The Honorable Richard Roach
Borough of Lindenwold
2001 Egg Harbor Rd.
Lindenwold, New Jersey 08021

Re: Municipal Affordable Housing Trust Fund Current Balance

Dear Mayor Roach:

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, Lindenwold Borough had a trust fund balance of $0.00 and that in the four years subsequent to July 17, 2008, the Borough spent $0.00, leaving a balance of $0.00 that was to have been spent or committed to be expended by July 17, 2012.

COAH's records also indicate that Lindenwold Borough collected an additional $0.00 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 $0.00 balance cited in COAH's July 24, 2012 letter, minus expenditures of $0.00 reported by the Borough to have been made between July 18, 2012 and March 31, 2013, results in a remaining balance of $0.00 that was to be spent or committed for expenditure by March 31, 2013.

COAH's records indicate that Lindenwold Borough has expended all trust funds that were statutorily required to be spent or committed for expenditure by March 31, 2013.

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

Sean Thompson
Acting Executive Director

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

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CHRIS CHRISTIE
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KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

SEAN THOMPSON
Acting Executive Director

June 25, 2013

The Honorable Richard Roach
Borough of Lindenwold
2001 Egg Harbor Rd
Lindenwold, New Jersey 08021

Re: Municipal Affordable Housing Trust Fund Current Balance

Dear Mayor Roach:

On June 7, 2013, the Appellate Division of the Superior Court vacated its earlier order regarding the affordable housing trust funds subject to enumerated conditions. That order, available at www.nj.gov/dca/services/lps/hss/ahtfinfo/june_7_2013_ahtf_order.pdf on the COAH website, vacated the Council on Affordable Housing (COAH) letter sent to you on May 1, 2013.

In accordance with the court's order, this letter, sent to you as well as all affected parties on the service list, identifies any affordable housing trust funds subject to forfeiture under N.J.S.A. 52:27D-329.2 and N.J.S.A. 52:27D-329.3, which require that a municipality that fails to spend or commit to expend 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 Appellate Division, 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, Lindenwold Borough had a trust fund balance of $0.00 and that in the four years subsequent to July 17, 2008, the Borough spent $0.00, leaving a balance of $0.00 that was to have been spent or committed to be expended by July 17, 2012.

COAH's records also indicate that Lindenwold Borough collected an additional $0.00 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 $0.00 balance cited in COAH's July 24, 2012 letter, minus expenditures of $0.00 reported by the Borough to have been made between July 18, 2012 and March 31, 2013, results in a remaining balance of $0.00 that was to be spent or committed for expenditure during the period March 31, 2009 to March 31, 2013.

COAH's records indicate that Lindenwold Borough has expended all trust funds that were statutorily required to be spent or committed for expenditure by March 31, 2013.

Please note that you and all affected parties on your service list are hereby provided until August 2, 2013, to respond to the affordable housing trust fund figures provided above by COAH. These figures, based upon information reported by Lindenwold Borough in the COAH monitoring system, represent affordable housing trust funds subject to transfer because these funds have not been spent or committed for expenditure within four years of the date of collection. Any response disagreeing with the figures provided by COAH must include documentation demonstrating that all or a portion of any balances are fully committed via a legally enforceable agreement with a third party or by such other means that show a firm and binding obligation to the spend such funds consistent with the municipality's respective affordable housing obligations and in accordance with relevant statutory and regulatory provisions.

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

Sean Thompson
Acting Executive Director

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