

**Appendix C-3 Conceptual Site Plans for Trollinger/Key, Medford
Mt Holly Road (CR 541)**

Appendix D Current Medford Affordable Housing Ordinance

Township of Medford, NJ
Thursday, May 29, 2025

Chapter DR. Development Regulations

SECTION 600. Exceptions, Modifications, Conditional Uses and Planned Developments

§ 613. Affordable Housing Ordinance Provisions.

[Ord. No. 1999-11 § 1; Ord. No. 2004-31 § 2; amended 7-31-2010 by Ord. No. 2010-25; 8-18-2020 by Ord. No. 2020-18]

A. Preamble.

1. This section is intended to address Medford Township's continued constitutional obligation to provide for its fair share of low- and moderate-income housing, consistent with the provisions of the Council on Affordable Housing known as the "Substantive Rules of the New Jersey Council on Affordable Housing," N.J.A.C. 5:93 et seq., as may be amended and supplemented, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented, and pursuant to the New Jersey Fair Housing Act of 1985.^[1] This section is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This section shall apply except where inconsistent with applicable law.

[1] *Editor's Note: See N.J.S.A. 52:27D-301 et seq.*

2. By adoption of Resolution 20-2017, on June 28, 2017, the Medford Township Planning Board adopted a Housing Element and Fair Share Plan, pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq., which included the terms and conditions of the Township's settlement agreement with the Fair Share Housing Center. The Housing Element and Fair Share Plan has been adopted and endorsed by the Medford Township Council by adoption of Resolution 126-2020 on August 5, 2020. The Fair Share Plan describes the methods by which Medford shall address its fair share for low- and moderate-income housing as determined by the Superior Court of New Jersey ("the Court") and documented in the Housing Element. This section implements and incorporates the Fair Share Plan, endorses the Housing Element and addresses the requirements of N.J.A.C. 5:93 et seq., as may be amended and supplemented.
3. The Township of Medford shall file monitoring reports as directed by the Court in accordance with N.J.A.C. 5:93 et seq. regarding the status of the implementation of the Housing Element and Fair Share Plan. On an annual basis beginning with the first anniversary of the execution of the Township's Agreement with the Fair Share Housing Center (FSHC), the Township shall report on the status of all affordable housing activity within the municipality, including all activity in connection with the Township's Affordable Housing Trust Fund, through an update of the Council on Affordable Housing (COAH) CTM system (if available) and posting on the municipal website, with a copy of such posting provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC. Any report filed by Medford shall also be filed with the Burlington County Superior Court and shall be available to the public at the Medford Township Hall, Township Clerk's Office, 17 North Main Street, Medford, New Jersey 08055.

- B. Municipal fair share obligation. The Township of Medford has a fair share obligation consisting of a prior round obligation of 418 units, a present need of 25 units, and a third round housing obligation of 483 units.
- C. Definitions. The following terms when used in this section shall have the meanings given in this subsection:

ACT

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

The entity responsible for the administration of affordable units in accordance with this section, N.J.A.C. 5:91, N.J.A.C. 5:93 and UHAC (N.J.A.C. 5:80-26).

AFFIRMATIVE MARKETING

A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE

The average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

A sales price or rent level that is within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4 and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE DEVELOPMENT

A housing development of which all or a portion consists of housing affordable to low- and moderate-income households.

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable housing development.

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:93, and/or funded through an affordable housing trust fund.

AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that:

1. All the residents of the development where the unit is situated are 62 years of age or older; or
2. At least 80% of the units are occupied by one person that is 55 years of age or older; or

3. The development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

AGENCY

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

ALTERNATIVE LIVING ARRANGEMENT

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. "Alternative living arrangement" includes, but is not limited to, transitional facilities for the homeless, Class A, B, C, D, and E boarding homes as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

ASSISTED LIVING RESIDENCE

A facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD

A household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

COAH

The Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load-bearing structural systems.

DEVELOPER

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development, including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

FAIR SHARE PLAN

The plan or proposal, which is in the form that may readily be converted into an ordinance, by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet

the low- and moderate-income housing need of its region, and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided by Sections 9 and 14 of the Act, and as further described and defined in N.J.A.C. 5:93.

HOUSING ELEMENT

The portion of the Township's Master Plan, consisting of reports, statements, proposals, maps, diagrams and text, designed to meet the municipality's fair share of its region's present and prospective housing needs, particularly with regard to low- and moderate-income housing, as further described at Section 10 of the Act and by N.J.A.C. 5:93.

INCLUSIONARY DEVELOPMENT

A development containing both affordable units and market-rate units. This term includes, but is not limited to, new construction, the conversion of a nonresidential structure to residential use and the creation of new affordable units through the reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50% or less of the median household income for the applicable housing region.

LOW-INCOME UNIT

A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building, which include, but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load-bearing structural systems.

MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

The median income by household size for the applicable housing region, as adopted annually by COAH or approved by the NJ Superior Court.

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50% but less than 80% of the median household income for the applicable housing region.

MODERATE-INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

NONEXEMPT SALE

Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a Class A beneficiary and the transfer of ownership by court order.

PRESENT NEED

An estimate of low- and moderate-income households living in substandard housing as calculated through the use of census surrogates.

PRIOR ROUND HOUSING OBLIGATION

The 1987-1999 fair share based on N.J.A.C. 5:93-1.

RANDOM SELECTION PROCESS

A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REGIONAL ASSET LIMIT

The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by adopted/approved regional income limits published annually by COAH or a successor entity as approved by the Superior Court.

REHABILITATION

The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT

A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

SPECIAL MASTER

An expert appointed by a judge to make sure that judicial orders are followed. A master's function is essentially investigative, compiling evidence or documents to inform some future action by the court. "Superior Court" or "the Court" means the Superior Court of New Jersey.

THIRD ROUND HOUSING OBLIGATION

The 1999 — 2025 housing obligation as determined by the Superior Court.

TOWNSHIP

The Township of Medford.

TOWNSHIP COUNCIL

The Township Council of the Township of Medford.

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26 et seq.

VERY-LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30% or less of the median household income for the applicable housing region.

VERY-LOW-INCOME UNIT

A restricted unit that is affordable to a very-low-income household.

VETERAN'S PREFERENCE

A preference for low- and moderate-income housing that is permitted by law for people that have served in the military.

WEATHERIZATION

Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of the rehabilitation program.

D. Rehabilitation.

1. Medford's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28. The Township shall continue to administer a rehabilitation program designed to address its present need.
2. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units the control period will be enforced with a lien, and for renter-occupied units the control period will be enforced with a deed restriction.
3. The Township shall dedicate an average of at least \$10,000 per unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
4. The Township shall adopt a resolution committing to fund any shortfall in the rehabilitation program.
5. The Township shall designate, subject to the approval of the Court, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:93. The Administrative Agent(s) shall provide a rehabilitation manual to be adopted by resolution of the governing body and subject to approval of the Court. The rehabilitation manual shall be available for public inspection in the office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
6. Units in a rehabilitation program shall be exempt from UHAC, but shall be administered in accordance with the following:
 - a. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is rerented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to UHAC.
 - b. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to UHAC.
 - c. Rents in rehabilitated units may increase annually based on the standards in UHAC.
 - d. Applicant and/or tenant households shall be certified as income-eligible in accordance with UHAC, except that households in owner-occupied units shall be exempt from the regional asset limit.

E. One-hundred-percent developments. The Township's settlement agreement with FSHC allows Volunteers of America (VOA) to construct 70 affordable age-restricted housing units. The Township's obligations associated with this development are outlined at paragraph 8 of the Township's settlement agreement with FSHC.

F. Inclusionary zoning.

1. Mandatory affordable housing set-aside.
 - a. Developers shall set aside a percentage of housing for low- and moderate-income housing if the proposed development consists of five or more new residential units and:
 - (1) The permitted use of the property changes, either through a zoning change, redevelopment plan (for an area in need of redevelopment or rehabilitation) or use

variance, from nonresidential to residential and the residential zoning/approval permits a gross density of at least six units per acre; or

- (2) The gross density of a site, with no affordable housing obligation, changes through a zoning change, redevelopment plan (for an area in need of redevelopment or rehabilitation), or "D" variance doubles to six units per acre.
 - b. For inclusionary projects in which the low- and moderate-income units are to be offered for sale, the set-aside percentage is 20%; for projects in which the low- and moderate-income units are to be offered for rent, the set-aside percentage is 15%.
 - c. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a redevelopment plan or amended redevelopment plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
 - d. This requirement does not apply to any sites or specific zones otherwise identified in the settlement agreement or Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.
2. Fractions. Fractional obligations shall be rounded up or down using standard mathematical practice. A fractional obligation less than .50 shall be rounded down to the nearest whole number. A fractional obligation of .50 or more shall be rounded up to the nearest whole number.
- G. New construction. The following general guidelines apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.
1. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low- and moderate-income units whether developed in a single-phase development, or in a multiphase development:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

2. Low/moderate split and bedroom distribution of affordable housing units.
 - a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units the extra unit shall be a low-income unit. At least 13% of all restricted rental units shall be very-low-income units (affordable to a household earning 30% or less of median income). The very-low-income units shall be counted as part of the required number of low-income units within the development.
 - b. In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
 - c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (1) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;

- (2) At least 30% of all low- and moderate-income units shall be two-bedroom units;
 - (3) At least 20% of all low- and moderate-income units shall be three-bedroom units; and
 - (4) The remaining low- and moderate-income units may be allocated among two-and three-bedroom units at the discretion of the developer.
 - d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
3. Accessibility requirements.
- a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
 - b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (1) An adaptable toilet and bathing facility on the first floor;
 - (2) An adaptable kitchen on the first floor;
 - (3) An interior accessible route of travel on the first floor;
 - (4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor;
 - (5) An interior accessible route of travel between stories within an individual unit, except that if all of the terms of Subsection **G.3.b(1)** through **(4)** above have been satisfied, an interior accessible route of travel shall not be required between stories within an individual unit; and
 - (6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Township has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (b) To this end, each builder of income-restricted units shall deposit funds with the Township's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (c) The funds deposited under Subsection **G.3.b(6)(b)** above shall be used by the Township for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (d) The developer of the restricted units shall submit a design plan and cost estimate for the conversion of adaptable to accessible entrances to the Construction Official of the Township.
 - (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost