

the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

- a. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
 - b. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 - c. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
4. The Township of Medford may contract with a private or public entity to administer any part of its amended Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:93-8.16(d).
 5. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, compliance with the monitoring requirements set forth in the Court-approved May 10, 2017, executed Settlement Agreement with Fair Share Housing Center. Legal or other fees related to litigation opposing affordable housing sites or objecting to the COAH's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.
- I. Monitoring. On or about May 10 of each year through 2025, the Township of Medford shall provide reporting of trust fund activity to the DCA, Local Government Services (LGS), or other entity designated by the State of New Jersey, with a copy provided to the Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township of Medford's housing program, as well as in connection with the expenditure of revenues and implementation of the plan approved by the Court.
 - J. Ongoing collection of fees.
 1. The ability for the Township of Medford to impose, collect and expend development fees shall expire with the end of the repose period covered by its judgment of compliance unless the Township of Medford has filed an adopted Housing Element and Fair Share Plan with the Court or with a designated administrative entity of the State of New Jersey, has petitioned for a judgment of compliance or substantive certification, and has received approval of its development fee ordinance by the entity that will be reviewing the Housing Element and Fair Share Plan.
 2. If the Township of Medford fails to renew its ability to impose and collect development fees prior to the expiration of its judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The Township of Medford shall not impose a development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance and repose, nor shall the Township of Medford retroactively impose

a development fee on such a development. The Township of Medford shall not expend any development fees after the expiration of its judgment of compliance.

K. Repealer, severability and effective date.

1. Any and all ordinances and provisions thereof inconsistent with the provisions of this section shall be and are hereby repealed to the extent of such inconsistency.
2. If any section, paragraph, subdivision, clause or provision of this section shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this section shall be deemed valid and effective.
3. This section shall take effect immediately upon final passage and publication according to law.