

TOWNSHIP OF UPPER DEERFIELD

ORDINANCE 656

ORDINANCE AUTHORIZING LOANS OF RECAPTURED REHABILITATION FUNDS FROM SMALL CITIES AND NEIGHBORHOOD PRESERVATION PROGRAMS TO HOMEOWNERS IN THE SEABROOK AREA OF THE TOWNSHIP OF UPPER DEERFIELD ON FIRST AND SECOND AVENUES

WHEREAS, the Township of Upper Deerfield has made rehabilitation loans available to income eligible and owners of owner-occupied dwellings within the Township of Upper Deerfield for home improvements which have been authorized and funded through the Neighborhood Preservation Program and/or Small Cities Grant Funding from the State of New Jersey; and

WHEREAS, some of the aforesaid loans have been repaid or recaptured and are eligible for use for other permitted uses under the Small Cities and Neighborhood Preservation programs; and

WHEREAS, the Township of Upper Deerfield has recently completed a water system improvement consisting of water lines, mains, and related equipment; and

WHEREAS, residents of First and Second Ave. are required to install lateral connections on their properties to the new water system lines and improvements located within Township rights-of-way; and

WHEREAS, approximately 80 homes are affected on First and Second Avenues of the Seabrook section of the Township of Upper Deerfield; and

WHEREAS, many homeowners, being of low and moderate incomes, have requested assistance from the Township of Upper Deerfield in order to timely install laterals to the newly constructed water mains; and

WHEREAS, the Township of Upper Deerfield is willing to loan up to \$800 per homeowner to any owner-occupied eligible residents living on First and Second Avenues within the Township of Upper Deerfield in order to assist with the cost of lateral connection to the water system improvements; and

WHEREAS, the Township Committee of the Township of Upper Deerfield is desirous of having repayment of such amounts treated as a pro rata increase to water charges and payable over five years by each home owner receiving such funding and payable to the Township of Upper Deerfield together with water charges in the same manner and to the same extent as water service and user fees; and

WHEREAS, the Township Committee of the Township of Upper Deerfield wants to insure the repayment of such amounts shall be treated as water user or water service fees and shall be chargeable and lienable against the properties affected thereby in the same manner and to the same extent as water user charges;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Upper Deerfield as follows:

1. The Mayor and Clerk be and are hereby authorized to enter into a loan agreement with any owner-occupied resident residing on First or Second Avenues within the Seabrook area of the Township of Upper Deerfield wherein water improvements consisting of water lines have been installed in order to install lateral connections from homes to water mains lying within the Township right-of-way.

2. The amount which may be loaned to any owner-occupied resident qualifying for such payments under the Neighborhood Preservation or Small Cities Grant guidelines shall not exceed \$800 and shall be reimbursed to the Township of Upper Deerfield as part of water service and user fees or charges by adding to the water billings an amount equal to \$800, without interest, divided by the number of months or quarters over a five year period during which water charges are billed to users of the Upper Deerfield water system, together with such user charges as may be billed to each residential unit.

3. The amounts advanced pursuant to this ordinance to any homeowner shall be treated as water service fees or user charges to any property with respect to which a lateral is installed using funding authorized by this ordinance and any unpaid amount in default shall be treated as a lien against such property to the same extent and in the same manner as water liens may be chargeable and lienable against properties pursuant to N.J.S.A. 54:6-1, et seq.

4. The Clerk of the Township of Upper Deerfield shall require such information from each eligible home owner resident as may be reasonably required to assure compliance with any program requirements from the Neighborhood Preservation Program or Small Cities Grant Program with respect to funding eligibility and loan eligibility as may be reasonably required to assure that recipients of funding are qualified and eligible recipients under said program.

5. Nothing in this ordinance shall be construed to prevent or preclude a home owner from prepaying any amounts loaned hereunder at any time without penalty or interest.

6. The amounts advanced hereunder shall be construed as water rent, service charge, or other charge pursuant to N.J.S.A. 40A:31-10 and shall be considered as water rent, charge, or service fee with respect to the amount advanced hereunder and the payment thereof shall be made in the same manner and to the same extent as water service charges, rents, or fees.

7. Owner-occupied residential units and the owners thereof shall be entitled to enter into a private agreement with a contractor to install laterals to Township owned water mains and any

funding provided pursuant to this ordinance shall be used exclusively for that purpose and for no other. The Township, in its discretion, may make such arrangements with respect to the payment for such services to insure that the application of funds is made to the contractor installing the lateral to assure that payment for such services is made.

8. Any amount of advanced funds which are unpaid at the time of sale, conveyance, or inheritance results in a transfer shall be repaid at that time.

9. If any portion of this ordinance shall be declared unenforceable or invalid for any reason the remaining portions of this ordinance shall be enforceable as written to the extent not inconsistent therewith.

James Crilley, Chairman

Finally adopted
June 17, 2010

Attested:

Roy J. Spoltore, Township Clerk