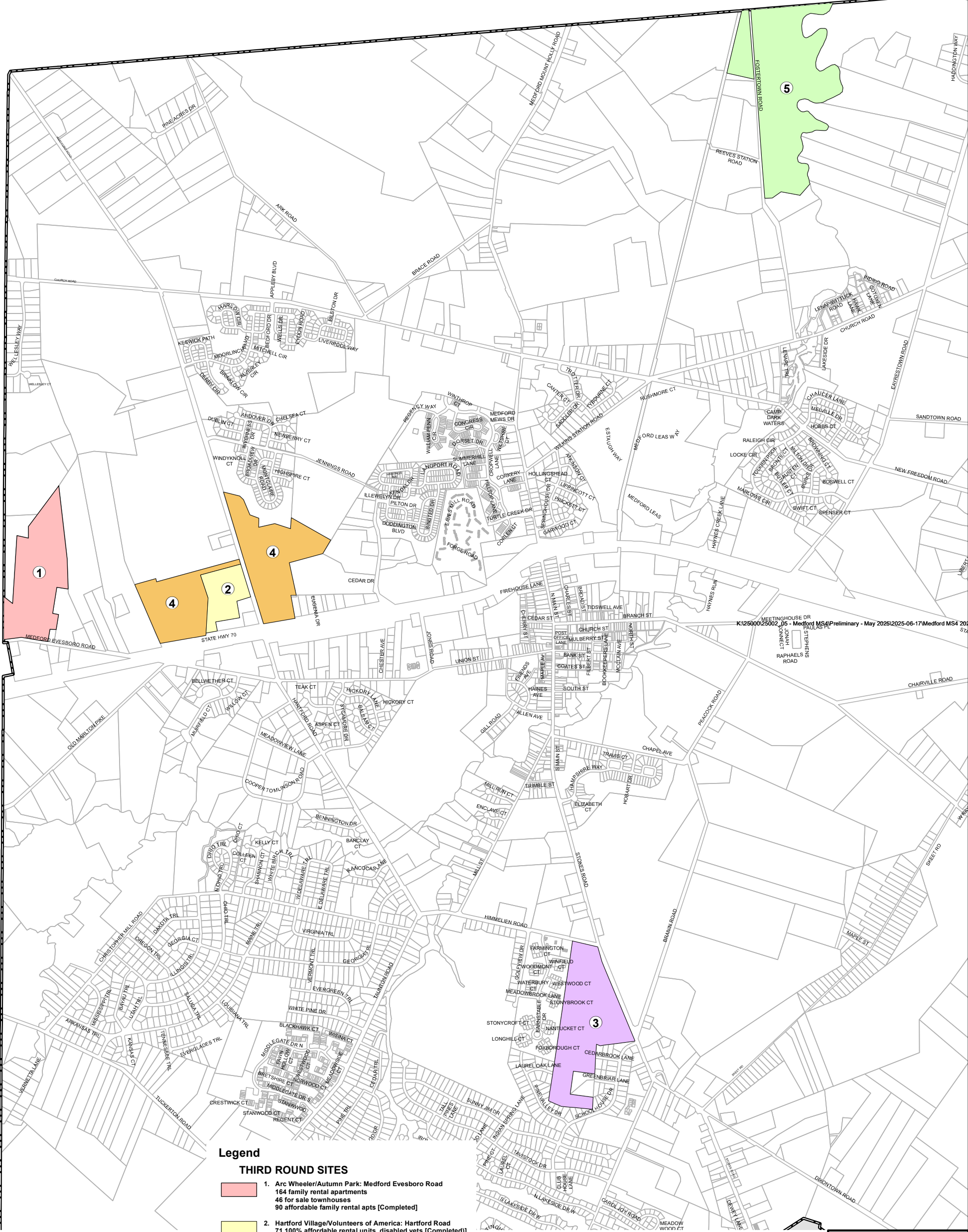


Appendix A

EXHIBIT 1 Third Round Sites



K:\25000\25002_05 - Medford MSA\Preliminary - May 2025\2025-06-17\Medford MSA 2025-06-17

Legend

THIRD ROUND SITES

- 1. Arc Wheeler/Autumn Park: Medford Evesboro Road
164 family rental apartments
46 for sale townhouses
90 affordable family rental apts [Completed]
- 2. Hartford Village/Volunteers of America: Hartford Road
71 100% affordable rental units, disabled vets [Completed]
- 3. Farmstead/Stokes Square: Stokes and Himmelein Roads
120 independent living units [Completed]
- 4. Tofamo/Timber Ridge: Hartford Road
109 for sale townhouses
83 for sale single family homes
48 affordable family rental apts [Completed]
- 5. Flying W: Fostertown Road
210 age restricted market townhomes
90 affordable family rental apts [Not Completed]



0 350 700 1,400 2,100 2,800 Feet

EXHIBIT 1
MEDFORD TOWNSHIP
BURLINGTON COUNTY
NEW JERSEY



Engineers • Planners • Scientists • Surveyors

Appendix B

EXHIBIT 2 Fourth Round Sites



- Legend**
- POTENTIAL FOURTH ROUND SITES**
- 1. Lafferty/Harriet, Medford Evesboro Road
Block 401, Lot 10.01 – 49.65 acres
Block 401, Lot 10.02 – 37.93 acres
 - 2. Realand Enterprises, Medford Mt Holly Rd (Route 5410)
Block 801.02, Lot 30 – 5 acres
Block 801, Lot 5 – 2.2 acres
 - 3. Village Enterprises (Eni), Route 70
Block 806, 4.01 – 33 acres
 - 4. Camp EFS (Earl Stahl), Fostertown Road
Block 302, Lot 39.03 – 20.6 acres
Block 302, Lot 28.02 – 40.9 acres
 - 5. Trollinger/Key, Medford Mt Holly Rd (Route 5410)
Block 302, Lot 14 – 91.99 acres
Block 302, Lots 26, 27, 49 – 72.39 acre



0 300 600 1,200 1,800 2,400
Feet

EXHIBIT 2

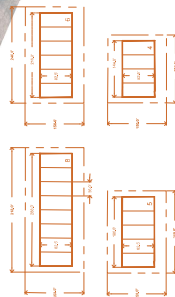
MEDFORD TOWNSHIP
BURLINGTON COUNTY
NEW JERSEY



Appendix C

Conceptual Site Plans for Round 4 Sites

**Appendix C-1 Conceptual Site Plans for Lafferty/Harriet,
Medford Evesboro Road**



1. APPLICANT MPTROTOWES 2384 TAYLOR RD MEDFORD NEW JERSEY
2. THE PARCEL KNOWN AS LOTS 10,01, 10,02, 10,03, 15 BLOCK 40 AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MEDFORD TOTAL AREA IS 70.63 ACRES.
3. ADJACENT LOT NUMBERS REFER TO MEDFORD TOWNSHIP TAX MAPS.
- 4.1. WETLANDS LOCATION PLAN DRAWN BY: JAMES SACCASANO ASSOCIATES, INC. DATED: 05/03/95 P.271
- 4.2. DEED BOOK 4311 PG.744 DEED BOOK 4718 PG.297 DEED BOOK 5021 PG.454 DEED BOOK 5043 PG.271

[illegible]

SITE DATA
ADDRESS: ACUTE 70
SITE IS KNOWN AS BLOCK 409, LOTS 10,01, 15, AND 10,13
OF THE ACUTE TRACT, LOTS 10,01, 15, AND 10,13
BOUNDARY FOOTAGE ALONG HIGH ROUTE 70 AND SASSAROD ROAD
ZONE DISTRICT: 100 HIGHWAY MANAGEMENT & AGE RESTRICTED CLUSTER
TOTAL TRACT AREA: 70.00 ACRES • LOTLAND: 10.899 ACRES • UPLANDS: 49.866 ACRES
PROPOSED PROJECT: TOWNHOUSE CLUSTER
GOODS DENSITY: 4.08 UNITS/ACRE

1. APPLICANT MPTROTOWES 2384 TAYLOR RD MEDFORD NEW JERSEY
2. THE PARCEL KNOWN AS LOTS 10,01, 10,02, 10,03, 15 BLOCK 40 AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MEDFORD TOTAL AREA IS 70.63 ACRES.
3. ADJACENT LOT NUMBERS REFER TO MEDFORD TOWNSHIP TAX MAPS.
- 4.1. WETLANDS LOCATION PLAN DRAWN BY: JAMES SACCASANO ASSOCIATES, INC. DATED: 05/03/95 P.271
- 4.2. DEED BOOK 4311 PG.744 DEED BOOK 4718 PG.297 DEED BOOK 5021 PG.454 DEED BOOK 5043 PG.271

CONCEPT PLAN 15	
EYESBOR-MEDFORD RD	
BLOCK 401 LOTS: 10.01, 10.02, 10.04 & 15	
BURLINGTON COUNTY, NEW JERSEY	
TRISTATE ENGINEERING AND SURVEYING, PC	
P.O. BOX 304, 80 E. BROADWAY, NJ 08004	
PHONE (609) 873-6242 FAX (609) 873-2024	
www.tristateenr.com	

JOSEPH A. MANCINI		PROJECT NO. 15-0004
		SHEET NO. 15-0004-001
DATE: 11/15/04	SCALE: 1"=40'	DRAWN BY: JAM

New Jersey Professional Engineer
 No. 15-0004-001

1 inch = 150 ft.
(IN FEET)

Appendix C-2 Conceptual Site Plans for Camp EFS, Fostertown Road



189 Total Units
151 Townhouse Units
2-story, 3-Bdrm., "Croton" 28x50' Units
38 Affordable Apartment Units
2-story Building, 22x48' "Oakley-OLMA" Units
Roadway Design
50' Right-of-way with a 24' Curbed Roadway
Layout Design
50' Perimeter Buffer
50' Building Separation
20' Front Setback
Base Information
Township Tax Maps
Aerial Image provided by BingMaps

Required Townhouse Parking
(151) 1-Bedroom Townhouse (CROTON) @ 2.4 Spaces/Unit = 362 Spaces
(38) 2-Bed Affordable Apartment (OLMA) @ 1.5 Spaces/Unit = 57 Spaces
Total Required Townhouse Parking = 419 Spaces
CONCEPT 14: 302.000000 39.02 = 37 Spaces

Required Apartment Parking
(151) 1-Bedroom Townhouse (CROTON) @ 2.4 Spaces/Unit = 362 Spaces
(38) 2-Bed Affordable Apartment (OLMA) @ 1.5 Spaces/Unit = 57 Spaces
Total Required Apartment Parking = 419 Spaces
CONCEPT 14: 302.000000 39.02 = 37 Spaces

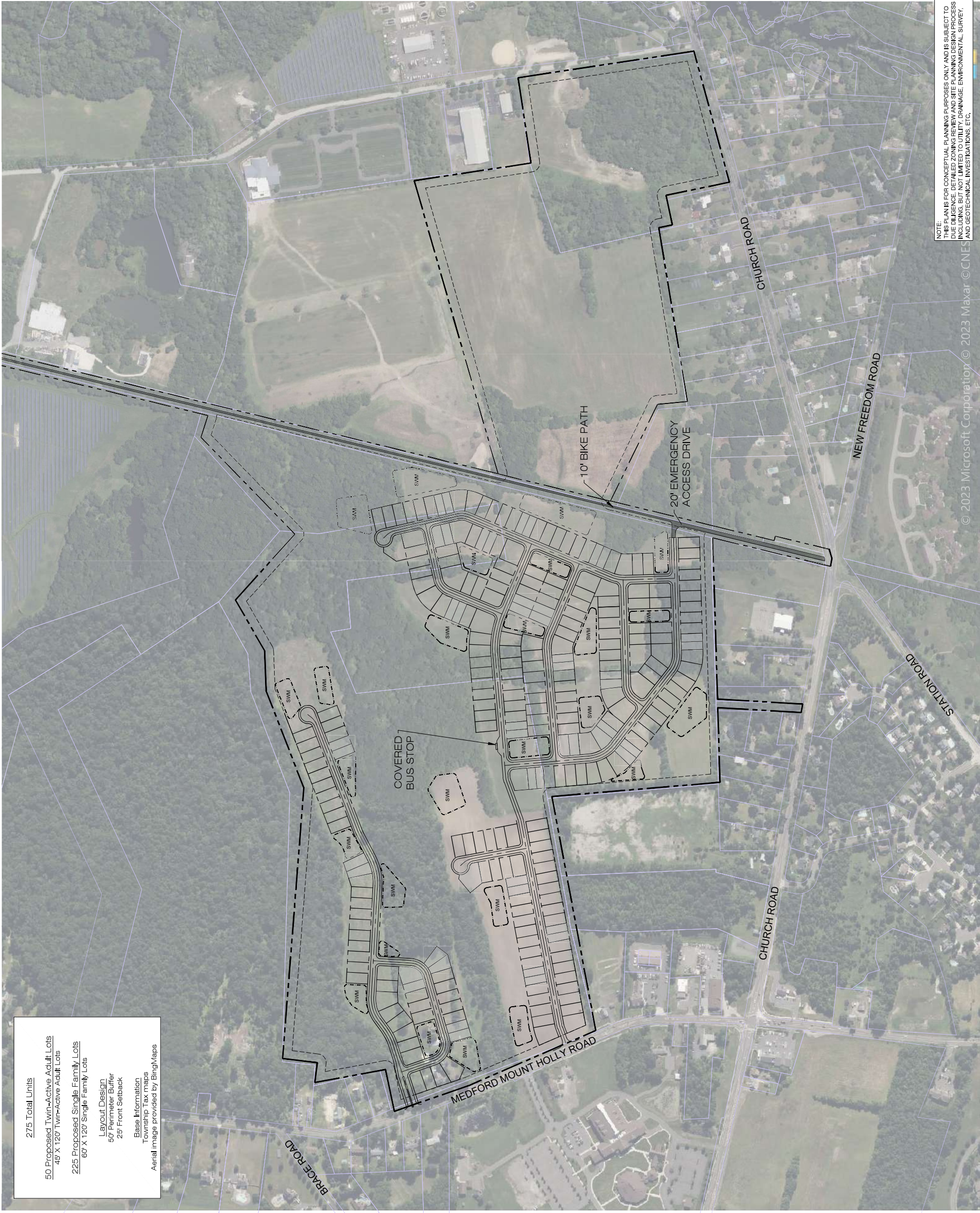
NOTE:
THIS PLAN IS FOR CONCEPTUAL PLANNING PURPOSES ONLY AND IS SUBJECT TO
DUE DILIGENCE, DETAILED ZONING REVIEW AND SITE PLANNING DESIGN PROCESS
INCLUDING, BUT NOT LIMITED TO, UTILITY, DRAINAGE, ENVIRONMENTAL, SURVEY,
AND GEOTECHNICAL INVESTIGATIONS, ETC.

MEDFORD MOUNT
HOLLY ROAD
Camp EFS
Block 302 Lots
28.02, 39.03

BLOCK 302, LOTS 28 & 39.03
MEDFORD TOWNSHIP
BURLINGTON COUNTY, NJ

CONCEPT 14

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



275 Total Units

- 50 Proposed Twin-Active Adult Lots
- 45' X 120' Twin-Active Adult Lots
- 225 Proposed Single Family Lots
- 60' X 120' Single Family Lots

- Layout Design
- 50' Perimeter Buffer
- 25' Front Setback

- Base Information
- Township Tax maps

Aerial image provided by BingMaps



MEDFORD MOUNT
HOLLY ROAD
Troller/Key
Concept #17

BLOCK 302, LOTS 14, 26, 27, 28 & 39.03
MEDFORD TOWNSHIP
BURLINGTON COUNTY, NJ

NOTE:
THIS PLAN IS FOR CONCEPTUAL PLANNING PURPOSES ONLY AND IS SUBJECT TO
CHANGE. IT IS NOT TO BE USED FOR CONSTRUCTION. THE PLANNING PROCESS
DUE DILIGENCE, DETAILED ZONING REVIEW AND SITE PLANNING DESIGN PROCESS
INCLUDING, BUT NOT LIMITED TO, UTILITY, DRAINAGE, ENVIRONMENTAL SURVEY,
AND GEOTECHNICAL INVESTIGATIONS, ETC.

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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

estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Treasurer, who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

- (f) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

4. Design.

- a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market-rate units.
- b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market-rate units.

5. Maximum rents and sales prices.

- a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures as approved by the Court and detailed herein.
- b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% of median income.
- c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to very-low-income households.
- d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - (1) A studio shall be affordable to a one-person household;
 - (2) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
 - (3) A two-bedroom unit shall be affordable to a three-person household;
 - (4) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
 - (5) A four-bedroom unit shall be affordable to a six-person household.
- f. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner

association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- g. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- h. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price. Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:
 - (1) Regional income limits shall be established for the Region 5 based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial census in Region 1. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80% of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50% of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very-low-income unit for a household of four shall be 30% of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
 - (2) The income limits calculated each year shall be the result of applying the percentages set forth in Subsection **G.5.h(1)** above to HUD's determination of median income for the relevant fiscal year, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
 - (3) The regional asset limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to Subsection **G.5.h(1)** above over the previous year's income limits, and applying the same percentage increase to the regional asset limit from the prior year. In no event shall the regional asset limit be less than that for the previous year.
- i. The rent of very-low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

H. Utilities.

1. Affordable units shall utilize the same type of heating source as market-rate units within an inclusionary development.
 2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.
- I. Occupancy standards. In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
1. Provide an occupant for each bedroom;
 2. Provide children of different sexes with separate bedrooms;
 3. Provide separate bedrooms for parents and children; and
 4. Prevent more than two persons from occupying a single bedroom.
- J. Control periods for restricted ownership units and enforcement mechanisms.
1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this section for a period of at least 30 years, until the Township takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
 2. Rehabilitated owner-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
 3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
 4. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
 5. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the restrictions set forth in this section, an amount equal to the difference between the unit's nonrestricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
 6. The affordability controls set forth in this section shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
 7. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.
- K. Price restrictions for restricted ownership units, homeowner association fees and resale prices.
1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
 - a. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

- b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - c. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low-and moderate-income purchasers and those paid by market-rate purchasers.
 - d. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Subsection **M**.
- L. Buyer income eligibility.
1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
 2. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to a certified household for a period not to exceed one year.
 3. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's eligible monthly income.
- M. Limitations on indebtedness secured by ownership unit; subordination.
1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination, in writing, that the proposed indebtedness complies with the provisions of this section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
 2. With the exception of a first purchase money mortgage, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.6(b).
- N. Capital improvements to ownership units.
1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
 2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit, and not included in the base price, may be made a condition of the unit resale provided the price, which shall be subject to ten-year, straight-line depreciation, has been approved by

the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

O. Control periods for restricted rental units.

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this section for a period of at least 30 years, until the Township takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
 - a. Restricted rental units created as part of developments receiving 9% low-income housing tax credits must comply with a control period of not less than thirty-year compliance period plus a fifteen-year extended use period.
2. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
3. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be recorded by the developer or seller with the Records Office of the County of Burlington. A copy of the filed, recorded document shall be provided to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
4. A restricted rental unit shall remain subject to the affordability controls of this section despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit; or
 - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

P. Rent restrictions for rental units; leases.

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
3. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this section.

Q. Tenant income eligibility.

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - a. Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.

- b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- 2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its continuing ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- 3. The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection **Q.1.a** through **2.e** above with the Administrative Agent, who shall counsel the household on budgeting.
- R. Conversions. Each housing unit created through the conversion of a nonresidential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.
- S. Municipal Housing Liaison.
 - 1. State regulations require the Township to appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Medford shall adopt an ordinance creating the position of Municipal Housing Liaison; and shall adopt a resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee. The Municipal Housing Liaison shall be approved by the Superior Court unless such approval is delegated by the Court to COAH and shall be duly qualified before assuming the duties of Municipal Housing Liaison.
 - 2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Medford, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - a. Serving as Medford's primary point of contact for all inquiries from the state, affordable housing providers, Administrative Agents and interested households;
 - b. Monitoring the status of all restricted units in Medford's Fair Share Plan;
 - c. Compiling, verifying and submitting annual monitoring reports as required by the Court;

- d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Court.
- T. Administrative Agent. Subject to the approval of the Superior Court, the Township shall designate by resolution of the Township Council one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with N.J.A.C. 5:93 and UHAC. An operating manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the Township Council and subject to approval of the Superior Court or its designee. The operating manuals shall be available for public inspection in the office of the Township Clerk and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s). The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:
- 1. Affirmative marketing:
 - a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township and the provisions of N.J.A.C. 5:80-26.15; and
 - b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 - 2. Household certification:
 - a. Soliciting, scheduling, conducting and following up on interviews with interested households;
 - b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - c. Providing written notification to each applicant as to the determination of eligibility or noneligibility;
 - d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendixes J and K of N.J.A.C. 5:80-26.1 et seq.;
 - e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township when referring households for certification to affordable units.
 - 3. Affordability controls:
 - a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Burlington County Clerk's office after the termination of the affordability controls for each restricted unit;

- d. Communicating with lenders regarding foreclosures; and
 - e. Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
4. Resales and rentals:
- a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - b. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.
5. Processing requests from unit owners:
- a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this section;
 - b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
 - c. Notifying the municipality of an owner's intent to sell a restricted unit; and
 - d. Making determinations on requests by owners of restricted units for hardship waivers.
6. Enforcement:
- a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgment of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - c. The posting annually in all rental properties, including legal two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
 - d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund or other appropriate municipal fund approved by the DCA; and
 - f. Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering the affordability controls.
7. Additional responsibilities:
- a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 - b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time for their submission by the Municipal Housing Liaison to the Court, as required by the Court.

- c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Court.

U. Affirmative marketing requirements.

1. The Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward COAH Housing Region 5 and is required to be followed throughout the period of restriction.
 - a. The Township shall add to the list of community and regional organizations in its Affirmative Marketing Plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center; the New Jersey State Conference of the NAACP; the Southern Burlington County, Willingboro, Camden County and Camden County East Branches of the NAACP; and the Latino Action Network. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this subsection.
3. The Affirmative Marketing Plan shall provide a preference for veterans of military service as permitted by law. It shall also provide regional preference for all households that live and/or work in COAH Housing Region 5, comprised of Burlington, Camden and Gloucester Counties.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Township of Medford shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
7. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

V. Enforcement of affordable housing regulations.

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the Township shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household

recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - a. The Township may file a court action in Superior Court pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, developer or tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units, the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Superior Court:
 - (1) A fine of not more than \$500 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - (2) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Medford Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (3) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Superior Court.
 - b. The Township may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
 - (1) The judgment shall be enforceable, at the option of the Township, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - (2) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Township for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Township in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Township for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Township, whether such balance shall be paid to the owner or forfeited to the municipality.

- (3) Foreclosure by the Township due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the Township may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (6) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units such time as title is conveyed from the owner.

W. Reporting.

1. On the first anniversary of the entry of the execution of the Township's agreement with FSHC in IMO Application of the Township of Medford, Docket No. MID-L-3929-15, and every anniversary thereafter through the end of the repose period, the Township shall provide annual reporting of its Affordable Housing Trust Fund activity to the DCA, COAH or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed for this purpose by DCA, COAH or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
2. On the first anniversary of the execution of the Township's agreement with FSHC in IMO Application of the Township of Medford, Docket No. MID-L-3929-15, and every anniversary thereafter through the end of the repose period, the Township shall provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with copies provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Court-appointed Special Master and FSHC.
3. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township shall post on its municipal website, with copies provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the Township, with copies provided to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the Court regarding these issues.

4. For the review of very-low-income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the order granting Medford a final judgment of compliance and repose in IMO Application of the Township of Medford, Docket No. MID-L-3929-15, and every third year thereafter, the Township will post on its municipal website, with copies provided to FSHC, a status report as to its satisfaction of its very-low-income requirements, including the family very-low-income requirements. Such posting shall invite any interested party to submit comments to the Township, with copies provided to FSHC, on the issue of whether the municipality has complied with its very-low-income housing obligation.
- X. Appeals. Appeals from all decisions of an Administrative Agent appointed pursuant to this section shall be filed, in writing, with the Superior Court unless the Superior Court delegates this responsibility.
- Y. Repealer. All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.
- Z. Severability. If any section, subsection, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
- AA. Effective date. This section shall take effect upon passage and publication as provided by law.

Appendix E

Current Medford Development Fee Ordinance

*Township of Medford, NJ
Thursday, May 29, 2025*

Chapter DR. Development Regulations

SECTION 900. Fees, Guarantees, Inspections and Off-Tract Improvements

§ 905. Development Fees for Affordable Housing.

[Ord. No. 1999-10 § 1; Ord. No. 2000-2 §§ 1, 2; Ord. No. 2005-9 §§ 1-3; Ord. No. 2008-3; amended 4-13-2010 by Ord. No. 2010-6; 8-18-2020 by Ord. No. 2020-17]

A. Purpose.

1. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
2. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of a court of competent jurisdiction and have an approved spending plan may retain fees collected from nonresidential development.
3. Pursuant to the March 10, 2015, Supreme Court Order, the Court transferred all functions, powers, and duties of COAH to the courts.
4. This section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L. 2008, c. 46, Sections 8 and 32-38. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing.

B. Basic requirements.

1. This section shall not become effective until approved by the Court pursuant to N.J.A.C. 5:93-8.2.
2. The Township of Medford shall not spend development fees until the Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-5.1(c).

C. Definitions. The following terms, as used in this section, shall have the following meanings:

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 development.

COAH or the COUNCIL

The New Jersey Council on Affordable Housing established under the Fair Housing Act^[1] which previously had primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPER

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

DEVELOPMENT FEE

Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.

EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated; as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES

Those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

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

D. Residential development fees.

1. Imposed fees.

- a. Within all Township zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development provided no increased density is permitted.
- b. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a density or "d" variance) has been approved, developers shall be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include a set-aside of affordable housing units. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

2. Eligible exactions, ineligible exactions and exemptions for residential development.

- a. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- b. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The applicable development fee percentage shall be vested on the date that the building permit is issued.
- c. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

- d. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 - e. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, which requires the issuance of a certificate of occupancy (for example, when a single-family home is converted to a two-family home or a single-family home is converted to an apartment building). The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 - f. Development fees shall be imposed and collected when a certificate of occupancy is issued for a new residential unit on a newly created lot that is the result of a subdivision. The development fee shall be calculated on the equalized assessed value of the land and improvements.
 - g. Additions to existing homes and improvements such as decks, patios and like shall be exempt from the payment of a development fee.
- E. Nonresidential development fees.
- 1. Imposed fees.
 - a. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
 - b. Nonresidential developers, except for developers of the types of development specifically exempted herein, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
 - c. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvements and the equalized assessed value of the newly improved structure, i.e., land and improvements, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.
 - 2. Eligible exactions, ineligible exactions and exemptions for nonresidential development.
 - a. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the 2.5% development fee, unless otherwise exempted below.
 - b. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing building footprint, reconstruction, renovations and repairs.
 - c. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption Form." Any exemption claimed by a developer shall be substantiated by that developer.
 - d. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to the development fee at such time as the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy for the nonresidential development, whichever is later.

- e. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township of Medford as a lien against the real property of the owner.

F. Collection procedures.

1. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
2. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
3. The construction official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
4. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
5. The construction official responsible for the issuance of a final certificate of occupancy shall notify the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
6. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
7. Should the Township of Medford fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
8. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
9. Appeal of development fees:
 - a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township of Medford. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - b. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Township of Medford.

Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable Housing Trust Fund.

1. There is a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer of the Township for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
2. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - a. Payments in lieu of on-site construction of affordable units;
 - b. Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - c. Net rental income (after payment of expenses) from municipally operated units;
 - d. Repayments from affordable housing program loans;
 - e. Recapture funds;
 - f. Proceeds from the sale of affordable units; and
 - g. Any other funds collected in connection with the Township of Medford's affordable housing program.
3. Within seven days from the opening of the trust fund account, the Township of Medford shall provide COAH and/or the Department of Community Affairs (DCA) with written authorization, in the form of a three-party escrow agreement between the Township, the bank, and COAH and/or DCA, to permit COAH and/or DCA to direct the disbursement of the funds as provided for in N.J.A.C. 5:93-8.19.
4. All interest accrued in the housing trust fund shall only be used to fund eligible affordable housing activities approved by the Court.

H. Use of funds.

1. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Township of Medford's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment and market to affordable programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8.16 and specified in the approved spending plan.
2. Funds shall not be expended to reimburse the Township of Medford for past affordable housing activities.
3. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in

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.