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Heinold|Norman LLP
attorneys at law

325 New Albany Road
Moorestown, NJ 08057

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Stephen G. Raymond
Thomas J. Coleman, III*
Douglas L. Heinold
Christopher J. Norman

Stephen E. Raymond*
Kathleen Covert-Mininno

William H. Menges[^]
Edward A. Kondracki[^]
William C. Levine[^]
Martin S. Ettin[^]

*Also admitted to practice in the
Commonwealth of Pennsylvania

[^]Of Counsel

2015 JUL -8 PM 3:49
RECEIVED
BY: 005

cnorman@rclawnj.com

By Hand Delivery

July 8, 2015

Finance Division – Central Processing Office
Attn: Civil Intake
P.O. Box 6555
Mount Holly, NJ 08060

Re: IMO Application of Medford Township
Docket No.: BUR-L- BUR-L-000215-05

Dear Sir/Miss:

In the above matter, the above office represents plaintiff Medford Township.

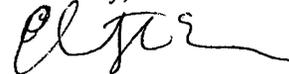
Enclosed herewith please find the following:

1. Notice of Motion Reaffirming Temporary Immunity from *Mount Laurel* Litigation.
2. Affidavit of Public Notice.
3. Certification of Christopher Norman, Esq. in Support of Motion for Temporary Immunity from *Mount Laurel* Litigation.
4. Certification of Barbara Fegley, P.P. and A.I.C.P. in Support of Motion for Temporary Immunity from *Mount Laurel* Litigation.
5. Letter Brief;
6. One (1) additional copy of all of the aforesaid pleadings; and
7. A check in the amount of \$50.00 to cover the motion filing fee.

Kindly file the enclosed pleadings and return time stamped copies to me along with a track assignment notice.

I thank the Court for its indulgence.

Sincerely,



Christopher Norman

CJN/wem

Enclosures

cc(w/encls.): Kathy Burger, Township Manager/Clerk
Honorable Ronald E. Bookbinder, A.J.S.C.
Attached Service List

Raymond|Coleman
Heinold|Norman LLP
attorneys at law

325 New Albany Road
Moorestown, NJ 08057

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Commonwealth of Pennsylvania

^ΔOf Counsel

cnorman@rclawnj.com

July 7, 2015

Honorable Ronald E. Bookbinder, A.J.S.C.
Burlington County Courts Facility
49 Rancocas Road
Mount Holly, NJ 08060

**RE: Medford Township
Motion To Reaffirm Temporary Immunity
Docket No. BUR-L-00021505**

Dear Judge Bookbinder:

Please accept this letter brief and supporting certifications of Christopher Norman, Esq. and Barbara Fegley, P.P. on behalf of Petitioner, Medford Township, in support of its Motion to Reaffirm its Temporary Immunity, while it pursues the adoption of a Housing Element and Fair Share Plan within the five (5) month period specified by the New Jersey Supreme Court in *In re Adoption of N.J.A.C., 221 N.J. 1* (2015).

In support of this motion for immunity, **Medford Township refers the Court to the Certification of Christopher Norman, which certification details Medford Township's continuous and ongoing efforts to remain compliant with its *Mount Laurel* obligation, since 2005, when it voluntarily filed a declaratory action to become a "Court Town" on its own initiative to seek approval of a Fair Share Plan meeting the Third-Round cycle regulations of the Council on Affordable Housing (COAH). See, Norman Certification, Exhibit "A".**

Subsequent thereto, this Court entered several orders granting Medford Township continuous and ongoing repose from builder's remedy lawsuits and a further order approving Medford Township's Fair Share Housing Obligation for Round Three after an extensive court hearing process in 2007. See, Norman Certification, Exhibit "B". Medford Township, thereafter, immediately prepared a draft Third Round Housing Element and Fair Share Plan in October 2007. See, Norman Certification, Exhibit "C". However, before such Housing Plan could be formally adopted by the Township and approved by the Court, the Appellate Division struck down the growth share methodology of COAH's Third Round Regulations. Accordingly, with the prevailing uncertainty that existed at that time, Judge Sweeney prudently entered an Order on February 8, 2008 staying Medford Township's obligation to adopt and implement a Third Round Housing Plan until such time as the dust had settled on the COAH regulations legal challenge. See, Norman Certification, Exhibit "D".

Unfortunately, it took approximately seven (7) years before the COAH Third Round litigation reached a conclusion and our Supreme Court finally provided a roadmap for constitutional compliance.

On June 3, 2014, Medford Township directed its COAH Planner to prepare a report on Medford Township's Fair Share Housing Obligation, assuming that COAH would implement new Third Round regulations following the 1st and 2nd Round methodologies. See, Norman Certification, Exhibit "E". Barbara Fegley, P.P., Medford Township's current COAH Planner, has opined in her certification to this Court that the June 3, 2014 planning report is generally accurate and should provide a sound basis for determining Medford Township's Fair Share Housing obligation for the Third Round, subject to some adjustment after a hearing process.

Medford Township has retained Ms. Fegley to prepare a Housing Element and Fair Share Plan within the five month window specified by the New Jersey Supreme Court.¹

Medford Township has also, in good faith, facilitated the implementation certain elements of its draft October 2008 Third Round Housing Plan, including the MEND project (26 units), Regional Contribution Agreement (8 units), Allies Group Homes (8 units), Family Services, Supportive Housing (9 units).

In addition, Medford Township has donated a Township owned parcel to the non-profit affordable housing developer, Salt and Light, to allow for construction of at least 5 affordable rental apartments, in lieu of constructing them at the historic Singer House (which dwelling is now beyond repair and cannot demolished without New Jersey Pinelands Commission approval).

Also, Medford Township has granted an amended site plan approval to the Medford Walk developer to allow for construction of more marketable inclusionary townhouse development, in lieu of constructing single-family inclusionary housing.

CONCLUSION

For the forgoing reasons, Medford Township's motion for temporary immunity must be granted.

Sincerely yours,



Christopher Norman

7/8/15

¹ Presumably, this five (5) month period will commence from the date that the Court approves Medford Township's Fair Share Housing obligation after a public hearing process.

Christopher Norman, Esq.
Raymond, Coleman, Heinold & Norman, LLP
Attorney ID # 027861991
325 New Albany Road
Moorestown, NJ 08057
(856)222-0100
Attorney for Declaratory Plaintiff, Medford Township
Medford Township

2015 JUL -3 11 3:49

RECEIVED
BY: 005

IN THE MATTER OF THE : SUPERIOR COURT OF NEW JERSEY
APPLICATION OF THE TOWNSHIP : BURLINGTON COUNTY
OF MEDFORD, a municipal corporation : LAW DIVISION
of the State of New Jersey, :
Petitioner :
: DOCKET NO.: BUR-L-000215-05
: Civil Action
: **AFFIDAVIT OF PUBLIC NOTICE**
:

Christopher Norman, of full age, does hereby certify as follows:

1. I am the Medford Township Attorney and I fully familiar with the statements contained herein.
2. On July 7, 2015, this office arranged for publication of a Legal Notice notifying the public that Medford Township has filed the within Motion as sanctioned in the *Mount Laurel* doctrine and further setting forth the details of the time and place that the Court will consider Medford Township's pending Motion Reaffirming Temporary Immunity. Exhibit "A".
3. The Legal Notice will be published in the *Burlington County Times*, Medford Township's legal newspaper, simultaneously with the filing of this Motion. A copy of the Affidavit of Publication from the *Burlington County Times* will be forwarded to the Court after it is received by this office.

4. On July 8, 2015, this office forwarded a copy of the within Motion to Reaffirm Temporary Immunity, and all other documents filed in this matter, to the Medford Township Clerk by hand-delivery and instructed the Township to have these motion papers available for public inspection. I also included a copy of the Legal Notice, and instructed the Township Clerk to post same on the Township website.

5. In addition, this office sent via regular mail the form letter annexed hereto as Exhibit "B" to all members of the Master Service List attached hereto as Exhibit "C" and to interested persons requesting such notice. Exhibit "D".

I certify that the forgoing statements made by me are true. I am aware that if any of the forgoing statements by me are willfully false, I am subject to punishment.



Christopher Norman

Dated: 7/8/15

Exhibit A

LEGAL NOTICE

MEDFORD TOWNSHIP

**NOTICE of Motion before the Superior Court of New Jersey to
Maintain the Township's Immunity from Mount Laurel Lawsuits**

NOTICE is hereby given that, on July 8, 2015, the Township of Medford filed a Motion in Burlington County Superior Court, Law Division, in response to the Supreme Court's recent decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (HEREINAFTER "In re COAH"). Through its Motion, the Township is asking the Court (a) to review and reapprove its Housing Element and Fair Share Plan ("Fair Share Plan") as may be amended in conjunction with a determination of the Township's "fair share" and the standards with which the Township must comply; and (b) to enter an Order reaffirming the Township's and its Planning Board's "immunity" from all Mount Laurel lawsuits which shall remain in effect for five (5) months from the date the Township receives an Order establishing its presumptive constitutional housing obligations and identifying the permissible means which its proposed Affordable House Plan, Housing Element, and implementing ordinances can satisfy those obligations, and such additional time as the Court deems just and reasonable. A "Mount Laurel lawsuit" is brought pursuant to Supreme Court opinions commonly referred to as "Mount Laurel I" and "Mount Laurel II" claiming that a municipality has used its zoning powers to exclude low and moderate income households in violation of the requirements of these landmark decisions, the New Jersey Fair Housing Act (N.J.S.A. 52:27d-301 et. seq.) and other applicable laws. Any interested party seeking to participate in this action should consider consulting legal counsel and should be guided by the New Jersey Rules of Court.

NOTICE is further given that, on July 8, 2015, the Township filed a Motion to Reaffirm Temporary Immunity from Mount Laurel Lawsuits, and it shall move before the Honorable Ronald E. Bookbinder, A.J.S.C. on August 7, 2015, at 9:00 a.m. or such other date and/or time to be determined by the Court for an Order reaffirming the Township's and its Planning Boards temporary immunity from the filing of any Mount Laurel lawsuits as described above. Please be advised that, due to the anticipated number of similar actions to be filed in the wake of In re COAH, it is possible, if not likely, that the date and/or time of the hearing on the Township's Motion will change. Scheduling information can be obtained from the Burlington County Court Clerk or through any of the attorneys referenced below.

All formal responses to the Township's Motion to Reaffirm Temporary Immunity must be filed in accordance with the Court Rules. Any public comments in lieu of formal action opposing the Township's Motion for Temporary Immunity must be submitted in writing no later than July 31, 2015, at 5:00 p.m. EST. Such written comments shall set forth any reason(s) why the Court should not enter an Order

granting the Township and its Planning Board immunity from Mount Laurel lawsuits. Be advised that, in the absence of formal action to secure party status, the Court may decide not to consider any written public comments and, if they are considered, shall use its discretion on the probative weight to be given. Public comments shall be served upon:

Honorable Ronald E. Bookbinder, A.J.S.C.
Burlington County Court
49 Rancocas Road, 7th Floor
PO Box 6555
Mt. Holly, NJ 08060

Phillip Caton, PP, AICP
Clark, Canton & Hintz
100 Barrack Street
Trenton, NJ 08608

Kathy Burger
Township Clerk, Medford Township
17 N. Main Street
Medford, NJ 08055

Christopher Norman, Esquire
Raymond Coleman Heinold & Norman
325 New Albany Road
Moorestown, NJ 08057

A copy of the Township's Motion for Temporary Immunity and all supporting documentation are available for public inspection at the office of the Township Clerk, Medford Township, 17 N. Main Street, Medford, NJ 08055. The filing is also available for inspection on Medford Township's website.

Exhibit B

Raymond|Coleman
Heinold|Norman^{LLP}
attorneys at law

325 New Albany Road
Moorestown, NJ 08057

Tel. 856.222.0100
Fax 856.222.0411

Stephen G. Raymond
Thomas J. Coleman, III*
Douglas L. Heinold
Christopher J. Norman

Stephen E. Raymond*
Kathleen Covert-Mininno

William H. Menges^Δ
Edward A. Kondracki^Δ
William C. Levine^Δ
Martin S. Ettin^Δ

*Also admitted to practice in the
Commonwealth of Pennsylvania

^ΔOf Counsel

cnorman@rclawnj.com

July 7, 2015

**Re: Mount Laurel Notice of Motion for Temporary Immunity
From Exclusionary Zoning Lawsuits**

Dear Sir or Madam:

Attached please find a form of public notice that the Township of Medford is publishing in the *Burlington County Times*. The notice is self-explanatory. Copies of the relevant papers are on file and available for inspection with the Township Clerk and with the New Jersey Superior Court, Law Division and have been posted on Medford Township's website. In addition, if you, or your organization, are considering taking action in response to the attached notice, we would be happy, as a courtesy, to deliver these documents to you by way of email. To facilitate this process, please furnish us with an active email address with sufficient capabilities to accept large documentary attachments.

Very truly yours,



Christopher J. Norman

Enclosure

Exhibit C

MEDFORD TOWNSHIP SERVICE LIST

Kif Kitchen and Associates
75756 Haddon Avenue
Collingswood, NJ 08108

Moorestown Ecumenical
Neighborhood Development Inc.
99 East Second Street
PO Box 828
Moorestown, NJ 08057

Parkside Business &
Community Partnership
1487 Kenwood Avenue
Camden, NJ 08103

R.B. Coe Consulting, LLC
36 Greenbrier Drive
Westampton, NJ 08060

Saint Joseph's Carpenter Society
20 Church Street
Camden, NJ 08105

SisterHood, Inc.
Housing Department
132-36 East Broad St.
Burlington, NJ 08106

TD Bank
1701 Rt. 70 East
Cherry Hill, NJ 08034

The Heart of Camden
1840 Broadway
Camden, NJ 08104

Volunteers of America
235 White Horse Pike
Collingswood, NJ 08107

Fair Share Housing Center
510 Park Blvd.
Cherry Hill, NJ 08002

REGION 5 HOUSING ADCOATES

Bisgaier Hoff, LLC
25 Chestnut St., St. 3
Haddonfield, NJ 08033

Camden Community Development
800 Galindez Court
Camden, NJ 08102

Camden County
645 Clinton Street
PO Box 3311
Camden, NJ 08101

Camden Lutheran Housing
800 Calindez Court
Camden, NJ 08102

Coopers Ferry Development
One Port Center
2 Riverside Dr., St. 501
Camden, NJ 08102

Cramer Hill
Community Development
1892 River Ave, St. 102
Camden, NJ 08105

Diocese of Camden
1845 Haddon Avenue
Camden, NJ 08103

Gloucester Habitat for Humanity
425 South Broadway
Pittman, NJ 08071

Gloucester Township Housing Authority
405 Woodbury-Turnersville Road
Blackwood, NJ 8012

Exhibit D

Interested Parties

Ronald S. Ladell, Senior V.P.
Avalon Bay Communities, Inc.
517 Rt. One South, Suite 5500
Iselin, NJ 08830

Leah Furey Broder, PP
Secretary Treasurer
TOFAMO Land Corporation
203 Taunton Blvd.
Medford, NJ 08055

Toll Brothers
Yolanda Rodriguez
Toll Brothers, In.
670 Spotswood-
Englishtown Rd.
Monroe, NJ 08831

Christopher Norman, Esq.
Raymond, Coleman, Heinold & Norman, LLP
Attorney ID # 027861991
325 New Albany Road
Moorestown, NJ 08057
(856)222-0100
Attorney for Declaratory Plaintiff, Medford Township
Medford Township

2015 JUL -8 PM 3:49
RECEIVED
BY: 005

IN THE MATTER OF THE : SUPERIOR COURT OF NEW JERSEY
APPLICATION OF THE TOWNSHIP : BURLINGTON COUNTY
OF MEDFORD, a municipal corporation : LAW DIVISION
of the State of New Jersey, :
Petitioner :
 : DOCKET NO.: BUR-L-000215-05
 :
 : Civil Action
 :
 : **NOTICE OF MOTION REAFFIRMING**
 : **TEMPORARY IMMUNITY OF MEDFORD**
 : **TOWNSHIP FROM MOUNT LAUREL**
 : **LITIGATION**
 :

To: ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on August 7, 2015, or as soon thereafter as counsel may be heard, the undersigned attorney for Petitioner Medford Township will move before the Honorable, Ronald E. Bookbinder, A.J.S.C., Burlington County Courts Facility, 7th Floor, 49 Rancocas Road, Mount Holly, New Jersey 08060, for an Order granting the following relief:

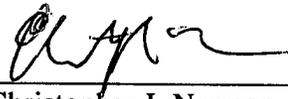
- a) Entering an Order conferring the Township of Medford and its municipal Planning Board with temporary immunity from *Mount Laurel* litigation.
- b) Granting Medford Township five (5) months to submit a Housing Element and Fair Share Plan to the Court from the date the Court determines the criteria and guidelines with which the Township must comply.
- c) In the alternative, conferring Medford Township with temporary immunity for a period of five (5) months for the date of filing of this motion.

d) In the alternative, providing that, if Medford Township files a Housing Element and Fair Share Plan within five (5) months of the filing of this motion, the immunity of *Mount Laurel* litigation shall remain in effect pending further Order by the Court.

e) Such other relief as the Court may deem equitable and fair.

In support thereof, the Planning Board will rely upon the attached brief and supporting Certifications of Christopher Norman, Esq. and Barbara Fegley, P.P. A proposed form of Order is also attached.

Dated: 7/8/15



Christopher J. Norman
Raymond, Coleman, Heinold &
Norman, LLP
Attorney for Petitioner, Medford Township

PROOF OF MAILING

Christopher Norman, of full age does hereby certify as follows:

1. I am the attorney for the Petitioner, Medford Township, in the above captioned matter.
2. On July 8, 2015, I hand-delivered the within moving papers on the within Motion to the Filing Intake, Civil Division, Superior Court of New Jersey, Burlington County Courts Facility at 49 Rancocas Road, Mount Holly, New Jersey 08060 and to the chambers of the Honorable Ronald E. Bookbinder, A.J.S.C.
3. On July 8, 2015, copies of the within moving papers in this motion were forwarded to the Service List in the matter of *In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015)* and to any other persons who provided a mailing address to the Medford Township Clerk and requested to be added to the service list for purposes of participation in this motion.

I certify that the forgoing statements made by me are true. I am aware that if any of the forgoing statements by me are willfully false, I am subject to punishment.



Christopher Norman
Dated: 7/8/15

2015 JUN -6 PM 3:49
RECEIVED
BY: 005

Christopher Norman, Esq.
Raymond, Coleman, Heinold & Norman, LLP
Attorney ID # 027861991
325 New Albany Road
Moorestown, NJ 08057
(856)222-0100
Attorney for Declaratory Plaintiff, Medford Township
Medford Township

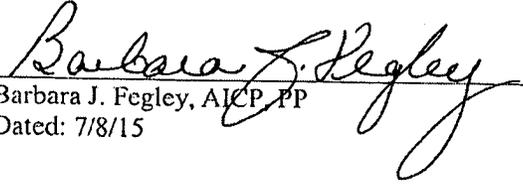
IN THE MATTER OF THE : SUPERIOR COURT OF NEW JERSEY
APPLICATION OF THE TOWNSHIP : BURLINGTON COUNTY
OF MEDFORD, a municipal corporation : LAW DIVISION
of the State of New Jersey, :
Petitioner :
 : DOCKET NO.: BUR-L-000215-05
 :
 : Civil Action
 :
 : **CERTIFICATION OF BARBARA**
 : **FEGLEY, AICP, PP, IN SUPPORT OF**
 : **MOTION FOR TEMPORARY IMMUNITY OF**
 : **MEDFORD TOWNSHIP FROM**
 : **MOUNT LAUREL LITIGATION**
 :

Barbara J. Fegley, AICP, PP, of full age, does hereby certify as follows:

1. I am the Medford Township COAH Planner and I fully familiar with the statements contained herein.
2. I have been retained by Medford Township to prepare a Housing Element and Fair Share Plan implementing the 1st and 2nd round COAH methodology in accordance with the New Jersey Supreme Court's Opinion in *In re Adoption by N.J. Council on Affordable Housing*, 221 N.J. 1 (2015).
3. The detailed history of Medford Township's efforts to maintain continuous and ongoing compliance with COAH's regulations and the *Mount Laurel* doctrine is set forth in the attached Certification of Christopher Norman.

4. During the protracted litigation involving the challenge to the Third Round Regulations of COAH, Medford Township has operated under a February 28, 2008 interim stay entered by Judge Sweeney, granting the municipality interim protection from builder's remedy litigation, pending the outcome of legal challenges to COAH Third Round regulations. See Certification of Christopher Norman, Exhibit "D".
5. I have reviewed the June 3, 2014 planning report of Cheryl Bergalio, P.P. of the Taylor Design Group, prepared for Medford Township, with respect to the calculation of its municipal fair share housing obligation for Round 3 and the number of affordable housing credits produced in the prior cycle and as anticipated in the Round 3 Plan draft, prepared in October 8, 2006. See Certification of Christopher Norman, Exhibits "C" and "E".
6. I find the calculations, therein, to be generally accurate and reflective of Medford Township's affordable housing obligation in adopting a Third-Plan Housing Element and Fair Share Plan, but subject to potential modification upon a more in depth planning review by my office. By way of example, further refinement of Medford Township's Fair Share Housing Obligation may arise from the lack of availability of vacant land.
7. Medford Township may also present other evidence into the record after a hearing date is set to determine the municipality's Fair Share Housing obligation for Round 3.
8. The Court, ultimately, must render a final determination on Medford Township's Fair Share Housing obligation after considering all evidence presented in the record.

I certify that the forgoing statements made by me are true. I am aware that if any of the forgoing statements by me are willfully false, I am subject to punishment.


Barbara J. Fegley, AICP, PP
Dated: 7/8/15

Christopher Norman, Esq.
Raymond, Coleman, Heinold & Norman, LLP
Attorney ID # 027861991
325 New Albany Road
Moorestown, NJ 08057
(856)222-0100
Attorney for Declaratory Plaintiff, Medford Township
Medford Township

2015 JUL -3 PM 3:50
RECEIVED
BY: 005

IN THE MATTER OF THE : SUPERIOR COURT OF NEW JERSEY
APPLICATION OF THE TOWNSHIP : BURLINGTON COUNTY
OF MEDFORD, a municipal corporation : LAW DIVISION
of the State of New Jersey, :
Petitioner :
 : DOCKET NO.: BUR-L-000215-05
 :
 : Civil Action
 :
 : **CERTIFICATION OF CHRISTOPHER**
 : **NORMAN IN SUPPORT OF MOTION FOR**
 : **TEMPORARY IMMUNITY OF MEDFORD**
 : **TOWNSHIP FROM MOUNT LAUREL**
 : **LITIGATION**

Christopher Norman, of full age, does hereby certify as follows:

1. I am the Township Attorney for Medford Township and I fully familiar with the statements contained herein.
2. Attached hereto as Exhibit "A" is a true copy of the 1/19/05 Complaint for Declaratory Judgment filed by Medford Township (under this docket number) to allow this Court to exercise jurisdiction over Medford Township's Third-Round compliance plan.
3. Attached hereto as Exhibit "B" are true copies of Interim Orders, entered by the Court on 1/28/05, 4/6/05, 10/27/05, 4/24/06, 6/12/06, 8/16/06, 10/18/06, 2/28/08, and 7/21/09 demonstrating Medford Township's continuous and ongoing efforts to maintain compliance with its *Mount Laurel* obligations and granting interim and continuous protection to the municipality from builder's remedy litigation.

4. Judge Sweeney's Order of 4/24/06 confirmed the accuracy of Medford Township's third-round growth share obligation, and his Honor's subsequent orders of 6/12/06, 8/16/06 and 10/19/06 granted extensions to Medford Township deferring its obligation to adopt and file its Third-Round Plan for the granting of a Judgment of Repose, thereafter.

5. Attached hereto as Exhibit "C" is a true copy of Medford Township's Draft 10/8/06 Housing Plan Element and Fair Share Plan for the first iteration of third-round COAH regulations, based on the growth share methodology. This Housing Element and Fair Share Plan was not formally adopted because of circumstances related to the then pending Appellate litigation challenge to the validity of those COAH growth share regulations.

6. On 1/25/07, the Appellate Division invalidated COAH's growth share regulations. *In re N.J.A.C. 5:94 & 5.95, 390 N.J. Super. 1 (App. Div.), certif. den., 192 N.J. 71-72 (2007)*. Such decision effectively rendered Medford's draft Fair Share Housing Plan (based on the growth share methodology) moot.

7. Attached hereto as Exhibit "D" is a true copy of Judge Sweeney's February 28, 2008 Order granting an Interim Stay to Medford Township, and specifically providing (at Paragraph 1): "... the schedule for the preparation and submission of Medford Township's third round Compliance Plan shall be subsequently established by the Court when it becomes clearer whether COAH's revised and repropose rules are adopted, appealed, stayed, sustained or invalidated."

8. Said February 28, 2008 Order further provides, at Paragraph 2: "... a stay is imposed with respect to the filing of any builder's remedy and exclusionary zoning suits against Medford Township during the pending revised third round rulemaking process by COAH and while the

Township remains under the Court's voluntary compliance process pursuant to *N.J.S.A. 52:27D-313*.

9. In October 2010, the Appellate Division invalidated the second iteration of COAH Round Three regulations. *In re N.J.A.C. 5:96 & 5:97*, 416 *N.J. Super.* 462 (App. Div. 2010).

10. On September 26, 2013, the New Jersey Supreme Court affirmed the invalidation of COAH's second iteration to adopt regulations under the growth methodology and ordered COAH to adopt new regulations implementing the 1st and 2nd Round methodologies.

11. Attached hereto as Exhibit "E" is a true copy of the June 3, 2014 planning report of Cheryl Bergailo, P.P., prepared for Medford Township, estimating the municipality's total remaining obligation for the third-round cycle utilizing the 1st and 2nd Round methodologies.

12. On October 20, 2014, COAH failed to adopt new regulations by a 3-3 vote, thereby violating the New Jersey Supreme Court's directive to do so.

13. On March 10, 2015, the New Jersey Supreme Court rendered its opinion in *In re Adoption by N.J. Council on Affordable Housing*, 221 *N.J.* 1 (2015) directing municipalities to seek declaratory relief for temporary immunity within three (3) to four (4) months, but no later than July 8, 2015, while in the process of seeking court approval of its municipal Fair Share housing obligation quota and adoption of a Housing Element and Fair Share Plan, five (5) months thereafter.

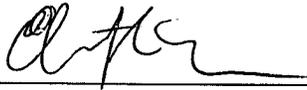
14. Medford Township has also, in good faith, facilitated the implementation certain elements of its draft October 2008 Third Round Housing Plan, including the MEND project (26

units), Regional Contribution Agreement (8 units), Allies Group Homes (8 units), Family Services, Supportive Housing (9 units).

15. In addition, Medford Township has donated a Township owned parcel to the non-profit affordable housing developer, Salt and Light, to allow for construction of at least 5 affordable rental apartments, in lieu of constructing them at the historic Singer House (which dwelling is now beyond repair and cannot demolished without New Jersey Pinelands Commission approval).

16. Also, Medford Township has granted an amended site plan approval to the Medford Walk developer to allow for construction of more marketable inclusionary townhouse development, in lieu of constructing single-family inclusionary housing. This will facilitate production of affordable housing units 5 units.

I certify that the forgoing statements made by me are true. I am aware that if any of the forgoing statements by me are willfully false, I am subject to punishment.



Christopher Norman

Dated: 7/8/15

EXHIBIT “A”

BURLINGTON COUNTY
SUPERIOR COURT
49 RANCOCAS ROAD
MT HOLLY NJ 08060

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (609) 518-2815
COURT HOURS

DATE: JANUARY 21, 2005
RE: IMO APPLICATION OF MEDFORD TWP
DOCKET: BUR L -000215 05

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 4.

DISCOVERY IS PRESUMPTIVELY 450 DAYS BUT MAY BE ENLARGED OR SHORTENED BY THE JUDGE AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE MANAGING JUDGE ASSIGNED IS: HON JOHN A. SWEENEY

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (609) 518-2815.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING. PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R.4:5A-2.

ATTENTION:

ATT: RONALD C. MORGAN
PARKER & MCCAY
7001 LINCOLN DRIVE WEST
PO BOX 974
MARLTON NJ 08053

JUDOM7

CIVIL CASE INFORMATIK STATEMENT
(CIS)

FOR USE BY CLERK'S
OFFICE ONLY

Use for initial Law Division – Civil Part
pleadings (not motions) under Rule 4:5-1.
Pleading will be rejected for filing, under
Rule 1:5-6(c), if information above the
black bar is not completed or if attorney's
signature is not affixed.

PAYMENT TYPE: CK CG CA

CHG/CK NO

AMOUNT:

OVERPAYMENT:

BATCH NUMBER

ATTORNEY / PRO SE NAME

Ronald C. Morgan, Esq.

TELEPHONE NUMBER

(856) 596-8900

COUNTY OF VENUE

Burlington

FIRM NAME (if applicable)

PARKER McCAY P.A.

DOCKET NUMBER (When available)

L -000215 05

OFFICE ADDRESS

THREE GREENTREE CENTRE
7001 LINCOLN DRIVE WEST
P.O. BOX 974
MARLTON, NEW JERSEY 08053-3292

DOCUMENT TYPE

Complaint

JURY DEMAND

YES NO

NAME OF PARTY (e.g. John Doe, Plaintiff)

Township of Medford

CAPTION

In the Matter of the Application of the Township of Medford

CASE TYPE NUMBER (see reverse side for listing)

303 (Mount Laurel)

IS THIS A PROFESSIONAL MALPRACTICE CASE? YES NO
IF YOU HAVE CHECKED "YES", SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW
REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.

RELATED CASES PENDING?

YES NO

IF YES, LIST DOCKET NUMBERS

BUR-L-2691-00 and BUR-L-2373-02

DO YOU ANTICIPATE ADDING ANY

PARTIES (arising out of same
transaction or occurrence)?

YES NO

NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN

N/A

NONE UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

A. DO PARTIES HAVE A
CURRENT, PAST OR
RECURRENT RELATIONSHIP?
 YES NO

IF YES, IS THAT
RELATIONSHIP
N/A

EMPLOYER-EMPLOYEE

FRIEND/NEIGHBOR

OTHER (explain)

FAMILIAL

BUSINESS

B. DOES THE STATUTE
GOVERNING THIS CASE
PROVIDE FOR PAYMENT OF
FEES BY THE LOSING
PARTY?

YES NO

N/A

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS
THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:

This is a Mount Laurel case that should be assigned to the Honorable John A. Sweeney, A.J.S.C. Judge
Sweeney is handling the above pending Mount Laurel proceedings.

DO YOU OR YOUR CLIENT HAVE ANY NEEDS
UNDER THE AMERICANS WITH DISABILITIES ACT?

YES NO

IF YES, PLEASE IDENTIFY:

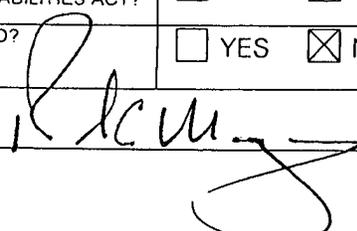
WILL AN INTERPRETER BE NEEDED?

YES NO

IF YES, FOR WHAT LANGUAGE:

ATTORNEY SIGNATURE

Ronald C. Morgan, Esq.





**CIVIL CASE INFORMATION STATEMENT
(CIS)**

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY
- 502 BOOK ACCOUNT
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 602 ASSAULT AND BATTERY
- 603 AUTO NEGLIGENCE - PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 613 REPETITIVE STRESS SYNDROME
- 701 ACTIONS IN LIEU OF PREROGATIVE WRIT

Mass Tort (Track IV)

- | | |
|----------------|--------------|
| 240 DIET DRUG | 264 PPA |
| 246 REZULIN | 601 ASBESTOS |
| 247 PROPULSID | 619 VIOXX |
| 248 CIBA GEIGY | |

999 OTHER (Briefly describe nature of action) _____

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

- Verbal Threshold Putative Class Action Title 59

DEPUTY CLERK
SUPERIOR COURT
BURLINGTON COUNTY

2005 JAN 19 P 3:25

FILED & RECEIVED

File No. 09323-0010

Law Offices
PARKER McCAY, P.A.
Three Greentree Centre, Suite 401
7001 Lincoln Drive West
P.O. Box 974
Marlton, NJ 08053
(856) 596-8900
Attorneys for Petitioner, Township of Medford

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BURLINGTON COUNTY
DOCKET NO. **09-000215 05**

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF MEDFORD, a municipal
Corporation of the State of New Jersey,

Petitioner

Civil Action
(Mount Laurel)

**COMPLAINT FOR
DECLARATORY JUDGMENT**

The Township of Medford, a municipal corporation of the State of New Jersey, having its principle place of business at 17 North Main Street, Medford, New Jersey 08055, by way of Complaint for Declaratory Judgment says:

COUNT I

1. Petitioner Township of Medford (hereinafter "Petitioner", "Township" and/or "Medford") is a body politic and corporate organized under the laws of the State of New Jersey located in suburban Burlington County in the Southwest Housing Region ("Region 5")

as established by the New Jersey Council on Affordable Housing (“COAH”) pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (“FHA”).

2. Pursuant to the authority vested in it under the FHA, COAH heretofore determined that the Township had a constitutional and statutory obligation to create a realistic opportunity for the provision of 456 units of affordable housing available to low and moderate income households to satisfy the unmet housing needs of its indigenous poor and its fair share of the unmet housing needs of the poor in the Southwest Housing Region for the twelve (12) year cumulative “second cycle” period from 1987 to 1999. Of this amount, 38 units constituted the Township’s “indigenous need” or “rehabilitation obligation” and 418 units constituted its “prospective need” or “new construction” obligation.

3. The Township thereafter adopted a second cycle Housing Element and Fair Share Plan (collectively “second cycle Compliance Plan”) to address its 12 year cumulative housing obligations and petitioned COAH for Substantive Certification.

4. COAH subsequently reviewed and approved the second cycle Compliance Plan and granted Final Substantive Certification on February 3, 1999 pursuant to COAH Resolution 119-99a verifying that the Township had fully satisfied its second cycle housing obligations (the “second cycle Final Judgment”). The Township’s substantively certified Compliance Plan therefore enjoys presumptive validity under the FHA and COAH’s Rules until February 3, 2005.

5. COAH thereafter promulgated and adopted third cycle regulations governing municipal affordable housing obligations from 2000 to 2014 which took effect on December 20, 2004 and are codified at N.J.A.C. 5:94-1.1 *et seq.*

6. The third cycle regulations implement a “growth share” approach to third cycle affordable housing compliance commencing as of January 1, 2004 and continuing to December 20, 2014.

7. N.J.S.A. 52:27D-313 permits municipalities to institute an action with the Superior Court for a declaratory judgment to verify and confirm compliance with the FHA with regard to third cycle affordable housing obligations.

8. The Township commits herein to prepare and file a third cycle Compliance Plan for the Court’s review and approval within such time-frames as specified in COAH’s second and third cycle Rules.

9. The Township brings this declaratory judgment proceeding before the Court pursuant to the aforementioned statute to secure a declaratory judgment verifying full compliance with its third cycle affordable housing obligations from 2000 to 2014.

10. The Township similarly petitions for immunity against third cycle exclusionary housing litigation while it remains under the Court’s declaratory judgment jurisdiction.

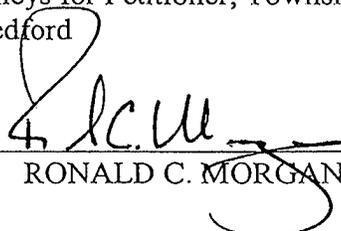
PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that the Court grant the following relief:

- A. Exercise jurisdiction over the Township of Medford’s third cycle affordable housing compliance obligations.
- B. Protection and immunity against third cycle exclusionary housing litigation while the Township remains under the Court’s declaratory judgment jurisdiction.

- C. Declare, pursuant to N.J.S.A. 52:27D-313, that the Township of Medford has fully discharged its third cycle housing obligations under the FHA when it presents to the Court its third cycle Compliance Plan evidencing full satisfaction of the Township's third cycle affordable housing obligations.
- D. Order such additional relief as the Court deems equitable and just.

PARKER McCAY, P.A.
Attorneys for Petitioner, Township
of Medford

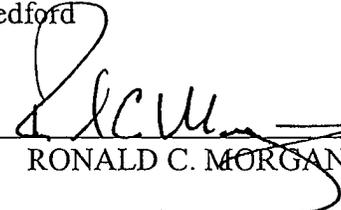
By: 
RONALD C. MORGAN

Dated: January 14, 2005

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Ronald C. Morgan, Esquire is hereby designated as Trial Counsel for petitioner Township of Medford.

PARKER McCAY, P.A.
Attorneys for Petitioner, Township
of Medford

By: 
RONALD C. MORGAN

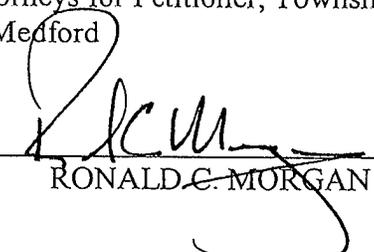
Dated: January 14, 2005

CERTIFICATION

Pursuant to R. 4:5-1, it is hereby certified, except as qualified below, that the matter in controversy is not the subject of any other action pending in any other Court or of a pending arbitration or administrative proceeding to the best of the petitioner's knowledge and

belief. To the best of petitioner's knowledge, no action, arbitration or administrative proceeding is contemplated. Furthermore, we know of no other parties that should be joined in the above action. The Township of Medford's second cycle Compliance Plan was approved by the New Jersey Council on Affordable Housing ("COAH") pursuant to COAH Resolution 119-99a adopted on February 3, 1999. Said second cycle Compliance Plan is the subject of pending proceedings before the Honorable John A. Sweeney, AJSC entitled Jennings Mill Run Estates, L.P. v. Township of Medford, et al., Docket Nos. BUR-L-2691-00 and BUR-L-2373-02.

PARKER McCAY, P.A.
Attorneys for Petitioner, Township
of Medford

By: 

RONALD C. MORGAN

Dated: January 14, 2005

EXHIBIT “B”

File No. 09323-0010

Law Offices
PARKER McCAY, P.A.
Three Greentree Centre, Suite 401
7001 Lincoln Drive West
P.O. Box 974
Marlton, NJ 08053
(856) 596-8900
Attorneys for Petitioner, Township of Medford

FILED WITH THE COURT
JAN 28 2005
HON. JOHN A. SWEENEY, A.J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BURLINGTON COUNTY
DOCKET NO.

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF MEDFORD, a municipal
Corporation of the State of New Jersey,

Petitioner

Civil Action
(Mount Laurel)

**INTERIM
PROTECTIVE ORDER**

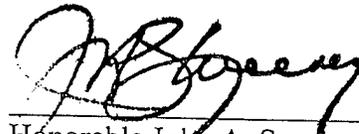
THIS MATTER being brought before the Court by Parker McCay, P.A., counsel for declaratory judgment petitioner Township of Medford (“Township” and/or “Medford”), seeking an interim protective Order immunizing the Township against third cycle exclusionary zoning litigation in light of (a) amendments to the Township’s second cycle Housing Element and Fair Share Plan (collectively “Compliance Plan”) that are scheduled for a Compliance Hearing before the Court on March 30, 2005, and (b) the New Jersey Council on Affordable Housing’s (“COAH’s”) new third cycle Substantive Rules at N.J.A.C. 5:94-1, *et seq.* which took effect on December 20, 2004, and for good cause shown;

IT IS on this 28 day of January, 2005 ORDERED
as follows:

1. Medford is immunized against the filing of third cycle exclusionary zoning litigation and challenges on an interim basis until the Court disposes of the pending amendments to the Township's second cycle Compliance Plan which are currently scheduled for a Compliance Hearing on March 30, 2005.

2. The Court shall entertain a further immunity extension request by the Township upon its disposition of the pending application by the Township to amend its second cycle Compliance Plan.

3. Counsel for the Township shall forward a copy of this Order to the Court's Master and Counsel for Jennings Mill Run Estates, LP in the pending second cycle affordable housing compliance proceedings within five (5) days of receipt.



Honorable John A. Sweeney, A.J.S.C.

File No. 09323-0010

Law Offices
PARKER McCAY, P.A.
Three Greentree Centre, Suite 401
7001 Lincoln Drive West
P.O. Box 974
Marlton, NJ 08053
(856) 596-8900
Attorneys for Petitioner, Township of Medford

FILED WITH THE COURT

APR - 6 2005

HON. JOHN A. SWEENEY, A.J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BURLINGTON COUNTY
DOCKET NO. BUR-L-000215-05

Civil Action
(Mount Laurel)

**EXTENDED
PROTECTIVE ORDER**

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF MEDFORD, a municipal
Corporation of the State of New Jersey,

Petitioner

THIS MATTER being brought before the Court upon motion of petitioner Township of Medford ("Township" and/or "Medford"), for an Extended Protective Order immunizing the Township against exclusionary zoning challenges and litigation under the Mount Laurel doctrine and the Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* ("FHA") following an Interim Protective Order entered on January 28, 2005, and the Court having entertained said application on March 30, 2005 immediately after it conducted a Compliance Hearing on the Township's amended second cycle Housing Element and Fair Share Plan (collectively "Compliance Plan" and/or "Plan") and determined to approve said Plan in full discharge of

the Township's nondurationally adjusted second cycle affordable housing obligation providing the Township with immunity and repose against exclusionary zoning challenges and litigation until December 20, 2005, and for good cause shown;

IT IS on this 6 day of April, 2005 **ORDERED** as follows:

1. Medford's immunity against the filing of second and third cycle exclusionary zoning challenges and litigation is hereby extended from March 30, 2005 to December 20, 2005. Any action commenced in contravention of this provision shall be dismissed upon motion on short notice by the Township.
2. Medford is directed to work with the Court's Master (Philip B. Caton, P.P., AICP) to calculate and establish its third cycle "growth share" responsibilities and file a third cycle Compliance Plan addressing same on or before December 20, 2005.
3. The Court shall establish case management directives and time-frames with respect to its review and determinations on the third cycle Compliance Plan subsequent to the Plan's submission to the Court.
4. Counsel for the Township shall forward a copy of this Order to the Court's Master and the New Jersey Council on Affordable Housing ("COAH") within five (5) days of receipt.



Honorable John A. Sweeney, A.J.S.C.

File No. 09323-0010

Law Offices
PARKER McCAY, P.A.
Three Greentree Centre, Suite 401
7001 Lincoln Drive West
P.O. Box 974
Marlton, NJ 08053
(856) 596-8900
Attorneys for Petitioner, Township of Medford

FILED WITH THE COURT

OCT 27 2005

HON. JOHN A. SWEENEY, A.J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BURLINGTON COUNTY
DOCKET NO. BUR-L-000215-05

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF MEDFORD, a municipal
Corporation of the State of New Jersey,

Petitioner

Civil Action
(Mount Laurel)

**ORDER ESTABLISHING THIRD
ROUND GROWTH SHARE
CONFIRMATION HEARING**

THIS MATTER having been brought before the Court by petitioner Township of Medford seeking the scheduling of a Hearing upon adequate notice to the public to confirm the accuracy of the Township's third round growth share affordable housing obligations from January 1, 2004 to December 1, 2014, and for good cause shown;

IT IS on this 27th day of October, 2005 **ORDERED** as follows:

1. A Hearing shall be held before the Court on Thursday, January 19, 2006 at 3:00 p.m. for the purpose of evaluating the accuracy of Medford's calculation of its third round affordable housing growth share obligations from January 1, 2004 to December 1,

2014 to facilitate the Township's ability to complete and submit its third round Housing Element and Fair Share Plan (collectively "Compliance Plan") for approval by the Court.

2. The form and content of the Hearing Notice that is attached hereto is approved and Medford is directed to provide notice to the public as follows:

a. Publish the Notice in the *Central Record* and *Burlington County Times* newspapers thirty (30) days prior to the Hearing with Proofs of Publication being filed with the Court.

b. Post the Notice on the Township's official bulletin board thirty (30) days prior to the Hearing.

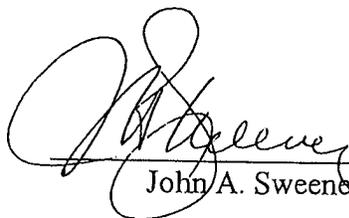
c. Forward the Notice to the New Jersey Council on Affordable Housing, New Jersey State Planning Commission, and Delaware Valley Regional Planning Commission thirty (30) days prior to the Hearing.

3. Medford is directed to complete and submit its third round Compliance Plan within sixty (60) days after the Court enters an Order confirming Medford's third round housing obligation.

4. The Township shall be immunized against exclusionary zoning challenges and litigation while it remains under the Court's voluntary compliance jurisdiction and shall continue to be permitted to collect the affordable housing development fees authorized under COAH's third round rules.

5. Counsel for the Township shall forward a copy of this Order to the Court's Master within five (5) days of receipt.

AW OFFICE
ARKER McCAY



John A. Sweeney, A.J.S.C.

File No. 09323-0010 RCM

Law Offices
PARKER McCAY, P.A.
Three Greentree Centre, Suite 401
7001 Lincoln Drive West
P.O. Box 974
Marlton, NJ 08053
(856) 596-8900
Attorneys for Petitioner, Township of Medford

FILED WITH THE COURT

APR 24 2006

HON. JOHN A. SWEENEY, A.J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BURLINGTON COUNTY
DOCKET NO. BUR-L-000215-05

Civil Action
(Mount Laurel)

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF MEDFORD, a municipal
Corporation of the State of New Jersey,

Petitioner

**ORDER CONFIRMING THE
ACCURACY OF THE TOWNSHIP'S
THIRD ROUND GROWTH
SHARE CALCULATION**

THIS MATTER having been opened to the Court by petitioner Township of Medford ("Township" and/or "Medford") seeking confirmation of the accuracy of the Township's third round growth share calculation(s) as documented in a Report prepared by the Township's Director of Planning and Zoning (the "Township Report") to facilitate the ability of the Township to complete and submit its third round Housing Element and Fair Share Plan (collectively "Compliance Plan") for judicial review and approval in accordance with N.J.S.A. 52:27D-313(a); and the Court having: (a) conducted a Hearing on April 20, 2006 upon adequate notice to the public and the protected class in accordance with Mount Laurel case law, (b) reviewed and evaluated the Township Report setting forth the third

round growth share calculations, (c) considered a comprehensive Report under date of April 18, 2006 prepared by Mount Laurel Master Philip B. Caton, P.P., AICP (the "Master's Report") which thoroughly evaluates and comments upon the accuracy of the calculations set forth in the Township Report and related submissions and documentation that were supplied to his office, (d) heard and considered the direct testimony of the Court's Master at the April 20, 2006 Hearing, (e) reviewed and considered written comments to the submitted documents by letters under date of October 27, 2005 and January 9, 2006 from Deputy Attorney General Geraldine Callahan, Esquire on behalf of the New Jersey Council on Affordable Housing, (f) opened the matter for public comment, and (g) considered the arguments of counsel; and for good cause shown;

IT IS on this 24 day of April, 2006

DETERMINED AND ORDERED as follows:

1. Adequate Notice of the Hearing was provided to the public and the protected class in accordance with applicable Mount Laurel case law and the Court's October 27, 2005 Order and jurisdiction is properly before the Court.
2. The accuracy of the Township's calculations with respect to its prior round unmet need (1987 to 1999) pursuant to N.J.A.C. 5:93-1, *et seq.* and its third round growth share obligation (2004 to 2014) in accordance with N.J.A.C. 5:94-1, *et seq.* are exhaustively documented in the April 18, 2006 Master's Report prepared by Mr. Caton. A copy of said Report is attached hereto as Exhibit "A" and its contents are incorporated by reference herein as the Court's findings and determinations. As such, subject to the Township's satisfaction of the conditions noted in the Master's Report which may require an adjustment of the

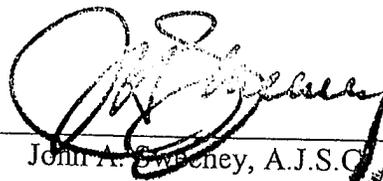
Township's fair share obligation, the Township's third round Compliance Plan must provide the realistic opportunity for the provision of 85 affordable housing units/credits for the period running from January 1, 2004 to January 1, 2014 consisting of a rehabilitation obligation of zero, an adjusted prior round unmet need of 8 affordable units, and a third round residential and nonresidential growth share obligation of 77 units.

3. The Township is directed to complete and submit its third round Compliance Plan to the Court for judicial review and approval within ninety (90) days of the date of this Order.

4. The Court shall schedule a Compliance Hearing and establish Compliance Hearing Notice requirements by separate Order after receipt of the Township's Compliance Plan.

5. The Township shall be immunized against exclusionary zoning challenges while it remains under the Court's voluntary compliance jurisdiction.

6. Counsel for the Township shall forward a copy of this Order to the Court's Master within five (5) days of receipt.



John A. Sweeney, A.J.S.C.

**PLANNING REPORT
ON THE
THIRD ROUND GROWTH SHARE
OF MEDFORD TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

April 18, 2006

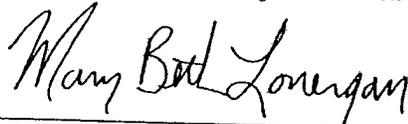
◆ ◆ ◆
Prepared For:

Honorable John A. Sweeney, A.J.S.C.
Superior Court of New Jersey
Burlington County Court House
49 Rancocas Road
Mount Holly, NJ 08060

Prepared By:



Philip B. Caton, PP, AICP
New Jersey Professional Planning License No. 1829



Mary Beth Lonergan, PP, AICP
New Jersey Professional Planning License No. 4288

CLARKE ◆ CATON ◆ HINTZ
A Professional Corporation

400 Sullivan Way
Trenton, New Jersey 08628

Exhibit "A"

1.0 INTRODUCTION

This report has been prepared for a *Mount Laurel* Hearing for Medford Township, Burlington County, initially scheduled before the Honorable John A. Sweeney, A.J.S.C., on January 19, 2006 and rescheduled for April 20, 2006. Medford Township filed a third round growth share report (hereinafter "Report") with the NJ Superior Court on December 20, 2005. The Report was prepared by Dennis Funaro, PP, AICP, Medford Township's Director of Planning and Zoning, and sets forth the Township's new third round "growth share" obligation.

The Township of Medford received second round Substantive Certification from the New Jersey Council on Affordable Housing ("COAH") on February 3, 1999. COAH's second round certification acknowledged the various Court Orders and the Court-approved agreement between a plaintiff and the Township concerning the former Easttown and Eayrestowne developments (now known as Medford Crossing North and South) [Medford Village East Associates, et al. v. Township of Medford et al., Docket No. BUR-L-1507-96 (Mount Laurel)]. Later in the second round, other litigation was filed in the Superior Court challenging the presumptive validity of Medford's Fair Share Plan [Jennings Mill Run Estates, LP et al. v. Township of Medford et al., Docket Nos. BUR-L-2691-00 and BUR-L-2373-02 (Mount Laurel)].

Pursuant to COAH's second round regulations, Medford Township's second round certification was set to expire on February 3, 2005. On January 28, 2005, Your Honor issued an Interim Protective Order immunizing the Township against third round exclusionary zoning litigation and challenges. Subsequently, on April 18, 2005, Your Honor entered a Final Judgment of Compliance and Repose which resolved the prior Jennings Mill litigation, approved a developer's agreement between Medford Leas and the Township, approved the Township's second round plan amendment dated December 7, 2004 and granted the Township a period of Final Judgment and Repose until December 20, 2005.

Shortly thereafter, Your Honor entered an Amended Final Judgment of Compliance and Repose on June 23, 2005 which approved a settlement agreement between Medford Village East Associates and the Township,

exempted the residential and non-residential development of Medford Crossing North and South from the payment of affordable housing developer fees as well as from generating a third round growth share impact, approved the Township's second round plan amendment dated May 12, 2005, granted the Township immunity and repose against exclusionary zoning challenges until December 20, 2005 and retained post-judgment jurisdiction over the Medford Village East Associates' matter and over the Township's third round compliance efforts.

On October 27, 2005, Your Honor issued an Order which scheduled a hearing to confirm the Township's third round growth share projections. In addition, the October 27th Order directed the Township to complete its third round Housing Element and Fair Share Plan or Compliance Plan within sixty (60) days after the Court enters an order confirming Medford's third round housing obligation. Also, the Township was immunized against exclusionary zoning challenges and litigation while pursuing voluntary compliance under the Court's jurisdiction. Finally, the Township was permitted to continue collecting affordable housing development fees authorized under COAH's third round rules.

COAH previously adopted regulations governing the third round of fair share compliance (*NJAC 5:94-1 et seq.*). These rules, effective on December 20, 2004, require a municipality to address a third round cumulative fair share obligation comprised of three components: a rehabilitation share, a prior round obligation and the future growth share.

Medford Township determined that it would be prudent to seek an initial ruling from the Court to confirm the Township's projected third round growth share obligation. The Township is not seeking Court approval of a new third round Fair Share Plan at this time. The focus of this Master's Report is to analyze the Township's projected future growth share obligation.

In addition, although the Township's growth share report did not include any information on the Township's second round low and moderate income housing obligation or "prior round" obligation, this report provides guidance on COAH's recalculation of the prior round number and provides a preliminary determination on the unaddressed balance from the prior round. For the prior round determination, we have utilized Medford's second round plan components included in the Township's most recent plan amendment approved by Your Honor in the June 23, 2005 Court Order and updated

documentation on the status of Medford's second round plan components which was provided by the Township's Director of Planning and Zoning.

2.0 COAH'S THIRD ROUND RULES

As noted, the third round cumulative fair share obligation is comprised of three components: a rehabilitation share, a prior round obligation (the remaining obligation from COAH's two prior rounds) and the future growth share.

The rehabilitation share represents the number of existing substandard housing units within a municipality which are estimated to be occupied by low and moderate income households. The calculation of the rehabilitation share is based on various housing quality indices as reported in the 2000 Census. Medford Township's rehabilitation share for the third round is zero per NJAC 5:94, Appendices B and C, as shown below:

COAH Rehabilitation Share Allocation (2000)

<u>Formula Category</u>	<u>Number of Units</u>
Crowding	10
Lack Complete Plumbing	0
Lack Complete Kitchen (10 x 0.547 =	<u>5</u>
Subtotal	15
Regional Low-Moderate Deterioration Share (x multiply)	<u>0.737</u>
Subtotal	11
Rehabilitation Share Credit	0
Spontaneous Rehabilitation Reduction	<u>-11</u>
Rehabilitation Share	0

The prior round obligation is the new construction obligation from the first and second rounds (1987-1999) recalculated by COAH to reflect data from the 2000 Census. Medford Township's prior round obligation is 435 units per NJAC 5:94, Appendices B and C. This number exceeds the 418 unit

“new construction” component of the Township’s 1987-1999 fair share allocation.

COAH Prior Round Obligation (1987-1999)

<u>Formula Category</u>	<u>Number of Units</u>
First Round Prospective Need (adjusted)	181
Second Round Prospective Need (adjusted)	221
Second Round Reallocated Present Need (adjusted)	<u>33</u>
Prior Round Obligation	435

COAH’s third round regulations require a municipality to address its prior round obligation utilizing COAH’s second round regulations at *NJAC* 5:93. Medford Township’s prior round compliance measures are reviewed in Section 3.0 below.

The third and final component of the fair share obligation under COAH’s new rules is the growth share – a concept which links the municipal obligation to provide affordable housing with the residential and non-residential growth which actually occurs after January 1, 2004. For the third round COAH has adopted ratios that require one affordable housing unit for every eight market rate housing units and one affordable unit for every 25 jobs developed as expressed in new square footage of non-residential space constructed and occupied. The obligation attaches to any development for which a permanent certificate of occupancy (hereinafter “C.O.”) is issued between January 1, 2004 and January 1, 2014.

Although affordable housing need is based on actual growth, COAH’s new growth share regulations require a municipality to initially project anticipated residential and non-residential growth through January 1, 2014. In addition, COAH rules prescribe that the development projections net out any demolition which is projected to occur in this time period.

Municipal projected net growth must be compared with the metropolitan planning organization’s (hereinafter “MPO”) population, household and employment projections from 2005 through 2015. The MPO for Burlington County is the Delaware Valley Regional Planning Commission (“DVRPC”). Pursuant to *NJAC* 5:95-4.3, “Municipal growth projections in a

Housing Element and Fair Share Plan that are consistent with the projections provided pursuant to *NJAC 5:94-2.2(b)4* shall have a presumption of validity in a petition for substantive certification. To rebut the presumption of validity, objectors shall have the burden of proof to demonstrate by clear and convincing evidence that the municipal growth projections are invalid and will not result in a realistic opportunity for the provision of low- and moderate-income housing within the housing region.”

COAH rules exclude from the growth share calculation any low and moderate income units constructed between 2004 and 2014 pursuant to a first or second round certified fair share plan or a Court Judgment of Compliance and Repose. In addition, market rate units located within inclusionary developments that received credit in a first or second round fair share plan or that will address a prior round obligation¹ may also be excluded at a rate of four times the number of affordable units generated on site from the residential growth share projections². Lastly, COAH’s rules also permit the exclusion of non-residential sites with preliminary or final site plan approval that were required to address a Court-approved affordable housing requirement, that have yet to be constructed and which are anticipated to be constructed in the third round.

As growth projections are not an exact science, COAH requires each municipality to analyze periodically whether its initial projections are consistent with actual growth measured by issued C.O.’s. On the third, fifth and eighth anniversaries of submitting its plan, a municipality must prepare a Progress Report that reviews the municipality’s pro-rated municipal growth share projections with the actual growth that occurred in the municipality in that time period. If the provision of affordable housing lags behind the requirement for affordable housing by more than 10 percent, then COAH may require a municipality to amend its affordable housing plan.

¹ Included as part of COAH’s recent rule amendment to *NJAC 5:94-2.4(a)4*. Although the COAH Board adopted the rule amendment on April 12, 2006, the rule will technically become effective once published in the New Jersey Register. COAH anticipates publication on May 15, 2006.

² In certain instances COAH’s rules permit exclusions at a rate above four times the number of affordable housing units, per *NJAC 5:94-2.4(a)4*. COAH’s recent rule amendments to *NJAC 5:94-2.4(a)4* caps the rate of exclusion to 5.67 times the number of affordable housing units generated on site (representing a 15 percent affordable housing setaside).

3.0 PRIOR ROUND COMPLIANCE MEASURES

This report analyzes Medford's second round plan components included in the Township's second round plan amendment, dated May 12, 2005, and approved in the June 23, 2005 Court Order. Much of Medford Township's prior round obligation has been addressed through approved inclusionary developments that have yet to be constructed. The Township had previously submitted crediting documentation on a number of existing alternative living arrangements which provide affordable housing addressing a small portion of the 435-unit prior round obligation. Pursuant to COAH's rules at NJAC 5:94-3.2, existing affordable housing opportunities that comply with COAH's first or second round rules (length of affordability controls, affirmative marketing, bedroom distribution, low/moderate income split, etc.) are eligible to address a prior round obligation. Besides addressing these compliance requirements, C.O.'s must be provided for new construction and evidence of funds transferred for regional contribution agreement (RCA) units.

The Township's May 12, 2005 second round plan amendment, reviewed in our Master's Report dated June 8, 2005, lists existing, proposed and approved new construction affordable housing measures including proposed developments (Medford Crossing South, Medford Leas and Jennings Mill et al.), eight existing alternative living arrangements encompassing 32 bedrooms, a proposed RCA with the Borough of Glassboro, and eligible prior round rental bonuses.

COAH's second round rules required the Township to provide a realistic opportunity for the construction of affordable rental (as opposed to affordable for-sale) housing in an amount equal to 25 percent of the fair share obligation (recalculated by COAH now to the prior round obligation + rehabilitation share), less eligible prior cycle credits and the rehabilitation share, NJAC 5:93-5.15(a). Consequently, at least 109 units $[0.25 \times ((435+0)-0-0) = 108.75, \text{ rounded up}]$ of the Township's second round fair share obligation were to be realistically achievable as rental housing. Medford Township addressed its prior round rental component through 104 proposed and approved family rental units at Medford Crossing South [(Ingerman Affordable Housing, Inc. - 60 family rentals (Medford Commons) and Freeco - 12 family rentals)] and Medford Leas - 32 family rentals (Creekside) and 32

alternative living arrangement rental housing units (bedrooms) for a total of 136 rental units.

COAH's second round rules offered an incentive for municipalities to create affordable rental housing. For each affordable rental unit constructed in town (not transferred via an RCA), affordably controlled and affirmatively marketed in accordance with COAH rules, the municipality is entitled to one rental bonus for units which are not age-restricted and one-third rental bonus for units which are age-restricted. Medford is eligible for rental bonuses for rental units constructed, or to be constructed in the Township up to its 109-unit prior round rental component.

COAH rules limit RCAs to no more than 50 percent of a municipality's prior round fair share obligation, less eligible prior cycle credits and rehabilitation credits; thus, in Medford's case, a total of 217 units may be transferred via an RCA $[0.50 \times ((435+0)-0-0) = 217.5, \text{ rounded down}]$, at *NJAC 5:93-6.1(a)*. The Township has either transferred or proposes to transfer 117 affordable units in one RCA to address the prior round at this time. This 117 unit transfer is well below the 217 unit limit.

COAH's second round rules permit the Township to receive credit for a maximum number of age-restricted units equal to 25 percent of the fair share obligation, less the rehabilitation share, less prior cycle credits and less transferred or proposed prior round RCAs, *NJAC 5:93-6.1(b)1*. Consequently, a maximum of 80 units $[0.25 \times ((435+0)-0-0-117) = 79.5, \text{ rounded up}]$ of the Township's 435-unit fair share obligation may be constructed as age-restricted affordable housing in town. Medford Township proposes to address its prior round fair share obligation through 60 approved age-restricted units at Jennings Mill et al. (Jennings Mill - OHB Homes; Wyngate - Bob Meyer Communities; and Heritage - Bob Meyer Communities) and 5 existing alternative living arrangement age-restricted rental housing units (bedrooms) and 5 proposed alternative living arrangement age-restricted rental housing units (Singer House) for a total of 70 existing or proposed prior round age-restricted units. This 70 unit total for age-restricted housing is below the 80 unit limit.

Lastly, COAH's rules set forth a bedroom distribution for both age-restricted and non-age-restricted affordable units. Generally, age-restricted affordable units may be all one-bedroom units, however, any efficiencies must be offset by two- or three-bedroom units. For non-age-restricted affordable

units, one-bedroom units are capped at 20%, while there must be a minimum of 30% two-bedroom units and a minimum of 20% three-bedroom units. The remainder may be two- or three-bedroom units. In addition, the prior round rules require at least half of each development be affordable to low income households or individuals and, overall, that at least half of the affordable units in the municipality be affordable to low income households or individuals.

The Township should tally the bedroom distribution for the Jennings Mill et al. age-restricted developments separate from the following non-age-restricted developments: Medford Crossing South (Ingerman and Freeco) and Medford Leas (Creekside). Additionally, the low/moderate income split should be provided on all of the prior round developments so that compliance with COAH's affordable housing rules can be discerned. **[Condition #1]**

Each compliance mechanism is further reviewed below:

Alternative Living Arrangements (Existing and Proposed)

Medford Township previously received credit for a total of eight (8) alternative living arrangements totaling 32 bedrooms (five of which are age-restricted at the alternative living arrangement sponsored by Alternative Living for Later Years). Alternative living arrangements are eligible for COAH credit based on the number of bedrooms occupied by low and moderate income individuals per facility. Also, COAH's prior round rules require alternative living arrangements to have a minimum 10-year period for controls on affordability to receive COAH credit. The Township is eligible for 32 credits. In addition, Medford Township is eligible for five (5) prior round rental bonuses for five (5) of the 27 non-age-restricted bedrooms as set forth in our Master's Reports of March 25, 2005 and June 8, 2005.

A proposed age-restricted alternative living arrangement - Singer House - was in the Township's December 7, 2004 amended second round plan although no prior reductions were granted due to the Township's previous second round age-restricted cap. The Township should provide additional information on the realistic opportunity for this proposed alternative living arrangement as part of Medford's third round plan. The Township may be eligible for 5 additional reductions toward the prior round. **[Condition #2]**

Approved Affordable Rental Units

Ingerman Affordable Housing, Inc. (Medford Commons)

Ingerman Affordable Housing twice previously received awards of low income housing tax credit financing for Medford Commons. Unfortunately, due to the developer's prior inability to close on the property and start construction in a timely fashion, Ingerman Affordable Housing was forced to return both awards. Resolution of these issues has been advanced through the settlement agreement between Medford Village East Associates and the Township approved by Your Honor on June 23, 2005 and subsequent negotiations. The Township's Director of Planning noted that Ingerman Affordable Housing has applied yet again for an award of tax credits. The Township is eligible for 60 reductions for the 60 approved family rental units at Medford Commons. In addition, Medford Commons is eligible for prior round rental bonuses as discussed below. The Township should include a further update on the developer's funding commitments as part of the third round plan documentation after the NJ HMFA has awarded tax credits for the 2006 round. [**Condition #3**]

Medford Crossing South (Freeco)

The settlement agreement between Medford Village East Associates and the Township, approved by Court Order of June 23, 2005, sets forth the requirement that the developer (Freeco) provide 12 family rentals within Medford Crossing South. The Township's Director of Planning noted that Freeco received preliminary approval of commercial space which included 60 apartments (a minimum of 12 to be affordable) over first floor commercial space. The Township is eligible for 12 reductions for the 12 approved family rental units. In addition, the Freeco development is eligible for prior round rental bonuses as discussed below. The Township should include a copy of the Planning Board's approval resolution for Freeco as part of the third round plan documentation. [**Condition #4**]

Medford Leas (Creekside)

A developer's agreement between Medford Leas and the Township was approved as part of the Court Order of April 18, 2005. The Agreement

requires Medford Leas to provide 32 family rental units on a site near their continuing care retirement center ("CCRC"). The 32 family rental units will be provided in a 100% affordable housing development called "Creekside" on land owned by Elizabeth Haddon Housing Corporation, a subsidiary of Medford Leas. The 32 affordable rental units will be developed and managed by Ingerman Affordable Housing, Inc. In correspondence dated April 17, 2006, the Township's Planning Director stated that Creekside previously received preliminary site plan approval and is scheduled for final approval this month. Additionally, in correspondence dated April 17, 2006, the developer stated that Creekside received 9% tax credits and NJ Department of Community Affairs ("DCA") funding in August 2005 and on April 11, 2006 had received a funding commitment of HOME funds from the Burlington County Community Development Program for the 32 family affordable rental units. Closing has been set on the property and construction is anticipated to start in August 2006 with occupancy to occur in one year. The Township is eligible for 32 reductions for the 32 family rental units. In addition, Creekside is eligible for prior round rental bonuses as discussed below.

Approved Affordable Senior Sale Units

The prior Jennings Mill litigation was resolved in a settlement agreement approved as part of the Final Judgment of Compliance and Repose issued on April 18, 2005. The settlement agreement provided for a maximum of 529 on-site age-restricted units with 60 of the on-site age-restricted units to be affordable and an in-lieu contribution of \$25,000 per unit for 20 affordable units. Recently, three developers have received Planning Board approvals for a total of 529 age-restricted residential units, including 60 age-restricted affordable units. Pursuant to the prior settlement agreement, the three developers must provide a total in-lieu contribution of \$500,000 for 20 units. The three separate developments that comprised the Jennings Mill litigation are described further below:

Jennings Mill – OHB Homes

Jennings Mill (OHB Homes) received preliminary major subdivision approval from the Medford Township Planning Board as memorialized in Resolution #36-2005 on September 28, 2005. The approval requires OHB Homes to provide 10 age-restricted duplex townhouses as part of their age-

restricted single-family home inclusionary development. In addition, pursuant to the Court-approved settlement agreement, the developer must provide in-lieu funding for four (4) affordable units to fund the Township's approved RCA as discussed below. The Township is eligible for 10 reductions for the 10 approved senior for-sale units to be built on-site. Reductions for the RCA funding is included as part of the entire 117-unit RCA and is described below.

Wyngate - Bob Meyer Communities

Wyngate (Bob Meyer Communities) received preliminary major subdivision approval from the Medford Township Planning Board as memorialized in Resolution #34-2005 on September 28, 2005. The approval requires the developer to provide 30 age-restricted duplex dwellings as part of their age-restricted single-family home inclusionary development. In addition, pursuant to the Court-approved settlement agreement, the developer must provide in-lieu funding for ten (10) affordable units to fund the Township's approved RCA as discussed below. The Township is eligible for 30 reductions for the 30 approved senior for-sale units to be built on-site. Reductions for the RCA funding is included as part of the entire 117-unit RCA and is described below.

Heritage – Bob Meyer Communities

Heritage (Bob Meyer Communities) received preliminary major subdivision approval from the Medford Township Planning Board as memorialized in Resolution #35-2005 on September 28, 2005. The approval requires Bob Meyer Communities to provide 20 age-restricted duplex units as part of their age-restricted single-family home inclusionary development. In addition, pursuant to the Court-approved settlement agreement, the developer must provide in-lieu funding for six (6) affordable units to fund the Township's approved RCA as discussed below. The Township is eligible for 20 reductions for the 20 approved senior for-sale units to be built on-site. Reductions for the RCA funding is included as part of the entire 117-unit RCA and is described below.

bonuses may be granted for rental units that address up to the Township's 109-unit prior round rental obligation. The Township is eligible for a total of 109 prior round rental bonuses as follows:

Ingerman (Medford Commons):	60 rentals x 1.0 bonus = 60 bonuses
Medford Crossing South (Freeco):	12 rentals x 1.0 bonus = 12 bonuses
Medford Leas (Creekside):	32 rentals x 1.0 bonus = 32 bonuses
Group home bedrooms (non-senior):	5 bedrooms x 1.0 bonus = 5 bonuses
Total: 109 bonuses	

Prior Round Compliance Summary

Subject to the conditions noted above, Medford Township is eligible to receive 427 new construction credits, reductions and rental bonuses to address its prior round obligation of 435 as shown in the chart below. Thus, Medford Township has an 8-unit remaining prior round obligation that must be addressed as part of the third round compliance plan.

Prior Round Compliance Mechanisms	Credits/Bonuses/Reductions
<i>Alternative Living Arrangements (exist.)</i>	
Non-age-restricted bedrooms	27
Age-restricted bedrooms	5
<i>Alternative Living Arrangements (prop.)</i>	
Age-restricted (Singer House)	5
<i>Approved Affordable Rental Units</i>	
Ingerman (Medford Commons)	60
Medford Crossing South (Freeco)	12
Medford Leas (Creekside)	32
<i>Approved Affordable Senior Sale Units</i>	
Jennings Mill (OHB Homes)	10
Wyngate (Bob Meyer Communities)	30
Heritage (Bob Meyer Communities)	20
<i>Regional Contribution Agreement (RCA)</i>	
Borough of Glassboro	117
<i>Rental Bonuses</i>	
Ingerman (Medford Commons)	60
Medford Crossing South (Freeco)	12

Medford Leas (Creekside)	32
Non-senior group home bedrooms	5
Total	427
Prior Round Obligation	435
Remaining Prior Round	8

4.0 PROJECTED GROWTH SHARE ANALYSIS

As part of the third round growth share report, Medford Township has calculated its third round growth share obligation. In accordance with COAH's methodology, the Township analyzed the Delaware Valley Regional Planning Commission/Metropolitan Planning Organization (DVRPC/MPO) growth projections, provided a review of Township information on the historic trends of residential and non-residential C.O.'s and demolitions from 1995 to 2003, provided data on actual residential and non-residential C.O.'s and demolitions that occurred in 2004 and provided data on approved, pending and potential development applications that are anticipated to be built and occupied by January 1, 2014 as well as approved, pending and potential demolition permits to be issued by January 1, 2014.

However, we do have recommendations for additional documentation and analysis which the Township should provide in order to achieve a more realistic third round growth share calculation.

DVRPC/MPO Growth Projections

DVRPC has prepared employment and population projections for Medford Township. Population growth in the Township is expected to increase from 23,801 to 27,153 people between 2005 and 2015, an increase of 3,352 persons. Medford Township utilized a 2.8 persons per household size based on the 2000 Census population (22,253) divided by the number of occupied dwellings (7,946)³. Utilizing the average household size of 2.8, the

³ Table R-1, Medford Township Growth Share Report dated December 19, 2005.

population increase results in the equivalent of 1,197 new households (3,352/2.8 average household size).

For employment, DVRPC projects that the number of jobs in Medford Township will increase by 1,514: from 10,496 jobs in 2005 to 12,010 jobs in 2015.

In summary, DVRPC's residential and non-residential growth projections equate to a total of 1,197 new housing units and 1,514 new jobs for Medford Township in the third round.

Historic Development Trends

According to COAH's Third Round Handbook, residential and non-residential growth is to be verified based upon data submitted by a municipal construction official to the Division of Codes and Standards within DCA. COAH provides a link from its web page to the DCA development information. From a cursory review of the DCA residential historic trends (1996 – 2004), it is clear that the DCA information is different each year from the Township's information (with both minor and major differences). The Township should review the DCA information and provide a certified response from the Township's Construction Official as to any discrepancies between the Township's Report and the DCA information. **[Condition #6]**

Between 1995 and 2003, the Township's report shows that an average of 116 residential C.O.'s were issued annually, with a high of 171 C.O.'s in 1995 and a low of 58 C.O.'s in 1997, and an average of 4 residential demolition permits annually⁴. In the same period, the Township's report provides data on non-residential C.O.'s issued for an average of 36,254 square feet of non-residential space, with a high of 116,931 sq.ft. in 1998 and a low of 6,061 sq.ft. in 2002⁵.

⁴ Table R-2, Medford Township Growth Share Report dated December 19, 2005.

⁵ Table NR-2, Medford Township Growth Share Report dated December 19, 2005.

RESIDENTIAL GROWTH SHARE

Certificates of Occupancy/Demolition Permits – 2004 and 2005

Medford Township has reported that in 2004 a total of 42 C.O.'s and 7 demolition permits were issued for housing units within the Township. However, the DCA information for 2004 shows that a total of 44 C.O.'s and 1 demolition permit were issued in the Township. There is a difference between the net residential development in 2004 as reported by DCA (43 net new housing units) and the Township (35 net new housing units). For 2005, the Township reports a total of 36 C.O.'s and 7 demolition permits. The Township's report has a total of 64 net new housing units in 2004 and 2005.

Again, the Township should review the DCA information for both 2004 and 2005 and provide a certified response from the Township's Construction Official as to any discrepancies between the Township's Report and the DCA information. [**Condition #7**]

Approved, Pending, Anticipated and Potential Development – 2006 through 2014

Medford Township projects an increase in residential growth during the third round. Based on residential development already approved, pending or anticipated, the Township projects 1,499 new housing units between 2006 and 2014, less 56 housing units projected to be demolished in this time period for a total of 1,443 net new housing units⁶. We note that the category of 'potential' (unspecified) projected residential development in the Township's Report represents only 1.7% or 24 units of the total of 1,443 net new housing units in the third round. However, the Township's residential growth projections exceed DVRPC's residential projections and thus carry a presumption of validity. Furthermore, the Township is projecting an average annual rate of residential development for the third round which is 30% above the rate average annual rate between 1996 and 2003. Consequently, we are satisfied that the residential growth projection is realistic. If it is below actual growth, adjustments can be made at the 3, 5 and 8 year monitoring thresholds.

⁶ Tables R-3 and R-4, Medford Township Growth Share Report dated December 19, 2005.

DVRPC/Township Projection Comparison – 2004 through 2014

COAH's regulations require a comparison between DVRPC's residential growth projections and the Township's projections. This comparison occurs prior to the exclusion of any unbuilt previously certified/ court-approved inclusionary sites or other unbuilt sites addressing a prior round obligation from generating a third round fair share obligation.

DVRPC's residential growth projections between 2005 and 2015 equate to a total of 1,197 net new housing units for Medford Township in the third round. As noted above, per the Township's Report, Medford Township has experienced and projects a total of 1,507 net new housing units between January 1, 2004 and January 1, 2014 ($64 + 1,443 = 1,507$). Therefore, the Township's residential projections carry a presumption of validity per *NJAC* 5:94-2.3.

Excluded Second Round Inclusionary Sites

COAH's regulations at *NJAC* 5:94-2.4(a)4 were recently amended to permit the exclusion of previously certified/ court-approved inclusionary sites or sites that will address a prior round obligation that have yet to be constructed and which are anticipated to be constructed in the third round. The total of 1,507 net new housing units over the third round includes a number of previously court-approved inclusionary sites that are anticipated to be constructed in the third round. The Township excluded a total of 1,264 residential units (1,095 market-rate units and 169 affordable units) from the residential growth share projections⁷.

The exclusions noted in the Township's Report include the entire residential component of Medford Crossing North and South (the non-residential exclusion is discussed under Non-Residential Growth Share below), the Singer House alternative living arrangement, the Medford Leas (Creekside) development and the full Jennings Mill development. Each is described below:

⁷ Table R-3, Medford Township Growth Share Report dated December 19, 2005.

rate units and all 32 affordable units will be constructed in the third round. As Creekside has received low income tax credits, DCA funding and other financing, we find the full construction of all 32 family rental units in the third round to be realistic. Thus, the 32 family affordable rentals and the projected 101 market rate units are eligible for exclusion from the Township's third round growth share projections.

➤ A settlement agreement regarding the Jennings Mill et al. inclusionary developments was approved pursuant to Your Honor's April 18, 2005 Court Order. The April 18th Court Order was silent on third round exclusion issues for the Jennings Mill development. The entire Jennings Mill inclusionary development [three separate developments – Wyngate (Block 404/Lots 2 and 5); Heritage (Block 404/Lot 14) and Jennings Mill (OHB Homes – Block 403/Lot 1.01)] consists of a total of 469 market-rate senior for-sale units, 60 on-site affordable senior for-sale units and in-lieu contributions in the amount of \$25,000 per unit for an additional 20 affordable units. The 80 total affordable units (60 on-site + 20 in-lieu payments) represent a 15% affordable housing setaside on the total of 529 units to be constructed on all three tracts.

Pursuant to COAH's regulations as amended at *NJAC 5:94-2.4(a)4*, a portion of the 469 market-rate units would not be excluded from generating a third round growth share as 20 affordable units are not to be built on-site but are to be provided through in-lieu contributions to fund an RCA. Unlike Medford Leas which is building affordable family rental units nearby, the funding for these 20 units will be transferred out of the Township in Medford's RCA with Glassboro Borough. At the present time, Glassboro's approved RCA project plan anticipates the funding of a scattered site rehabilitation program in the Borough with the RCA proceeds. Although there has been some discussion that Glassboro may construct new affordable units within the Borough through a project plan amendment, no such amendment has been submitted to this office or to COAH. Should Glassboro subsequently revise its project plan from a rehabilitation program to a new construction program for at least 20 units, we would be inclined to recommend that the balance of the 113.4 market-rate units at Jennings Mill should be excluded from generating a third round growth share.

The Township projects that 416 of the total 469 market-rate units will be built in the third round and that 60 of the total 80 affordable units will be built or funded in the third round. The previously approved settlement

File No. 09323-0010 RCM

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Attorneys for Petitioner, Township of Medford

FILED WITH THE COURT
JUN 12 2006
HON. JOHN A. SWEENEY, A.J.S.C.

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF MEDFORD, a municipal
Corporation of the State of New Jersey,

Petitioner

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BURLINGTON COUNTY
DOCKET NO. BUR-L-000215-05

Civil Action
(Mount Laurel)

**ORDER EXTENDING THE
TOWNSHIP'S THIRD ROUND
COMPLIANCE PLAN
SUBMISSION DEADLINE**

THIS MATTER having been opened to the Court by petitioner Township of Medford ("Township" and/or "Medford") seeking a sixty (60) day extension of the deadline in which the Township must complete and submit its third round Compliance Plan, and for good cause shown;

IT IS on this 12 day of June, 2006

ORDERED as follows:

1. The deadline for completion and submission of the Township's third round Compliance Plan pursuant to Paragraph 3 of the Order entered by the Court on April 24,

2006 is extended for sixty (60) days beyond the ninety (90) day deadline set forth in the
aforementioned Order.

2. Counsel for the Township shall forward a copy of this Order to the Court's
Master within five (5) days of receipt.



John A. Sweeney, A.J.S.C.

File No. 09323-0010 RCM

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Attorneys for Petitioner, Township of Medford

FILED WITH THE COURT

AUG 16 2006

HON. JOHN A. SWEENEY, A.J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BURLINGTON COUNTY
DOCKET NO. BUR-L-000215-05

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF MEDFORD, a municipal
Corporation of the State of New Jersey,

Petitioner

Civil Action
(Mount Laurel)

**ORDER EXTENDING THE
TOWNSHIP'S THIRD ROUND
COMPLIANCE PLAN
SUBMISSION DEADLINE**

THIS MATTER having been opened to the Court by petitioner Township of Medford ("Township" and/or "Medford") seeking an additional sixty (60) day extension of the deadline in which the Township must complete and submit its third round Compliance Plan, and for good cause shown;

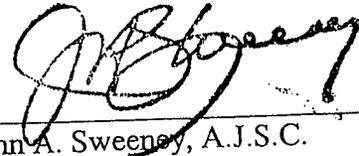
IT IS on this 16th day of August, 2006

ORDERED as follows:

1. The deadline for completion and submission of the Township's third round Compliance Plan is extended to November 23, 2006 to afford the Township time to resolve

open issues with the Pinelands Commission involving the waiver and/or exemption of the purchase of Pinelands Development Credits ("PDCs") pertaining to a proposed municipally sponsored affordable housing project in the Pinelands.

2. Counsel for the Township shall forward a copy of this Order to the Court's Master within five (5) days of receipt.



John A. Sweeney, A.J.S.C.

File No. 09323-0010 RCM

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Attorneys for Petitioner, Township of Medford

FILED WITH THE COURT
OCT 19 2006
HON. JOHN A. SWEENEY, A.J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BURLINGTON COUNTY
DOCKET NO. BUR-L-000215-05

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF MEDFORD, a municipal
Corporation of the State of New Jersey,

Petitioner

Civil Action
(Mount Laurel)

**ORDER EXTENDING THE
TOWNSHIP'S THIRD ROUND
COMPLIANCE PLAN
SUBMISSION DEADLINE**

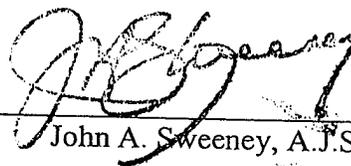
THIS MATTER having been opened to the Court by petitioner Township of Medford ("Township" and/or "Medford") seeking an additional sixty (60) day extension of the deadline in which the Township must complete and submit its third round Compliance Plan, and for good cause shown;

IT IS on this 19th day of October, 2006

ORDERED as follows:

1. The deadline for completion and submission of the Township's third round Compliance Plan is extended to December 7, 2006.

2. Counsel for the Township shall forward a copy of this Order to the Court's Master within five (5) days of receipt.

A handwritten signature in cursive script, appearing to read "John A. Sweeney", is written over a horizontal line.

John A. Sweeney, A.J.S.C.

FILED WITH THE COURT

FEB 26 2008

HON. JOYNA A. GREENEY, A.J.S.C.

File No. 09323-0010 RCM

Law Offices

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Three Greentree Centre, Suite 401

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Marlton, NJ 08053

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Attorneys for Petitioner, Township of Medford

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BURLINGTON COUNTY
DOCKET NO. BUR-L-000215-05

Civil Action
(Mount Laurel)

ORDER

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF MEDFORD, a municipal
Corporation of the State of New Jersey,

Petitioner

The Court having been advised by Petitioner Township of Medford that (a) the Appellate Division invalidated the original third round rules and methodologies adopted by the New Jersey Council on Affordable Housing ("COAH") in In re adoption of N.J.A.C. 5:94, 390 N.J. Super. 1 (App. Div. 2007) and directed COAH to repropose and adopt new third round rules, (b) COAH published revised third round rules in the *New Jersey Register* on January 22, 2008 at 40 N.J.R. 237 which, subject to the requirements of the Administrative Procedures Act, are currently scheduled for adoption on June 2, 2008, (c) the revised rules, if and when adopted, will require Burlington County municipalities to prepare

and submit third round Housing Elements and Fair Share Plans (collectively "Compliance Plans") to COAH or the Court by September 30, 2008, (d) numerous parties and public interest groups have already asserted to the Appellate Division that the repropoed revised rules and methodologies are unlawful and will be appealed upon adoption with the Court being asked to impose a stay pending final appellate review, (e) the Medford Township Governing Body feels that it cannot in good conscience authorize the expenditure of substantial public funds to complete the preparation of a third round Compliance Plan to satisfy a September 30, 2008 submission deadline based upon rules that are as yet not formally adopted, will almost certainly be appealed upon adoption, may very well be invalidated during appellate review with COAH being directed to repropose and adopt new rules in accordance with constitutional and statutory requirements which will necessitate the preparation of yet another Compliance Plan at substantial cost to the public, and (f) the Township thus seeks a stay of the September 30, 2008 Plan preparation and submission deadline in the proposed revised rules until it becomes clearer as to whether the rules will be adopted as written, appealed, stayed, invalidated or sustained; and for good cause shown;

IT IS on this 28th day of February, 2008 **ORDERED:**

1. Notwithstanding any submission dates in COAH's repropoed (but as of yet unadopted) rules at N.J.A.C. 5:94, the schedule for the preparation and submission of Medford Township's third round Compliance Plan shall be subsequently established by the Court when it becomes clearer whether COAH's revised and repropoed rules are adopted, appealed, stayed, sustained or invalidated.

2. In accordance with the Appellate Division's determinations in In re Adoption of N.J.A.C. 5:94, 390 N.J. Super. 1, 88 (App. Div. 2007), a stay is imposed with respect to

the filing of any builder's remedy and exclusionary zoning suits against Medford Township during the pending revised third round rulemaking process by COAH and while the Township remains under the Court's voluntary compliance process pursuant to N.J.S.A. 52:27D-313.



John A. Sweeney, A.J.S.C.

FILED with the Court

JUL 21 2009

Ronald E. Bookbinder, A.J.S.C.

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PARKER McCAY, P.A.
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Attorneys for Petitioner, Township of Medford

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
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DOCKET NO. BUR-L-000215-05

Civil Action
(Mount Laurel)

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF MEDFORD, a Municipal
Corporation of the State of New Jersey,

**ORDER AUTHORIZING THE EXPENDITURE
OF AFFORDABLE HOUSING
DEVELOPMENT FEES AND CONFIRMING
AFFORDABLE HOUSING CREDITING
ENTITLEMENTS**

Petitioner

THIS MATTER having come before the Court on separate motions by petitioner Township of Medford ("Township" and/or "Medford") seeking permission to expend: (a) \$70,000.00 from the Township's Affordable Housing Development Fee Trust Account to tender to Habitat for Humanity of Burlington County ("Habitat for Humanity") to facilitate the creation of two affordable housing units at 133 and 135 Old Marlton Pike, and (b) \$180,000.00 from the Township's Affordable Housing Development Fee Trust Account to tender to Moorestown Ecumenical Neighborhood Development, Inc. ("MEND") to facilitate the creation of thirty-six affordable senior and disabled rental units on a 3.6 acre parcel on

Jones Road next to the Medford Public Safety Building; and the Court having conducted a Hearing on July 21, 2009 upon Notice to all parties on a service list maintained by the New Jersey Council on Affordable Housing ("COAH") with Notice likewise appearing on the Township's official bulletin board and having been published in the Burlington County Times and The Central Record newspapers; and the Court having consulted with its Mount Laurel Master; considered all comments at the Hearing; and considered the arguments of counsel; and for good cause shown;

IT IS on this 21st day of July, 2009 ORDERED:

1. Contingent upon concurrent approval by COAH, Medford shall be permitted to expend \$70,000.00 from its Affordable Housing Development Fee Trust Account to tender to Habitat for Humanity to facilitate the creation of two affordable housing units at 133 and 135 Old Marlton Pile and the Township shall be entitled to take credits for said units against its cumulative third round affordable housing obligation.
2. Contingent upon concurrent approval by COAH, Medford shall be permitted to expend \$180,000.00 from its Affordable Housing Development Fee Trust Account to tender to MEND to facilitate the creation of thirty-six affordable senior and disabled rental units on 3.6 acres on Jones Road next to the Medford Public Safety Building and the Township shall be entitled to take credit for said units and any rental bonus credits associated therewith pursuant to COAH's rules against its cumulative third round affordable housing obligation.
3. Counsel for the Township shall forward copies of this Order to COAH's Executive Director and the Court's Master within five (5) days of receipt.

LAW OFFICE
PARKER McCAY

oppose
 unoppose

Ronald E. Bookbinder A.J.S.C.

Ronald E. Bookbinder, A.J.S.C.

EXHIBIT “C”

FILED WITH THE COURT

FEB 26 2008

HON. JOHN A. SWEENEY, A.J.S.C.

File No. 09323-0010 RCM

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BURLINGTON COUNTY
DOCKET NO. BUR-L-000215-05

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF MEDFORD, a municipal
Corporation of the State of New Jersey,

Petitioner

Civil Action
(Mount Laurel)

ORDER

The Court having been advised by Petitioner Township of Medford that (a) the Appellate Division invalidated the original third round rules and methodologies adopted by the New Jersey Council on Affordable Housing ("COAH") in In re adoption of N.J.A.C. 5:94, 390 N.J. Super. 1 (App. Div. 2007) and directed COAH to repropose and adopt new third round rules, (b) COAH published revised third round rules in the *New Jersey Register* on January 22, 2008 at 40 N.J.R. 237 which, subject to the requirements of the Administrative Procedures Act, are currently scheduled for adoption on June 2, 2008, (c) the revised rules, if and when adopted, will require Burlington County municipalities to prepare

and submit third round Housing Elements and Fair Share Plans (collectively "Compliance Plans") to COAH or the Court by September 30, 2008, (d) numerous parties and public interest groups have already asserted to the Appellate Division that the repropred revised rules and methodologies are unlawful and will be appealed upon adoption with the Court being asked to impose a stay pending final appellate review, (e) the Medford Township Governing Body feels that it cannot in good conscience authorize the expenditure of substantial public funds to complete the preparation of a third round Compliance Plan to satisfy a September 30, 2008 submission deadline based upon rules that are as yet not formally adopted, will almost certainly be appealed upon adoption, may very well be invalidated during appellate review with COAH being directed to repropose and adopt new rules in accordance with constitutional and statutory requirements which will necessitate the preparation of yet another Compliance Plan at substantial cost to the public, and (f) the Township thus seeks a stay of the September 30, 2008 Plan preparation and submission deadline in the proposed revised rules until it becomes clearer as to whether the rules will be adopted as written, appealed, stayed, invalidated or sustained; and for good cause shown;

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1. Notwithstanding any submission dates in COAH's repropred (but as of yet unadopted) rules at N.J.A.C. 5:94, the schedule for the preparation and submission of Medford Township's third round Compliance Plan shall be subsequently established by the Court when it becomes clearer whether COAH's revised and repropred rules are adopted, appealed, stayed, sustained or invalidated.

2. In accordance with the Appellate Division's determinations in In re Adoption of N.J.A.C. 5:94, 390 N.J. Super. 1, 88 (App. Div. 2007), a stay is imposed with respect to

the filing of any builder's remedy and exclusionary zoning suits against Medford Township during the pending revised third round rulemaking process by COAH and while the Township remains under the Court's voluntary compliance process pursuant to N.J.S.A. 52:27D-313.



John A. Sweeney, A.J.S.C.

EXHIBIT “D”

**MEDFORD TOWNSHIP
HOUSING PLAN AND FAIR SHARE PLAN
SUMMARY**

THIRD ROUND SUMMARY

AFFORDABLE HOUSING OBLIGATION

GROWTH SHARE
PRIOR CYCLE

52
13
65

TOTAL

HOUSING PROGRAM

- 1 SINGER HOUSE, AGE-RESTRICTED, RENTAL
- 2 FAMILY SERVICES, SUPPORTIVE HOUSING (bedroom = unit)
- 3 ALLIES, INC., Group Homes (2)
- 4 MEDFORD WALK SETTLEMENT, FAMILY SALES
- 5 HABITAT FOR HUMANITY, WHITESELL HOUSES, SALES UNITS
- 6 TOWNSHIP/MEND, AGE-RESTRICTED, RENTAL (36 total units)
- 7 TOWNSHIP/MEND, Handicapped, RENTAL (5 of 36 units at Pub. Safety)
- 9 BUY DOWN PROGRAM, SALES
- 11 REGIONAL CONTRIBUTION AGREEMENT

5
9
8
5
2
21
5
2
8

EXTRA SENIOR UNITS

65
10

DEVELOPMENT IMPACT

- UNITS IN EXISTING STRUCTURES
- UNITS IN NEW STRUCTURES*** (Affordable)
- UNITS IN NEW STRUCTURES*** (Market units at Medford Walk)
- UNITS OUT OF COMMUNITY, RCA

26
31
24
8

***total of 41 new structure units with 10 extra senior units

89

SPENDING PLAN (BUDGET), 2007 TO 2013)

\$1.688 MILLION

COMBINED 2ND AND 3RD ROUND SUMMARY

- Total units in town
- Total units in town and out of Town (RCA-Glassboro)
- Age-restricted units in Plan
- Total Rental Units
- Total Sales Units
- Special Needs Units

263
380
106
184
69
49

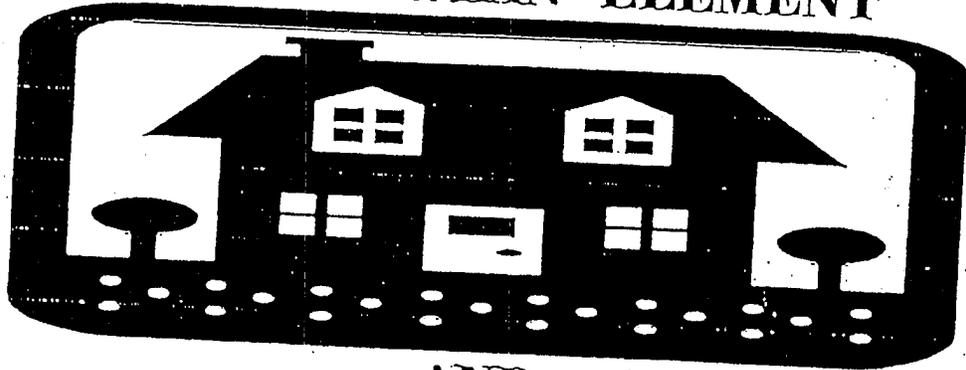
GROWTH SHARE PAYMENT IN LIEU

AVERAGE PER GROWTH SHARE HOUSE

\$164,000
\$20,500

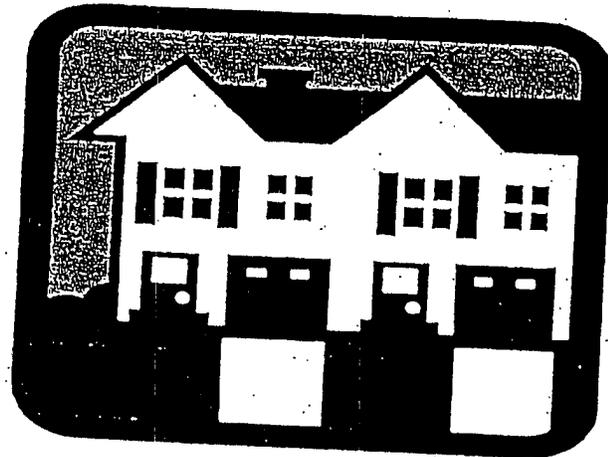
MEDFORD TOWNSHIP, BURLINGTON COUNTY, NEW JERSEY

HOUSING PLAN ELEMENT



AND

**FAIR SHARE PLAN
2004 TO 2014
COAROUND THREE**



Adopted pursuant to Article 3, N.J.S.A. 40:55D-28
of the
New Jersey Municipal Land Use Law
and
N.J.S.A. 52:27D-301 of the New Jersey Fair Housing Act of 1985

November 8, 2006

MEDFORD TOWNSHIP

2006 Council

Honorable Lisa A. Post, Mayor
Scott M. Rudder, Deputy Mayor
Walter M. Urban, Jr., Councilman
Christopher Myers, Councilman
David J. Brown, Jr., Councilman

Michael Achey, Acting Township Manager
Joyce F. Frenia, Township Clerk

2006 Planning Board

Jeffrey Kozek, Chairman
Richard Trimble, Vice Chairman
Honorable Lisa A. Post, Mayor and Member
David J. Brown, Jr., Councilman and Member
George Snyder, member
Andre LaPierre, Member
Eric Johnson, Member
David Costello, Member
Mark Sander, Member
Bruce Preston, Alternate #1
Steve Madosky, Alternate #2

**Housing Element and Fair Share Plan
Development Team and Staff**

Dennis J. Funaro, P.P., AICP, Director of Planning & Zoning
Thomas Norman, Esquire, Solicitor
Christopher J. Noll, P.E., P.P., Engineer
Joseph S. Augustyn, PP, AICP, Associate, Alaimo Group
Kevin D. Rijs, Project Manager, Alaimo Group

MEDFORD TOWNSHIP
HOUSING ELEMENT
AND
FAIR SHARE PLAN
ROUND 3

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**MEDFORD TOWNSHIP
HOUSING ELEMENT
AND
FAIR SHARE PLAN**

ROUND 3

INTRODUCTION AND OVERVIEW

The New Jersey Council on Affordable Housing provides both procedural (N.J.A.C. 5:95) and substantive (N.J.A.C. 5:94) rules for communities to create a compliance plan to address their projected growth share affordable housing obligation. A municipality's land development regulations are now entitled to a ten (10) year presumption of validity against future legal challenges with either substantive certification from COAH or a Judgment of Compliance and Repose approved by the Court.

Initial COAH regulations regarding a municipality's affordable housing obligation covered the time period of 1987 – 1993 (Round One: N.J.A.C. 5:91). In 1994, COAH adopted substantive (N.J.A.C. 5:93) rules establishing the requirements for the second cycle of affordable housing plans that covered a twelve (12) year cumulative time period from 1987 to 1999 (Round Two).

The substantive rules for COAH's third round were adopted on December 20, 2004 covering the period from January 2000 to December 2014. The Round Three rules adopt a new "growth share" methodology whereby a municipality's affordable housing obligation is based on actual growth taking place in the municipality over time, and the affordable housing obligation is assigned as a proportion of that growth. The obligation is one new affordable housing unit for every eight market-rate homes that are constructed, and one new affordable housing unit for every twenty-five (25) new jobs. The obligations are based upon net increases in market-rate housing and square footage of non-residential construction, which creates jobs.

Medford Township's Housing Element and Fair Share Plan have been prepared in accordance with the general guidelines set forth in the Municipal Land Use Law (N.J.S.A. C.40:55D-28a.(3) pursuant to Section C. 52:27D-310), and the essential components of a municipality's housing element as identified within the "Fair Housing Act". N.J.S.A. 52:27D-310 requires a municipality's housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing, and shall contain at least:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and

- b. substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- c. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next ten (10) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- d. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- e. An analysis of the existing and probable future employment characteristics of the municipality;
- f. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and
- g. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

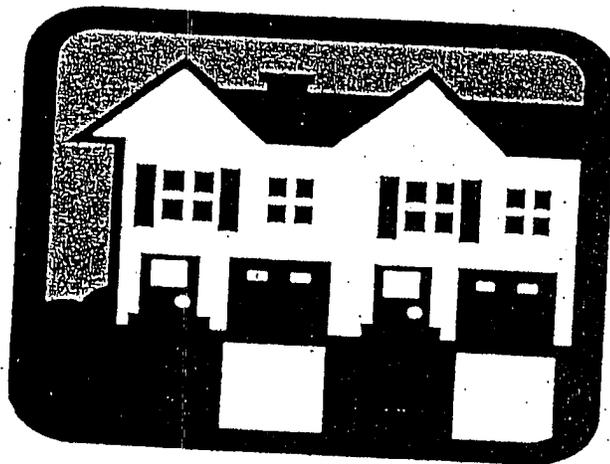
MEDFORD TOWNSHIP, BURLINGTON COUNTY, NEW JERSEY

HOUSING PLAN ELEMENT



AND
FAIR SHARE PLAN
2004 TO 2014

Growth Share Analysis



PLANNING BOARD

November 8, 2006

Growth Share Analysis

Background

In accordance with N.J.A.C. 5:94-1, et seq. (Third Round Substantive Rules of the New Jersey Council On Affordable Housing (COAH))and an Amended Final Judgment of Compliance and Repose under Docket Nos. BUR-L-1507-96, BUR-L-2691-00, and BUR-L-2373-02, Medford Township has been preparing an amended Housing Element and Fair Share Plan. The referenced Judgment approved the Township's Second Round Plan and found it to be in full 'compliance' with the previous regulations. The Judgment included a requirement that Medford prepare its Third Round Plan by December 20, 2005, the target date utilized by the Council On Affordable Housing for all municipalities. Due to the need to provide more time to review critical areas of the Plan, the Court, with the advice of its appointed Master, has granted Medford three extensions, the latest of which set a completion deadline for November 23, 2006.

The key segment a Housing Plan under the newest rules is the use of a new methodology, known as growth share, to determine a community's obligation for the provision of affordable housing. A growth share analysis projects the increase in housing units and employment from January 1, 2004 through December 31, 2013. Based on these projections, a community is expected to provide an affordable unit for each set of eight market housing units as well as one for every 25 new jobs.

In the course of preparing the initial growth share analysis to meet the December 20, 2005 deadline for Medford, the Council On Affordable Housing raised questions about the allocation of 'growth share units' to Medford Crossings, a residential and non-residential planned development that generates 28% of Medford's Second Round credits. The 54 additional units demanded by COAH would increase the preliminary estimates for the Third Round affordable housing obligation by more than 70 %.

Due to this significant disparity and its potential impact on devising a Fair Share Plan, Medford requested a hearing before Judge John A. Sweeney to confirm its growth share obligation. Medford Township prepared a report entitled, Growth Share Report dated December 19, 2005 for review by the Court. Following a hearing on April 20, 2006, Judge Sweeney adopted the recommendations of Court Master, Philip Caton, AICP, PP, as included in a report dated April 18, 2006, and found that a growth share was not due from the Medford Crossings project. (Decision confirmed in an order dated April 24, 2006) Mr. Caton's report included a number of other comments, suggestions, recommendations and conditions which are addressed in this document.

Projection of Medford Township's Growth Share Obligation, 2004 through 2013

The preparation of a community's growth share obligation is described in detail the Substantive Rules for the Third Round of planning for affordable housing in New Jersey under the auspices of the Council On Affordable Housing (COAH). COA H has prepared a concise step by step model for implementing the growth share requirements. This presentation of Medford's growth share, with some modifications for the sake of efficiency, is based on that model.

Residential Growth Share

Step1, Projection of Population and Households

The table below was prepared using the population estimates provided by this region's Metropolitan Planning Organization (MPO), the Delaware Valley Regional Planning Commission (DVRPC). The 2005 and 2015 population projections have been adjusted from the early draft estimates based on Medford's participation in the State Development and Redevelopment Plan Cross-Acceptance Process. (Based on Medford's input during the Cross Acceptance process, DVRPC, revised its projections upward for 2005 to 23,801 and downward for 2015 to 27,153.)

This step is designed to provide a benchmark to compare against detailed local projections found below and thereby provide an indicator of the veracity of the projection.

Table R-1 presents a population increase of 3,352 residents by 2015 which converts to an estimated Household Growth of 1,197 units. This is obtained by dividing the gross population increase by the historical persons per household, or 2.8. (2.8 is the result of dividing the 2000 population (22,253) by the number of occupied dwelling units (7,946)).

Table R-1

2015 MPO Pop.	<u>Less</u>	2005 MPO Pop.	<u>Equals</u>	Pop. Change	<u>Divided</u> <u>By</u>	2000 Household Size	<u>Equals</u>	Household Growth
27153	-	23801	=	3352	/	2.80	=	1197

Step 2, Historic Trend of Certificates of Occupancy and Demolitions

1995 to 2003

Table R-2 summarizes the Certificates of Occupancy activity and residential demolitions from 1995 through 2003. For this nine (9) year period, a total of 1012 certificate were issues for dwellings, along with 37 demolition permits for dwelling units. The average increase in housing stock amounted to 108 units per year.

To check the validity of the data provided on construction activity, a comparison to the published statistics developed by the Division of Codes and Standards of the New Jersey Department of Community Affairs (DCA) is required. Upon comparison slight inconsistencies have been found. For the 9 year period from 1995 to 2003, the net increase in dwelling units differs by only 7 units with Medford stating 976 and DCA stating 983.

Table R-2 (A)

	1995	1996	1997	1998	1999	2000	2001	2002	2003	Totals	Average
Certificates	171	92	58	112	98	124	151	121	85	1012	112
Demolitions	6	3	2	9	4	2	0	5	6	37	4
Net Total	165	89	56	103	94	122	151	116	79	975	108

2004 and 2005

The first 2 years of this Third Round cycle are completed. Below is Table R-2 (B), presenting residential activity for 2004 and 2005. The yearly average for that two (2) year period is 39 Certificates and 7 demolitions, for a net average housing unit increase of 32 units. As with the data for the '95 to '03 period, there are minor discrepancies between the local numbers and those compiled by DCA, with the average net increase identified as 36 by DCA and 32 by Medford.

Table R-2 (B)

	2004	2005	Totals	Average
Certificates	42	35	77	39
Demolitions	7	6	13	7
Net Total	35	29	64	32

Step 3, Anticipated Units (CO's) by Development by Year, 2006 to 2014

Table R-3 presents a complete projection of approved, known and anticipated residential development for 2006 through 2013. The list is site specific except for the Miscellaneous category under the 'Anticipated Applications and other' sub-listing. The numbers entered for each year for each development represent the anticipated Certificates of Occupancy. The list includes the 'inclusionary' developments that were approved for Medford's Second Round Compliance plan. (See *italicized/underlined* developments and COs) Based on this compilation, 1,331 units or approximately 166 units per year are expected.

Table R-3
Anticipated Units (CO's) by Development, By Year, 2006 through 2013

	2006	2007	2008	2009	2010	2011	2012	2013	06 to '13
Approved Development Applications									
Pendleton Ridge	2	2							4
Medford Pines	1								1
Latern Lane (Nelson Dr.)	1								1
New Freedom Est	1								1
The Bluff	1								1
Centennial Estates	1	1	1		1				2
Hidden Creek	1	2	2						2
Wilderness Run	3	3	4						2
Ram's Gate	2								5
Woodfield Court	2	1							10
Medford Leas (Inclusion...age-restricted)		20	25	20	20	16			2
Medford Leas (Affordable)		2	32						2
Di Christo, office/apart.	1								3
Pagliuso, Self-Storage, man. Apart.		2							101
Greystone, Muckenfuss		4	4	4	4	5	5		32
Foster, Eayrestown Road		2	1						2
Jennings Mill Sites (Inclus., age-restr'd)	1	4	4	4	4	5	5		1
Jennings Mill Sites (growth share)	1	2	1						31
Jennings Mill Run Sites (affordable AR)		10	50	50	55	50	50	35	4
Med/Cross So. - Singles, Inclusionary		27	5	5	10	5	5	20	300
Med/Cross So. - Townhs, Inclusionary		30	36	21	10	10	10	5	30
Med/Cross So. - Flat (Afford)			40	40	40	48	10		45
Med/Cross So. - Flat (Mkt), Inclusionary			4	8					84
Med/Cross So. - Afford Apart			12	36					208
Med/Cross No. - Apart, Inclusionary		84	60						12
Med/Cross No. - Singles, Inclusionary		24	84						48
Anticipated Applications and Other			24	22					60
Singer House, age-restrict, group home)									168
Lopez Farm									70
MEND Age-restricted/handicapped		2	5						5
Medford Walk, Singles Inclus.		2	2	2	4				10
Medford Walk, Townhouses, Includ.		2	4	3	36				36
Medford Walk, Townhouses, Afford.		4	4	7					9
Miscell. Lots/units	3	3	5	3	3	3	3	3	15
sub totals	20	223	406	221	173	137	83	68	1331

Step 4 Accounting for Future Demolitions

Table R-4 projects the number of residential demolitions for the Third Round cycle and provides a 'net' increase for the period. The net total increase in units based on an average of 7 demolitions per year is 1,339. The slight increase in the average number of demolitions as compared to the previous 10 years reflects the recent increase in 'tear down and re-build' projects, especially in Medford's lake front communities.

Table R-4
Projected Certificates of Occupancy and Demolitions, Residential
2004 through 2013

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
CO's Expected	42	35	20	223	406	221	173	137	83	68	1408
Demolitions	7	6	7	7	7	7	7	7	7	7	69
Net Total	35	29	13	216	399	214	166	130	76	61	1339

For the ten year period, Medford is expected to average 141 new housing units per year, as modified by 7 demolitions per year for an anticipated net growth of 134 units per year. This is 26 units per year more than the average number of units from 1995 to 2003, i.e. 108.

Step 5 Compare Net Residential Growth with MPO housing projection

This step seeks to compare the projection of future units from Step 1 where we noted the MPO's estimate of future population and in turn, household generation, against a calculated number of units based on local knowledge of development. COAH's model for growth share states,

If your net residential growth is greater than or equal to the MPO household growth, your projection will have a presumption of validity in your petition for substantive certification.

As is indicated in Table R-5, Medford's projected growth is greater than that found using the MPO data by 142 units, thereby meeting the validity test.

Table R-5

Projected Growth, by application (Step 5)	1339
Projected Growth, by MPO Est. (Step 1)	1197
Variance	143
	<u>142</u>

Steps 6, Adjustment for Affordable and Inclusionary Units (see identification in step 3 above)

In determining the total number of units which factor into Medford's Growth Share, an adjustment is made for affordable units and market rate units included in inclusionary developments. Table R-6 depicts the removal of 195 affordable units and 1,003 units included in inclusionary developments from the expected 1,339 dwellings. The result is a net number of market units of 142.

Table R-6

Projected Growth	1340
less affordable	<u>-195</u>
	1145
less inclusionary units	<u>-1003</u>
Net Market Units Toward Growth Share	142

Steps 7, Application of 8:1 ratio for housing obligation

The last step in this process is to divide the number of qualified market units (142) by 9 to set the residential growth share for Medford. (9 is used for the divisor because it is presumed that the affordable units are included in the projections, thereby generating additional growth. For Medford, this share is rounded to 16 units.

Table R-7

Projected Market Rate Unit to 2014	142
--divide by 9	9
—equals	15.78
Rounded Up	16.0

Growth Share from Inclusionary Development (Second Round)

The April 18, 2006 report of Court Master, Philip Caton, included a recommendation that the Medford housing obligation calculation for the 2004 to 2013 period include a growth share addition to compensate for the 20 affordable units which the Jennings Mill Run developers did not plan to build on site. The litigant/developers chose to provide funds for Medford's Regional Contribution

Agreement with Glassboro Borough in the amount of \$25,000 per unit. Because the funds are planned for scattered site rehabilitation, rather than for new or 'gut rehab' units, the growth share calculation is needed.

The Court agreed with the Master's recommendation and therefore, a growth share as determined in accordance with Council On Affordable Housing regulations, 5:94-2.4, (a), 4., shall be used. With an on-site affordable component of 60 units, the excluded market rate unit count equals 4 times 60 or 240, for a total inclusionary count of 300 units. With the project including 469 market units, there are 169 units subject to growth share requirements (469-300=169)

In Table R-3, the growth share units for the Jennings Mill sites are shown as a separate line item with the units included into the total projection. Thirty (30) of these units are projected for development by 2014.

Prior Cycle Obligation

The Third Round rules include a requirement for remaining housing obligations from the prior two rounds of Council On Affordable Housing jurisdiction. As per the Tables provided in the Substantive Rules, NJAC 5:94 Appendices B and C, Medford's total prior cycle obligation is 435 units. As shown in Table R-8, Medford's prior cycle obligation is 13.

TABLE R-8

Prior Cycle Compliance Mechanisms	
Med. Crossings So., Family Rentals	72
Med. Crossings So., Family Rentals, Bonus	72
Jennings Mill, Affordable Sales Units, Age Restricted	60
Medford Leas, Family Rental Units	32
Medford Leas, Family Rental Bonus Credits	32
Group Homes (non-age restricted, bedrooms)	27
Group Homes, Family Rental Bonus	5
Group Homes (age restricted, bedrooms)	5
Regional Contribution Agreement Units (RCAs)	
-Borough of Glassboro	117
Total New Construction Units/Credits	422
Bonus Credits permitted: 25% of 435	109
Bonus Credits provided	109
Prior cycle Obligation as per NJAC 5:94	435
Second Round Units/Credits	422
Remaining Prior Round Units	13

Rehabilitation

As per the calculations presented in the Substantive Rules, Medford does not have a rehabilitation component of its housing obligation. This is not to say that Medford will not seek to provide and improve the condition of affordable housing through rehabilitation efforts.

Obligation Subtotal

The total housing obligation based on residential development and prior cycle remaining units is total below.

Residential Growth Share	16.00
Prior Cycle Units	13
Rehabilitation	0
Subtotal,	29.00 units.

Non-Residential Growth Share Obligation

Step 1, MPO Growth Projection

The table below was prepared using the employment growth estimates provided by the Metropolitan Planning Organization (MPO), the Delaware Valley Regional Planning Commission (DVRPC), to the Council On Affordable Housing.

This exercise is designed to provide a comparison against the detailed local projections to provide an indicator of the veracity of the projection. See Step 8 below for further discussion.

Table NR-1 presents the arithmetic needed to find that Medford will have an increase of 1,514 jobs by 2015.

Table NR-1

2015 MPO Employ.	<u>Less</u>	2005 MPO Employ.	<u>Equals</u>	Employ. Change
12010	-	10496	=	1514

Step 2, Historic Trend of Certificates of Occupancy and Demolitions

To provide data that assists in understanding the trend in employment growth in the recent past for Medford, Table NR-2 summarizes non-residential Certificates of Occupancy and demolitions from 1995 through 2003. The yearly average for that nine (9) year period is 36,254 square feet.

The published New Jersey DCA data starts in 1996. The 1996 to 2003 (8 years) average from Medford's records is 38,415 square feet. The DCA average is 88,581 square feet. While this is a significant discrepancy, attributed to clerical errors during the transfer of data between the Construction office and DCA, the difference is inconsequential when compared to the anticipated development of 143,579 square feet per year found below in Step 4.

Step 3, Actual Growth by Use Group for 2004 and 2005

Table NR-3 presents a complete listing of the non-residential development for 2004 and 2005. The list is site specific. Based on this list, 220,732, square feet of space was in place by the end of this 2 year period. On average, 110,366 square feet of space was certified by the Construction Department for the first 2 years of the Third Cycle planning horizon.

This information differs from that published by the New Jersey DCA who reported 110,231 square feet of non-residential activity or about half of the Township accounting. While this is a significant discrepancy, attributed to clerical errors during the transfer of data between the Construction office and DCA, the difference is inconsequential when compared to the anticipated development of 143,579 square feet per year found below in Step 4.

Table NR-2
Historic Trend of Certificates of Occupancy and Demolitions, 1995 through 2003

Use Groups	1995		1996		1997		1998		1999		2000		2001		2002		2003		Totals	Average per Year	
	CO's	Sq. Ft.																			
A-1 Assembly							1	7,982											1	7,982	885
A-2 Assembly																					
A-3 Assembly	1	3,341			1	35,400			1	1,920					2	2,481			2	2,491	277
A-4 Assembly	1	11,455															1	5,652	4	48,313	5,146
B Office, etc																			1	11,485	1,274
E Schools, K-12																			2	3,811	2,744
F Factory			3	786			1	200													942
H High Hazard																					110
I Institutional																					
M Mercantile																					2,628
S Storage	3	4,164	3	25,282	4	13,188	3	14,738	2	18,353	1	8,986	2	15,488	1	2,140	1	2,890	10	120,255	13,362
	5	18,970	6	26,068	6	51,066	12	118,931	4	37,428	4	15,371	5	28,186	5	6,081	4	26,194	51	376,289	36,254

Table NR-3

Actual Growth By Use Group, 2004 and 2005*

	2004	2005
B Use Group		
620 Stokes Road, Pratt		
272 Old Marl. Pike, Bradley, Self Storage		11,280
Fidelii/Mattise, 135 Jackson Rd.		1,200
		6,953
Total New		
Total Demolitions		19,433
M Use Group		
Jersey Pools, 683 Stokes Rd.		
Total New		
Total Demolitions		7,578
F Use Group		
Total New		
Total Demolitions		
S Use Group		
Total New		
272 Old Marl. Pike, Bradley, Self Storage		18,120
145 Himmelein Road, MVCC Main. Build.	5,600	
R. 70, Pagliuso, Self-Storage,		
Total Demolitions		
	5,600	18,120
A2 Use Group		
Dunkin Donuts, R. 70 @ Jones	3,018	
Total New		
Total Demolitions	3,018	
A3 Use Group		
MYAA, Canale Field House	4,949	
A4 Use Group		
Holy Cross Orth. Church, Wilkens Station RD.	7,878	
E Use Group		
Kirby's Mill School, Hart. Road	68,808	
Chairville School, Chairville Road	66,496	
Med. Schools, Transport. Center, Chairville Rd.		9652
Just Children Child Care, R. 541	9,200	
Total New	144,504	
Total Demolitions		
*As per Medford Construction Depart.		
	165,949	54,783
Total, '04 & '05		220,732
Average Per Year		110,366

Step 4, Projection of Future Non-residential Construction, By Use Group

Table NR-4 presents a projection of approved, known and anticipated non-residential development for 2006 through 2013. The list is site specific except for the Miscellaneous category included in each use group. The numbers entered for each year for each development represent the anticipated building floor area that will obtain Certificates of Occupancy. The list includes the 'inclusionary' developments that were approved for Medford's Second Round Compliance plan. (See italicized/underlined developments and COs).

The projection estimates that there will be construction of 1,215,057 square feet of non-residential space from 2006 through 2013. When combined with the 2004 and 2005 total there is a total build out of 1,435,789 square feet. The average yearly total of 143,579 square feet per year is far in excess of the '95 through '03 average of 36,254 and therefore is presumed valid as per COA H regulations.

Table NR-4									
Projection of Future Non-residential Construction, By Use Group									
	2006	2007	2008	2009	2010	2011	2012	2013	total
B Use Group - Offices									
Approved Development Applications									
Medford Crossings-South									
Di Christo, 541		25,000	10,000						35,000
Hartford Square		5,000							5,000
Stewart, Wilkens Station		6,890							6,890
Sieker-Square-Hemmelin-Road		5,000							5,000
Cobra Construction, Old Marl. Pike									
Eukstuzian	900								900
Fidel/Mattise, 135 Jackson Rd.	9,000								9,000
	4,500								4,500
Pending Applications:									
Prait, 541		7,900							7,900
Paglusio, PO site		12,000							12,000
Paglusio, Darlino site		11,000							11,000
Anticipated Applications and Other									
Miscellaneous									
	14,400	72,790	10,000	3,000	3,000	3,000	3,000	3,000	15,000
				3,000	3,000	3,000	3,000	3,000	112,190
M Use Group MerchantUse									
Approved Development Applications									
Medford Crossings-South									
Medford Crossings-North		270,000	70,000						340,000
Hartford Square		100,000	144,000						244,000
Stewart, Wilkens Station		73,234							73,234
Village of Taunton Forge		7,000	9,000						16,000
Pending Applications		15,000							15,000
Prait, 541									
Anticipated Applications and Other									
Miscellaneous		7,900							7,900
		473,134	221,000		2,500	2,500	2,500	2,500	10,000
S Use Group - Storage									
Approved Development Applications									
Paglusio (DiChristo)	20,000								20,000
Storcon									
Anticipated Applications and Other									
Miscellaneous		44,536	37,512						82,048
	20,000	44,536	37,512						102,048

A1- Use Group - Ass (Restaurants)									
Approved Development Applications									
Medford Crossings-South	10,000								
Medford Crossings-North		10,000							
Hartford Square	3,690								20,000
Steward, Wilkens Station	3,000								6,000
Anticipated Applications and Other									3,890
Miscellaneous									3,000
A1- Use Group - Assembly	16,690	10,000	6,000	3,000	3,000	3,000	3,000	3,000	6,000
Approved Development Applications									38,690
Pending Applications									
Medford Library	20,000								
Anticipated Applications and Other									
Miscellaneous									20,000
A4- Use Group - Assembly	20,000								20,000
Approved Development Applications									20,000
Anticipated Applications and Other									
Fellowship Alliance Church									
Miscellaneous		50,000							
E- Use Group - Education		50,000							50,000
Approved Development Applications									50,000
BCIT, Auditorium and addition									
BCIT, Gymnasium and Auto Addition	28,395								
Anticipated Applications and Other									
Langage		12,000							
Shawnee									
Medford Public Schools		74,000							
Miscellaneous		50,000							
J- Use Group - Institution	28,395	136,000	7,200	7,200	7,200	7,200	7,200	7,200	185,995
Approved Development Applications									
Anticipated Applications and Other									
Miscellaneous									
TOTALS	62,795	763,150	16,200	12,700	15,700	15,700	15,700	15,700	1,215,057
			280,512						8,500
									CO's Non-Res '04 & '05
									Total, '04 through 2013
									1,435,789
									Average Per Year
									143,579

Step 5, Projection of Non-residential Growth Share, Using Prescribed Ratios

Table NR-5 presents a synopsis of the last two tables projecting non-residential development by use group and then adjusting the numbers for inclusionary developments, i.e., reducing the development totals for inclusionary projects. Two projections of growth share are then presented, one using a square foot factor for the generation of an affordable unit requirement and the other approaching the total using a projection by job creation.

In summary, of the 1,435,789 square feet of non-residential space expected over the period includes 705,000 square feet in inclusionary development*. Using the various square foot factors, the remaining 730,789 square feet create a need for 36 affordable units. Using job creation factors provided by the COAH regulations, that same net space creates 900 jobs which also converts to an affordable requirement of 36, at a ratio of one unit per 25 jobs.

*The former Easttown and Eayrestowne Planned Developments, now named Medford Crossings South and North respectively, included commercial and civic uses besides market and affordable housing. As part of the Master's Report that was used by the Court to structure the Final Judgment of Compliance and Repose, including the acceptance of Medford's amended Housing Plan as a fully compliant document, the Master found that these developments should not be considered for growth share obligations. This was confirmed in the April 18, 2006 Caton report and by Judge Sweeney's April 20, 2006 order.

TABLE NR-5
 Projection of Non-residential Growth Share, Using Prescribed Ratios

	Total 2004 and 2005	Total, 2006-2013	2004 to 2013	Less Inclusionary Devel.	Projection Using Square Foot Factors			Projection Using Actual Job Creation Projection			
					SF toward Growth Share	Generating One Affordable Unit	Units per Use Group	Jobs/1000sf	Projected Jobs	Jobs Generating One Affordable Unit	Units per Use Group
B Use Group - Offices	19,433	112,190	131,623	35,000	96,623	8,333	12	3	290	25	12
M- Use Group - Merchantile	7,578	706,134	713,712	584,000	129,712	25,000	5	1	130	25	5
S- Use Group- Storage	23,720	102,048	125,768		125,768	125,000	1	0.2	25	25	1
A2- Use Group -Assembly	3,018	38,690	41,708	16,000	25,708	8,333	3	3	77	25	3
A3- Use Group -Assembly	4,949	20,000	24,949	20,000	4,949	8,333	1	3	15	25	1
A4- Use Group - Assembly	7,878	50,000	57,878	50,000	7,878	8,333	1	3	24	25	1
E- Use Group - Education	154,156	185,995	340,151		340,151	25,000	14	1	340	25	14
I- Use Group - Institution						12,500	0	2	0	25	0
TOTALS	220,732	1,215,057	1,435,789	705,000	730,789		36		900		36

Step 6, Comparison to MPO Projection

This step seeks to compare the projection of employment growth from Step 1 where we reviewed the MPO estimate of future employment against a calculated number of jobs based on local knowledge of development. COAH's model for growth share states,

If your net non-residential growth is greater than or equal to the MPO employment growth projection, your projection will have a presumption of validity in your petition for substantive certification.

In Step 5, this analysis projected 900 new jobs during the planning period, or 614 less than the DVRPC projection of 1,514 new jobs. This difference should not be viewed as calling the validity of the analysis into question. The reason for the difference is the adjustment made for the commercial space attributed to the former Easttown/Eayrestowne, now Medford Crossings, Planned Developments, an inclusionary mixed used project including 72 affordable apartments. Without adjusting for this space, the projected number of jobs increases to 1,848 or 334 jobs more than the MPO projection. As stated earlier in this report, the Medford Crossings project has been recognized by the Court as a project which will not create a 'growth share' for Medford.

Step 7, Summary

The final table, NR-6, summarizes the above residential and non-residential analyses and presents the basic parameters of the Housing Element and Fair Share Plan that will be presented by Medford Township to meet its obligation of 65 units using the growth share methodology. Medford does not have a rehabilitation obligation and there are no outstanding obligations from the Second Round.

Total Third Cycle Housing Obligation

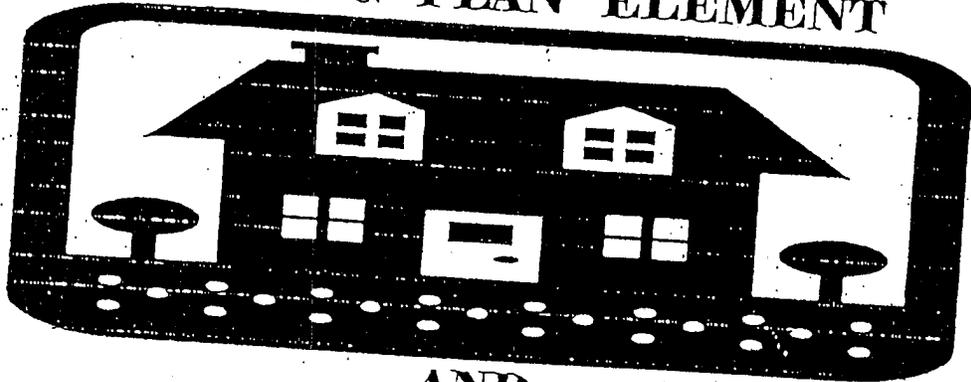
Residential Growth Share	16.0
Prior Cycle requirement	13
Non-residential Growth Share	36.0
Total	65

Conclusion

This growth share analysis presents an obligation of 65 units using residential and non-residential growth share calculations. The underlying numbers of projected units and jobs exceed the MPO (Delaware Valley Regional Planning Agency- DVRPC) projections. As per the Council On Affordable Housing regulations, this provides Medford with a presumption of validity. Medford also recognizes that COAH requires plan progress review during the course of the Third Cycle plan. At the milestone review sessions during the course of the plan, the actual growth will be compared to these projections and adjustments will be made.

MEDFORD TOWNSHIP, BURLINGTON COUNTY, NEW JERSEY

HOUSING PLAN ELEMENT



AND
FAIR SHARE PLAN
2004 TO 2014

Fair Share Plan



November 8, 2006

Fair Share Plan

Summary of Prior Round Plan

The Township of Medford received second round Substantive Certification from the New Jersey Council on Affordable Housing ("COAH") on February 3, 1999. COAH's second round certification acknowledged the various Court Orders and the Court approved agreement between the plaintiff and Township concerning the former Easttown and Eayrestown developments (now known as Medford Crossing North and South). Medford's prior round obligation is the new construction obligation from the first and second rounds (1987 - 1999) recalculated by COAH to reflect data from the 2000 Census. Medford Township's prior round obligation is 435 units.

COAH Prior Round Obligation (1987 - 1999)

<u>Formula Category</u>	<u>Number of Units</u>
First Round Prospective Need (adjusted)	181
Second Round Prospective Need (adjusted)	221
Second Round Reallocated Present Need (adjusted)	<u>33</u>
Prior Round Obligation	435

Medford acknowledges that COAH's third round regulations require it to address its prior round obligation under COAH's second round regulations.

The majority of Medford Township's prior round obligation has been addressed through inclusionary developments. The following is a summary of the status of these developments:

- Medford Crossings, Ingerman, 60 units, Final Approval; Tax credits approved
- Medford Crossings, Freeco, 12, Final Approval
- Medford Leas, Ingerman, 32 units, Final Approval; Tax credits approved as well as other supplemental funding, i.e., Green Construction Grant
- Jennings Mill Sites:
 - Wyngate, 30 units, Prel. Sub. and Final first section
 - Heritage, 20 units, Prel. Sub. and Final First section
 - Jen. Mill, now Wildflowers, 10 units, Prel. Sub. and Final 100%

The Township's May 12, 2005 second round plan amendment lists existing, proposed and approved new construction affordable housing projects; alternative living arrangements; an RCA with the Borough of Glassboro; and eligible prior round rental bonuses.

COAH's second round rules require the Township to provide a realistic opportunity for the construction of affordable rental housing in an amount equal to twenty-five percent (25%) of the fair share obligation less the eligible prior cycle credits and rehabilitation share. Consequently, at least 109 units of the Township's second round fair share obligation were to be realistically achievable as rental housing. Medford Township addressed this prior round rental component through 104 approved family rental units at Medford Crossing South [(Ingerman Affordable Housing, Incorporated - 60 family rentals (Medford Commons) and Freeco - 12 family rentals)] and Medford Leas - 32 family rentals (Creekside) and 32 alternative living arrangement rental housing units (bedrooms) for a total of 136 rental units. Medford is eligible for rental bonuses for rental units constructed, or to be constructed in the Township up to its 109-unit prior round rental component.

In Medford, a total of 217 units may be transferred via an RCA. The Township has transferred 117 affordable units in one RCA to the Borough of Glassboro to address the prior round at this time. This 117-unit transfer is well below its permitted 217-unit limit.

COAH's second round rules permit the Township to receive credit for age-restricted units equal to twenty-five percent (25%) of the fair share obligation, less the rehabilitation share, prior cycle credits and RCAs. Consequently, a maximum of eighty (80) units of the Township's 435-unit fair share obligation may be constructed as age-restricted. Medford Township proposes to address its prior round fair share obligation through sixty (60) approved age-restricted sales units at the Jennings Mill sites and five (5) existing alternative living arrangement age-restricted rental housing units (bedrooms) for a total of sixty-five (65) existing or proposed prior round age-restricted units. This unit total for age-restricted housing is below the eighty (80) unit limit.

In summary, Medford Township is eligible to receive 422 new construction credits to address its prior round obligation of 435. Medford Township acknowledges a thirteen (13) unit remaining prior round obligation that will be addressed as part of its third round compliance plan.

Prior Round Compliance	Credits/Bonuses/Reductions
<i>Alternative Living Arrangements (existing)</i>	32
Non-age restricted bedrooms	27
Age-restricted bedrooms	5
<i>Approved Affordable Rental Units</i>	104
Ingerman (Medford Crossings)	60
Medford Crossing South (Freeco)	12
Medford Leas (Creekside)	32
<i>Approved Affordable Senior Sale Units</i>	60
Jennings Mill	10
Wyngate	30
Heritage	20
<i>Regional Contribution Agreement (RCA)</i>	117
Borough of Glassboro	117
<i>Rental Bonuses</i>	109
Ingerman (Medford Commons)	60
Medford Crossing South (Freeco)	12
Total	422
Prior Round Obligation	435
Remaining Prior Round	13

Total Growth Share Obligation

Medford Township's total obligation under Council On Affordable Housing's Third Round regulation is summarized in Table FS-1 below. The three (3) main components of a communities 'need' are:

- The determination of a 'growth share' based on a projection of local growth in housing and jobs from 2004 to 2014. The methodology for this determination is provided in the Rules.
- A rehabilitation share as determined by the Council On Affordable Housing and presented in Appendix C of the Third Round Substantive Rules
- The remaining prior round obligation assigned by COA H after recalculation of the first and second fair share rounds to include adjustments for the 2000 Census and also found in Appendix C of the Rules.

Medford's obligation includes one additional factor based on the determination of Judge John A. Sweeney, of the New Jersey Superior Court since Medford's plan is under the jurisdiction of the judiciary rather than COAH. Based on the Court Master's Report reviewing an initial growth share calculation, Judge Sweeney determined that a growth share was required for the RCA units funded by the Jennings Mills developers. This growth has been folded into the projected development of market housing.

TABLE FS-1
2004 to 2013 OBLIGATION

A. Growth Share	
--Residential (1 unit per 8 Market Units)	16
--Non-residential (1 unit per 25 new jobs)	36
Sub-Total	52
B. Other Required Units	
--Prior year Remainder	13
Revised Total	65

Parameters of Third Round Obligation

A community's implementation plan must meet a number of parameters set by the Third Round regulations. Table FS-2 below lists basic requirements and limitations. A

narrative review of the various items in this Table is provided following the explanation of the individual housing programs.

**TABLE FS-2
PARAMETERS FOR 3RD ROUND PLAN**

Total Obligation	65
Less Prior Cycle Obligation	13
Growth Share Obligation	52
<u>Minimum In-Town Units</u>	26
<u>RCA Maximum</u>	26
<u>Age-Restricted Units</u>	
Maximum, if no RCA's	41
Maximum, if Max. RCA	13
<u>Rental Units, Minimum Obligation</u>	
Max. Age-Restricted toward rental Min.	13
	6
<u>Low to Moderate Break-down</u>	
-With No RCA Units	26 to 26
-With Max RCA Units	13 to 13

Proposed Fair Share Plan Projects

Below in Table FS-3, a Fair Share Plan Summary is presented. The Summary not only presents the listing of the programs providing affordable housing, but also presents the sewer capacity needs (in permits) for each program. With sewerage treatment capacity identified as a 'scarce resource' for Medford, the recognition and accommodation of the added flow from the newly created units is critical. The Township engineer has determined that there is adequate available capacity for this plan. A narrative for each of the proposals immediately follows the table.

**TABLE FS-3
FAIR SHARE PLAN SUMMARY**

<u>Housing Programs</u>	Affordable Units/Credits	Sewer Permits Needed
SINGER HOUSE, AGE-RESTRICTED, RENTAL	5	2
FAMILY SERVICES, SUPPORTIVE HOUSING (bedroom = unit)	9	0
ALLIES, INC., Group Homes (2 dwellings, bedroom=unit)	8	0
MEDFORD WALK SETTLEMENT, SALES, AFFORDABLES	5	29
HABITAT FOR HUMANITY, WHITESELL HOUSES, SALES UNITS	2	0
TOWNSHIP/MEND, AGE-RESTRICTED, RENTAL	31	31
TOWNSHIP/MEND, HANDICAPPED, RENTAL	5	5
BUY-DOWN PROGRAM, SALES	2	0
RCA	8	0
	65	69

Singer House

The Singer House, an historic but poorly maintained building, is a dwelling that was purchased by the Township in 1991 as part of the land acquired for the Public Safety Building located on the northeast corner of Union Street and Jones Road. The site is known as Lot 4.02 of Block 904 on the Medford Township Tax Maps. (See Map Pages M-1, M-2 and M-3 at the end of this report for site location and Tax Map.) The Pinelands Commission approval of the site plan for the Public Safety Building included a condition that this dwelling remain on the site and be preserved in accordance with their prescribed guidelines.

For more than 2 years Medford worked with a non-profit sponsor to meet the requirements of the Pinelands Commission and provide 5 units of affordable shared age-restricted housing. The failure of the sponsor to meeting its obligations led to litigation and the removal of the sponsor from the project. The township has now entered a Developer's agreement with another non-profit, Affordable Homes Group, Inc. (AHG), a Burlington County corporation, located in Mt. Holly. AHG has pledged to complete this age-restricted shared housing project in accordance with all Pinelands and local requirements. (Copy in the Appendix) The agreement provides a Phasing schedule for the developers and occupancy is required by October 2008. The Township has not committed to any additional funding but all funding commitments for the project are due by July 1, 2007. In order to provide resources for an adequately planned spending plan, the Planning Board has included funds for this project should the Council find that additional assistance is necessary.

These units are identified as five (5) of the thirteen (13) units which are to meet Medford's Prior Cycle Obligation. The proposed Regional Contribution Agreement (eight (8) units) will satisfy the balance of the Prior Cycle Obligation.

Supportive Housing

Family Services of Burlington County has committed to providing nine (9) units of supportive housing in Medford. Family Services already maintains two (2) group homes in the community which have been listed with 'alternative living arrangements' in the revised Second Round plan.

In Family Service's Supportive Housing program, homes are purchased in residential neighborhoods and are maintained as typical single family residences. The residents will be individuals who have a history of mental illness. Most if not all of the residents will be persons with 'very low incomes', i.e., less than 30% of the Region's median income.

As opposed to Family Services' group homes, full time staff presence is not necessary. The staff is on-site on an 'as-needed' basis and provides the supports necessary to assist the residents to live independently in the community. The program provides rental assistance, opportunities for leadership and peer support through monthly community meetings, and four to seven hours per month of direct case management in the home and in the community. Case management services include support with budgeting, illness management and educational and/or workforce skills development. These units will not be age-restricted. A copy of the agencies Service Plan can be found in the Appendix.

Based on their preliminary analysis of real estate listings in Medford, the sponsor anticipates being able to acquire and develop three residences with a total of at least 9 units, i.e. bedrooms, with an anticipated expenditure of approximately \$650,000 to \$700,000. The units are expected to go into service quickly.

Funding assistance for the acquisition is available through the Special Needs Housing Trust Fund managed by the New Jersey Housing and Mortgage Financing Agency (HMFA). HMFA can fund up to 80% of a project, but prefer to fund projects that require less than 50% of the total costs. While not finalized at the drafting of this report, the sponsor has requested and Medford is considering the provision of funding for this project based on the needs of the developer after all funding sources are exhausted. One source of funds that they will be pursuing is Burlington County through their allotment of HOME funds from the Federal government. Family Services has also asked that Medford provide assistance with the property taxes on these properties by establishing a 'payment in lieu of taxes' (PILOT) program for the homes. The Spending Plan is anticipating a contribution of \$35,000 per unit toward this program. A draft Affordable Housing Agreement has been prepared, (copy provided in the Appendix) and the Township Council will be asked to authorize its execution by November 28, 2006.

Alternative Living Arrangements (Group Homes)

Medford Township has had group homes operating in town since at least 1991. These dwelling, which are given preemptive status in residential districts in New Jersey's Municipal Land Use Law, provide affordable housing opportunities. Eligible for COAH

credit as 'alternative living arrangements', group homes were included in the revised Second Round Housing Plan of May 14, 2005.

All of the homes are located in residential neighborhoods, with seven (7) of the existing eight (8) homes, licensed by the State of New Jersey, Department of Human Services. All 7 licensed homes have residents who are developmentally disabled adults. The 8th home is an age-restricted facility.

The current inventory of alternative living arrangements for Medford is as outlined in Table FS-4.

Table FS-4
Existing Group Homes, Medford Township

	Owner	Bedrms	Beds	Client Profile
1	Family Services of Burlington County	3	5	Mentally disabled adults
2	Alternative Living for Later Years	5	5	Affordable, shared, for seniors
3	Employ-Ability Unlimited, Inc.	4	6	Mentally disabled adults
4	Family Services of Burlington County	4	5	Mentally disabled adults w/ physical disabil.
	Nora G. Inc of NJ c/o Willow Glen	5	5	Mentally disabled adults
5	Academy, Kings Highway, Cherry Hill, New Jersey 856-662-6966			
6	Archway Programs Inc.	3	5	Handicapped adults
7	Bancroft Neurohealth Quality Management Assoc. Realty LLC	4	4	Mentally retarded adults
8		4	4	Mentally disabled adults
		32	39	

The Third Round plan proposes two (2) additional group homes for the mentally disabled sponsored by a non-profit organization know as Allies, Inc. of Mercer County, New Jersey. The properties were sold to Allies on June 30, 2006. They are located in the central portion of Medford and in the southwest corner. The organization received funding for the acquisition from the New Jersey HMFA. The Township's Director of Planning and Zoning provided a letter confirming that the properties were located in residential districts and that the proposed use was permitted. Both of the dwelling have 4 bedrooms and taken together provide 8 units/credits for this plan.

Documentation regarding these homes as licensed group homes will be provided. Their long term financing will be through the New Jersey Department of Human Services. At this point, the Township has not been approached for any funding assistance.

Medford Walk, Litigation and Inclusionary Development

Medford Township has been involved in litigation with Medford Walk, Inc. since September 2004 when the plaintiff filed a Complaint with New Jersey Superior Court in Mt. Holly. The owners have not been able to develop the property due to the lack of sanitary sewer permits (sewer has been recognized as a scarce resource by Medford) and wished to provide for affordable housing as part of the project. The parties have signed a settlement agreement and Judge John A. Sweeney signed a Consent Order (copies in the Appendix) to end the litigation. Sewer for the units will be provided by the Township following the 'buy back' of several outstanding permits and continued efforts by the Township to stop the flow of inflow and infiltration into the sanitary sewer system.

This site is located on the northeast corner of Mill Street and Himmelein Road and is known as Block 909, Lot 1.01. (See Map Pages M-1, M-4 and M-5 at the end of this report for site location and Tax Map.) It is located in a Growth Management South (GMS) District, a Pinelands Regional Growth Area zone, which provides for the density needed to fulfill the agreement as long as PDCs are acquired. The 30.84 acre parcel contains wetlands that necessitate the division of the site into 2 sections, one along Mill and the other off of Himmelein. The settlement agreement permits the development of nine (9) single-family detached dwellings off of Mill Street and up to 20 townhouse units reached by a driveway that will be developed off of Himmelein Road. Five of the 20 townhouses will be sold as affordable housing. At least three (3) of the units will be affordable to low-income families, with the others affordable to moderate income families.

Habitat for Humanity

Habitat for Humanity of Burlington County (HFH), an affiliate of a nationally known organization dedicated to the provision of affordable owner-occupied housing, will provide two (2) single family units in the Third Round Plan. The proposal calls for the rehabilitation or demolition and complete rebuilding of 2 adjoining small homes located on Old Marlton Pike, approximately ½ mile west of Medford Village and known as Lots 15 and 16 of Block 903.01. (See Map Pages M-1 and M-3 at the end of this report for site location and Tax Map.) Currently owned by a commercial/industrial developer, Whitesell Construction Company, Inc., HFH will receive title shortly. The homes will be owner-occupied with 3 bedrooms each. By regulation, at least one of the units would have to be designated for a low-income family. Due to this plan including 67% low income units, we believe a waiver is in order to permit both units to be moderately priced. HFH has been working with the Council On Affordable Housing to guarantee that all requirements of the Substantive Rules and the Uniform Housing Affordability Controls are satisfied.

A draft Affordable Housing Agreement has been prepared, (copy provided in the Appendix) and the Township Council will be asked to authorize its execution by November 28, 2006. The draft agreement and the Housing Program budget included in

this plan are based on the Township contribution of \$35,000 toward completion of each of the homes

Township Sponsored Housing

One category of affordable housing that has not been addressed in Medford's Housing Plan to date is age-restricted rental apartments. Sales units will be provided on the Jennings Mills sites and shared living arrangements exist with more planned (Singer House).

In recognition of this deficiency, Medford Township will be entering an Affordable Housing Agreement (Copy in the Appendix) with Moorestown Ecumenical Neighborhood Development, Inc. (MEND) of Moorestown, New Jersey to provide affordable age-restricted rental housing. Medford will be making a 3.6 acre site, currently part of the Public Safety Building site at Union Street and Jones Road, available to MEND. (This site is also the location of the Singer House.) The site is well located at the western edge of Medford village, bringing the tenants close to shopping, service, community and recreation activities available in this area.

Identified as Block 904, Lot 4 on Medford's Tax Maps, the site is planned for 36 units (31 age-restricted and 5 handicapped) with a possible future expansion to 48 units. (See Map Pages M-1, M-2 and M-3 at the end of this report for site location and Tax Map.) Only twenty-one (21) of the age-restricted units are eligible for credit because of the 26 unit maximum on such units. (Singer House already has accounted for 5 units). The full complement of age-restricted units will be built due to the perceived need and the economies of scale available to MEND with additional units. The ten (10) extra units will be 'banked' for use in future revisions to this Plan should actual growth outstrip the projection.

MEND has indicated that with the Township supplying the land, they will be able to package the necessary financing to make the project feasible. The Township has committed to do preparatory engineering, legal, planning or other work needed to present MEND with a site ready for development applications in addition to any costs which would be beyond the normal range of expenses in developing a project of this size. These costs are expected to be as much as \$180,000. A pro-forma statement of the anticipated costs and revenues associated with the development of this municipally sponsored 100 percent affordable program can be found in the Appendix. MEND expects to apply for low income tax credits in 2007-08 and to receive the award in June 2008. Construction will follow in October 2008 with completion expected by December 2009. Full occupancy will be achieved by March 2010.

This site is located in the area of Medford under the jurisdiction of the New Jersey Pinelands Commission. Currently zoned Park/Public/Education (PPE), it is located in a Pinelands Regional Growth Area (RGA). The Land Development Ordinance of Medford Township states the following as to permit uses in this District:

Educational and Recreational Activities, including the operation of public and private elementary school facilities and quasi-public campground activities, as well as municipal buildings, churches, libraries and open space, parks and parkland and municipal infrastructure.

Municipally sponsored affordable multifamily housing is not permitted and therefore the implementation of this portion of the Housing Plan will require the approval of an amendment to the Land Use Plan and the adoption of a set of regulations amending the Land Development Ordinance (a copy is in the Appendix) and the approval of the LDO change by the Pinelands Commission. The amendment will expand the permitted uses within a PPE District by adding municipally sponsored 100% affordable housing. Initial thoughts on the site development call for one or more two story buildings with elevator access to the second floor. The architecture would meet the standards Medford has adopted in its Community Design Plan Element.

A critical aspect of the change in designation of this parcel from public use to multifamily housing is the possible requirement to acquire Pinelands Development Credits (PDC) as part of the increase in density. PDCs are an important element of the Pinelands Comprehensive Management Plan which permits increased development density in Regional Growth Areas based on the acquisition of credits from areas where growth is undesirable, e.g. Preservation Areas. While accepted as a valuable regional land use planning tool, PDCs are a major impediment to the development of affordable housing in the Pinelands, especially for projects that are 100% affordable on land which does not currently accommodate high density housing.

Medford Township has been working with the Pinelands Commission and the New Jersey Council On Affordable Housing to find ways to eliminate the PDC requirements from this 100% affordable housing site. At the drafting of this Plan, the Township staff is reviewing several options (provided by the Pinelands staff) regarding PDC use and requirements in the RGA in Medford. All of the options provide for the elimination of PDCs for affordable housing. The implementation of the chosen option will require amendments to the Land Development Ordinance involving all zones in the RGA.

As with all significant developments in Medford, the question of sewer availability must be addressed. Apartments developed for the low and moderate income age-restricted population will have a reduced demand on sewage treatment as compared to the various forms of non-age-restricted housing.

Buy-Down Program, Sales

In accordance with COAH's Substantive Regulations, 5:94-4.10, Medford Township proposes to establish a Buy-Down Program to reduce the cost of two (2) for-sale units to make them affordable to moderate income buyers. Medford has the benefit of a good supply of lower priced sales housing primarily located in existing condominium developments. The Appendix (See Growth Share Ordinance Section) includes an

inventory of 128 sales of homes selling for less than \$280,000 between January 2005 and June 2006. The average price was \$207,540.

The most reasonably priced development is known as Eaves Mill Condominium which is located in area developed with several condominium/townhouse neighborhoods just west of Route 541, Medford/Mt. Holly Road between Route 70 and Church Road, County Road 616. (See Map Pages M-1 and M-6 at the end of this report for site location and Tax Map.) These properties form the westerly border of a proposed inclusionary development which will be known as Heritage at Medford.

The following Table, FS-5 entitled, Sales Information, Eaves Mill Condominiums, lists the inventory of sales of Eaves Mill units by type since January 2005 to June 2006. A Summary of the inventory is also provided. This clearly demonstrates that there are ample opportunities for implementing a buy-down program. The average price is \$137,781 while the median price of the 29 sales is \$135,000. A significant number of these units are rentals. It is expected that the units will be vacant at the time of acquisition.

Table FS-5
Sales Information
Eaves Mill Condominiums
2005-2006

Sorted by Type of Unit

Price	Street Name	Block	Lot	Type	BRs	Date Sold
101,976	Eaves Mill Rd.	404	15.02/169	Flat	1	5/4/05
108,000	Eaves Mill Rd.	404	15.02/97	Flat	1	5/5/05
110,000	Eaves Mill Rd.	404	15.02/115	Flat	1	7/29/05
110,000	Eaves Mill Rd.	404	15.02/166	Flat	1	9/20/05
121,250	Forge Rd.	404	15.02/54	Flat	1	10/21/05
121,000	Eaves Mill Rd.	404	15.02/118	Flat	1	11/21/05
103,000	Turtle Creek Dr.	404	15.02/7	Flat	1	12/15/05
135,000	Eaves Mill Rd.	404	15.02/220	Flat	1	4/28/06
128,500	Eaves Mill Rd.	404	15.02/21	Flat	1	5/26/06
109,777	Forge Rd.	404	15.02/57	Town	1	3/20/05
102,900	Eaves Mill Rd.	404	15.02/236	Town	1	5/6/05
100,000	Forge Rd.	404	15.02/38	Town	1	5/6/05
115,000	Forge Rd.	404	15.02/60	Town	1	11/15/05
127,500	Eaves Mill Rd.	404	15.02/179	Town	1	3/31/06
167,500	Eaves Mill Rd.	404	15.02/70	Town	2	9/29/05
166,750	Turtle Creek Dr.	404	15.02/9	Town	2	3/3/06
150,000	Eaves Mill Rd.	404	15.02/103	Town	2	3/17/06
160,000	Eaves Mill Rd.	404	15.02/194	Town	2	4/19/06
170,000	Eaves Mill Rd.	404	15.02/205	Town	2	5/30/06
119,000	Eaves Mill Rd.	404	15.02/222	Town	2	3/23/05
146,000	Turtle Creek Dr.	404	15.02/149	Town	2	3/24/05
165,000	Forge Rd.	404	15.02/46	Town	2	6/29/05
162,500	Eaves Mill Rd.	404	15.02/174	Town	2	8/15/05
143,500	Eaves Mill Rd.	404	15.02/90	Town	2	8/30/05
170,000	Eaves Mill Rd.	404	15.02/13	Town	2	8/31/05
166,000	Eaves Mill Rd.	404	15.02/189	Town	2	1/31/06
170,000	Eaves Mill Rd.	404	15.02/72	Town	2	5/2/06
168,000	Eaves Mill Rd.	404	15.02/75	Town	2	5/18/06
177,500	Eaves Mill Rd.	404	15.02/18	Town	2	6/5/06

Summary Statistics

Time Period	1/17/2005 To 6/5/2006
Sales	29
Sales, 2005	18
Sales, 1/06 to 6/06	11
Total Units	250
Average Sales Price	137,781
Range	100,000 To 177,500
Median	135,000
Average Flat, 1 BR	115,414
Average Twnhs, 1 BR	111,035
Average Twnhs, 2 BR	160,117

The Medford program will be used in conjunction with the other Fair Share Plan proposals that target primarily low-income households, including supportive housing, and alternative living arrangements. Based on this mix of approaches, the buy-down program is exempt from the low/moderate income split pursuant to the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26, because the Fair Share Plan more than meets the minimum requirements for proportion of low income units.

Using the COAH developed Affordable Housing Pricing Calculators, an analysis of the costs involved in owning a home at Eaves Mill has been prepared. This was done in relation to the 3 basic unit types, i.e., single bedroom flats, single bedroom townhouses and 2 bedroom townhouses. The average moderate income price is \$91,723 dollars. (See Pro-formas (Calculators) attached to Growth Share Ordinance in the Appendix.

The following chart presents the expected average selling price for the two (2) units as homes affordable to moderate income families in Region 5. (rounding has been used for this table) The net cost for the program is based on the cost of acquisition, rehabilitation and administration. The minimum subsidy toward a unit will be \$25,000. The funds will be provided from the development fees deposited in the Housing Trust Fund.

Average Market Price (Acquisition)	\$138,000
Average Rehab Cost	\$ 30,000
Average Administrative Cost	\$ 2,000
Total Acquisition/Rehab/Resale Cost	\$ 170,000
Average Sales Price (Moderate Income)	\$ 92,000
Average Program Subsidy	\$ 78,000

The anticipated rehabilitation costs are based on the expectations that one or more major systems in the dwelling will need to be replaced. Eaves Mill is approximately 36 years old. At minimum each unit will be improved to a condition wherein a licensed building inspector will be able to find the unit in sound condition. The Burlington County Community Development Office has offered to provide 'rehabilitation administration/implementation' services for this program.

In accordance with the Spending Plan, this program is not expecting to acquire the first unit until 2009. In recognition of the impact of increasing real estate values, the Spending Plan adjusts the Average Program Subsidy in 2009 and 2010 using yearly increases of three percent (3%).

The program outlined herein is based on acquiring and reselling units at Eaves Mill. Should opportunities arise for the use of the buy-down technique, or acceptable variations thereof in other locations, Medford will consider utilizing this program elsewhere if the implementation is consistent with this proposal and the Spending Plan's projected revenues. The recommended Payment in Lieu provided to

accompany the Growth Share Ordinance is based on the average cost of 'buying down' the average priced dwelling as found in all known sales of homes less than \$280,000 from January 2005 to July 2006.

Utility Availability

This Plan, as with Medford's previous housing plans, must recognize that sanitary sewer treatment capacity is a scarce resource. The provision of potable water has also become an issue because of limitations placed on the Township's groundwater pumping capacity by New Jersey DEP.

The Township Engineer has determined that the current characteristics of the wastewater treatment plant combined with an on-going program to remove inflow and infiltration will provide adequate sewer capacity for the sixty-nine (69) sewer permits needed to serve this plan. The Township has and will continue to 'buy back' outstanding sewer permits to assist with the needs of this plan.

The water supply issue has been resolved by contracting with New Jersey American Water Company and arranging for the extension of that company's distribution system into Medford as part of the Jennings Mill litigation settlement during the Second Round planning process. A letter from the engineer addressing these issues can be found in the Appendix.

Regional Contribution Agreements

Medford's Second Round Plan included 117 units transferred to Glassboro Borough in Gloucester County under a Regional Contribution Agreement (RCA). The Third Round Plan proposed to amend the Second Round Plan by adding eight (8) RCA units. Overtures have been made to the Woodlynne Borough and Bellmawr Borough, both in Camden County, in regard to possible Agreements. Under the Second Round plan, there is adequate 'room' for more RCA units since Medford only used 117 of 212 (now 217 because of the Prior Cycle projection) possible units. The eight (8) units can be used for any type of housing program in the 'receiving community'. These units are also identified as part of the proposal to meet the Prior Cycle Obligation, with the five (5) Singer House units carrying the balance of the thirteen (13) units.

At the completion of this draft of the Housing Plan, the Medford has not entered into an agreement with another municipality for its RCA units. This is expected to be in place by the submission of this plan to the Superior Court on or before December 7, 2006. Medford is prepared to adjust the number of Buy-down or Supportive Housing units, or to add accessory apartments to the plan if the RCA agreements do not materialize in time for consideration at the Compliance hearing. With 51% of the 'in-

town' affordable units expected to be in place by 2008, and 100% by 2010, a delay in the implementation of an RCA program would not have a negative impact on the 'phasing' of Medford's Fair Share Plan.

Growth Share Ordinance, Meeting Future Needs

Looking beyond the satisfaction of Medford's immediate housing obligation, residential and non-residential growth will create the need for more 'growth share' units. To meet this obligation, Medford adopted Ordinance 2004-31 in January 2005 to establish the standards to be met by anyone or any organization developing real estate in the Township. To date one residential development and five (5) non-residential projects have been approved by the Planning or Zoning Boards with the inclusion of the requirements of 2004-31 set as one of the conditions.

This Plan includes the recommendation for an amendment of the 'growth share' ordinance in light of the proposals contained in this document and the enhanced understanding of the Third Round Substantive Rules since their implementation on December 20, 2004. The amendments to the Ordinance, a copy of which is found in the Appendix, include the following provisions /changes:

- The requirement to provide a 'growth share', i.e., one affordable dwelling for each eight (8) market units proposed. A proportional or full plus proportional share shall be applied to all developments of five (5) and more.
- Developments with one (1) to four (4) new residential units will be subject to the requirements of the 'Development Fee' ordinance, 1999-10, as amended by Ordinance 2005-9. These homes will be subject to a fee equal to 1% of the equalized assessment.
- Developments of five (5) or more units will be obliged to provide an affordable unit on or off-site. The Ordinance will provide the flexibility needed in the Land Development Ordinance to permit the on-site units which may require adjusted density and bulk standards depending on the base zoning.
- A residential developer may opt to avoid providing an affordable unit by making a 'payment in lieu' (PIL) of constructing on-site or elsewhere in town. The PIL is set as part of the Ordinance. It is based a methodology (know as the 'buy-down/write down' approach) which establishes the cost of providing an affordable unit following the acquisition, rehabilitation (as needed) and resale to a qualified family or individual. The methodology is included in the Appendix. The payment in lieu at the start of this planning cycle is \$164,000, the net cost to the Township to provide a unit.
- Non-residential uses will not be subject to the growth share requirement. These new, remodeled or expanded structures will be subject to equal to 2% of equalized assessed value as found in Ordinance 2005-9.
- There will be exemptions from the growth share for governmental, school and church uses.

Meeting Regulatory Parameters

Rental Housing

Medford's plan well exceeds the minimum requirement for rental housing by providing forty-eight (48) rental units, where thirteen (13) is the minimum. (25% of the growth share of 52 units is 13) There are twenty-six (26) 'creditable' age-restricted rental opportunities and ten (10) which will receive credit in the future. Seventeen (17) units will be available for individuals and families with out age limitations. Five (5) rental units will be available for handicapped individual/households.

Administrative Agency Requirements

Each municipality implementing a Fair Share Plan which provides for 'in-town' units provided by developers or the municipality, must employ or have under contract, a person or organization qualified to act as its 'administrative agent'. The duties of the agent are included in the COAH Substantive Rules and the Uniform Housing Affordability Controls regulations. The agent assists in the implementation of the Plan, the establishment of the controls needed to guarantee the long term affordability of the units and, depending on the circumstances for each housing program, the agent may provide initial and future selection of qualified tenants and/or buyers.

Medford Township is proposing to use an 'outside' organization to act as its agent. Proposals have been received from a private firm, Triad Associates and a public agency, the Housing Assistance Service (HAS), an office within the New Jersey Housing and Mortgage Finance Agency (HMFA). The Appendix includes a proposed contract with Triad Associates and the proposal provided by HAS. The Township will be critically evaluating the two proposals with careful consideration given to keeping the cost of these services to a minimum and within an amount which will be covered by the portion of the Development Fees which can be used for administrative expenses. The earliest that these services could possibly be needed would be at the end of 2007.

Affirmative Marketing

Medford's Land Development Ordinance at Section 613, Affordable Housing Ordinance Provisions, includes the required affordable housing standards and the Affirmative Marketing Plan. To satisfy the Third Round Substantive Rules and the Uniform Housing Affordability Controls, Section 613 will be amended. This has not been completed with this document because the Township has not finalized its plans for appointing a municipal liaison or housing officer nor has the administrative agent

selection been finalized. The role of these two parties will be critical to the development of an affirmative marketing plan that meets all statutory standards and the needs and goals of Medford Township. The time needed to finalize this work will have no deleterious affect on the implementation of this plan since the first units that will be subject to the Plan will not be ready for occupancy until the Spring of 2008 at earliest, approximately 18 months in the future.

Bedroom Distribution

The distribution of units by bedroom size is prescribed by the Uniform Housing Affordability Controls at 5:80-26.3. The standards are as follows:

1. The combined number of efficiency and one-bedroom units is no greater than 20 percent of the total low- and moderate-income units;
2. At least 30 percent of all low- and moderate-income units are two bedroom units;
3. At least 20 percent of all low- and moderate-income units are three bedroom units; and
4. The remainder, if any, may be allocated at the discretion of the developer.

The program proposed by Medford Township does not meet the COAH bedroom mix requirements. This is the case even after the removal of the proposed 41 age-restricted units which are not subject to the distribution rules.

The current mix of units by bedroom size is as follows:

<u>Housing Programs</u>	Bedroom Distribution		
	1	2	3
SINGER HOUSE, AGE-RESTRICTED, RENTAL	5		
FAMILY SERVICES, SUPPORTIVE HOUSING (bedroom = unit)	9		
ALLIES, INC., Group Homes (2)	8		
MEDFORD WALK SETTLEMENT, SALES (A), RENTALS (B)	1	2	2
HABITAT FOR HUMANITY, WHITESELL HOUSES, SALES UNITS			2
TOWNSHIP/MEND, AGE-RESTRICTED, RENTAL	21		
TOWNSHIP/MEND, HANDICAPPED UNITS	5		
BUY DOWN PROGRAM, SALES	1	1	
RCA			
	50	3	4
Percent Distribution, Total Plan	88%	5%	7%
Percent Distribution, non-age-restricted only	77%	10%	13%

The primary reason for this variation from the required distribution is the Plan's emphasis on providing housing for segments of the population with little resource and overwhelming need. The seventeen (17) supportive housing and group home units will serve low income individuals, and in most cases very low income persons, with significant need for mental health services. In each of these cases, the single bedroom in a shared setting or in an added apartment is the only level of housing these persons can afford. While not subject to the bedroom distribution guidelines, the twenty-six (26) units of age-restricted apartments or shared housing also serve a segment of the population with little or no housing choice in Medford. A significant portion of these units will also serve the very low income population.

Based on these factors Medford requests that a waiver of the bedroom distribution requirements be approved as part of this Plan.

A table reviewing the Distribution of Bedrooms across the Second and Third Round Plans can be found at the end of this report.

Minimum In Town Units

One half of the 'growth share' requirement of 52 units must be provided 'in-town'. This plan proposes to place 100% of its growth share units within Medford Township. The eight (8) RCA units are to be counted against the thirteen (13) Prior Cycle units.

Age-Restricted Limit

The number of age-restricted units used to meet a local obligation for affordable housing is capped at 50% of the 'growth share'. This plan includes 26 age-restricted units, or exactly 50% of the growth share.

A table reviewing the Distribution of Age-restricted and non-age-restricted across the Second and Third Round Plans can be found at the end of this report.

Affordability Distribution

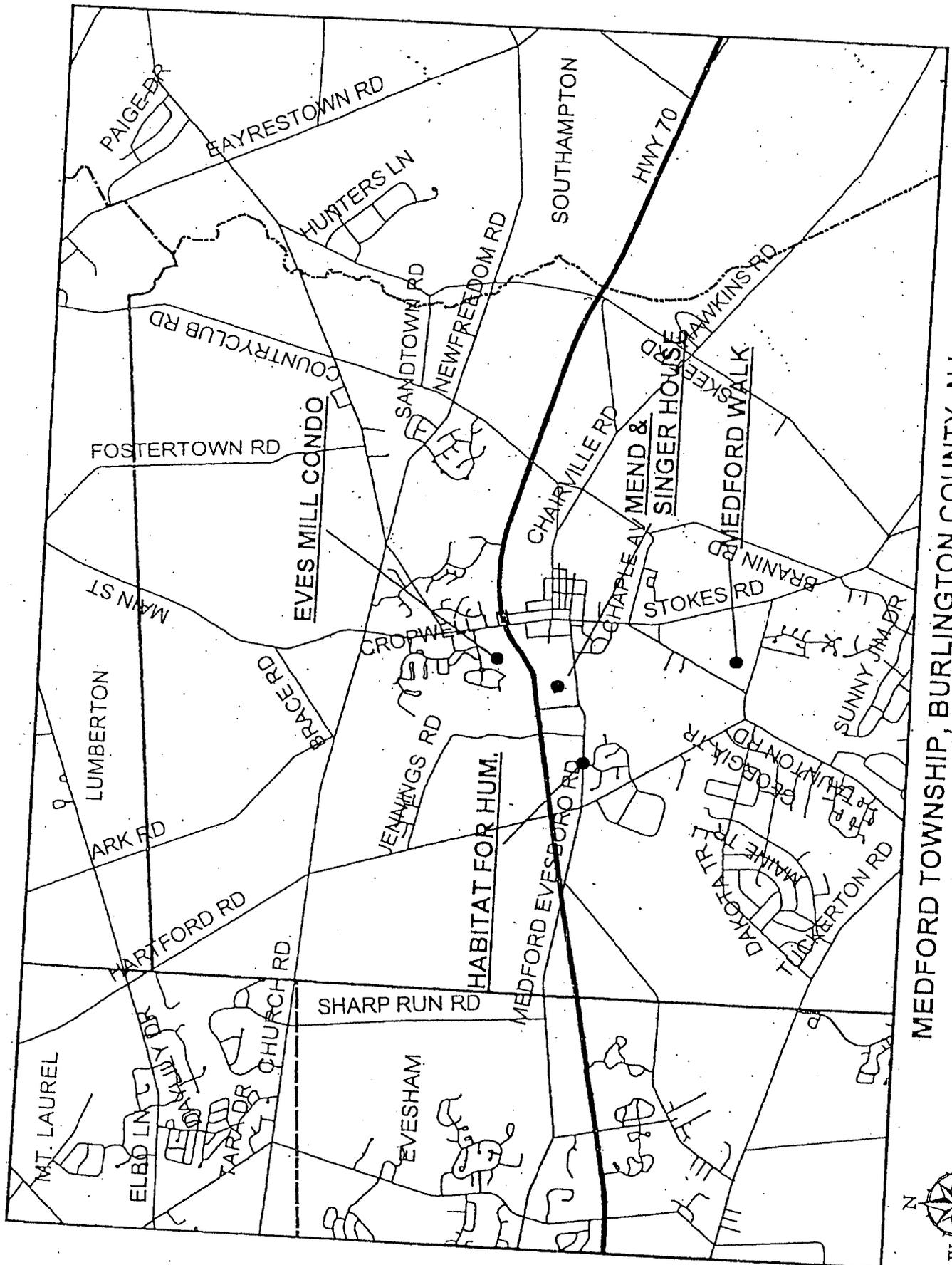
At least ½ of the units proposed in a Fair Share Plan must be affordable to persons or families with incomes meeting the criteria for low-income, or less than 50% of the median income for the region. Medford's plan exceeds this minimum standard by providing 38 of 57 units for low-income individuals. This converts to 67% of the units provided. Based on this fact, a waiver is requested to permit all of the proposed sales units to be sold using 'moderate' income pricing. The pro-formas provided for the buy down program and the payment in lieu methodology are based on moderate income pricing.

A table reviewing the Distribution of Affordability across the Second and Third Round Plans can be found at the end of this report.

MEDFORD TOWNSHIP
FAIR SHARE PLAN
TENURE, BEDROOM AND AFFORDABILITY DISTRIBUTION

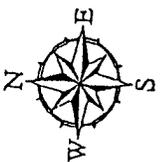
	Inventory										Affordability							
	Total			Rental			Sales			Bedrooms			Low			Mod		
Second Round Units																		
Med. Crossings So., Family Rentals, Ingerman, (1.	60			60								1	2	3	18	0	60	
Med. Crossings So., Family Rentals, Freeco	12			12								2	7	3	3	6	6	
Jennings Mill, Sales, Age Restricted (2 developers)	60					60												
Medford Leas, Family Rental, Ingerman (2.	32			32								6	16	10	30	30		
Group Homes (non-age restricted, bedrooms)	27			27								27			7	25		
Group Homes (age restricted, bedrooms)	5			5								5			27			
Subtotals: Second Round																		
Non-age restricted subtotal	196			136		60						40	65	31	75	121		
Age restricted subtotal	131			131		0						35	65	31	40	91		
Third Round units																		
MEND, Age restricted and Handicapped, rental	26			26								26			13	13		
Affordable Homes Group, Inc., age-restricted, shared housing	5			5								5			5	5		
Habitat for Humanity, sales units (3.	2					2									2	2		
Allies, Inc., Group Homes, developmentally disabled	8			8								8			8	8		
Family Services, Supportive Housing	9			9								9			9	9		
Medford Walk, Sales, townshouses	5			5								1	2	2	3	2		
Buy-down Program, Sales, Township (3.	2			2								1	2	2	2	2		
Subtotals Third Round																		
Non-age restricted subtotal	57			48		9						50	4	4	38	19		
Age restricted subtotal	26			17		9						19	4	4	20	6		
Combined Total																		
Non-age restricted subtotal	253			184		69						90	69	35	113	140		
Age restricted subtotal	157			148		9						54	69	35	60	97		

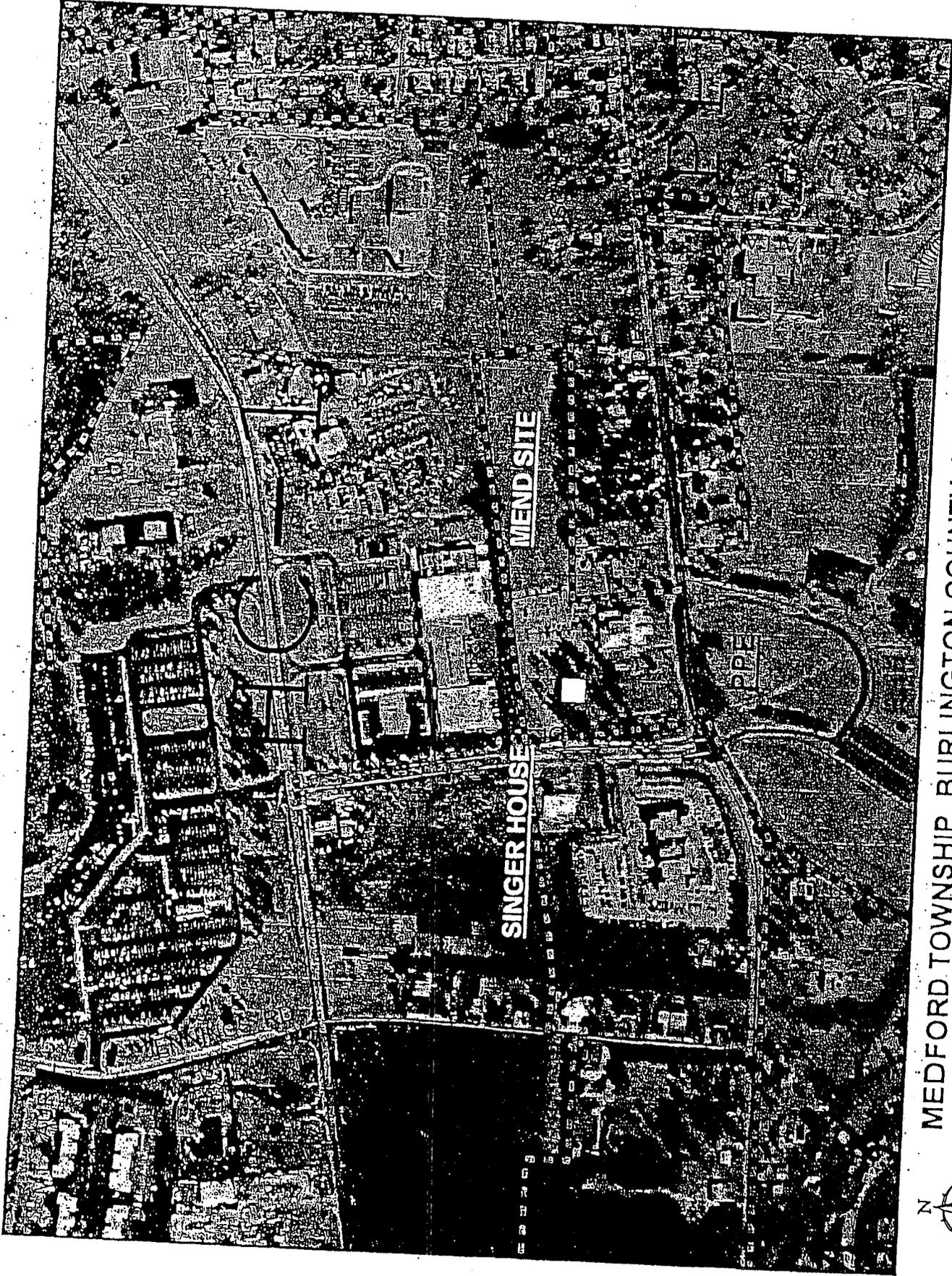
1. 60 Moderate units set at 60% of median or below, as per HMFA
2. 7 to 25, low to moderate split as per multi jurisdictional financing
3. Waiver requested to allow only moderate priced units.



MEDFORD TOWNSHIP, BURLINGTON COUNTY, NJ

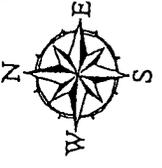
AFFORDABLE HOUSING SITES
 3rd ROUND HOUSING AND FAIR SHARE PLAN
 NOVEMBER 8, 2006



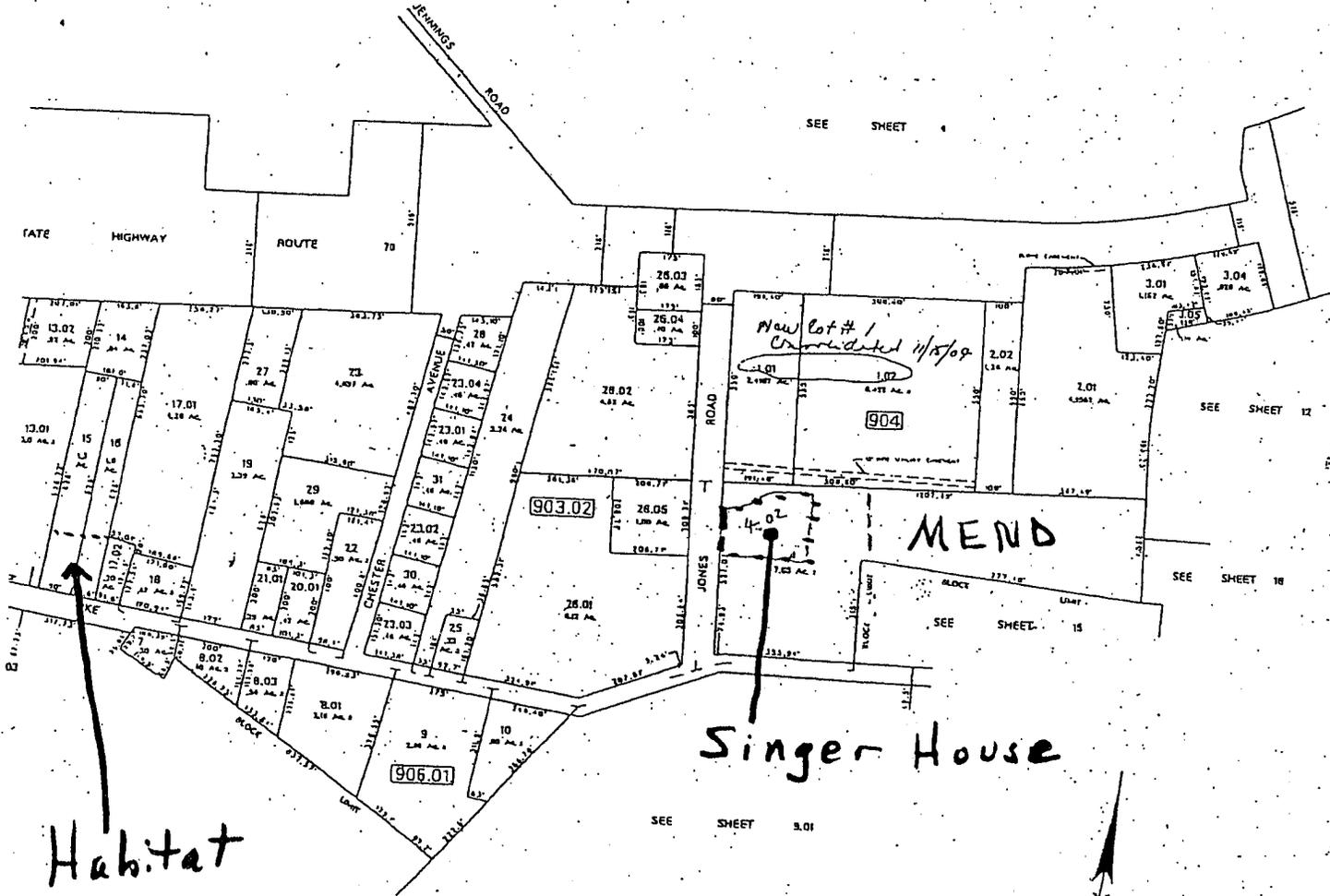


MEDFORD TOWNSHIP, BURLINGTON COUNTY, NJ

SINGER AND MEND SITES, AERIAL VIEW AND ZONING
3rd ROUND HOUSING AND FAIR SHARE PLAN
NOVEMBER 8, 2006



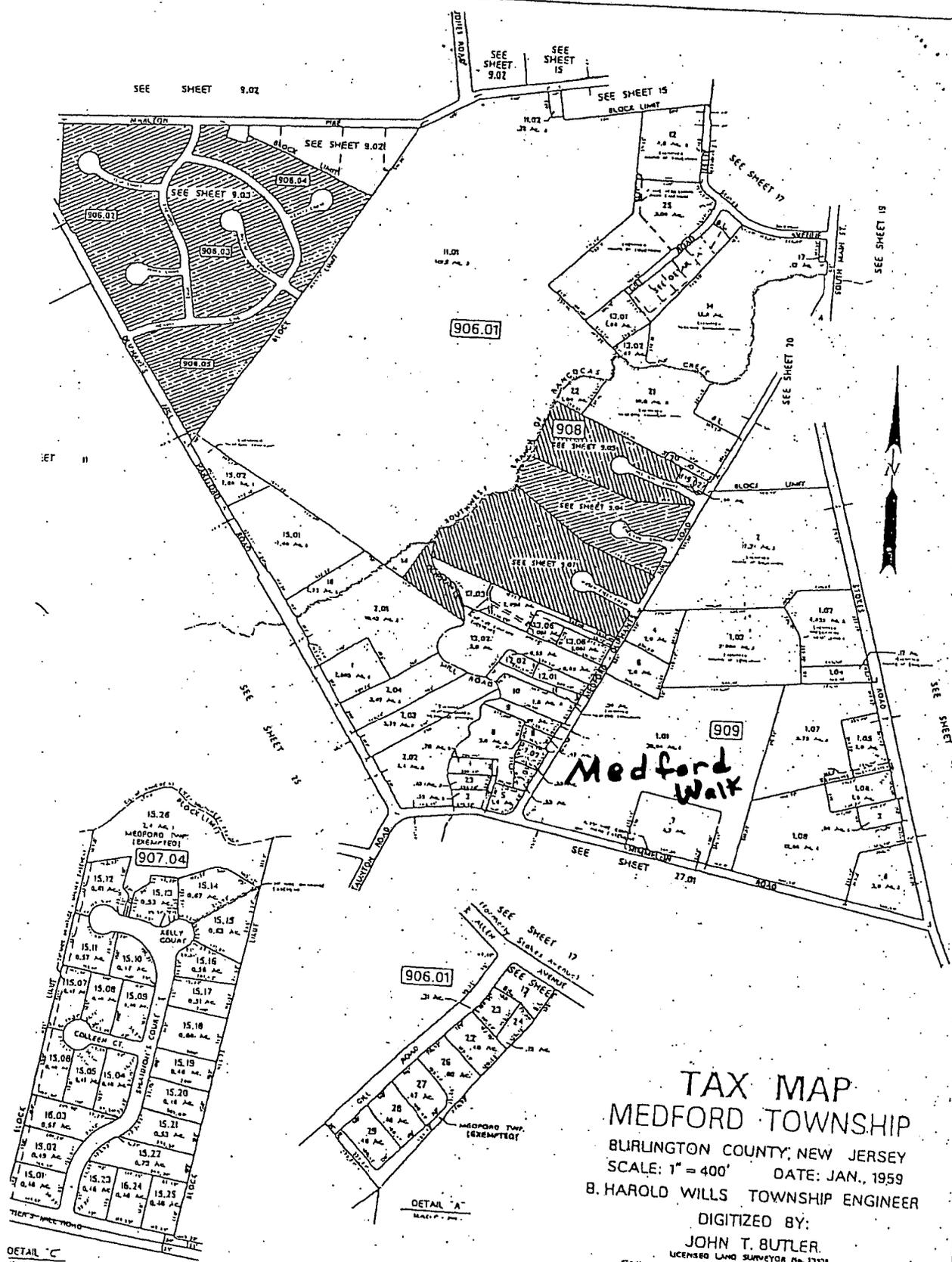
11.7



Habitat
For
Humanity
Lots

Singer House

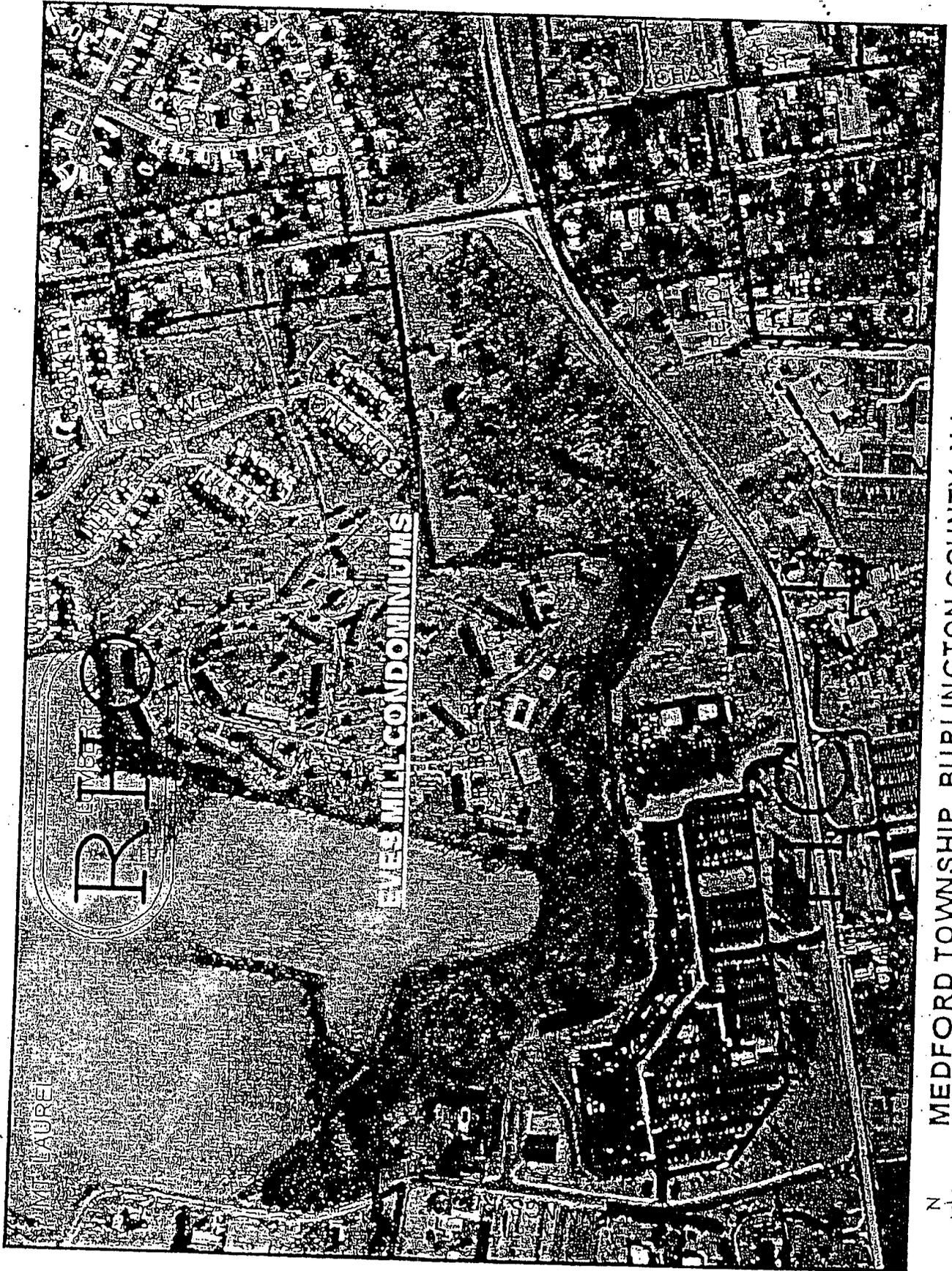
TAX MAP
MEDFORD TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY
SCALE: 1" = 200' DATE: APR, 1967
CHRISTOPHER J. NOLL TOWNSHIP ENGINEER
DIGITIZED BY:
JOHN L. SCOTT
LICENSED LAND SURVEYOR No. 37961
ENVIRONMENTAL RESOLUTIONS, INC.
124 GANTHER DRIVE, SUITE 100, MT. LAUREL, NEW JERSEY



TAX MAP
MEDFORD TOWNSHIP
 BURLINGTON COUNTY, NEW JERSEY
 SCALE: 1" = 400' DATE: JAN., 1959
 B. HAROLD WILLS TOWNSHIP ENGINEER
 DIGITIZED BY:
 JOHN T. BUTLER
 LICENSED LAND SURVEYOR NO. 13300
 ENVIRONMENTAL RESOLUTIONS, INC.
 124 GAITHER DRIVE, SUITE 100, MT. LAUREL, NEW JERSEY

DETAIL C
 MEDFORD TWP.
 100' WIDE STRIP
 SEE SHEET 9.02

NOTE:
 ALL WORK IS DONE ON THIS MAP
 DOES NOT INCLUDE ROAD MEAS.



MEDFORD TOWNSHIP, BURLINGTON COUNTY, NJ

EVES MILL CONDO, AERIAL VIEW AND ZONING
3rd ROUND HOUSING AND FAIR SHARE PLAN
NOVEMBER 8, 2006



MEDFORD TOWNSHIP, BURLINGTON COUNTY, NEW JERSEY

HOUSING PLAN ELEMENT



AND
FAIR SHARE PLAN
2004 TO 2014

Spending Plan



November 8, 2006

SPENDING PLAN

INTRODUCTION

Medford Township has a development fee ordinance that was approved by the Council on Affordable Housing (COAH) on March 8, 1995. The latest amendment to this ordinance is in accordance with Ordinance 2005-9 (Effective June 8, 2005) adopted to take advantage of the revised COAH rules effective on December 20, 2004. This Housing Plan proposes another ordinance amendment affecting development fees. The Ordinance (reviewed below) will amend the current Growth Share Ordinance (2004-31) and will include the provisions for a 'payment in lieu' of providing actual units of affordable housing.

This spending plan is prepared in accordance with N.J.A.C. 5:94-6.2(c) and 6.5 and includes the following:

1. Projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historic rate of development activity.
2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues.
3. A description of the anticipated use of all development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, pursuant to N.J.A.C. 5:94-6.12, repayment of loans for rehabilitation or affordability assistance, and voluntary contributions.
4. A schedule for the creation and/or rehabilitation of housing units.
5. A pro-forma statement of the anticipated costs and revenues associated with the development of a municipally sponsored 100 percent affordable program.
6. The manner in which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.

To date, Medford Township has collected \$1,102,911.92 in its affordable housing trust fund. All development fees collected and interest generated by the fees are deposited in a separate interest-bearing account in **Commerce Bank** for the purposes of affordable housing.

PROJECTION OF REVENUES FOR CERTIFICATION PERIOD

Development Fee and Growth Share Ordinances

As mentioned above, Ordinance 2005-9 is the current Development Fee Ordinance. It sets the fee against all new dwellings at 1% of the equalized assessment and at 2% for

non-residential uses. This regulation will remain as part of the plan and will apply to all previous residential development approvals and future developments of four (4) or fewer new units. The non-residential fee will apply to all such development approved after June 8, 2005, unless otherwise exempted. This Plan proposes to continue the current method of assessing fees against non-residential development and not to subject those approvals to the Growth Share Ordinance.

The amendments to the Growth Share Ordinance, a copy of which is found in the Appendix, will have the following provisions:

- The requirement to provide a 'growth share', i.e., an affordable dwelling for each eight (8) market units proposed. A proportional or full plus proportional share shall be applied to all developments of five (5) and more.
 - Developments with one (1) to four (4) new units will come under the 1% requirement mentioned above.
- Non-residential use will not be subject to the growth share requirement, but only to the 2% requirement of Ordinance 2005-9.
- There will be exemptions from the growth share for governmental, school and church uses.
- An amount which will serve as a 'payment in lieu' (PIL) of constructing a 'growth share' on site or elsewhere in town will be authorized by the Township Council.
- The recommended PIL at this time is \$164,000. That sum is based on the assumption that the actual unit of affordable housing will be provided through a 'buy down/write down' program. It will represent the net cost to the Township of buying a market unit, rehabilitating it to assure that it meets building codes and re-selling the unit at an 'affordable' price with all the required restrictions in place to guarantee its 'affordability' for thirty (30) years. The Appendix includes the data and calculations used to determine the PIL.

The projected revenue from PIL payments shown in the Spending Plan Cash Flow spread sheet is based on the assumption that the currently known developments which will be subject to the Growth Share will opt for the PIL rather than building the unit or units.

To calculate a projection of revenue anticipated between January 1, 2006 and the expiration of substantive certification on December 31, 2013, Medford Township considered the following:

- (a) Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals are anticipated to provide approximately \$ 356,223 in development fees at issuance of building permits and/or certificates of occupancy during the period of substantive certification.
- (b) All projects currently before the Planning and Zoning Boards for development approvals that may apply for building permits and certificates of occupancy are

anticipated to provide approximately \$ 75,000 in development fees during the period of substantive certification.

- (c) Development projected to begin construction based on historic rates of development is anticipated to provide approximately an additional \$ 693,176 in development fees during the period of substantive certification.
- (d) Payments in lieu of construction from developers pursuant to N.J.A.C. 5:94-4.4(b-e) are anticipated to provide \$ 840,266 in development fees during the period of substantive certification.
- (e) Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of loans for rehabilitation or affordability assistance, and voluntary contributions are anticipated to provide \$ 0 in fees during the period of substantive certification.
- (f) Interest on the projected revenue in the housing trust fund at the current average interest rate is anticipated to provide \$ 72,000 to accrue to the affordable housing trust fund during the period of substantive certification.

Medford Township projects total revenue of \$ 2,036,665 to be collected between January 1, 2006 and the expiration of substantive certification. When the total revenue projected is added to the amount collected to date and remaining on hand of \$247,000, a total of \$2,283,665 will be collected prior to the expiration of substantive certification. All development fees, payments in lieu of construction and other funds listed above will be deposited in a separate interest-bearing account in Commerce Bank and all interest earned on the account will accrue to the account to be used only for the purposes of affordable housing.

Budget and Cash Flow

At the end of this Spending Plan, the following will be found:

- The overall budget for the Plan in a Table entitled, Housing Plan Expenditures (2007 to 2013). The total cost of the Plan is projected to be \$1,687,936, revenue \$2,283,665 and balance at the end of the period of \$595,729.
- The year to year implementation and expectations for expenditures and revenues in a Table entitled, Spending Plan – Cash Flow. This spread sheet represents is a projection based on currently available information and know approvals and expected applications. It will change based on the numerous factors that affect the housing industry. Monitoring of the actual activity will be continuous and adjustments will be considered at the 'milestone' review periods mandated by the COAH regulations.

ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues will be followed by Medford Township:

(a) Collection of development fee revenues:

The planning board secretary notifies the Construction Official whenever preliminary, final or other applicable approval is granted for a development which is subject to a development fee.

When a request is made for a building permit, the Construction Official determines if the project is subject to the imposition of a mandatory development fee.

If so, the Construction Official calculates the approximate value of the project based on the estimates included in the permit application and assesses the applicant $\frac{1}{2}$ of 1% of that amount.

The developer will pay the estimated initial development fee to the Construction Official at the time the building permit is issued. The funds are then forwarded to the Chief Financial Officer and deposited in the affordable housing trust fund.

When the Certificate of Occupancy is requested, the Construction Official notifies the Tax Assessor who then determines the actual equalized assessment for the project, the total fee and the balance remaining (after subtracting the initial payment) and informs the Construction Official. The balance of the development fee will be paid by the developer to the Construction Official at the issuance of the certificate of occupancy. The funds are then forwarded to the Chief Financial Officer and deposited in the affordable housing trust fund.

(b) Distribution of development fee revenues:

The Chief Financial Officer prepares and forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution.

The release of funds requires the adoption of the governing body resolution in accordance with the COAH-approved spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

DESCRIPTION OF ANTICIPATED USE OF DEVELOPMENT FEES

- (a) Medford Township will dedicate \$ 2,293,636 to Rehabilitation or New Construction programs or a Regional Contribution Agreement (RCA) which is/are exempt from the affordability assistance requirement.

New Construction project(s): \$ 1,013,636

<u>Housing Programs</u>	<u>Number</u>	<u>Twn Cost/Unit</u>	<u>Cost</u>
SINGER HOUSE, AGE-RESTRICTED, RENTAL	5	35,000	175,000
FAMILY SERVICES, SUPPORTIVE HOUSING (bedroom = unit)	9	35,000	315,000
HABITAT FOR HUMANITY, WHITESSELL HOUSES, SALES UNITS	2	35,000	70,000
TOWNSHIP/MEND, AGE-RESTRICTED, RENTAL (31 of 36 units)	31	5,000	155,000
TOWNSHIP/MEND, Handicapped, RENTAL (5 of 36 units at Pub. Safety)	5	5,000	25,000
BUY DOWN PROGRAM, SALES	2	86,818	173,636
CONTINGENCY			100,000
	Subtotal	75	
	Total Housing Development Cost		1,013,686

See Fair Share Plan for Complete Description

RCA: \$ 280,000

<u>RCA (Second Round Amendment)</u>	<u>8</u>	<u>35,000</u>	<u>280,000</u>
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8 units to (Final municipality to be determined)

- (b) Medford Township will dedicate \$ 20,662 from the affordable housing trust fund to render units more affordable, including \$ 6,880 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

The above reference funds will be devoted to affordability assistance to low- and moderate-income households in Medford's proposed affordable units, such as down payment assistance, security deposit assistance, low interest loans, and rental assistance. Additionally, one-third of the affordability assistance requirement will be used to assist to very low-income households, earning 30 percent or less of median income by region.

- (c) Medford Township will dedicate \$ 391,237 from the affordable housing trust fund to be used for administrative purposes including salaries and benefits for municipal employees or consultant fees necessary to develop or implement municipal housing programs such as rehabilitation, new construction, RCAs, housing elements and/or affirmative marketing programs. Administrative funds

may be used to income qualify households and monitor implementation. Administrative funds will be used to defray the costs of staff or consultants that are preparing and implementing the Fair Share Plan.

(d) The remaining \$ 595,729 in the affordable housing trust fund will be used to buy down existing units to make them affordable and such other valid purposes as permitted under COAH's rules in accordance with COAH Regulations. The Township will also seek to develop partnerships other housing resource providers and sponsors, e.g., Burlington County Community Development Program and Habitat for Humanity, to develop programs to address affordable housing needs and opportunities.

SPENDING PLAN CALCULATION SUMMARY	
Existing Balance	\$ 247,000
Fees Projected, 2006 through 2013	+ \$ 1,964,665
Projected Interest	+ \$ 72,000
Other	+ \$
TOTAL PROJECTED REVENUE	= \$ 2,283,665
Funds used for Rehabilitation, RCA or New Construction (not including administration of such programs)	- \$ 2,293,636
TOTAL SUBJECT TO AFFORDABILITY ASSISTANCE REQUIREMENT	= \$ 68,872
Affordability Assistance (minimum of 30% of above total)	- \$ 20,662
Affordability Assistance to Very Low Income Households (minimum of 1/3 of above allotment)	\$ 6,880
Administration (maximum of 20% of total projected revenue minus RCA contribution)	- \$ 391,237
REMAINING FUNDS FOR OTHER HOUSING ACTIVITY	= \$ 595,729
1. Buy down and partnership programs	- \$595,729

MUNICIPALLY SPONSORED OR 100 PERCENT AFFORDABLE PROGRAMS, NEW CONSTRUCTION, ALTERNATIVE LIVING ARRANGEMENTS, AND A BUY-DOWN SALES PROGRAMS.

See Fair Share Plan for details.

UNEXPECTED SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of Medford Township will adopt a resolution agreeing to fund any shortfall of funds required for implementing the municipally sponsored housing, alternative living arrangements, the buy-down sales program and the RCAs. In the event that a shortfall of anticipated revenues occurs, Medford Township will bond for the shortfall in funds.

SUMMARY

Medford Township intends to spend development fee revenues pursuant to N.J.A.C. 5:94-6.12 and in conjunction with the housing programs outlined in the Housing Element And Fair Share Plan dated **November 8, 2007**.

Medford Township has \$ 247,000 on hand and anticipates an additional \$ 1,952,799 in revenues before the expiration of substantive certification for a total of \$ 2,036,665. The municipality will dedicate \$ 1,293,636 towards alternative living arrangements, municipally sponsored age-restricted and handicapped housing, buy down sales units and RCAs, \$ 20,662 to render units more affordable, and \$ 394,300 to administrative costs. Any shortfall of funds will be offset by locally approved bonds.

Housing Plan Expenditures (2007 to 2013)

<u>Housing Programs</u>	<u>Number</u>	<u>Cost/Unit</u>	<u>Cost</u>
SINGER HOUSE, AGE-RESTRICTED, RENTAL	5	35,000	175,000
FAMILY SERVICES, SUPPORTIVE HOUSING (bedroom = unit)	9	35,000	315,000
ALLIES, INC., Group Homes (2)	8	-	-
MEDFORD WALK SETTLEMENT, FAMILY SALES	5	-	-
HABITAT FOR HUMANITY, WHITESELL HOUSES, SALES UNITS	2	35,000	70,000
TOWNSHIP/MEND, AGE-RESTRICTED, RENTAL (36 total units)	31	5,000	155,000
TOWNSHIP/MEND, Handicapped, RENTAL (5 of 36 units at Pub. Safety)	5	5,000	25,000
BUY DOWN PROGRAM, SALES	2	86,818	173,636
RCA (Second Round Amendment)	8	35,000	280,000
Total Credits and Units***	75		1,193,636
Contingency	65		

*** The total includes 10 extra units in the MEND project; Obligation is still 65 units

Total Housing Development Cost

100,000
1,293,636

Staff- Director (Devel Fees to pay part salary and wages)
Administrative Agent, Consulting
Professional fees and other
Temporary Financing

<u>Amount</u>	
	61,300
	81,000
	233,000
	<u>19,000</u>
Total	394,300

Total Cost, Housing Programs and Administration

1,687,936

MEDFORD TOWNSHIP
 THIRD ROUND FAIR SHARE HOUSING PLAN
 SPENDING PLAN-CASH FLOW
 Commercial-2%, Residential-1% and Growth Share PIL \$163,954 (\$20,494 per house)

Project	2006	2007	2008	2009	2010	2011	2012	2013	Totals
Expenditures									
Singer		100,000	75,000						175,000
Family Services		210,000	105,000						315,000
Habitat for Humanity		70,000							70,000
MEND		77,500	102,500						180,000
Buy-Down, Sales				85,535	88,101				173,636
RCA				280,000					280,000
Contingency		40,000	30,000	20,000	10,000				100,000
Totals		497,500	312,500	385,535	98,101	0	0	0	1,293,636
Administration									
-Staff (Existing Dir., Mun. Liaison)		8,000	8,240	8,487	8,742	9,004	9,274	9,552	81,300
-Administrative Agent		15,000	15,000	15,000	14,000	8,000	7,000	7,000	81,000
-Other, e.g. legal, arch., eng. Etc.	106,000	50,000	25,000	20,000	10,000	8,000	7,000	7,000	233,000
-Temporary Borrowing		5,000	5,000	5,000	4,000				19,000
Totals		128,000	138,240	133,487	136,742	125,004	123,274	123,552	394,300
Max Devel Fee Available for Admin (20% of Annual Devel less some costs)	106,000	78,000	53,240	48,487	36,742	25,004	23,274	23,552	233,000
Total Housing Program Cost	106,000	575,500	365,740	434,022	134,843	25,004	23,274	23,552	1,687,936
Revenues									
Balance Avail. For Afford Assist.		-175,449	229	-31,698	21,363	18,813	14,348	14,348	
Actual Affordability Assist Req'd-30%		0	0	0	6,409	5,644	4,304	4,304	
Commercial Development Fee 2%	50,172	186,051	223,262	148,841	37,210	37,210	22,326	22,326	727,359
Residential Devel. Fee (1%)	105,000	96,000	60,000	25,500	34,000	25,500	25,500	25,500	397,000
Growth Share PIL	0	122,966	122,966	122,966	163,954	102,471	102,471	102,471	840,266
Fee Subtotal	155,172	405,017	406,227	297,307	235,165	165,182	150,298	150,298	1,964,665
Interest	16,000	0,000	8,000	8,000	8,000	8,000	8,000	8,000	72,000
Existing Fee on Hand	247,000								247,000
Total Fee Income*	418,172	413,017	414,227	305,307	243,165	173,182	158,298	158,298	2,283,665
*2006 includes prior years									
Cash Flow- Yearly	312,172	-162,483	48,487	-128,715	108,322	148,178	135,023	134,745	595,729
Cash Flow- Progressive	312,172	149,689	198,177	69,461	177,783	325,960	460,984	595,729	

Township of Medford
Affordable Age Restricted Housing Project
Municipally Owned Property
Northeast Corner Union Street and Jones Road
Part of Block 904, Lot 4
Planner's Report
November 8, 2006

Medford Township has included a municipally sponsored project (N.J.A.C. 5:94-4.6) as part of its Third Round Fair Share Plan. Consistent with the Township's Master Plan Housing Element, this project provides affordable age-restricted rental opportunities at a location that advances numerous quality of life benefits particularly for Medford's older residents. The site chosen is exemplary in providing the following benefits:

1. Safety and Security

The 3.6-acre site is currently the vacant portion of the Township's Public Safety Building/Property. The immediate availability of police services could not be any closer. This safety and security benefit of the site is a highly desirable residential life feature for older residents.

2. Shopping

Easily within walking (or short drive) distance (1,000 – 3,000 feet), the residents are provided with grocery and restaurant options, as well as a multitude of other shopping opportunities.

3. Parks and Recreation

Easily within walking distance (1,000 feet), the residents can access Medford Township's premier "Freedom Park", where over 100 acres of open space and park improvements are available to residents of all ages for both active and passive recreation.

4. Arts, Cultural and Special Events Activities

Easily within walking (or short drive) distance (3,000 – 4,000 feet), the residents are provided with a multitude of ongoing and ever changing arts and cultural activities at Medford's Historic Village. The ability to participate in the Village's seasonal events (Christmas Dickens Festival; Halloween displays and parade; special events, e.g.) significantly increases the residents' quality of life.

5. Medical Services

In addition to direct EMT/ambulance services, this site has an office complex of doctor and related medical/dental services within 800 feet.

6. Volunteering and Participating in Community Life

Medford Village civic activities, as well as other volunteering opportunities at St. Vincent DePaul Society's thrift store (directly across from the Public Safety site), and the nearby school and library provide ample options for the residents to further participate in community life.

7. Walking, Bicycling and Public Transportation

The site is provided with pedestrian access to all the community benefits listed above, as well as to nearby public transportation (bus stop) to Philadelphia and other regional locations.

In consideration of furthering Municipal Goals and Objectives, and being not inconsistent with the intent of serving public needs as defined in the municipal zoning code, the age restricted affordable housing project proposed at the specified density for this location is consistent with Medford Township's Master Plan Land Use Element, as well as the Township's Housing Element and Fair Share Plan.

It is further recommended and requested that the New Jersey Pinelands Commission be a participant in State and local efforts to implement the New Jersey State Fair Housing Act by waiving Pinelands Development Credit requirements for affordable housing projects which are part of municipal fair share housing plans.

JSA/das

EXHIBIT “E”



Michelle M. Taylor, AICP, PP, CNU A
Scott D. Taylor, AICP, PP, LLA, LEED AP

Cheryl Bergailo, AICP, PP, LEED Green Assoc.
Amy Ciesiewicz, LLA
Steven Lennon, LLA

June 3, 2014

- Planning
- Landscape Architecture
- Municipal Consulting
- Streetscape Design
- Economic Development
- Parks and Recreation

Mr. Chris Schultz, Township Manager
Township of Medford
17 North Main Street
Medford, NJ 08055
Via email only

**Re: Preliminary Assessment
COAH's Proposed Amendments to Third Round Substantive Rules
Township of Medford
TDG File 2012-105.23M**

Dear Mr. Schultz:

As you know, COAH has proposed amended Third Round Rules which will be published in the NJ Register on June 2, 2014. COAH has provided a courtesy copy of the rules on its website. Review of the draft rules reveals a radical departure from the previously adopted Round III "growth share" rules. Units of obligation have been pre-determined for municipalities, and include a Prior Round number to cover the years 1987-2014, as well as a Prospective Need number to cover the years 2014-2024. The applicable pages from COAH's appendices indicating Medford's numbers are attached.

The total obligation set forth by the proposed rules is slightly more than that of the invalidated 2008 rules. In the 2008 rules, Medford's obligation was 689 units, not including 15 units required to be rehabilitated. In the 2014 rules, Medford's obligation is 745 units, plus 26 rehabs. A summary of the obligation is as follows:

I: Old COAH Numbers (from the 2008 rules adopted September 22, 2008):

A: Rehabilitation Obligation:	15
B: Prior Round Obligation (1987-1999):	418
C: Projected Growth Share Obligation (2004-2018):	271
D: Total 2008 New Construction Obligation:	689

➤ Not including rehabs.

II: 2006 Medford (Draft) Compliance Plan:

Medford has a Judgment of Compliance and Repose (JOC-R) from the Court for the Prior Round which expired on 2/3/05. The Court granted a stay for completion of the Round III Plan. The Township prepared a Round III plan for the rules adopted in 2004. The compliance plan for those rules was as follows:

WBE•SBE
Woman Business
Enterprise
Small Business
Enterprise

Taylor Design Group, Inc.
100 Technology Way
Suite 125
Mount Laurel, NJ 08054

T. 856.914.1666
F. 856.914.0606

Prior Cycle Compliance Mechanisms		Units
Med. Crossing So., Family Rental		72
Med. Crossings So., Family Rental Bonus Credits		72
Jennings Mill, Affordable Sales Units, Age Restricted		60
Medford Leas, Family Rental Units		32
Medford Leas, Family Rental Bonus Credits		32
Group Homes (non-age restricted, bedrooms)		27
Group Homes, Family Rental Bonus Credits		5
Group Homes (age-restricted, bedrooms)		5
Regional Contribution Agreement Units (RCAs - Glassboro)		117
Subtotal		422
Round III Compliance Mechanisms		
Singer House, age-restricted rentals		5
Family Services supportive housing		9
Allies, Inc., group homes		8
Medford Walk settlement, for-sale units		5
Habitat for Humanity, Whitesell houses, for-sale units		2
Township/MEND, age-restricted rentals		31
Township/MEND, handicapped rentals		5
Buy-Down Program, for-sale units		2
RCA		8
Subtotal		65
TOTAL		487

The draft 2006 plan indicated that there would be adequate sewer capacity for the compliance plan. The projects in this compliance plan, particularly those for Round III, will have to be re-evaluated for consistency with the amended rules. For example, RCAs are no longer permitted.

III: New Proposed COAH Numbers (from the 2014 proposed rules):

A: Rehabilitation Obligation:	26
B: Unanswered Prior Round Obligation (1987-2014):	422
1. Calculated by COAH as follows:	
a. Prior Round Oblig. 1987-1999 =	435
b. Prior Round Oblig. 1999-2014 =	184
c. Subtotal 1987-2014 =	619
d. Credits for built housing =	197
➤ Calculated by COAH through municipal monitoring reports; requires verification.	
e. Net or "Unanswered" Prior Round Obligation =	422 units
➤ The 197 units of credit must be verified.	
➤ If the projects and crediting from the Township's JOC-R are accepted, 422 units of credit would leave a balance of 197 units of Unanswered Prior Round Obligation.	

➤ If Medford has only addressed 197 (or 422) units thus far, it is not eligible for a “Substantial Compliance Reduction” of the obligation.

2. Whatever the final Unanswered Prior Round Obligation is, only 50% is required to be addressed until such time the entire Third Round Prospective Need has been constructed (C. 5:99-2.3(b)), or by 2034.

C: Third Round Prospective Need (2014-2024): 126 units

1. Under new regulations, more than 25% of new affordable units may be senior units if a regional need for them is demonstrated.
2. A 10% affordable set-aside is the new baseline standard (rather than 20%) for inclusionary zoning. Higher set asides may be imposed if found feasible based on an Economic Feasibility Study.
3. There are no bonus credits for Round III, and there are no requirements for rental units.
4. A Vacant Land Adjustment may be used for the obligation if the municipal response is limited by lack of land, water or sewer (C. 5:99-5.1). The rules do not mention a Durational Adjustment of the obligation.
5. COAH calculated that there is sufficient land capacity in Medford to build 2,120 units (COAH Appendix E) based on available GIS data.

D: Third Round Obligation Summary:

1. If all of the projects and crediting from the Township’s JOC-R are accepted by COAH (or the Court), the Township’s Prior Round (1987-2014) Obligation will be considered to have been met for the time being, because greater than 50% of the obligation has been met (68% has been met). The balance must be addressed by 2034.
 - a. Prior Round Obligation (1987-2014): 619
 - b. Prior Round Credits (per JOC-R): -422
 - c. Remaining Unanswered Prior Round Obligation: 197
 - 197 units must be addressed by 2034.
 - d. Third Round Prospective Need Obligation (2014-2024): 126
 - 126 units must be addressed by 2024.
 - e. Total Remaining Obligation: 323
2. If the Round III projects from the 2006 draft compliance plan (other than the 8 RCAs) are still viable and can be used to meet the obligation, the obligation can be reduced by 57, leaving immediate need for 69 new units, and longer term need for an additional 197 units.
 - a. Third Round Prospective Need Obligation (2014-2024): 126
 - b. Potential Credits (per draft compliance plan): -57
 - c. Remaining Round III Obligation: 69
 - Units must be addressed by 2024.
 - d. Remaining Unanswered Prior Round Obligation: 197
 - Units must be addressed by 2034.
 - e. Total remaining obligation: 266

TDG

The rules are scheduled to go in to effect on November 17, 2014. The public comment period on the rules will run until August 1, 2014, and a public hearing is scheduled for July 2, 2014. If history is to repeat itself, we can expect the rules to be adopted substantially as-is. Litigation by interested parties may follow, and revised municipal compliance plans will be due shortly after adoption of the rules.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

TAYLOR DESIGN GROUP, INC.


Cheryl Bergailo, AICP, PP, LEED Green Assoc.
Planning Consultant

Ec: Scott Taylor, PP, AICP, LLA, LEED AP
Michelle Taylor, PP, AICP, CNU-A
Chris Norman, Esq.

Courtesy copy of proposed regulations subject to revisions by the Office of Administrative Law.
The proposed regulations will be published in the June 2, 2014 New Jersey Register

MUNICIPALITY	COUNTY	REGION	CROWDED, BUILT PRE-60	INCOMPLETE PLUMBING	INCOMPLETE KITCHEN	TOTAL	TOTAL MINUS DOUBLE COUNT	LOW/MOD SHARE	LOW/MOD DETERIORATED	TOTAL REHAB. SHARE
Chesterfield township	Burlington	Southwest	0	20	26	47	34	0.574	20	20
Cinnaminson township	Burlington	Southwest	23	0	0	23	17	0.574	10	10
Delanco township	Burlington	Southwest	0	27	27	55	40	0.574	23	23
Delran township	Burlington	Southwest	151	7	13	171	126	0.574	72	72
Eastampton township	Burlington	Southwest	0	0	0	0	0	0.574	0	0
Edgewater Park township	Burlington	Southwest	33	42	42	117	86	0.574	49	49
Iviesham township	Burlington	Southwest	26	86	101	213	157	0.574	90	90
Fieldsboro borough	Burlington	Southwest	0	0	0	0	0	0.574	0	0
Florence township	Burlington	Southwest	43	86	102	230	170	0.574	97	97
Hainesport township	Burlington	Southwest	0	0	0	0	0	0.574	0	0
Lamberton township	Burlington	Southwest	19	0	13	32	24	0.574	14	14
Mansfield township	Burlington	Southwest	0	0	0	0	0	0.574	0	0
Maple Shade township	Burlington	Southwest	24	0	0	24	18	0.574	10	10
Medford Lakes borough	Burlington	Southwest	0	0	0	0	0	0.574	0	0
Medford township	Burlington	Southwest	0	11	50	61	45	0.574	26	26
Moorestown township	Burlington	Southwest	8	10	77	96	70	0.574	40	40
Mount Holly township	Burlington	Southwest	186	0	0	186	137	0.574	79	79
Mount Laurel township	Burlington	Southwest	21	78	107	206	151	0.574	87	87
New Hanover township	Burlington	Southwest	0	0	0	0	0	0.574	0	0
North Hanover township	Burlington	Southwest	0	0	0	0	0	0.574	0	0
Palmyra borough	Burlington	Southwest	0	0	9	9	7	0.574	4	4
Pemberton borough	Burlington	Southwest	0	0	0	0	0	0.574	0	0
Pemberton township	Burlington	Southwest	0	0	23	23	17	0.574	10	10
Riverside township	Burlington	Southwest	45	0	9	54	40	0.574	23	23
Riverton borough	Burlington	Southwest	0	0	0	0	0	0.574	0	0

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MUNICIPALITY	COUNTY	REGION	PRIOR OBLIGATION 1987-1999	PRIOR OBLIGATION 1999-2014	PAST AFFORDABLE HOUSING COMPLETIONS	SUBSIDIES 1987-1999	SUBSIDIES 2000-2014	VACANT LAND ADJUSTMENT	UNANSWERED PRIOR OBLIGATION 1987-2014	POSITIVE PRIOR CYCLE W/ BUILDABLE LIMIT
Tuckerton borough	Ocean	East Central	71	44	0	0	0		115	115
		EAST CENTRAL TOTAL	26,738	15,904	13,150	1,657	1,897	1,312	24,626	N/A
Bass River township	Burlington	Southwest	15	13	0	0	0		28	28
Beverly city	Burlington	Southwest	20	-10	41	0	0	19	-50	0
Bordentown city	Burlington	Southwest	31	-14	42	0	0		-25	0
Bordentown township	Burlington	Southwest	220	124	168	0	0		176	176
Burlington city	Burlington	Southwest	91	-27	160	0	0		-96	0
Burlington township	Burlington	Southwest	461	312	336	0	0		437	437
Chesterfield township	Burlington	Southwest	55	148	22	0	0		181	53
Ginnamison township	Burlington	Southwest	331	99	24	0	0		406	406
Delanco township	Burlington	Southwest	64	156	58	0	25		137	137
DeLeon township	Burlington	Southwest	215	136	163	0	0		188	188
Eastampton township	Burlington	Southwest	51	25	100	0	0		-24	0
Edgewater Park township	Burlington	Southwest	29	-41	49	0	0		-61	0
Evesham township	Burlington	Southwest	534	372	412	0	100		394	394
Fieldboro borough	Burlington	Southwest	21	4	0	0	0		25	3
Florence township	Burlington	Southwest	115	110	59	0	0		166	166
Hainesport township	Burlington	Southwest	150	149	102	0	0		197	197
Lamberton township	Burlington	Southwest	160	211	144	0	0		227	227
Mansfield township	Burlington	Southwest	120	277	97	0	0		300	300
Maple Shade township	Burlington	Southwest	51	-149	181	0	0		-279	0
Medford Lakes borough	Burlington	Southwest	63	27	0	0	0		90	34
Medford township	Burlington	Southwest	435	184	197	0	0		422	422
Moorestown township	Burlington	Southwest	606	230	247	0	0		589	589
Mount Holly township	Burlington	Southwest	0	0	131	0	0		-131	0

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MUNICIPALITY	COUNTY	REGION	LOW/MOD HOUSEHOLDS 2014-2024	PLUS GROUP QUARTERS 2014-2024	MINUS HOUSEHOLDS WITH ASSETS 2014-2024	PLUS VACANCIES 2014-2024	MINUS FILTER 2014-2024	MINUS CONVERSN 2014-2024	PLUS DEMOLITN 2014-2024	PLUS URB. AID ADJ.	ADJUSTED PROJECT NEED 2014-2024	MINUS CAP/LJM	POST PROJECT NEED 2014-2024
Tuckerton borough	Ocean	East Central	32	2	9	1	5	1	8	2	31	0	31
		EAST CENTRAL TOTAL	13,247	484	2,449	436	1,692	505	1,943	-154	11,311	3,600	7,710
Bass River township	Burlington	Southwest	9	0	2	0	3	0	3	1	8	0	8
Beverly city	Burlington	Southwest	7	0	1	0	17	0	3	1	-7	0	-7
Bordentown city	Burlington	Southwest	20	5	3	1	37	-2	4	2	-6	0	-6
Bordentown township	Burlington	Southwest	135	0	24	5	52	-1	3	15	84	0	84
Burlington city	Burlington	Southwest	36	0	6	1	67	-2	10	4	-19	0	-19
Burlington township	Burlington	Southwest	306	0	53	8	88	-1	3	33	211	0	211
Chesterfield township	Burlington	Southwest	102	4	18	2	8	0	10	11	103	0	103
Cinnaminson township	Burlington	Southwest	111	0	19	2	48	0	8	12	67	0	67
Delanco township	Burlington	Southwest	128	0	22	4	21	0	2	14	106	0	106
Delran township	Burlington	Southwest	153	0	27	5	63	-1	5	17	92	0	92
Eastampton township	Burlington	Southwest	41	1	7	1	26	-1	2	5	17	0	17
Edgewater Park township	Burlington	Southwest	39	0	7	2	69	-2	0	4	-28	0	-28
Evesham township	Burlington	Southwest	416	3	72	12	161	-2	8	46	253	0	253
Fieldsboro borough	Burlington	Southwest	5	0	1	0	3	0	1	1	3	0	3
Florence township	Burlington	Southwest	125	0	22	4	61	-1	12	14	74	0	74
Hainesport township	Burlington	Southwest	119	0	21	2	17	0	5	13	101	0	101
Lamberton township	Burlington	Southwest	199	0	35	4	50	-1	2	22	143	0	143
Mansfield township	Burlington	Southwest	198	0	34	3	7	0	7	22	189	0	189
Maple Shade township	Burlington	Southwest	90	2	16	5	210	-3	14	10	-102	0	-102
Medford Lakes borough	Burlington	Southwest	32	0	6	1	15	0	3	4	18	0	18
Medford township	Burlington	Southwest	179	1	31	5	51	0	3	20	126	0	126
Monroestown township	Burlington	Southwest	238	1	41	6	92	-2	16	26	156	0	156
Mount Holly township	Burlington	Southwest	25	27	4	1	62	-2	45	-34	0	0	0

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MUNICIPALITY	COUNTY	REGION	BUILDABLE LIMIT CAPACITY (DUs)
Plumsted township	Ocean	East Central	34
Point Pleasant Beach borough	Ocean	East Central	14
Point Pleasant borough	Ocean	East Central	70
Seaside Heights borough	Ocean	East Central	0
Seaside Park borough	Ocean	East Central	0
Ship Bottom borough	Ocean	East Central	30
South Toms River borough	Ocean	East Central	30
Stafford township	Ocean	East Central	3,528
Surf City borough	Ocean	East Central	0
Toms River township	Ocean	East Central	7,298
Tuckerton borough	Ocean	East Central	239
		EAST CENTRAL TOTAL	46,719
Bass River township	Burlington	Southwest	171
Beverly city	Burlington	Southwest	0
Bordentown city	Burlington	Southwest	75
Bordentown township	Burlington	Southwest	966
Burlington city	Burlington	Southwest	177
Burlington township	Burlington	Southwest	3,668
Chesterfield township	Burlington	Southwest	156
Cinnaminson township	Burlington	Southwest	1,004
Delanco township	Burlington	Southwest	577
Delran township	Burlington	Southwest	546
Eastampton township	Burlington	Southwest	638
Edgewater Park township	Burlington	Southwest	730
Evesham township	Burlington	Southwest	885
Fieldsboro borough	Burlington	Southwest	6
Florence township	Burlington	Southwest	1,443
Hainesport township	Burlington	Southwest	534
Lumberton township	Burlington	Southwest	906
Mansfield township	Burlington	Southwest	901
Maple Shade township	Burlington	Southwest	335
Medford Lakes borough	Burlington	Southwest	52
Medford township	Burlington	Southwest	2,120
Moorestown township	Burlington	Southwest	1,106
Mount Holly township	Burlington	Southwest	286
Mount Laurel township	Burlington	Southwest	1,619
New Hanover township	Burlington	Southwest	1
North Hanover township	Burlington	Southwest	413

Project / Program	Mechanism	New Construction	Completed New	Rehab	Completed Rehab
Arc of Burlington County 2	Supp/Spec Needs Hsg	4	4		
Delaware, Nutmeg	Supp/Spec Needs Hsg	2	2		
Delaware, Tarragon	Supp/Spec Needs Hsg	2	2		
Dove	Supp/Spec Needs Hsg	2	2		
Family Services Bayberry	Supp/Spec Needs Hsg	2	2		
Family Services Woodchip	Supp/Spec Needs Hsg	2	2		
Future	Supp/Spec Needs Hsg	6			
Future 100% Affordable Family Rentals	New Construction - 100% Afford	72			
Lumberton Independent Living	New Construction - 100% Afford	128	128		
Lumberton Rehab Program	Rehab			2	2
Sandstone	Supp/Spec Needs Hsg	2	2		
TDR II	Inclusionary Development	86			
		383	144	33	33

BURLINGTON

MANSFIELD TWP

Project / Program	Mechanism	New Construction	Completed New	Rehab	Completed Rehab
Crystal Lake	Inclusionary Development	104			
Villages at Mapleton	Inclusionary Development	97	97		
		201	97		

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MAPLE SHADE TWP

Project / Program	Mechanism	New Construction	Completed New	Rehab	Completed Rehab
Family Services #2	Supp/Spec Needs Hsg	1	1		
Family Services #3	Supp/Spec Needs Hsg	2	2		
Family Services #4	Supp/Spec Needs Hsg	2	2		
Maple Shade Mews	New Construction - 100% Afford	100	100		
Maple Shade Rehab	Rehab			45	
Maple Shade Supportive Housing	Supp/Spec Needs Hsg	1	1		
The Arbors	New Construction - 100% Afford	75	75		
		181	181	45	

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MEDFORD TWP

Project / Program	Mechanism	New Construction	Completed New	Rehab	Completed Rehab
Allies Inc. 1	Supp/Spec Needs Hsg	4	4		
Allies Inc. 2	Supp/Spec Needs Hsg	4	4		
Alternative Living For Later Years	Supp/Spec Needs Hsg	5	5		
Archway Programs	Supp/Spec Needs Hsg	3	3		
Bancroft Neurohealth	Supp/Spec Needs Hsg	4	4		
Creekside	Inclusionary Development	32	32		
Employability Unlimited, Inc	Supp/Spec Needs Hsg	4	4		
Family Services of Burlington	Supp/Spec Needs Hsg	7	7		
Family Services Supportive Housing	Supp/Spec Needs Hsg	9			
Freeco	Inclusionary Development	12			
Habitat for Humanity	New Construction - 100% Afford	2	2		
Heights at Medford	Inclusionary Development	60	60		
Market to Affordable Program	Market to Affordable	2			
Medford Rehab Program	Rehab			15	
Medford Senior Housing	New Construction - 100% Afford	36	36		
Medford Walk	Inclusionary Development	5			
Nora G Inc. of NJ	Supp/Spec Needs Hsg	5	5		
Quality Management Assoc Realty	Supp/Spec Needs Hsg	4	4		
Singer House	Supp/Spec Needs Hsg	5			
TPB Medford Property - Jennings Mill	Inclusionary Development	20			

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Project / Program	Mechanism	New Construction	Completed New	Rehab	Completed Rehab
Wildflowers	Inclusionary Development	10			
Wyngate	Inclusionary Development	30	4		
		263	174	15	

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MOORESTOWN TWP

Project / Program	Mechanism	New Construction	Completed New	Rehab	Completed Rehab
203 - 205 West Second Street	New Construction - 100% Afford	2	2		
240 Pine Street	New Construction - 100% Afford	1	1		
411 South Lenola Road	New Construction - 100% Afford	1	1		
528 Bethel Avenue	New Construction - 100% Afford	1	1		
66 and 68 East Second Street	New Construction - 100% Afford	4	4		
Adept Services Group Home	Supp/Spec Needs Hsg	5	5		
Albany Acres	Inclusionary Development	9	9		
Beech Street	Market to Affordable	18			
Cedar Court	New Construction - 100% Afford	8	8		
Chestertowne Village	New Construction - 100% Afford	45	45		
Clover Apartments	Market to Affordable	5			
Colonial Arms	New Construction - 100% Afford	21	21		
Court House	New Construction - 100% Afford	8	8		
Creed Apartments	New Construction - 100% Afford	12	12		
Creed II	New Construction - 100% Afford	8	8		
Family Service of Burlington County 1	Supp/Spec Needs Hsg	2	2		
Family Service of Burlington County 2	Supp/Spec Needs Hsg	2	2		
Family Service of Burlington County 3	Supp/Spec Needs Hsg	2	2		
Family Service of Burlington County 4	Supp/Spec Needs Hsg	2			
Family Service of Burlington County 5	Supp/Spec Needs Hsg	2			
Firehouse Apartments	New Construction - 100% Afford	8	8		
Foundation for the Challenged	Supp/Spec Needs Hsg	4	4		
Kings Hwy Shared Living	Supp/Spec Needs Hsg	3	3		
Lenola School	New Construction - 100% Afford	33	33		
Linden Place	New Construction - 100% Afford	26	26		
Maybury Tract and/or Nagle Tract	New Construction - 100% Afford	180			
Musser Court	Market to Affordable	16			
Rehabilitation Program	Rehab			28	28
Stokes Med.	New Construction - 100% Afford	16	16		
Teabury Run	New Construction - 100% Afford	24	24		
		468	245	28	28

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MOUNT HOLLY TWP

Project / Program	Mechanism	New Construction	Completed New	Rehab	Completed Rehab
Hainesport RCA / Rehab Program	Rehab			7	7
Moorestown RCA / Rehab Program	Rehab			170	138
Moorestown RCA / Samuel Miller Retirement Com	New Construction - 100% Afford	29	29		
Regency Park	New Construction - 100% Afford	100	100		
Westampton RCA / Habitat for Humanity	New Construction - 100% Afford	2	2		
		131	131	177	145

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MOUNT LAUREL TWP

Project / Program	Mechanism	New Construction	Completed New	Rehab	Completed Rehab
Allies Inc. 1	Supp/Spec Needs Hsg	6	6		
Allies Inc. 2	Supp/Spec Needs Hsg	8	8		
Allies Inc. 3	Supp/Spec Needs Hsg	4	4		
BrightView Assisted Living	Assisted Living Residences	9	9		

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