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SUPERIOR COURT
BURLINGTON COUNTY

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**IN THE MATTER OF THE
DETERMINATION OF THE
AFFORDABLE HOUSING OBLIGATION
OF THE TOWNSHIP OF
MOORESTOWN, NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BURLINGTON
COUNTY
DOCKET NO:**

CIVIL ACTION – MOUNT LAUREL

**CERTIFICATION OF BRIAN M.
SLAUGH, PP, AICP IN SUPPORT OF THE
TOWNSHIP OF MOORESTOWN'S
APPLICATION FOR TEMPORARY
IMMUNITY FROM MOUNT LAUREL
LAWSUITS**

BRIAN M. SLAUGH, PP, AICP, of full age, hereby certifies as follows:

1. I am a licensed professional planner in the State of New Jersey and a member of the American Institute of Certified Planners. I am a principal in the firm of Clarke Caton Hintz, P.C., a planning, architecture, and landscape architecture firm and serve as the affordable housing consultant to the Township of Moorestown (hereinafter "Township"). I have served in this capacity since 2005.

2. In my 31 years of practice, I have developed a thorough understanding of the Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301 et seq., the regulations and policies of the New Jersey Council on Affordable Housing ("COAH"), as well as Mount Laurel case law. I have prepared or overseen twenty-two (22) housing element and fair share plans during my career. I have assisted Philip Caton, PP, FAICP, my business partner, in his role as Special Master in the Superior Court

of New Jersey in nine municipal affordable housing cases.

3. On March 10, 2015, the New Jersey Supreme Court issued a landmark decision, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), 40 years after issuing its seminal Mount Laurel opinion, Southern Burlington NAACP v. Township of Mt. Laurel, 67 N.J. 151 (1975) (“Mount Laurel I”).

4. In the 2015 decision, the Court refrained from establishing municipal affordable housing obligations but, instead, directed the obligation to be established during the judicial process for municipal Mount Laurel compliance, as identified in the FHA.

5. This Certification is submitted in support of the Township of Moorestown’s Declaratory Judgment action, including the Township’s application for temporary immunity, prepared pursuant to N.J.S.A. 52:27D-313, in accordance with the New Jersey Supreme Court’s March 10, 2015 decision.

6. As the Township’s affordable housing planner, I am fully familiar with the facts set forth below as they relate to this matter.

Affordable Housing Obligation

7. In its 1975 Mount Laurel I decision, *supra*, 67 N.J. 1, the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate income housing.

8. In its 1983 Mount Laurel II decision, Southern Burlington NAACP v. Township of Mt. Laurel, 92 N.J. 158 (1983), the New Jersey Supreme Court extended the obligation to all municipalities, designated the State Development Guide Plan or any successor State Plan as a critical touchstone to guide the implementation of this obligation and created an incentive for private developers to enforce the “Mount Laurel doctrine” by suing municipalities which were not

in compliance (known as a “builder’s remedy”).

9. In 1985, the FHA was adopted as the legislative response to the Mount Laurel court decisions.

10. The FHA created COAH as the administrative alternative to adjudication in the courts. COAH was responsible for establishing housing regions, estimating low and moderate income housing needs, setting criteria and guidelines for municipalities to determine and address their fair share numbers, and reviewing and approving housing elements and fair share plans.

11. Since its creation, COAH has issued both procedural and substantive rules for the First Round (N.J.A.C. 5:91 and 5:92), Second Round (N.J.A.C. 5:91 and 5:93) and Third Round (N.J.A.C. 5:94 and 5:95 [first iteration], N.J.A.C. 5:96 and 5:97 [second iteration] and N.J.A.C. 5:98 and 5:99 [third iteration]) which will be explained more fully below.

Moorestown’s First and Second Round Plans

12. Moorestown has demonstrated a long-standing commitment of voluntary compliance with its Mount Laurel fair share obligations. The Township has voluntarily addressed its constitutional affordable housing obligation in response to the FHA and COAH’s First Round, Second Round and Third Round regulations (both adopted iterations from 2004 and 2008) by submitting and obtaining substantive certifications in the First and Second Rounds and by petitioning COAH in both iterations of the adopted Third Round rules of 2004 and 2008. The following facts demonstrate the Township’s voluntary commitment.

13. Shortly after the Mount Laurel II decision in 1983 Moorestown became the plaintiff in several builders’ remedy lawsuits. With the establishment of COAH by the Fair Housing Act, the court transferred the case to the state agency.

14. The Moorestown Planning Board and the Township Council endorsed the Housing

Element and Fair Share Plan dated January 5, 1987 and filed it with COAH. The First Round Plan was subsequently amended on April 30, 1988 to address staff and mediation issues. Moorestown was granted First Round (1987-1993) substantive certification by COAH on August 15, 1988 (see Exhibit A).

15. In the First Round, the Township's pre-credited allocation consisted of an indigenous need (rehabilitation component) of 11 units, reallocated present need (a regional share of indigenous need from other municipalities with a surplus of need) of 123 units, and a prospective need (future demand) of 655 units from which various adjustments were made by COAH to arrive at a pre-credited need of 707 units. Due to some inaccuracies in COAH's calculations of employment, this was subsequently revised downward to 675 units by the agency.

16. The Township's First Round Housing Element and Fair Share Plan addressed this obligation with 11 credits for rehabilitated units, 16 credits from existing affordable housing, committed to new construction of 100 rental units; planned new construction of 100% affordable housing sites of 505 units and 43 rental bonus credits.

17. Moorestown's First Round Plan was amended to add an additional senior rental project of 16 units on February 7, 1991. Township Council authorized the submission of a petition to COAH on March 25, 1991. COAH approved the petition for substantive certification on June 5, 1991 (see Exhibit B).

18. COAH issued adopted new substantive rules on May 10, 1994 (26 N.J.R. 2300), codified as N.J.A.C. 5:93, a year after the start of the Second Round in 1993. The effective date of the new rules was June 6, 1994. The procedural rules were readopted with minor amendments (N.J.A.C. 5:91). Because of the delay, COAH adopted a process for granting interim certification that provided protection from builder's remedy lawsuit (N.J.A.C. 5:93-14.1) for nine months

following their approval. Moorestown sought interim substantive certification and was granted its request by COAH on September 8, 1994 (see Exhibit C).

19. Following a similar process of calculating each municipality's affordable housing obligation, Moorestown was assigned a cumulative obligation of 85 units to be rehabilitated and 621 units of new construction, subsequently reduced to 606 units by COAH to adjust for the same miscalculated that necessitated a reduction in the first round.

20. The Moorestown Planning Board adopted a Second Round (1993-1999) Housing Element on February 23, 1995, with the Township Council adopting the Fair Share Plan and authorizing the petition for substantive certification to be filed with COAH on February 27, 1995.

21. The Township filed its petition for substantive Second Round certification with COAH on March 6, 1995. The Township addressed its cumulative 1987-1999 obligation with 16 prior cycle credits, 99 senior rentals, 59 family rentals, 338 family for sale on 100% municipally sponsored sites, 126 rental bonus credits, rehabilitation credit of 28 units at the time of certification and a program for the rehabilitation of an additional 57 units.

22. COAH granted conditional substantive certification on April 2, 1997 and final substantive certification on July 9, 1997 (see Exhibit D).

23. In November 1998, the Township sought an amendment to the 1995 Plan whereby the municipality would enter into Regional Contribution Agreements ("RCAs") with Mt. Holly Township and the City of Beverly for 204 units and 75 units, respectively, in lieu of constructing housing on its three 100% municipally sponsored sites. COAH approved the amendment on October 6, 1999 (see Exhibit E).

24. A second amendment to the Second Round substantive certification was filed with COAH on July 12, 2001 for credit for an additional five units and a reduction of the RCA with Mt.

Holly Township from 204 units to 199 units. The potential for the reduction was addressed in the original contract between the two municipalities. COAH approved the second amendment on October 3, 2001 (see Exhibit F).

25. There was a significant delay between the time that Third Round rules were supposed to be adopted in early 1999 and their actual adoption in June 2004. COAH had previously established a process for extended substantive certification (see para. 18). However, this process was overturned by the Appellate Division who ruled that such extensions had to be the subject of proper public notice to interested parties and a determination that municipalities were implementing their plans in a satisfactory manner¹.

26. Moorestown made a motion to COAH on December 8, 2004 seeking the extension under emergency rules issued by the agency on October 31, 2004 (*N.J.A.C.* 5:95-15.2). COAH granted the extension on March 9, 2005 until December 20, 2005 (see Exhibit G.)

27. Based on the foregoing, Moorestown has completely implemented its prior round Housing Element and Fair Share Plan.

Moorestown's Initial Third Round Plan

28. COAH's first version of the Third Round rules defined the applicable time period as 1999 to 2014 but then condensed it into an affordable housing "delivery period" from January 1, 2004 through January 1, 2014.

29. COAH's Third Round rules marked a significant departure from the affordable housing formulas utilized in COAH's two prior rounds. Previously, COAH had assigned an affordable housing obligation as an absolute number to each municipality.

30. The new Third Round rules implemented a "growth share" approach that linked the

¹ - In re Six Month Extension of N.J.A.C. 5:91-1 et seq., 372 NJ Super. 61 (App. Div. 2004)

production of affordable housing with future residential and non-residential development within a municipality. Each municipality was required to project the amount of residential and non-residential growth that would occur from 2004 through 2014. Then municipalities were required to provide one affordable unit for every eight market rate housing units developed and one affordable unit for every 25 jobs created (expressed as non-residential building square footage – actual jobs were not counted).

31. The Planning Board of Moorestown prepared a Third Round plan and adopted it on September 22, 2005 based on N.J.A.C. 5:94-1 et seq. (first iteration of the Third Round rules). The Township Council endorsed the Plan and authorized the filing of a petition to COAH for initial Third Round certification on November 15, 2005 (Resolution No. 157-2005) and also at the same meeting adopted a Resolution of Intent to Bond (Resolution No. 158-2005) for any shortfall in funds (See Exhibit H). The Township filed the petition with COAH on November 25, 2005. The Township fully addressed in its Plan a rehabilitation component of zero (0) units, a prior round recalculated number of 626 units with a growth share (future new construction) of 123 units.

32. One objection to the 2005 Housing Plan was received. The Township's response was satisfactory to COAH and mediation was not undertaken.

33. The Township did not receive substantive certification of this Third Round plan. In fact, COAH only granted substantive certification to three municipalities of the hundreds of petitions made to the agency.

Judicial Decisions and Subsequent COAH Actions

34. On January 25, 2007, the Appellate Division issued In Re-Adoption of N.J.A.C. 5:94 and 5:95 by New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div. 2007), certif. den., 192 N.J. 72 (2007). This decision overturned substantial components of the rules

which COAH had promulgated to guide municipal planning for the Third Round and ordered COAH to revise and re-propose those rules.

35. COAH did not issue a review of Moorestown's 2005 Third Round plan prior to the January 2007 Appellate Division decision.

36. Nearly 17 months later, on June 2, 2008, COAH adopted certain rule amendments. However, at the same meeting, COAH simultaneously proposed additional amendments to the Third Round rules which were adopted and became effective October 2008. These rules provided residential and employment projections for the Third Round, which was expanded to encompass the years 1999 through 2018. Additionally, COAH revised its ratios to require one affordable housing unit for every four market rate housing units developed and one affordable housing unit for every 16 jobs created.

37. Meanwhile, on July 17, 2008 (during the public comment period on COAH's pending proposed rule amendments) Governor Corzine signed A-500 (P.L. 2008, c.46) into law. A-500, known as "the Roberts bill" after its primary sponsor, Assembly Speaker Joseph Roberts, amended the FHA and related statutes to prohibit municipalities from utilizing Regional Contribution Agreements in their Housing Elements, to require 13% of Third Round affordable housing units to be affordable to very low income households (30% of median income or below), to fix a statewide affordable housing fee at 2.5% of equalized assessed valuation on non-residential development and to address various other issues.

38. The Planning Board of Moorestown prepared a Third Round plan and adopted it on December 29, 2008 based on N.J.A.C. 5:97-1 et seq. (second iteration of the Third Round substantive rules). The Township Council endorsed the Housing Element and Fair Share Plan on December 30, 2008 and adopted Resolution No. 201-2008 also on December 30, 2008

memorializing its action. The resolution also authorized the re-petitioning of COAH for substantive certification. The Township Council at the same meeting adopted a Resolution of Intent to Bond (Resolution No. 202-2008) to address any shortfall that might arise in the implementation of the housing plan (see Exhibit I). The 2008 Housing Element and Fair Share Plan, which also contained a Spending Plan, were filed with COAH on December 31, 2008. (See para. 70 for additional details of the 2008 Housing Element and Fair Share Plan, attached as Exhibit J)

39. On July 27, 2009, Governor Corzine signed P.L. 2009, c.90, the New Jersey Economic Stimulus Act of 2009, which instituted a moratorium on the imposition and collection of non-residential affordable housing development fees through July 2010.

40. On August 24, 2011, the moratorium on the collection of non-residential affordable housing development fees was extended by law through July 1, 2013. The moratorium has now expired.

41. On October 8, 2010, the Appellate Division issued its second decision concerning challenges to COAH's Third Round rules, In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462 (App. Div. 2010). This decision invalidated COAH's revised Third Round growth share methodology and also portions of COAH's regulations. The Court directed COAH to revise its Third Round rules using a methodology for determining prospective need similar to the methodologies used in the First and Second Rounds. The decision also sustained those portions of COAH's Third Round rules which assessed municipal present and prior round need (First and Second Round allocation).

42. After the Appellate Division's October 8, 2010 decision, the Township's certified Third Round plan remained under COAH's jurisdiction by virtue of a COAH resolution adopted

on December 8, 2010 in response to a series of motions filed by challengers. In pertinent part, the COAH Board determined that:

WHEREAS, in light of the Appellate Division decision, COAH is refraining from further review of the Third Round prospective growth share obligations of any municipal Third Round plans because there are no standards to guide COAH due to the Court's invalidation of the growth share portion of the Third Round regulations; and

BE IT FURTHER RESOLVED that going forward municipalities are not required to seek a stay from COAH proceedings concerning Third Round prospective growth share obligation; and

BE IT FURTHER RESOLVED that municipalities that have received Third Round substantive certification or have petitioned COAH pursuant to N.J.A.C. 5:96 and 5:97 continue to be under the jurisdiction of COAH.

43. On January 14, 2011, the Appellate Division entered an Order that directed the COAH Board Chair to submit bi-weekly reports on COAH's progress in adopting a revised Third Round methodology and regulations.

44. COAH filed a Motion for reconsideration of this Order and also sought a stay from the New Jersey Supreme Court of the March 8, 2011 deadline imposed by the Appellate Division for the promulgation of revised rules. On January 18, 2011, the Supreme Court granted a stay of the Appellate Division's October 8, 2010 decision, and on February 1, 2011, the Appellate Division stayed its January 14, 2011 Order.

45. Subsequently, on March 31, 2011, the New Jersey Supreme Court granted petitions and cross-petitions to all of the various challenges to the Appellate Division's decision.

46. The Supreme Court heard oral argument on the challenges to the October 8, 2010 Appellate Division decision on November 14, 2012 and, on September 26, 2013, affirmed the Appellate Division's invalidation of the growth share methodology. In re Adoption of N.J.A.C. 5:96 and 5:97, 215 N.J. 578 (2013).

47. Simultaneous with the various judicial challenges concerning COAH's Third Round rules, actions were also being taken by the Legislative and Executive branches of the State concerning the Third Round obligations, resulting in further confusion as to the ability of municipalities to ascertain their Third Round obligations.

48. On February 9, 2010, Governor Christie signed Executive Order No. 12. This Order established a five-member Housing Opportunity Task Force charged with review of the effectiveness of the Fair Housing Act, COAH and COAH's regulatory structure in meeting the constitutional obligations under the Mount Laurel doctrine. The Executive Order also ordered COAH to refrain from continuing to process applications for substantive certification or from otherwise implementing the Third Round rules during the Housing Opportunity Task Force's 90-day review period.

49. On February 19, 2010, the Appellate Division issued a stay of that portion of the Executive Order that prevented COAH from processing applications and implementing its Third Round rules.

50. On March 20, 2010, Governor Christie issued Executive Order No. 20, rescinding Executive Order No. 12. The Governor's Executive Order No. 20 coincided with the release of the report prepared by the Housing Opportunity Task Force on March 20, 2010. In the report, the Task Force recommended that the Governor re-visit COAH's original growth share methodology, reinstate the use of regional contribution agreements and eliminate prior round obligations.

51. In addition to affordable housing reform activities in the Executive branch, in 2010, the Legislature introduced several bills aimed at the reform of affordable housing law and rules that culminated in a conformed bill (S-1/A-3447) that was passed by both chambers on January 10, 2011. However, Governor Christie conditionally vetoed the bill on January 24, 2011, stating

in a press release, “The heavily amended legislation falls far short of its original intent ... The Senate has presented a considerably different version of the legislation I originally supported in June – one that was simple and sufficiently close to the recommendations contained in the March 19, 2010 report of the Housing Opportunity Task Force.” The Legislature subsequently withdrew this bill from consideration on February 7, 2011.

52. On June 29, 2011, Governor Christie filed Reorganization Plan No. 001-2011 to abolish COAH and transfer its responsibilities to the Department of Community Affairs (“DCA”). As the Legislature took no action to reject the plan, by statute, the reorganization plan became effective after 60 days – on August 29, 2011. The Executive branch established the Local Planning Services Office in DCA to provide state agency staffing for municipal affordable housing matters.

53. Fair Share Housing Center (“FSHC”) appealed the Governor’s reorganization plan, claiming that COAH is not part of the Executive branch as it was created “in but not of” DCA.

54. On March 8, 2012, the Appellate Division invalidated Governor Christie’s Reorganization Plan and reinstated COAH. See In re Plan for Abolition of COAH, 424 N.J. Super. 410 (App. Div. 2012). The Supreme Court granted certification to hear the State’s appeal of the Appellate Division’s invalidation of the Governor’s Reorganization Plan. On July 10, 2013, the New Jersey Supreme Court affirmed the Appellate Division’s decision, ruling that because COAH is an independent agency “in but not of” the DCA/Executive branch, the Governor did not have the authority under the Reorganization Act to abolish it and transfer its powers to DCA. Such action requires legislative action. In re Plan for the Abolition of the Council on Affordable Housing, 214 N.J. 444 (2013).

55. In a decision issued on September 26, 2013, the New Jersey Supreme Court in In re Adoption of N.J.A.C. 5:96 and 5:97, *supra*, 215 N.J. at 578, affirmed the Appellate Division’s

2010 invalidation of the growth share methodology. The Supreme Court invalidated all of the challenged regulations, finding that the provisions related to the growth share methodology were not severable from the remaining portions of the regulations. The Supreme Court also endorsed the remedy imposed by the Appellate Division requiring COAH to revise its Third Round regulations utilizing a methodology similar to COAH's First and Second Rounds and directed COAH to adopt new regulations in five months.

56. On February 26, 2014, COAH filed a Motion for an extension of time which the Supreme Court granted with specific deadlines.

57. On April 30, 2014, COAH met to adopt revised Third Round regulations which were published in the June 2, 2014 New Jersey Register. However, COAH failed to adopt the revised Third Round regulations at its October 20, 2014 meeting, with a deadlocked vote of 3 – 3. Accordingly, these Third Round Rules were not adopted.

58. In response to COAH's failure to adopt regulations, FSHC filed a Motion in Aid of Litigant's Rights in November 2014. The Supreme Court heard oral argument on January 6, 2015 and issued its decision on March 10, 2015. In re Adoption of N.J.A.C. 5:96 and 5:97, supra, 221 N.J. at 1. As the Supreme Court found COAH to be a "moribund" agency and board, the Court determined to dissolve the FHA's requirement to exhaust administrative remedies. Id. at 5.

59. The Court transferred the review and approval of municipal housing plans to the Superior Court. Id. at 5, 7 and 20. The effective date of the Court's decision was delayed 90 days – until June 8, 2015. Id. at 21. Between June 8 and July 8, 2015, municipalities are permitted to file declaratory judgment actions with the Superior Court. Id. at 5 and 28. Builder's remedy litigation is precluded during this 30-day time-period and, subsequently, such litigation should initially only proceed to assess constitutional compliance by the municipality of its fair share

obligations. Id. at 20. The Superior Court may grant periods of temporary immunity while a municipality addresses its judicially-determined Third Round fair share obligation. Id. at 23-24 and 26.

Effect of NJ Supreme Court's Decision and Moorestown's Adopted Housing Plan

60. Pursuant to the Supreme Court's March 10, 2015 decision, the Township of Moorestown is deemed to be a "participating" municipality. Id. at 21-22.

61. As noted in the 2015 Supreme Court decision, "While reviewing for constitutional compliance the ordinances of a Township that achieved substantive certification, courts should be generously inclined to grant applications for immunity from subsequently filed exclusionary zoning actions during the necessary review process, unless such process is unreasonably protracted." Id. at 26. The Township seeks this immunity in the application at bar.

62. There are two entities who have prepared a calculation of Third Round statewide and municipal affordable housing obligations: COAH and FSHC.

63. The COAH allocation numbers were prepared and made a part of the third iteration of the Third Round rules (N.J.A.C. 5:99) for the time period 1999-2014.

64. FSHC also prepared statewide and municipal Third Round affordable housing calculations, dated April 2015, for the time period 1999-2015.

65. Neither set of proposed statewide/municipal Third Round calculations have been approved by a state agency or a court of competent jurisdiction.

66. As the result of COAH's inability to adopt regulations and the New Jersey Supreme Court's 2015 response thereto, every municipality's affordable housing obligation is currently unsettled.

67. Notwithstanding the unsettled nature of the municipal allocations for affordable

housing, the Township of Moorestown commits to meet its affordable housing obligation using the Second Round rules and limited Third Round compliance mechanisms found constitutional by the New Jersey Supreme Court in its March 10, 2015 decision.

68. As noted in March 10, 2015 decision, the Supreme Court's process for municipalities to transfer jurisdiction from COAH "bears emphasizing that the process established is not intended to punish the towns represented before this Court, or those that are not represented but which are also in a position of unfortunate uncertainty due to COAH's failure to maintain the viability of the administrative remedy." *Id.* at 23. The Supreme Court has provided guidance to municipalities and the courts in the determination of future allocation numbers, advising that "the process developed herein is one that seeks to track the processes provided for in the FHA." *Id.* at 29.

69. In order to address this Court's future determination of the Township's Third Round fair share obligation, the Township of Moorestown expects to amend its most recently adopted Third Round Plan.

70. As previously noted, Moorestown adopted a revised Third Round Housing Element and Fair Share Plan, dated December 29, 2008, addressing its cumulative Third Round (1987-2018) fair share obligation. The second iteration of the Third Round rules assigned a rehabilitation component of 18 units. Moorestown had completed 28 units of rehabilitation between October 2000 and March 2005. Since Moorestown had completed the number assigned to it, the program has since been wound down.

71. Moorestown addressed its prior round obligation of 606 units with units and bonuses from a variety of different compliance mechanisms, as indicated in Table 1, Satisfaction of Moorestown's Prior Round Obligation. While COAH's rules indicates 621 units, this higher

number still failed to reflect the adjustment in the Township's First Round allocation (see para. 15).

Table 1. Satisfaction of Moorestown's Prior Round Obligation.

Credit Type	Project (Year Completed)	Units	Bonuses
Prior Cycle	Court House (1984)	8	
	Fire House (1985)	8	
Family For-Sale	Cedar Ct. (1992)	8	
Family Rental	Albany Acres (1987)	9	
	411 S. Lenola Rd. (1994)	1	
	528 Bethel Ave. (1993)	1	
	66-68 E. Second St. (1992)	4	
	240 Pine St. (2001)	1	16
Family Rental Gut Rehabilitation	Creed (2000)	12	
	Chestertowne Village (2000)	45	
	Colonial Arms (2004-2005)	21	
	203-205 W. Second St. (2002)	2	80
Senior Rental	Stokes Med. (1991)	16	
	Linden Place (1989)	26	(1/3 bonus on 52 units)
	Teabury Run (1987)	24	
	Lenola School (1988)	33	17
RCA	Beverly City (2000-02)	75	
	Mt. Holly Township (2000-02)	199	
Subtotal		493	113
Total Credits		606	

72. In the 2008 rules, COAH established a "growth share" number of 412 units which the Township accepted and addressed in its 2008 Housing Plan. Table 2, Summary of Moorestown's Third Round Growth Share.

Table 2. Summary of Moorestown's the Third Round Growth Share

		Bonuses	Rental	Senior	Special Needs
Third Round Growth Share	412				
Special Needs Housing					
A.D.E.P.T. Programs Group Home	5		5		5
Family Service Shared Living (5 bldg.)	13		13		13
Kings Hwy, Inc., Shared Living	3		3		3
Foundation for the Challenged Gr. Home	4		4		4
Extension of Expiring Controls⁽¹⁾					
Musser Court	16		16		
Clover Apartments	5		5		
Beech Street	18		18		
Lenola School	33		33	33	
Teaberry Run	24		24	24	
100% Affordable Housing					
Creed II	8	8 ⁽²⁾	8		
Maybury Tract and/or Nagle Tract	180	95 ⁽³⁾	180	46	
Subtotals	309	103	309	103	25
Total Units and Credits	412				

- (1) – Originally applied for as a Market-to-Affordable program
- (2) – Compliance bonuses
- (3) – Rental bonuses

73. Four objections to Moorestown's 2008 Housing Element and Fair Share Plan were received within the requisite time period.

74. COAH issued a pre-mediation report on September 16, 2009 and scheduled mediation with the objectors. The pre-mediation report also requested additional information from Moorestown. A comprehensive response was made to COAH by Moorestown on December 11, 2009. Though mediation began with the objectors it was never concluded by COAH.

75. In response to the four year time limit for expending affordable housing trust fund monies in the Roberts Bill, Moorestown submitted an Interim Spending Plan pursuant to N.J.A.C. 5:97-8.1(d). The Interim Spending Plan was a revision to the Spending Plan submitted to COAH as part of the municipality's Fair Share Plan on December 31, 2008. COAH approved the revised Spending Plan on July 12, 2012 (see Exhibit K).

Determination of Fair Share Numbers

76. In 2014, the affordable housing allocation numbers for the third iteration of the Third Round rules were prepared by Rutgers University's Center for Urban Policy Research ("CUPR").

77. CUPR has a demonstrated expertise in this field since it had calculated regional low and moderate income housing need and created a methodology for allocating it among each region's municipal constituents for COAH for the First (1987-1993) and Second (1993-1999) Rounds.

78. The 2014 methodology for the Third Round was incorporated into the rules which COAH proposed for adoption on April 30, 2014 and released for public comment in the New Jersey Register on June 2, 2014. However, as discussed above, COAH failed to adopt the revised Third Round regulations and the methodology which CUPR prepared for the State is not available to municipal parties.

79. CUPR has been retained by a consortium of municipalities, including the Township of Moorestown, to prepare revised statewide and municipal Third Round affordable housing obligation calculations. That work product is presently scheduled to be delivered by September 30, 2015.

80. Once the affordable housing numbers for the Township have been calculated and accepted by this Court, the Township will address whatever difference exists between its housing plan and the revised numbers, if any, within the five month window established by the Supreme Court for supplementing its planning documents or as directed by the trial judge.

Immunity Doctrine

81. Pursuant to N.J.S.A. 52:27D-309, a municipality that had not been sued for violation of its obligation to provide affordable housing may automatically secure immunity until five months from when COAH adopted “criteria and guidelines” by adopting a “resolution of participation” within four months from the effective date of the Act.

82. N.J.S.A. 52:27D-309 and -316 further provide that, if a municipality secured COAH’s jurisdiction by filing its Housing Element and Fair Share Plan with the agency before an exclusionary zoning suit was instituted in court, it automatically secured protection from exclusionary zoning lawsuits while it sought substantive certification. The judicial equivalent to the statutory protections created in N.J.S.A. 52:27D-309 and -316 is commonly referred to as the “immunity doctrine.”

83. In January 1986, in Hills Dev. Co. v. Tp. of Bernards, 103 N.J. 1, 64 (1986) (Mount Laurel III), the Supreme Court expressly acknowledged that the three Mount Laurel trial judges assigned following Mount Laurel II were utilizing immunity orders to protect Townships seeking to achieve compliance voluntarily. The Court in Mount Laurel III, *supra*, 103 N.J. at 29, also commended the trial judges on their “innovative refinement of techniques for the process of litigation.”

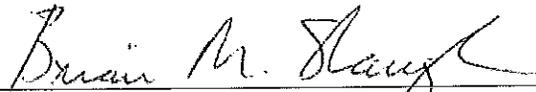
84. Over the past three decades, trial courts throughout the state have routinely entered immunity Orders to avoid unnecessary Mount Laurel lawsuits and to facilitate voluntary compliance.

85. In their March 10, 2015 decision, the Supreme Court in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, *supra*, 221 N.J. at 34, expressly acknowledged and discussed the immunity doctrine, stating:

In enacting the FHA, the Legislature clearly signaled, and we recognized, that an administrative remedy that culminates in voluntary municipal compliance with constitutional affordable housing obligations is preferred to litigation that results in compelled rezoning. See Hills, *supra*, 103 N.J. at 21–22 ... It is our hope that an administrative remedy will again become an option for those proactive municipalities that wish to use such means to obtain a determination of their housing obligations and the manner in which those obligations can be satisfied.

86. Based on the foregoing, the Township of Moorestown has filed the within lawsuit within the timeframe established by the Supreme Court in its March 10, 2015 decision to determine the Township's compliance with its affordable housing obligations. The Township has previously received Certification of its First and Second Round Housing Elements and Fair Share Plans and has sought certification for the first and second iteration of the Third Round. The Township has retained experts to update and calculate its affordable housing obligations, based on the guidance provided by recent case law. As such, Moorestown Township respectfully requests that this Court grant a period of temporary immunity from builders remedy suits while the Township proffers its affordable housing calculations, with my assistance as the Township's planning consultant and the retention of CUPR, and during the pendency of the Court's consideration of those calculations.

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


BRIAN M. SLAUGH, PP, AICP

Dated: July 3, 2015

Exhibit A



THOMAS H. KEAN
GOVERNOR

file COAH

**NEW JERSEY
COUNCIL ON AFFORDABLE HOUSING**

11 C PRINCESS ROAD
LAWRENCEVILLE, N. J. 08648

MAILING ADDRESS:
CN 813
TRENTON, N. J. 08625-0813
(609) 530-6663



JAMES L. LOGUE, III
CHAIRMAN

DOUGLAS V. OPALSKI, P.P., A.I.C.P.
EXECUTIVE DIRECTOR

TOWNSHIP COUNCIL

MCVEY
RMWIKIO *JF*

August 16, 1988

Honorable Walter T. Maahs
Moorestown Township
111 West 2nd Street
Moorestown, NJ 08057

Dear Mayor:

Enclosed please find a copy of the resolution of the Council on Affordable Housing (COAH) granting your municipality substantive certification.

If you have any further questions, please contact this office at (609)530-6663.

Sincerely,

Douglas V. Opalski *(DOB)*

Douglas V. Opalski, Executive Director
Council on Affordable Housing

enclosure

cc: Municipal Attorney
Planning Board Chairman

DVO:va
d0101k

RESOLUTION GRANTING SUBSTANTIVE CERTIFICATION No. 39a

WHEREAS, on January 5, 1987, Moorestown Township, Burlington County submitted an adopted housing element and fair share plan dated January 5, 1987 and prepared by Moorestown Township to the Council on Affordable Housing (COAH); and

WHEREAS, since Moorestown Township is a court transferred matter, the submission of its adopted housing element and fair share plan was deemed to be a petition for substantive certification pursuant to N.J.A.C. 5:91-4.2; and

WHEREAS, Moorestown Township published notice of its petition for substantive certification in the Burlington County Times, which is a newspaper of general circulation within the municipality and county, on January 8, 1987, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:91-4.3; and

WHEREAS, on March 2, 1987, COAH declared that Moorestown's housing element and fair share plan were incomplete or deficient so as to render COAH review or mediation and review impractical, and further, required revision and resubmittal to COAH by Moorestown Township on or before May 7, 1987; and

WHEREAS, on May 6, 1987, Moorestown Township submitted a revised adopted housing element and fair share plan dated April 30, 1987 and prepared by Moorestown Township to COAH; and

WHEREAS, Moorestown Township published notice of its petition for substantive certification of its amended housing element and fair share plan in the Burlington County Times, which is a newspaper of general circulation within the municipality and county, on May 11, 1987 pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:91-4.3; and

WHEREAS, Moorestown Township requested an adjustment of its original precredited need number of 707 due to overcounting of covered employment; and

WHEREAS, as set forth in the COAH Review Report which is attached hereto as appendix B and is incorporated by reference herein, based on documentation provided by Moorestown Township and confirmed by COAH, the Center For Urban Policy Research recalculated Moorestown Township's precredited need number to be 675; and

WHEREAS, Moorestown Township requested inclusionary credits totaling 16 and indigenous credits totaling 14; and

WHEREAS, for the reasons set forth in the COAH Review Report, COAH determined that 16 inclusionary units and 11 rehabilitated indigenous units shall receive credit pursuant to COAH regulation; and

WHEREAS, valid objections were filed to Moorestown Township's petition for substantive certification within 45 days of the publication of notice of Moorestown Township's petition for substantive certification, pursuant to N.J.S.A. 52:27D-314 and N.J.A.C. 5:91-5.1 et. seq; and

WHEREAS, as a result of the filing of valid objections, COAH engaged in mediation with the objectors and Moorestown Township pursuant to N.J.S.A. 52:27D-315 and N.J.A.C. 5:91-7.1 et. seq; and

WHEREAS, mediation resulted in the resolution of certain objections and agreement between the parties as detailed in the mediator's report which is attached to this resolution as Appendix A and is incorporated herein; and

WHEREAS, certain issues were not resolved by mediation to the satisfaction of all parties; and

WHEREAS, COAH having considered the mediator's report, and the COAH review report which is attached hereto as Appendix B and is incorporated herein, and having determined that the unresolved issues do not constitute a contested case, as defined in the Administrative Procedures Act, N.J.S.A. 52:14B-1 et. seq.; and

WHEREAS, COAH having reviewed Moorestown Township's petition for substantive certification to determine whether it is consistent with the rules and criteria adopted by COAH and the achievement of low and moderate income housing needs of the region; and

WHEREAS, COAH found the petition to be consistent; and

WHEREAS, COAH further having reviewed Moorestown Township's petition for substantive certification to determine whether the combination of the elimination of unnecessary housing cost generating features from the municipal land use ordinances and regulations, and the affirmative measures in the housing element and implementation plan make the achievement of the municipality's fair share of low and moderate income housing realistically possible; and

WHEREAS, Moorestown Township has negotiated voluntary developer contributions which total \$7,100,035; and

WHEREAS, Moorestown Township has provided construction schedules for 130 units of rental housing; and

WHEREAS, Moorestown Township has bonded for \$2,000,000 in a bonding ordinance adopted September 28, 1987, for the purchase of sites for 100% low/moderate income municipal construction; and

WHEREAS, at its regular meeting on May 10, 1988, COAH granted conditional substantive certification to Moorestown Township; and

WHEREAS, Moorestown Township satisfied all of the conditions within the 60 day limit.

1. All required changes to the housing element and fair share plan have been completed.
2. Five additional rental units are being provided.
3. Copies of all fair share plan ordinances were submitted.

NOW THEREFORE BE IT RESOLVED that, after having reviewed and considered the above, COAH HEREBY APPROVES Moorestown Township's petition for substantive certification; and

BE IT FURTHER RESOLVED that Moorestown Township shall cooperate with the developers who are contributing funds to the cost of low and moderate units to expedite the development of their respective sites; and

BE IT FURTHER RESOLVED that Moorestown Township shall construct or cause to be constructed at least 20 low and moderate income units for every 36 market units constructed by the developers contributing to the cost of the low and moderate income units. The Township shall construct or cause to be constructed these units within a year of the granting of certificates of occupancy for the 36 market units; and the Township shall adhere to this schedule of 20 low and moderate income units for every 36 market units until the Township has constructed 505 low and moderate income units. The Township shall not issue certificates of occupancy for anymore than 36 market units until at least 20 low and moderate income units have been constructed; and

BE IT FURTHER RESOLVED that the construction schedule in no way relieves Moorestown of its obligation to construct or cause to be constructed 505 units of low and moderate income housing within this period of substantive certification; and

BE IT FURTHER RESOLVED that Moorestown Township shall complete or cause to be completed improvements to its sanitary sewer system sufficient to accommodate all municipally constructed 100% set-aside projects on or before July 1, 1990; and

BE IT FURTHER RESOLVED that if the completion of the necessary sanitary sewer improvements is delayed, through no fault of the municipality, the construction schedule may be adjusted accordingly upon COAH review and approval; and

BE IT FURTHER RESOLVED that COAH grants a 43 unit rental bonus credit, pursuant to N.J.A.C. 5:92-14.4(d) and N.J.A.C. 5:92-13.1, since the 130 required rental component units are constructed or are under construction by MEND or are to be provided on the municipal sites; and

BE IT FURTHER RESOLVED that for the reasons set forth in the COAH review report, COAH accepts and approves the recalculation of Moorestown Township's precredited need number, reducing it from 707 to 675 and consisting of 664 inclusionary units and 11 indigenous units; and

BE IT FURTHER RESOLVED that Moorestown Township must adopt all resolutions and ordinances necessary to administer the fair housing plan and provide copies to COAH within 45 days of the granting of substantive certification; and

BE IT FURTHER RESOLVED that any changes in the facts upon which this certification is based, or any deviation from the terms and conditions of this certification, which affects Moorestown Township's ability to provide for the realistic opportunity for its fair share of low and moderate income housing and which Moorestown Township fails to remedy, may render this certification null and void. Such changes shall include, but are not limited to the discovery of pollutants on a site; the discovery of unmapped wetlands on a site; lack of clear title to a site; or the municipality's failure to obtain necessary, anticipated funding.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing at its public meeting on August 15, 1988.

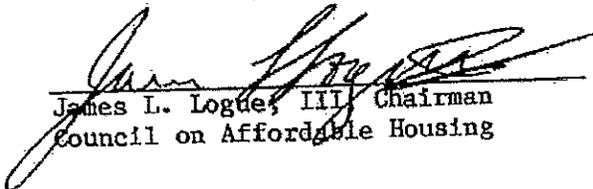

James L. Logue, III, Chairman
Council on Affordable Housing

Exhibit B



JIM FLORIO
GOVERNOR

NEW JERSEY
COUNCIL ON AFFORDABLE HOUSING

11 C PRINCESS ROAD
LAWRENCEVILLE, N. J. 08648

MAILING ADDRESS:

CN 813
TRENTON, N. J. 08625-0813
(609) 530-6663
FAX: (609) 530-8373



CHARLES GRIFFITHS, CHAIRMAN
DOUGLAS V. OPALSKI, P.P., A.I.C.P.
EXECUTIVE DIRECTOR

June 5, 1991

Honorable Walter T. Maahs
Township of Moorestown
111 West 2nd Street
Moorestown, NJ 08057

Dear Mayor Maahs:

Enclosed find a copy of the resolution approving the amendment to your municipality's certified plan.

If you have any further questions, please contact this office at (609)530-6663.

Sincerely,

Douglas V. Opalski, Executive Director
Council on Affordable Housing

enclosure

cc: Planning Board Chairman
Municipal Attorney
Municipal Clerk

DVO:va
d0146k

RESOLUTION GRANTING AMENDMENT TO SUBSTANTIVE CERTIFICATION No. 39 b

WHEREAS, the Council on Affordable Housing (COAH) on August 15, 1988 granted Moorestown Township, Burlington County substantive certification by Resolution No. 39a, a copy of which is attached hereto and becomes a part hereof (Appendix A); and

WHEREAS, on March 25, 1991, Moorestown Township petitioned COAH by resolution to amend the Township's substantive certification as per N.J.A.C. 5:91-14.3(a)(4); and

WHEREAS, the Moorestown Township Planning Board endorsed this amendment request by resolution dated March 7, 1991 as per N.J.A.C. 5:91-14(a)(3); and

WHEREAS, Moorestown Township published notice of its petition for amendment in The Burlington County Times, a newspaper of general county circulation, as per N.J.A.C. 5:91-14.3(a)(5); and

WHEREAS, Moorestown Township provided COAH with a summary and detailed reasons for the proposed amendment, as per N.J.A.C. 5:91-14.3(a)(1); and

WHEREAS, Moorestown Township provided COAH with proof of service of the petition on all owners of sites contained in both the certified and proposed fair share plans, as per N.J.A.C. 5:91-14.3(a)(4); and

WHEREAS, neither COAH nor Moorestown Township received any comments or objections to the proposed amendment; and

WHEREAS, this amendment request called for the addition of a site identified as the Stokes Medical Building, 150 Schooley Street, a 16 unit senior citizen adaptive reuse project; and

WHEREAS, the addition of this new site does not effect sites already in the plan; and

WHEREAS, Moorestown Township has requested to reserve the right to use the 16 units from this project to reduce the density on any substitute site or sites that Moorestown may consider and which may become a future amendment to the original certified fair share plan approved by COAH; and

WHEREAS, if and when Moorestown Township seeks an amendment as discussed in the above paragraph, COAH will review such request on its own merits and in accordance with COAH amendment procedures; and

WHEREAS, COAH having reviewed Moorestown Township's proposed amendment and having determined for the reasons set forth in the COAH Review Report which is attached as Appendix B and incorporated herein, that the Township's amendment is consistent with the rules and criteria adopted by COAH and the achievement of the low and moderate income housing needs of the region; and

WHEREAS, COAH having further determined that, for the reasons set forth in the COAH Review Report, that the combination of the elimination

of unnecessary housing cost generating features from the land use ordinance and regulations, and the affirmative measures in the amended housing element and implementation plan make the achievement of the municipality's fair share of low and moderate income housing realistically possible.

NOW THEREFORE BE IT RESOLVED that COAH grants this amendment to the housing element and fair share plan of Moorestown Township; and

BE IT FURTHER RESOLVED that Moorestown Township shall designate the sites necessary to implement its housing element and fair share plan in a manner consistent with the State Development/Redevelopment Plan, when adopted; and

BE IT FURTHER RESOLVED that Moorestown's Township's substantive certification shall be for the period of six years from the date of the Township's original grant of substantive certification on August 15, 1988; and

BE IT FURTHER RESOLVED that Moorestown Township shall adopt all necessary amendments to its fair share housing ordinances within 45 days of the date of the granting of this amendment to the Township's substantive certification; and

BE IT FURTHER RESOLVED that Moorestown Township shall provide COAH with a certified copy of the adopted amended fair share housing ordinance within one week of adoption; and

BE IT FURTHER RESOLVED that any changes in the facts upon which this certification is based, or any deviations from the terms and conditions of this certification, which effects Moorestown Township's ability to provide for the realistic opportunity for its fair share of low and moderate income housing and which Moorestown Township fails to remedy may render this substantive certification null and void.

I certify that this
resolution was duly adopted
at the Council on Affordable
Housing meeting on June 5, 1991



Renee Reiss, Secretary
Council on Affordable Housing

d1201v

Exhibit C



CHRISTINE TODD WHITMAN
GOVERNOR

State of New Jersey

COUNCIL ON AFFORDABLE HOUSING

101 SOUTH BROAD STREET
CN 813
TRENTON, NEW JERSEY 08625-0813
(609) 292-3000
FAX: (609) 633-6056
TDD#: (609) 278-0195



CHRISTIANA FOGGIO
CHAIRPERSON

ART BERNARD, P.P.
EXECUTIVE DIRECTOR

Rich Council
MCVE7

September 8, 1994

Honorable Walter T. Maahs
Moorestown Township
111 West Second Street
Moorestown, NJ 08057-2480

Re: Moorestown Township/Burlington County
Interim Substantive Certification

Dear Mayor Maahs:

Enclosed is a copy of the Council on Affordable Housing's (COAH) resolution granting your municipality interim substantive certification at its September 8, 1994 meeting. The interim substantive certification extends for nine months after the effective date of COAH's Substantive Rules N.J.A.C. 5:93 et. seq..

In granting interim substantive certification, it is the Council's intent to provide the same protection against exclusionary zoning law suits as regular substantive certification or a court ordered judgment of compliance and repose. If COAH does not receive an adopted housing element and fair share plan addressing your municipality's 1993-1999 calculated need on or before the date that interim substantive certification expires, your municipality will become vulnerable to exclusionary zoning law suits.

If you have any questions, please contact Pam Yallowitz, Housing Secretary at (609)292-4532.

Sincerely,

Art Bernard
Executive Director

Laura Preston
Senior Planner

COPY TO COUNCIL

cc: Attached Service List

2615w/sw

CONFERENCE

9-23-94



CHRISTINE TODD WHITMAN
GOVERNOR

State of New Jersey

COUNCIL ON AFFORDABLE HOUSING

101 SOUTH BROAD STREET
ON 813
TRENTON, NEW JERSEY 08625-0813
(609) 292-3000
FAX: (609) 633-6056
TDD#: (609) 278-0195



CHRISTIANA FOGLIO
CHAIRPERSON

ART BERNARD, P.P.
EXECUTIVE DIRECTOR

September 8, 1994

Honorable Walter T. Maahs
Moorestown Township
111 West Second Street
Moorestown, NJ 08057-2480

Re: Moorestown Township/Burlington County
Interim Substantive Certification

Dear Mayor Maahs:

Enclosed is a copy of the Council on Affordable Housing's (COAH) resolution granting your municipality interim substantive certification at its September 8, 1994 meeting. The interim substantive certification extends for nine months after the effective date of COAH's Substantive Rules N.J.A.C. 5:93 et. seq.

In granting interim substantive certification, it is the Council's intent to provide the same protection against exclusionary zoning law suits as regular substantive certification or a court ordered judgment of compliance and repose. If COAH does not receive an adopted housing element and fair share plan addressing your municipality's 1993-1999 calculated need on or before the date that interim substantive certification expires, your municipality will become vulnerable to exclusionary zoning law suits.

If you have any questions, please contact Pam Yallowitz, Housing Secretary at (609)292-4532.

Sincerely,

Art Bernard
Executive Director

Laura Preston
Senior Planner

COPY TO COUNCIL

cc: Attached Service List

2615w/sw

CONFERENCE
SEP 23 1994

9-23-94

Moorestown Township/Burlington County Service List 9/94

Honorable Walter T. Maahs
Township of Moorestown
111 West Second Street
Moorestown, NJ 08057-2480

Margie P. Murphy, Municipal Clerk
Township of Moorestown
111 West Second Street
Moorestown, NJ 08057-2480

Thomas P. Norman, Esq.
Norman & Kingsbury
Jackson Commons
Suite A-2, 30 Jackson Road
Medford, NJ 08055

Jeremy D. Countess, Esq.
Countess & Shelley
250 West Main Street
Moorestown, NJ 08057-2480

John T. Terry
Township Administrator
Moorestown Township
111 West Second Street
Moorestown, NJ 08057-2480

d2697w

RESOLUTION GRANTING INTERIM SUBSTANTIVE CERTIFICATION

WHEREAS, Moorestown Township, Burlington County, received substantive certification from the Council on Affordable Housing (COAH) on May 16, 1988, which was subsequently amended on August 15, 1988; and

WHEREAS, N.J.A.C. 5:91-14 permits COAH certified municipalities to request interim substantive certification which extends a municipality's substantive certification for up to nine (9) months from the effective date of COAH's Substantive Rules, N.J.A.C. 5:93 et. seq.; and

WHEREAS, Moorestown Township's substantive Certification expires on August 15, 1994, which is prior to nine months after the effective date of COAH's Substantive Rules, N.J.A.C. 5:93 et. seq.; and

WHEREAS, Moorestown Township moved for interim substantive certification by motion on August 2, 1994, as per N.J.A.C. 5:91-12; and

WHEREAS, all objectors and litigants that participated in substantive certification have been served with the motion, as per N.J.A.C. 5:91-14.1(a)(2), and COAH received no objections to Moorestown Township's motion for interim substantive certification; and

WHEREAS, Moorestown Township's motion and accompanying documentation complies with the requirements set forth in N.J.A.C. 5:91-14.1(a)(3); and

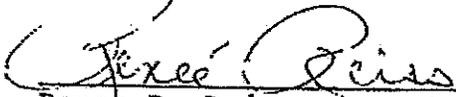
WHEREAS, Moorestown Township, Burlington County, has assured COAH that all ordinances implementing the original substantive certification are in effect and shall remain in effect for the duration of this interim substantive certification.

NOW THEREFORE BE IT RESOLVED that COAH hereby grants Moorestown Township, Burlington County, interim substantive certification; and

BE IT FURTHER RESOLVED that this grant of interim substantive certification extends until March 6, 1995, which is nine (9) months from the effective date of COAH's Substantive Rules, N.J.A.C. 5:93 et. seq.; and

BE IT FURTHER RESOLVED that Moorestown Township's interim substantive certification is conditioned on Moorestown Township's continued implementation of its certified housing element and fair share plan.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing at its meeting on September 8, 1994.



Renee R. Reiss, Secretary
Council on Affordable Housing

d2656w

Exhibit D



CHRISTINE TODD WHITMAN
Governor

State of New Jersey
COUNCIL ON AFFORDABLE HOUSING
CN-813
TRENTON NJ 08625-0813
609-292-3000
FAX: 609-633-6056
TDD#: (609) 278-0175

JANE M. KENNY
Chairman
SHIRLEY M. BISHOP, P.P.
Executive Director

July 9, 1997

Honorable Howard A. Miller, Jr.
Township of Moorestown
111 West Second Street
Moorestown, New Jersey 08057-2480

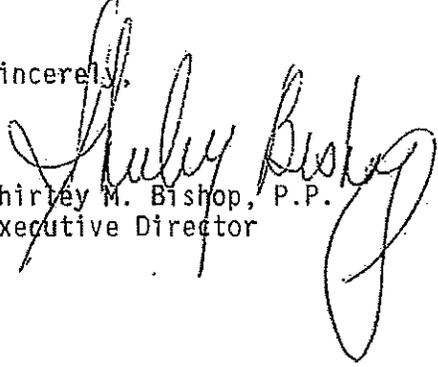
Dear Mayor Miller:

Congratulations!

Enclosed is a copy of the resolution by the Council on Affordable Housing (COAH) at the July 9, 1997 meeting that granted your municipality substantive certification. Please take note that all implementing ordinances including applicable zoning must be adopted no later than 45-days from the grant of substantive certification.

If you have any questions or need further information, please call Monica Etz, COAH planner, at (609)292-4646.

Sincerely,


Shirley M. Bishop, P.P.
Executive Director

encl.

cc: attached service list
Monica Etz, COAH planner

d3741w/1



RESOLUTION GRANTING SUBSTANTIVE CERTIFICATION No.

91-99 a

WHEREAS, Moorestown Township, Burlington County, petitioned COAH for substantive certification of its 12-year cumulative housing obligation on March 6, 1995; and

WHEREAS, Moorestown Township published notice of its petition in the Burlington County Times on March 2, 1995; and

WHEREAS, the publication of notice initiated a 45-day objector period which resulted in no objections; and

WHEREAS, Moorestown Township's 12-year (1987-1999) cumulative obligation is 691 units: 85 rehabilitation and 606 new construction; and

WHEREAS, Moorestown Township is eligible for 16 prior cycle credits and reductions for 99 senior rentals, 40 family rentals, 338 family for-sale units, 28 rehabilitations and 72 rental bonus credits; and

WHEREAS, Moorestown Township's calculated need is 98 units (57 rehabilitation and 41 new construction); and

WHEREAS, Moorestown is proposing to address the remaining 98-unit obligation with 76 family rental units through gut rehabilitation and 54 family rental bonus credits; and

WHEREAS, upon further review it was determined that there remained information to be submitted before substantive certification could be granted; and

WHEREAS, COAH issued a COAH Compliance Report (see attached Exhibit A) dated March 13, 1997 which outlined the information to be submitted by Moorestown Township before final substantive certification could be granted; and

WHEREAS, the COAH Compliance Report recommended that Moorestown Township be granted conditional substantive certification of its housing element and fair share plan with all conditions to be addressed within 60 days; and

WHEREAS, on April 2, 1997, COAH granted Moorestown Township conditional substantive certification conditioned on the following being addressed within 60 days:

1. Moorestown's plan proposes three municipal construction projects. Moorestown shall provide updated information on the status of the three municipal construction projects. Pursuant to N.J.A.C. 5:93-5.5(a), Moorestown shall provide updated pro forma and funding information, provide a resolution by the governing body of intent to bond in the event of a shortfall of funds and submit a construction schedule for completion of the projects.

2. Moorestown shall submit updated fair share ordinances which reflect N.J.A.C. 5:93: low and moderate income split as per N.J.A.C. 5:93-7.2(a), bedroom distribution as per N.J.A.C. 5:93-7.3, affordability controls in accordance with N.J.A.C. 5:93-9, establishing rents and prices of units as outlined in N.J.A.C. 5:93-7.45 and the percentage of condominium dues and/or homeowner association fees for the affordable housing units.

3. In proposing a gut rehabilitation program (Colonial Arms, Chestertowne Apartments and Creed Apartments), Moorestown shall submit the following two items pursuant to N.J.A.C. 5:93-5.5: information regarding funding for the work to be accomplished and a pro forma for each project. The township shall indicate all anticipated funding sources for each project in addition to developer contributions. To provide a realistic opportunity for the gut rehabilitation of all 76 units during the next six-year period of substantive certification, Moorestown shall provide for a stable alternative funding source such as municipal bonding to be utilized in the event of a shortfall. Pursuant to N.J.A.C. 5:93-5.5, the township shall submit a realistic schedule for the development of the units.

Moorestown must assure that Moorestown Ecumenical Neighborhood Development (MEND) shall place 30-year deed restrictions on each of the units in order to be eligible for COAH credit and rental bonus credits.

4. Moorestown shall clarify how many units it intends to rehabilitate or if it intends to utilize surplus units to address the rehabilitation obligation. Although \$50,000 in funding has been secured, the township shall submit a resolution from the governing body agreeing to fund the balance, if applicable, in the event of a shortfall and to submit a copy of MEND's rehabilitation manual.

5. An updated affirmative marketing plan as per N.J.A.C. 5:93-11 shall be submitted for COAH's review and approval and incorporated into the township's ordinance.

6. Pursuant to COAH development fee regulations, Moorestown shall submit a revised spending plan to specify the use of funds in conformance with N.J.A.C. 5:93-8.15(c) and include the municipal construction expenditures; and

WHEREAS, within 60 days, Moorestown Township submitted the outstanding information, thereby addressing the conditions as follows:

1. Moorestown provided updated information on the status of the three municipal construction projects, provided updated pro forma and funding information, provide a resolution by the governing body expressing intent to bond in the event of a shortfall of funds (see Exhibit AA) and submitted a construction schedule for completion of the projects.

2. Moorestown submitted updated fair share ordinances which reflect N.J.A.C. 5:93. The ordinance (#1824-97) was adopted by the Moorestown Township Council on June 2, 1997.

3. Moorestown submitted detailed information regarding funding for the gut rehabilitation to be accomplished and a pro forma for Colonial Arms, Chestertowne Apartments and Creed Apartments. Moorestown provided a resolution by the governing body expressing its intent to bond in the event of a shortfall of funds (see Exhibit AA) and submitted a construction schedule for completion of the projects.

Moorestown and Moorestown Ecumenical Neighborhood Development (MEND) have agreed to place 30-year deed restrictions on each of the units in order to be eligible for COAH credit and rental bonus credits.

4. Moorestown's housing element and fair share plan does not anticipate the (moderate) rehabilitation of units to address its 12-year obligation at this time.

5. Moorestown has submitted an updated affirmative marketing plan as per N.J.A.C. 5:93-11. The ordinance (#1824-97) was adopted by the Moorestown Township Council on June 2, 1997.

6. Moorestown submitted a revised spending plan to specify the use of funds in conformance with N.J.A.C. 5:93-8.15(c). The spending plan will be reviewed and approved by COAH prior to and apart from the grant of substantive certification as per N.J.A.C. 5:93-8.6.

NOW THEREFORE BE IT RESOLVED that COAH has reviewed Moorestown Township's petition for substantive certification of its housing element and fair share plan and supporting documentation and determines that it is consistent with the rules and criteria adopted by COAH and the achievement of low and moderate income housing needs of the region; and

BE IT FURTHER RESOLVED that COAH has reviewed Moorestown Township's petition for substantive certification of its housing element and fair share plan and determined that Moorestown Township has created a realistic opportunity for addressing its 12-year cumulative obligation of 691 housing units as set forth in the COAH Compliance Report; and

BE IT FURTHER RESOLVED that Moorestown Township shall complete 356 units in three municipal construction projects as follows:

ACTIVITY TO BE COMPLETED

Contract signed with sponsor for three projects
MAYBURY construction contract signed
MAYBURY municipal and other approvals in place
MAYBURY ground breaking
MAYBURY completed (88 units)
QUAKER MEADOWS construction contract signed
QUAKER MEADOWS approvals in place
QUAKER MEADOWS ground breaking
QUAKER MEADOWS completed (148 units)
FISHER construction contract signed
FISHER approvals in place
FISHER ground breaking
FISHER completed (120 units)

DEADLINE

September 1997
September 1997
October 1997
March 21, 1998
July 1999
October 1998
January 1999
September 1, 1999
March 2001
November 1999
March 2000
March 21, 2001
July 2002

BE IT FURTHER RESOLVED that Moorestown shall complete 78 units of gut rehabilitation at Colonial Arms, Chestertowne Apartments and Creed Apartments as follows:

NUMBER COMPLETED

No less than 16 units
No less than 16 units
No less than 16 units
No less than 15 units
No less than 15 units
= 78 total units

DEADLINE

July 1997 to July 1998
July 1998 to July 1999
July 1999 to July 2000
July 2000 to July 2001
July 2001 to July 2002

BE IT FURTHER RESOLVED that COAH finds that the housing element and fair share plan submitted by Moorestown Township comport with the standards set forth in N.J.S.A. 52:27D-314 and are consistent with the rules and criteria adopted by COAH, and

BE IT FURTHER RESOLVED that COAH hereby grants substantive certification to Moorestown Township's housing element and fair share plan for a period of six years; and

BE IT FURTHER RESOLVED that any change in the facts upon which this certification is based or any deviation from the terms and conditions of this certification which affects the ability of the municipality to provide for the realistic opportunity of its fair share of low and moderate income housing and which the municipality fails to remedy may render this certification null and void.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing on 7/9/99

Shirley Bishop, Executive Director
Council on Affordable Housing

7/9/99

Exhibit E



KRISTINE TODD WHITMAN
Governor

State of New Jersey
COUNCIL ON AFFORDABLE HOUSING
PO Box 813
TRENTON NJ 08625-0813
609-292-3000
FAX: 609-633-6056
TDD#: (609) 278-0175

JANE M. KENNY
Chairman
SHIRLEY M. BISHOP, P.P.
Executive Director

October 6, 1999

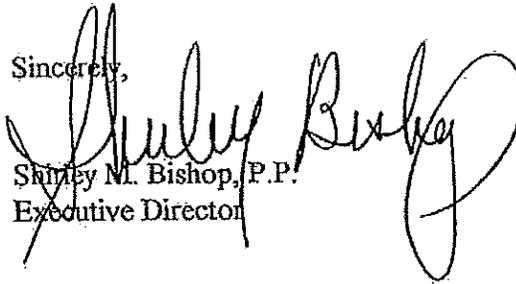
The Honorable Howard A. Miller, Jr.
Township of Moorestown
111 West Second Street
Moorestown, New Jersey 08057-2480

Dear Mayor Miller:

Enclosed please find a resolution that was passed by the Council on Affordable Housing (COAH) at its public meeting of October 6, 1999 approving an amendment to your certified housing element/fair share plan.

If you have any questions or need further information, please call Monica Etz, COAH planner, at (609)292-4646.

Sincerely,



Shirley M. Bishop, P.P.
Executive Director

enclosure

cc: Service List
Monica Etz, COAH planner



RESOLUTION GRANTING AMENDED SUBSTANTIVE CERTIFICATION No.

71-99 b

WHEREAS, Moorestown Township, Burlington County, received substantive certification from the Council on Affordable Housing (COAH) for its 12-year cumulative housing obligation on July 9, 1997; and

WHEREAS, Moorestown Township petitioned COAH with an amended housing element and fair share plan on November 6, 1998; and

WHEREAS, Moorestown Township published notice of its amendment in the Burlington County Times on November 5, 1998; and

WHEREAS, Moorestown Township's 12-year cumulative obligation is 691 units of which 85 are rehabilitation and 606 are new construction; and

WHEREAS, during the 30-day comment period there were two objections to the plan; and

WHEREAS, mediation consisted of one session on March 4, 1999; and

WHEREAS, there were no contested issues of fact which necessitated a transfer to the Office of Administrative Law (OAL); and

WHEREAS, as indicated in the COAH Compliance Report dated September 21, 1999, (attached) Moorestown Township's amended housing element and fair share plan include the removal of three previously-certified municipal construction projects: Quaker Meadows (148 units), Maybury (88 units) and the Fischer site (120) and 15 rental bonuses; and

WHEREAS, Moorestown Township is replacing the three sites with a regional contribution agreement (RCA) with the City of Beverly, Burlington County (75 units), an RCA with the Township of Mount Holly, Burlington County (204 units), a municipally-sponsored rehabilitation program (53 units) and seven other affordable units; and

WHEREAS, Moorestown's amended housing element and fair share plan include credits, reductions and rental bonuses for a total of 691 units; and

WHEREAS, COAH has reviewed Moorestown Township's petition for amended substantive certification of its housing element and fair share plan and determined that the plan addresses the 12-year obligation.

NOW THEREFORE BE IT RESOLVED that COAH has reviewed Moorestown Township's petition for amended substantive certification of its housing element and fair share plan and supporting documentation and determines that all are consistent with rules and criteria adopted by COAH for the achievement of low and moderate income housing needs for the region; and

BE IT FURTHER RESOLVED that COAH has reviewed Moorestown Township's amended petition for substantive certification and determined that Moorestown has created a realistic opportunity for addressing its affordable housing obligation; and

BE IT FURTHER RESOLVED that COAH finds that the housing element and fair share plan submitted by Moorestown comport with the standards set forth in N.J.S.A. 52:27D-314 and are consistent with the rules and criteria adopted by COAH and the achievement of low and moderate income housing needs of the region; and

BE IT FURTHER RESOLVED that COAH HEREBY GRANTS AMENDED SUBSTANTIVE CERTIFICATION to Moorestown Township; and

= =

BE IT FURTHER RESOLVED that Moorestown Township shall complete the 53 rehabilitation units as follows:

<u>DEADLINE</u>	<u>UNITS COMPLETED</u>	<u>FUNDING AVAILABLE</u>
July 2000	17	\$ 170,000
July 2001	12	\$ 120,000
July 2002	12	\$ 120,000
July 2003	+ 12	\$ 120,000
	53	\$ 530,000 total

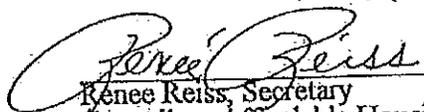
BE IT FURTHER RESOLVED that Moorestown shall adopt all implementing ordinances within 45 days of the grant of amended substantive certification; and

BE IT FURTHER RESOLVED that Moorestown Township's grant of amended substantive certification expires on July 9, 2003; and

BE IT FURTHER RESOLVED that nothing in this resolution shall change or effect any of the other terms of the COAH resolution which granted substantive certification to Moorestown Township on July 9, 1997; and

BE IT FURTHER RESOLVED that any change in the facts upon which this amended certification is based or any deviation from the terms and conditions of this amended certification which affects the ability of the township to provide for the realistic opportunity of its fair share of low and moderate income housing and which the township fails to remedy may render this certification null and void.

I hereby certify that this resolution
was duly adopted by the Council on
Affordable Housing at its meeting on
October 6, 1999.



Renee Reiss, Secretary
Council on Affordable Housing

Exhibit F



State of New Jersey
COUNCIL ON AFFORDABLE HOUSING

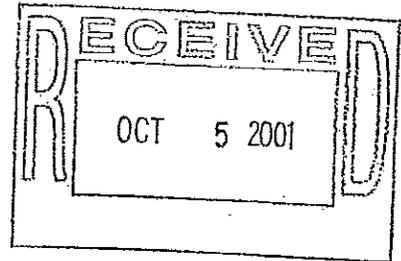
PO Box 813
TRENTON NJ 08625-0813

(609) 292-3000
FAX: (609) 633-6056
TDD# (609) 278-0175

DONALD T DiFRANCESCO
Acting Governor

JANE M. KENNY
Chairman
SHIRLEY M. BISHOP, P.P.
Executive Director

October 3, 2001



The Honorable Howard A. Miller, Jr.
Mayor, Moorestown Township
111 W. Second Street
Moorestown, New Jersey 08057

Dear Mayor Miller:

Enclosed is a copy of the resolution approved by the Council on Affordable Housing (COAH) at the October 3, 2001 meeting that granted an amendment to your municipality's substantive certification.

If you have any questions, or need further information, please call Monica Etz, COAH planner, at (609) 292-4646.

Sincerely,

Shirley M. Bishop, P.P.
Executive Director

enclosure

c: attached service list
Monica Etz, COAH planner



RESOLUTION GRANTING AMENDED SUBSTANTIVE CERTIFICATION No. 71-99(e)

WHEREAS, Moorestown Township, Burlington County, petitioned the Council on Affordable Housing (COAH) for substantive certification of its 12-year cumulative housing obligation on March 6, 1995; and

WHEREAS, Moorestown Township received substantive certification of its housing element and fair share plan on July 9, 1997; and

WHEREAS, on November 6, 1998, Moorestown Township petitioned COAH with an amendment to its housing element and fair share plan and received COAH approval of its amendment on October 6, 1999; and

WHEREAS, Moorestown Township petitioned COAH for a second amendment to its substantive certification on July 12, 2001; and

WHEREAS, Moorestown Township published notice of its petition in the Burlington County Times on July 10, 2001; and

WHEREAS, the publication of notice initiated a comment period which resulted in no objections; and

WHEREAS, Moorestown Township's 12-year (1987-1999) cumulative obligation is 691 units: 85 rehabilitation and 606 new construction; and

WHEREAS, with this amendment, Moorestown Township is seeking credit for two units of gut rehabilitation, one write-down/buy-down unit and three rental bonuses; and

WHEREAS, upon review of the eligible credits and bonuses it was determined that

Moorestown Township is eligible for two credits of gut rehabilitation, one credit for a write-down/buy-down unit and two rental bonuses, for a total of five; and

WHEREAS, with these eligible credits, Moorestown Township proposes to reduce its regional contribution agreement (RCA) with Mount Holly in accordance with Article 1.4 in the Moorestown-Mount Holly RCA of 1999 by five units; and

WHEREAS, Article 1.4 of the Moorestown-Mount Holly RCA of 1999 states "The sending municipality reserves the option to petition the New Jersey Council on Affordable Housing (COAH) to amend the terms of its substantive certification in order to reduce the number of units transferred to the receiving municipality and substitute low and moderate income units to be developed in the sending municipality;" and

WHEREAS, pursuant to the terms of the 1999 Moorestown-Mount Holly RCA, Moorestown Township notified Mount Holly, by certified mail prior to August 6, 2001, of this amendment to its substantive certification; and

WHEREAS, Moorestown Township is exercising its option to amend its substantive certification and instead of transferring 83 units as part of the third payment, Moorestown proposes to transfer 78 units for a payment of \$1,560,000; and

WHEREAS, COAH issued a COAH Compliance Report (see attached Exhibit A) dated September 18, 2001 which recommends that the amendment of substantive certification be granted to Moorestown Township; and

WHEREAS, the issuance of the COAH Compliance Report initiated a comment period which resulted in no objections.

NOW THEREFORE BE IT RESOLVED that COAH has reviewed Moorestown

Township's amendment to substantive certification of its housing element and fair share plan for its 12-year cumulative obligation (1987-1999); and

BE IT FURTHER RESOLVED that COAH finds that the amendment to its housing element and fair share plan submitted by Moorestown Township comports with the standards set forth in N.J.S.A. 52:27D-314 and is consistent with the rules and criteria adopted by COAH; and

BE IT FURTHER RESOLVED that COAH hereby grants amended substantive certification to Moorestown Township's housing element and fair share plan; and

BE IT FURTHER RESOLVED that any change in the facts upon which this amended certification is based or any deviation from the terms and conditions of this certification which affects the ability of the municipality to provide for the realistic opportunity of its fair share of low and moderate income housing and which the municipality fails to remedy may render this certification null and void.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing on October 3, 2001.


Renee Reiss, Secretary
Council on Affordable Housing

Exhibit G



State of New Jersey
COUNCIL ON AFFORDABLE HOUSING
101 SOUTH BROAD STREET
PO Box 813
TRENTON NJ 08625-0813
(609) 292-3000
(609) 633-6056 (FAX)

RICHARD J. CODEY
Acting Governor

SUSAN BASS LEVIN
Commissioner
LUCY VOORHOEVE
Executive Director

March 10, 2005

The Honorable Michael L. Sanyour
Mayor, Moorestown Township
111 W. Second Street
Moorestown, NJ 08057-2480

Dear Mayor Sanyour:

Enclosed is a copy of the Council on Affordable Housing's (COAH's) resolution granting Moorestown Township an extension of substantive certification at its March 9, 2005 meeting. The grant of extended substantive certification of Moorestown Township's housing element and fair share plan is extended for a period of time not to exceed December 20, 2005, or until Moorestown Township files or petitions for third round substantive certification, whichever is earlier.

If you have any questions, please contact Joanne Wiggins at (609) 292-4646.

Sincerely,

Lucy Voorhoeve
Executive Director

c: attached service list
Joanne Wiggins, COAH



RESOLUTION GRANTING EXTENDED SUBSTANTIVE CERTIFICATION # ES-127

Moorestown Township, Burlington County

WHEREAS, Moorestown Township, Burlington County, received substantive certification from the New Jersey Council on Affordable Housing (COAH) on July 9, 1997, for a period of six years; and

WHEREAS, Moorestown's substantive certification was amended on October 6, 1999, and again on October 3, 2001; and

WHEREAS, N.J.A.C. 5:95-15.2 permits COAH-certified municipalities to request an extension of substantive certification of their 1987-1999 Housing Element and Fair Share Plan until December 20, 2005; and

WHEREAS, Moorestown Township moved for extended substantive certification by motion on December 8, 2004, as per N.J.A.C. 5:95-12; and

WHEREAS, Moorestown Township's governing body adopted a resolution on December 6, 2004, requesting the extension, committing to continue to implement the certified second round plan, and committing to file or petition for third round substantive certification in accordance with N.J.A.C. 5:94 and N.J.A.C. 5:95 by December 20, 2005; and

WHEREAS, notice of the motion was published in the Burlington County Times and the Newsweekly Thursday on December 9, 2004; and

WHEREAS, Moorestown served the motion upon the service list maintained by COAH as per N.J.A.C. 5:95-15.2(c)2; and

WHEREAS, Moorestown submitted documentation demonstrating that all applicable ordinances implementing the 1987-1999 substantive certification are in effect; and

WHEREAS, Moorestown's motion and accompanying documentation comply with requirements set forth in N.J.A.C. 5:95-15.2; and

WHEREAS, during the 20-day public comment period, COAH received no comments to Moorestown's motion for extended substantive certification; and

WHEREAS, COAH staff conducted a principled review of Moorestown's motion and prepared a COAH Report Reviewing Motion for Extended Substantive Certification on February 24, 2005 (attached hereto as Exhibit A and incorporated by reference herein); and

WHEREAS, Moorestown's cumulative fair share obligation is 691 affordable housing units, consisting of a 85-unit rehabilitation obligation and a 606-unit new construction obligation; and

WHEREAS, the plan certified by COAH on July 9, 1997, and subsequently amended on October 6, 1999, and again on October 3, 2001, included 476 credits and bonuses, yielding a remaining new construction obligation of 162 units and a remaining rehabilitation obligation of 53 units; and

WHEREAS, the amended Housing Element and Fair Share Plan that was certified by COAH addressed Moorestown's remaining obligation with the following elements: four gut rehabilitation projects containing 80 units and eligible for 80 rental bonuses; one write-down/buy-down rental unit that is eligible for one rental bonus; and a rehabilitation program for 53 units; and

WHEREAS, Moorestown, in cooperation with Moorestown Ecumenical Neighborhood Development (MEND), has completed all but one of the affordable gut rehabilitation units; and

WHEREAS, the one incomplete gut rehabilitation unit is scheduled for completion in 2005 and Moorestown has reserved funding for the project; and

WHEREAS, the write-down/buy-down unit received a certificate of occupancy on March 18, 2000, and is being rented by an income-eligible household; and

WHEREAS, Moorestown has rehabilitated 45 of the 53 units proposed in the Township's municipally-sponsored rehabilitation program; and

WHEREAS, Moorestown's rehabilitation program is administered by MEND, is ongoing and successful, and is funded by the Township's Housing Trust Fund; and

WHEREAS, Moorestown's rental obligation is 148 units and the Township has fulfilled its rental obligation with 99 constructed age-restricted units from the first round; 15 constructed family rental units; 79 family rental units that have been gut rehabilitated; and one write-down/buy-down unit that is also a family rental; and

WHEREAS, Moorestown's certified plan included a development fee ordinance that was approved by COAH on May 3, 1995, and adopted by the Township on June 2, 1997; and

WHEREAS, COAH approved Moorestown's original spending plan on July 9, 1997, which was subsequently updated in 1999 and again in 2001 to reflect amendments to the Township's substantive certification; and

WHEREAS, Moorestown has collected \$6,850,872.09 in development fees and expended \$2,184,810.86 on affordable housing programs, \$1,270,000 on affordability assistance, \$3,050,000 on RCA transfers and \$540 on administration for total expenditures of \$6,505,350.86, leaving a balance of \$345,521.23 in its affordable housing trust fund.

NOW THEREFORE BE IT RESOLVED that Moorestown Township is complying with the terms of its 1987-1999 substantive certification; and

BE IT FURTHER RESOLVED that Moorestown shall continue to comply with all terms and conditions of its substantive certification or any amended substantive certification; and

BE IT FURTHER RESOLVED that Moorestown's approved plan continues to provide a realistic opportunity for affordable housing; and

BE IT FURTHER RESOLVED that COAH hereby grants Moorestown Township, Burlington County, extended substantive certification; and

BE IT FURTHER RESOLVED that this grant of extended substantive certification of Moorestown's Housing Element and Fair Share Plan is extended for a period of time not beyond December 20, 2005, or until Moorestown files or petitions for third round substantive certification, whichever is earlier; and

BE IT FURTHER RESOLVED that Moorestown shall file or petition for third round substantive certification by December 20, 2005; and

BE IT FURTHER RESOLVED THAT all ordinances implementing the original substantive certification or the amended substantive certification shall remain in effect for the duration of the extended substantive certification; and

BE IT FURTHER RESOLVED THAT Moorestown Township's extended substantive certification is conditioned on Moorestown's continued implementation of its certified Housing Element and Fair Share Plan.

I hereby certify that this Resolution was duly adopted by the Council on Affordable Housing at its meeting on March 9, 2005.


Renée Reiss
Council Secretary

Exhibit H

TOWNSHIP OF MOORESTOWN

RESOLUTION NO. 157-2005

**APPROVING HOUSING ELEMENT AND FAIR SHARE PLAN AND
PETITIONING THE COUNCIL ON AFFORDABLE HOUSING FOR
THIRD ROUND SUBSTANTIVE CERTIFICATION**

WHEREAS, Moorestown Township received extended substantive certification of its Second Round Housing Element and Fair Share Plan from the New Jersey Council on Affordable Housing (COAH) on March 9, 2005, for a period of time not to exceed December 20, 2005; and

WHEREAS, the Moorestown Township Planning Board has considered the proposed 2005 Third Round Housing Element and Fair Share Plan at a regular meeting of the Planning Board held on September 22, 2005, and did adopt said "Housing Element and Fair Share Appendices" dated September 22, 2005, as part of the Master Plan of the Township of Moorestown; and

WHEREAS, the Township Council desires to petition COAH for substantive certification of this plan.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council that the 2005 Third Round Housing Element of the Township of Moorestown as adopted by the Planning Board as a part of the Master Plan thereof, be submitted to COAH together with the Fair Share Appendices and that this resolution be considered by COAH as a petition for substantive certification by the Township of Moorestown; and

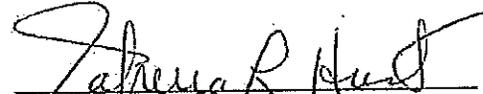
BE IT FURTHER RESOLVED, by the Township Council that:

1. The Township Clerk be authorized to promptly publish a legal notice of the petition for substantive certification in a newspaper of county wide circulation and that a copy of this resolution and the adopted housing element and fair share appendices and supporting documentation be made available for public inspection at the Township Clerk's Office during regular business hours, from 8:30 AM to 4:30 PM, at Town Hall, 111 West Second Street, Moorestown, New Jersey, on Monday through Friday, for a period of at least 45 days following the date of publication of said legal notice;
2. The Township Council recognizes that the Township may need to make additional submissions to COAH in the course of the petition for substantive certification and hereby authorizes its solicitor, or other designated Township attorney, and the Township's Housing Planner to make whatever submissions they deem appropriate in support of the plan and pursuant to Council's policy.

3. The Township's Housing Planner shall, upon COAH certification, prepare a single document that will constitute the full and complete Third Round Housing Element and Fair Share Plan.

VOTE	
ABERANT	YES
ROCCATO	YES
MILLER	YES
SEGAL	YES
ERON	YES

Certified to be a true and correct copy of a resolution adopted by the Township Council of the Township of Moorestown at its regular meeting on November 14, 2005.


Patricia L. Hunt, Township Clerk

(TMF/10-18-05)

TOWNSHIP COUNCIL OF MOORESTOWN

RESOLUTION NO. 158-2005

**INTENT TO COMMIT FUNDS FOR THE DEVELOPMENT AND
IMPLEMENTATION OF THE MOORESTOWN TOWNSHIP HOUSING
ELEMENT AND FAIR SHARE PLAN**

WHEREAS, the Township Council of the Township of Moorestown has authorized the filing of the Moorestown Township Housing Element and Fair Share Plan with the New Jersey Council on Affordable Housing (COAH); and

WHEREAS, the Moorestown Township Housing Element and Fair Share Plan to be filed with COAH incorporates a Township Housing Component that relies on the construction of eight new affordable housing units, thirty year affordability control extensions on seventy two existing Township low and moderate-income apartments with affordability controls that have or will expire during the COAH Third Round, and eight units located in two group homes that house developmentally disabled adults for the fulfillment of the Fair Share requirement assigned to Moorestown Township; and

WHEREAS, the proposed Moorestown Township Housing Element and Fair Share Plan, incorporates a Spending Plan for the costs associated with the Township's Fair Share requirement that includes the collection and expenditure of development fees; and

WHEREAS, the Township is committed to fund any shortfall in the implementation of its COAH-certified Housing Element and Fair Share Plan to insure the full program costs are guaranteed;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Moorestown hereby offers a commitment to fund any deficit in the spending plan by appropriating funds from the general fund or by municipal bond with respect to the Township Housing Component consistent with COAH rules and regulations, commencing after Substantive Certification by COAH is granted.

VOTE	
ABERANT	YES
ROCCATO	YES
MILLER	YES
SEGAL	YES
ERON	YES

Certified to be a true and correct copy of
a resolution adopted by the Township
Council of the Township of Moorestown
at its meeting of November 14, 2005.

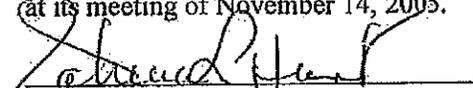

Patricia L. Hunt, Township Clerk

Exhibit I

TOWNSHIP OF MOORESTOWN

RESOLUTION NO. 201-2008

RESOLUTION RE-PETITIONING THE
NEW JERSEY COUNCIL ON AFFORDABLE HOUSING
FOR SUBSTANTIVE CERTIFICATION OF AN
ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board of the Township of Moorestown, State of New Jersey, adopted a revised Third Round Housing Element and Fair Share Plan on December 29, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the amended Housing Element and Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, hereby endorses the revised Third Round Housing Element and Fair Share Plan as adopted by the Township of Moorestown Planning Board; and

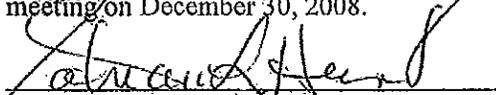
BE IT FURTHER RESOLVED, that the Township Council of the Township of Moorestown, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.4, submits this re-petition for substantive certification of the amended Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED, that all objectors and owners of sites in the Housing Element and Fair Share Plan have received notice of the re-petition; and

BE IT FURTHER RESOLVED, that notice of this re-petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven days of issuance of the notification letter from the Executive Director of the Council on Affordable Housing indicating that the submission is complete and that a copy of this resolution, the adopted amended Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Office of the Township Clerk, Township of Moorestown located at 2 Executive Drive, Suite 9A, Moorestown, New Jersey, during the hours of 8:30 a.m. through 4:30 p.m. Monday through Friday, excluding legal holidays, for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

VOTE	
ABERANT	Yes
ROCCATO	Yes
BRODER	Yes
SEGAL	Yes
ERON	Yes

Certified to be a true and correct copy of a resolution adopted by the Township Council of the Township of Moorestown at a special meeting on December 30, 2008.


Patricia L. Hunt, Township Clerk

Approved By: [Signature]
Meeting Date: 12/29/18

TOWNSHIP OF MOORESTOWN

RESOLUTION NO. 202-2008

**RESOLUTION OF THE MOORESTOWN TOWNSHIP COUNCIL
OF AN INTENT TO BOND IN THE EVENT OF AN AFFORDABLE
HOUSING FUNDING SHORTFALL**

WHEREAS, Moorestown Township, Burlington County, has re-petitioned the New Jersey Council on Affordable Housing (COAH) for substantive certification of its adopted and revised Third Round Housing Element and Fair Share Plan; and

WHEREAS, COAH has determined that Moorestown Township may be required to allocate funds for the 100% affordable housing projects identified in said plan; and

WHEREAS, Moorestown Township anticipates that funding will come from the following sources to satisfy said obligation: sources including, but not limited to, the Township's affordable housing trust fund -- development fees and in-lieu payments; and governmental sources such as the Federal Low Income Housing Tax Credits, New Jersey Balanced Housing funds, HUD funding, Federal Home Loan Bank Board financing, HMFA bond financing, Burlington County Home funds, etc.; and

WHEREAS, in the event that the above funding sources prove inadequate to meet Moorestown Township's funding obligation, the Township Council shall provide sufficient funding to address any shortfalls.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of Moorestown Township, Burlington County, State of New Jersey, that the Township Council does hereby agree to fund any shortfalls in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED, that said shortfall shall be funded by bonding if there are no other available funding resources.

VOTE	
ABERANT	Yes
ROCCATO	Yes
BRODER	Yes
SEGAL	Yes
ERON	Yes

Certified to be a true and correct copy of a resolution adopted by the Township Council of the Township of Moorestown at a special meeting on December 30, 2008.

[Signature]
Patricia L. Hunt, Township Clerk

Exhibit J

**Housing Element of the Master Plan
and
Fair Share Plan**

REVISED THIRD ROUND

Planning Board

**Township of Moorestown
Burlington County, New Jersey**

December 11, 2008
Revised December 29, 2008

**Housing Element of the Master Plan
and
Fair Share Plan**

REVISED THIRD ROUND

**Planning Board
Township of Moorestown
Burlington County, New Jersey**

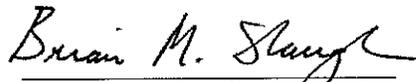
**December 11, 2008
Revised December 29, 2008**

Adopted pursuant to *N.J.S.A. 40:55D-28b(3)*,
The New Jersey Municipal Land Use Law

and the

Fair Housing Act of 1985, *N.J.S.A. 52:27D-301* et seq.

Prepared by:



Brian M. Slauch, PP, AICP
New Jersey Professional Planner License No. 3743

Clarke Caton Hintz
400 Sullivan Way
Trenton, New Jersey 08628
(609) 883-8383

A signed and sealed original is on file with the Office of the Township Clerk



Township Council

Kevin Aberant, Mayor
Ann B. Segal, Acting Mayor
Seth N. Broder
Jonathan Eron
Daniel Roccato

Christopher J. Schultz, Township Manager
David Serlin, Esq., Counsel

Planning Board

Michael T. Nichols, Class IV, Chairman
Jeffrey Harding, Class IV, Vice-Chairman
William R. Barker, Class IV
Jonathan Eron, Class III
William F. Newborg, Class IV
Gregory Newcomer, Class IV
Barbara A. Rich, Class IV
Christopher J. Schultz, Class I
William J. Wesolowski, Class II
Randolph M. Cherkas, Alternate #1
Judith A. Shaw, Alternate #2

Peter Thorndike, Esq., Counsel
Thomas M. Ford, PP, AICP, Board Secretary
Sharon Leinheiser, Recording Secretary



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Moorestown Township

Housing Element and Fair Share Plan

Revised Third Round

INTRODUCTION

The Housing Element is a part of Moorestown's Master Plan for development and redevelopment. Its purpose, along with the Fair Share Plan, is to address the affordable housing obligation mandated by the Fair Housing Act of 1985 and subsequent rules adopted by the New Jersey Council on Affordable Housing (COAH), the implementing state agency established by the Act. This document addresses the so-called "Third Round" affordable housing obligation based on rules adopted by COAH on October 20, 2008. The Housing Element is structured to meet state requirements for Master Plans¹, other contents as required in the Fair Housing Act² and the substantive rules of COAH³. The Fair Share Plan, portions of which are included as appendices within this document, include the Spending Plan, draft implementing ordinances, resolutions of endorsement and other documents that are part of the submission package to COAH as the Township's petition for Third Round Substantive Certification. Collectively, these documents will be referred to as the Housing Plan.

Moorestown Township is located in western Burlington County, New Jersey, about twelve miles from the center of Philadelphia and seventy miles from New York City. The municipality contains about 15 square miles and has a population approaching 20,000 people. Moorestown generally dates its beginning from 1682 when the first European settlers arrived and established farms. Moorestown has historically been a center of population, first as an agrarian community, then as a center of commerce with the arrival of the railroad, as a bedroom community for Camden and Philadelphia, and currently as a suburban town with its own workforce, stores and offices.

Housing affordable to persons of modest means has long been a focus of many individuals and groups in the municipality. A growing social consensus in the 1960's led to many new or expanded governmental programs for providing affordable housing. Municipal responses typically took the form of the creation of housing authorities but these were mainly in large population centers. Affordable housing advocates in Moorestown, however, took a different approach to the issue. Moorestown has a strong set of institutions, including many religious organizations. A group of nine churches formed the non-profit, non-sectarian Moorestown Ecumenical Neighborhood Development, Inc. (MEND) in 1969. Since that time, MEND has been involved in acquiring, rehabilitating and constructing dwellings for

¹ - Municipal Land Use Law at *N.J.S.A.* 40:55D-28b(3).

² - Fair Housing Act at *N.J.S.A.* 52:27D-310.

³ - *N.J.A.C.* 5:97 et seq.



persons living in low and moderate income households.

Moorestown Township's active involvement in affordable housing was precipitated by the *Mt. Laurel II* decision in 1983 and its subsequent defense from builder's remedy lawsuits shortly thereafter. The Township and MEND have worked collaboratively since that time for the Township to meet its affordable housing obligation and for MEND to continue to offer its services for lower income families and individuals. The Third Round Plan continues this relationship that has proven to be beneficial to both parties.

The first portion of the housing plan provides the statistical background that provides a demographic background for the implementation mechanisms necessary to meet the Township's affordable housing obligation.

COAH INCOME LIMITS

Housing costs are defined as affordable when a household spends no more than 30% of its gross monthly income for housing (when rented) or 28% of income when housing is purchased. Costs include the monthly rent plus utilities and in the case of for-sale housing, mortgage principal and interest, property taxes and insurance (both property and mortgage insurance). The state has been divided into six housing regions. Moorestown is located in the southwest region, Region 5, which consists of Burlington, Camden and Gloucester Counties. In Table 1, the upper limit of income by the size of the household is presented. This is representative, since COAH establishes limits up to eight person households.

Table 1. 2008 COAH Income Limits for Moorestown Residents.

Household Income Levels	1 Person Household	2 Person Household	3 Person Household	4 Person household	5 Person Household
Moderate Income	\$41,608	\$47,552	\$53,496	\$59,440	\$64,195
Low Income	\$26,005	\$29,720	\$33,435	\$37,150	\$40,122
Very Low Income	\$15,603	\$17,832	\$20,061	\$22,290	\$24,073

Source: COAH 2008 Income Limits

COAH imposes limits on the amount of money that renters are required to pay on their apartments or other dwellings by relating it to income at the initial leasing. Residents of subsidized units are also matched by family size to the number of bedrooms in their residence. A similar matching of house to purchase by low and moderate income households is made. An illustrative sample of rents and purchase prices are indicated in Tables 2 and 3 on the following page.



Table 2. Sample 2008 Affordable Rents for Moorestown Residents.

Household Income Levels	1 Bedroom Unit Rent	2 Bedroom Unit Rent	3 Bedroom Unit Rent
Moderate Income at 60%	\$836	\$1,003	\$1,159
Low Income at 46%	\$641	\$769	\$889
Very Low Income at 30%	\$418	\$502	\$580

Source: COAH Illustrative 2008 Low and Moderate Income Rents for New Construction and/or Reconstruction

Table 3. Sample 2008 Affordable Sale Prices for Moorestown Residents.

Household Income Levels	1 Bedroom Unit Purchase	2 Bedroom Unit Purchase	3 Bedroom Unit Purchase
Moderate Income at 70%	\$87,767	\$105,320	\$121,703
Low Income at 50%	\$62,691	\$75,229	\$86,931
Very Low Income at 30%	\$37,614	\$45,137	\$52,159

Source: COAH Illustrative 2008 Low & Moderate Income Sales Prices for New Construction

HOUSING STOCK INVENTORY

In the Year 2000, there were 7,211 housing units in the Township of Moorestown, of which 240 or 3.33% were vacant. Of the 6,971 occupied units, 81.34% were owner occupied and 18.66% were rented. Table 4, Housing Units by Occupancy Status, illustrates the occupancy status in 2000.

Table 4. Housing Units by Occupancy Status, 2000.

	Housing Units	Owner Occupied	Percent Owner Occupied	Renter Occupied	Percent Renter Occupied
Occupied	6,971	5,670	81.34%	1,301	18.66%
Vacant	240	-	-	-	-
Total	7,211	5,670		1,301	

Source: 2000 U.S. Census

About 77% of the total housing stock consists of single-family detached and two-family units (twins and duplexes). Single-family attached (townhouses) and units with three or more units make up approximately 23% of the total housing stock. Housing units in buildings containing five or more units (apartment buildings) comprised 10.43% of all the housing units in 2000. Of the owner occupied units,

69.16% were single-family detached units. Dwellings in structures containing three or more units comprised 57.88% of all rental units. See Table 5, Housing Units by Number of Units in Structure for a detailed explanation of the housing units in 2000.

Table 5. Housing Units by Number of Units in Structure, 2000.

Number of Units	Owner Occupied	Renter Occupied	Vacant	Total
1, Detached	4,987	217	99	5,303
1, Attached	518	137	54	709
2	24	194	27	245
3 or 4	40	151	11	202
5 to 9	64	93	4	161
10 to 19	0	249	45	294
20 to 49	0	102	0	102
50 or more	31	158	0	189
Mobile Home	6	0	0	6
Other	0	0	0	0
Total	5,670	1,301	240	7,211

Source: 2000 US Census

Table 6, Housing Units by Age, illustrates the aging of the Township's housing stock. The construction of housing units has declined each decade since 1950, with only one exception. The largest number of housing units were constructed prior to 1939 (1,734 units) with the second largest group being constructed between 1950 and through 1959 (1,175 units).

Table 6. Housing Units by Age, 2000.

Year Built	Total Units	Percent	Owner Occupied	Renter Occupied	Vacant
1999- March 2000	198	2.75%	198	0	0
1995-1998	604	8.38%	520	56	28
1990-1994	371	5.14%	248	123	0
1980-1989	789	10.94%	612	144	33
1970-1979	925	12.83%	683	213	29
1960-1969	870	12.06%	709	124	37
1950-1959	1,175	16.29%	1,033	118	24
1940-1949	545	7.56%	382	136	27

Year Built	Total Units	Percent	Owner Occupied	Renter Occupied	Vacant
Before 1939	1,734	24.05%	1,285	387	62
Totals	7,211	100.0%	6,971	1,301	240
Median year built:	1962		1962	1961	

Source: 2000 U.S. Census

Table 7, Housing Units by Number of Rooms, shows that 76.33% of units have six or more rooms, with 32.49% having nine or more rooms. These figures indicate that the housing stock in Moorestown is large.

Table 7. Housing Units by Number of Rooms, 2000.

Rooms	Number of Units	Percent of Total
1	46	0.64%
2	119	1.65%
3	409	5.67%
4	456	6.32%
5	676	9.37%
6	880	12.20%
7	1,172	16.25%
8	1,110	15.39%
9+	2,343	32.49%
Total	7,211	100.00%

Source: 2000 US Census

Tables 8 and 9, Housing Values, show that housing values in Moorestown increased by 32.30% between 1990 and 2000, compared to a 9.38% increase for Burlington County during the same period. In 1990 Moorestown's median housing value of \$190,100 was 55.18% above Burlington County's median value of \$122,500 and during the following decade the Township's median value in 2000 of \$251,500 was 87.69% higher than the County's 2000 median value of \$134,000.

Table 8. Housing Values, Moorestown Township, Owner Occupied, 1990.

Housing Unit Value	Number	Percent
Less than \$50,000	40	0.95%
\$50,000-\$59,999	32	0.76%
\$60,000-\$74,999	135	3.22%
\$75,000-\$99,999	403	9.62%
\$100,000-\$124,999	438	10.46%
\$125,000-149,999	441	10.53%
\$150,000-\$174,999	390	9.31%
\$175,000-\$199,999	351	8.38%
\$200,000-\$249,999	480	11.46%
\$250,000-\$299,999	415	9.91%
\$300,000 or more	1,064	25.40%
Total	4,189	100.00%
1990 Median Value	\$190,100	

Source: 1990 U.S. Census

Table 9. Housing Values, Moorestown Township, Owner Occupied, 2000.

Housing Unit Value	Year 2000 Number	Percent of Total
Less than \$50,000	24	0.42%
\$50,000-\$59,999	21	0.37%
\$60,000-\$69,999	11	0.19%
\$70,000-\$79,999	94	1.66%
\$80,000-\$89,999	91	1.60%
\$90,000-\$99,999	158	2.79%
\$100,000-\$124,999	451	7.95%
\$125,000-\$149,999	560	9.88%
\$150,000-\$174,999	485	8.55%
\$175,000-\$199,999	371	6.54%
\$200,000-\$249,000	553	9.75%
\$250,000-\$299,000	518	9.14%
\$300,000 or more	2,333	41.15%
Total	5,670	100.00%
2000 Median Value	\$251,500	

Source: 2000 US Census



Lower value units under \$100,000, of particular concern for affordable housing, made up 399 dwellings, or about 15% of the total number of housing units.

In 2000, Moorestown's median rental cost was higher than that of the County median (\$843 v. \$758). As a percentage of the whole, Moorestown contains significantly more units for rent at \$2,000 or more than Burlington County (10.73% and 0.8%, respectively). Table 10, Comparison of Moorestown Township and Burlington County Monthly Rental Cost, tabulates the differences in the costs of rental housing between Moorestown and Burlington County.

Table 10. Comparison of Moorestown Township and Burlington County Monthly Rental Cost*, 2000.

Monthly Rent	Units in Moorestown	% of Total	Units in Burlington County	% of Total
\$0-\$99	17	1.32%	128	0.4%
\$100-149	11	0.86%	105	0.3%
\$150-\$199	0	0.00%	237	0.8%
\$200-\$249	20	1.56%	220	0.7%
\$250-\$299	16	1.24%	282	0.9%
\$300-\$349	61	4.74%	275	0.9%
\$350-\$399	33	2.57%	361	1.1%
\$400-\$449	11	0.86%	588	1.9%
\$450-\$499	35	2.72%	742	2.3%
\$500-\$549	51	3.97%	1,488	4.7%
\$550-\$599	35	2.72%	2,395	7.5%
\$600-\$649	67	5.21%	2,664	8.4%
\$650-\$699	87	6.77%	2,716	8.6%
\$700-\$749	89	6.92%	3,282	10.3%
\$750-\$799	53	4.12%	2,473	7.8%
\$800-\$899	102	7.93%	4,425	13.9%
\$900-\$999	209	16.25%	3,324	10.5%
\$1,000 - \$1,249	163	12.67%	3,824	12.0%
\$1,250 - \$1,499	5	0.39%	1,159	3.7%
\$1,500 - \$1,999	56	4.35%	811	2.6%
\$2000 +	138	10.73%	265	0.8%
Total	1,259	97.90%	31,764	100.0%
Median Rent	\$843		\$758	

* Includes only those units with cash rents. *Source:* 2000 U.S. Census



Rents under \$900 per month are of particular interest to low and moderate income residents and comprised 688 units in 2000, or 54.6% of rental units in the municipality.

Moorestown Township has six housing units that lack complete plumbing facilities and thirty units that are overcrowded (defined as having 1.01 or more persons per room); however, none of these units display both characteristics. Overcrowded Units are defined as having 1.01 or more persons per room. It should be noted that overcrowding is often associated with substandard housing due to overuse of facilities. Overcrowded housing is often occupied by lower income households who share space to save on housing costs. These households may not be able to afford to maintain the home, leading to deteriorated conditions. See Table 11, Selected Quality Indicators.

Table 11. Selected Quality Indicators, Occupied Housing Stock, 2000.

	Overcrowded	Lacking Complete Plumbing	Combined Overcrowded and Lacking Complete Plumbing
No. Units	30	6	0

Source: 2000 US Census

GENERAL POPULATION CHARACTERISTICS

The population of Moorestown increased 18.00% between 1990 and 2000, rising from 16,116 to 19,017 people. This is significantly more than the 7.17% growth experienced by Burlington County during the same time period.

Table 12 . Population Change 1980-2000.

Jurisdiction	1980	Percent Change	1990	Percent Change	2000	Percent Change
Moorestown	15,596	3.33%	16,116	3.23%	19,017	18.00%
Burlington County	362,542	12.12%	395,066	8.97%	423,394	7.17%

Source: 1980, 1990, 2000 U.S. Census

The number of residents age 65 and over increased by 372 persons between 1990 (2,748 persons) and 2000 (3,120 persons); however, it was entirely due to rapid increases in the 75 years old and older age group. The age group from five years through 14 years increased significantly from 2,108 to 3,176 and explains the large increase in public school enrollment in Moorestown. However, the number of Township residents in the 15-24 and 25 to 35 age groups decreased, possibly due to the high cost of housing in the Township. The age groups of 35 to 44 and 45 to 54 also increased significantly. Since these are prime years for childrearing, it correlates

with the increases in those under 15 years of age. See Table 13, Age Distribution for additional information.

Table 13. Age Distribution, 1990 – 2000.

Age Group	1990	Percent of Total	2000	Percent of Total	Percent Change 1990-2000
Under 5	943	5.85%	1,174	6.17%	24.18%
5-14	2,108	13.08%	3,176	16.70%	50.66%
15-24	1,871	11.61%	1,721	9.05%	-8.02%
25-34	1,996	12.39%	1,608	8.46%	-19.44%
35-44	2,525	15.67%	3,237	17.02%	28.20%
45-54	2,172	13.48%	3,027	15.92%	39.36%
55-64	1,753	10.88%	1,954	10.28%	11.47%
65-74	1,524	9.46%	1,381	7.26%	-9.38%
75+	1,224	7.59%	1,739	9.14%	42.08%
Totals:	16,116	100.00%	19,017	100.00%	18.00%
Median Age:			40.9		

Source: 1990 and 2000 US Census

HOUSEHOLD CHARACTERISTICS

A household is defined by the U.S. Census Bureau as those persons who occupy a single room or group of rooms constituting a housing unit; however, these persons may or may not be related. By comparison, a family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. In 2000 there were 6,791 households in Moorestown, with an average of 2.68 persons per household and 5,273 families with an average of 3.13 people per family.

Table 14, Households by Household Type, breaks down the different household types. Approximately 65.97% of the households include married couples, with or without children. While the quintessential household is one with a married couple with children, only 32.24% of households in the Township can be categorized in this way. A significant proportion (32.2%) of Township households is "non-family" households comprised of one person, male or female, living alone. This is consistent with the census data for persons 65 and older.



Table 14. Households by Household Type, 2000.

Household Type	Number of Households	Percent
Family Households (2+ Person Households)	5,273	100.00%
Married couple with children	2,189	41.51%
Married without children	2,291	43.45%
Total married	4,480	84.96%
Male head of household with children	89	1.69%
Female head of household with children	407	7.72%
Male head of household without children	62	1.18%
Female head of household without children	235	4.46%
Non-Family households	1,698	32.20%
Total Households	6,791	100.00%

Source: 2000 U.S. Census

INCOME CHARACTERISTICS

Persons residing in Moorestown Township have on average significantly higher incomes than those residing in Burlington County as a whole. Median income in 2000 (derived from 1999 incomes) in Moorestown was \$78,826 for households and \$98,844 for families. Comparable figures for the County were \$58,608 for households and \$67,481 for families.

Table 15 further illustrates these findings by noting the number households in each of the income categories. Within the Township, 53.34% of all households and 63.62% of all families had incomes of \$75,000 or more in 1999. The largest income bracket for families, 16.19%, is those earning between \$75,000 and \$99,999; the largest income bracket for households, 16.40%, is those earning between \$100,000 and \$149,000.

Table 15. Household Income by Income Brackets, 1999.

Household Income	Households	Percent
Less than \$10,000	208	2.97%
\$10,000-\$14,999	238	3.40%
\$15,000-\$24,999	430	6.14%
\$25,000-\$34,999	509	7.26%
\$35,000-\$49,999	730	10.42%
\$50,000-\$74,999	1,155	16.48%
\$75,000-\$99,999	979	13.97%
\$100,000-\$149,999	1,149	16.40%
\$150,000-\$199,999	629	8.98%
\$200,000+	980	13.99%
Total	7,007	100.00%
Median Income	\$78,826	

Source: 2000 U.S. Census

Table 16, Distribution of Persons and Households Below Poverty Level, shows that 3.39% of all Moorestown residents and 2.71% of residents in families live below the poverty level as defined by the 2000 U.S. Census. This is lower than for Burlington County as a whole.

Table 16. Percent Distribution of Persons and Households Below Poverty Level.

% Below Poverty Level	Individuals	Families
Moorestown Township	3.39%	2.71%
Burlington County	4.71%	-

Source: 2000 U.S. Census

EMPLOYMENT CHARACTERISTICS

Table 17, Distribution of Employment by Industry, shows the distribution of employment by industry for employed Moorestown Township residents. A large number of residents, 26.03%, are in professional service industries like health, education and social services. Another 15.15% are involved in Professional, Scientific, Management, Administrative, and Waste Management Service industries; 11.33% work in manufacturing industries; 11.12% are in Finance, Insurance, Real Estate, and Renting and Leasing industries; and 10.09% are in the retail trade industry.



**Table 17. Distribution of Employment by Industry,
 Employed Moorestown Township Residents, 2000.**

Employment by Sector	Number	Percent
Agriculture, Forestry, Fishing and Hunting, and Mining	15	0.17%
Construction	294	3.38%
Manufacturing	986	11.33%
Wholesale Trade	438	5.03%
Retail Trade	878	10.09%
Transportation and Warehousing, and Utilities	309	3.55%
Information	267	3.07%
Finance, Insurance, Real Estate, and Renting and Leasing	968	11.12%
Professional, Scientific, Management, Administrative, and Waste Management Services	1,319	15.15%
Education, Health and Social Services	2,266	26.03%
Arts, Entertainment, Recreation, Accommodation and Food Services	361	4.15%
Public Administration	303	3.48%
Other	300	3.45%
Total	8,704	100.00%

Source: 2000 U.S. Census

Table 18, Employment by Occupation, identifies the occupations of employed persons. While Moorestown residents work in a variety of industries, the data in Table 19 indicates that the largest segment of the population, 56.03%, is involved in management, professional and related occupations; following far behind are sales and office occupations with 26.28% of the employed population.

Table 18. Employment by Occupation, Moorestown Residents, 2000.

Employment by Occupation	Number	Percent
Management, Professional, and Related Occupations	4,877	56.03%
Service Occupations	599	6.88%
Sales and Office Occupations	2,279	26.18%
Farming, Fishing, and Forestry Occupations	12	0.14%
Construction, Extraction, and Maintenance Occupations	347	3.99%
Production, Transportation, and Material Moving Occupations	590	6.78%
Total	8,704	100.00%

Source: 2000 U.S. Census

Moorestown's employment has increased steadily as demonstrated in Table 19, Annual Average Labor Force Estimates, and its unemployment rate has been significantly under that of the state and country figures.

Table 19. Annual Average Labor Force Estimates.

Year	Labor Force	Employment	Unemployment	Unemployment Rate
2000	8,988	8,804	184	2.0%
2001	9,039	8,836	203	2.2%
2002	9,275	8,978	297	3.2%
2003	9,360	9,057	303	3.2%
2004	9,457	9,128	279	2.9%
2005	10,208	9,901	308	3.0%
2006	10,345	10,014	330	3.2%
2007	10,246	9,953	293	2.9%

Source: NJ Dept. of Labor and Workforce Development; 2007 is latest year available.

The New Jersey Department of Labor tracks covered employment throughout the State. Covered employment data includes only those jobs for which unemployment compensation is paid. By definition it does not cover public employees (federal, state, county and municipal), nor the self-employed, unpaid family workers, most part-time or temporary employees, and certain agricultural and in-home domestic workers. See Table 20, Covered Employment Estimate, December 2006. It also indicates covered jobs by location or the employer, as opposed to Table 19, which examines employed residents of Moorestown.

Table 20. Covered Employment Estimates, December 2006.

Year	Moorestown	Burlington
2006	25,784	193,543

Source: New Jersey Department of Labor, Division of Planning and Research, Office of Demographic and Economic Analysis, NJ Covered Employment Trends. Data is as of December 2006, which is the most current data available at the municipal level.

POPULATION PROJECTIONS

The Delaware Valley Regional Planning Commission (DVRPC) is the designated metropolitan planning organization (MPO) for Burlington County. Population and employment estimates and forecasts by the MPO have been used by COAH to estimate the number of affordable housing units required in the time period in question. DVRPC's Year 2035 forecast of population for Moorestown indicates the following counted and projected population:

Table 21. DVRPC (MPO) Population Projections.

Year	Population
Census 2000	19,017
2005	19,839
2010	20,692
2015	21,499
2020	22,263
2025	22,982
2030	23,661
2035	24,286

Source: Delaware Valley Regional Planning Commission, November 2008

This represents slightly slower population growth than forecast in 2005 when the original third round plan was filed. Also as noted in the November 2005 plan, the population is expected to level off between 22,000 and 23,000 persons unless there are significant changes in land use policy that would increase the level of residential development or redevelopment capacity.

EMPLOYMENT PROJECTIONS

In addition to the projection of population, DVRPC has also supplied anticipated employment figures for Moorestown. Moorestown continues to be an employment center in the region. It should be noted that employment forecasting is subject to less accuracy than population prediction due to the less well-understood economic forces that shape employment.

DVRPC has forecast incremental employment increases through Year 2035. This is indicated in Table 22, DVRPC Employment Projections.

Table 22. DVRPC Employment Projections.

Year	Employment
2000	21,202
2005	22,125
2010	22,821
2015	23,479
2020	24,103
2025	24,690
2030	25,244
2035	25,755

Source: Delaware Valley Regional Planning Commission, November 2008



The employment projections by DVRPC are slightly higher than projected in March 2005 and appear to be more consistent with the covered employment statistics of Table 20.

Moorestown's employment, based on the DVRPC forecast, is expected to grow by about 1,900 jobs in the third round, or about half of the projection indicated by COAH. Much will depend on the length of the present economic recession and New Jersey's position relative to other states as to whether even the lower DVRPC projection will be reached. There is a growing consensus in fact, that New Jersey may have no private sector growth at all in this decade, which makes COAH's use of non-residential square foot as a surrogate for employment troublesome⁴, particularly when demolition and building vacancy may not be used to offset new non-residential construction.

COAH GROWTH PROJECTIONS

In the third round, municipalities are required to provide the opportunity for affordable housing as residential and non-residential development occurs. This can be viewed as a requirement that for each development an affordable housing obligation is generated by that project. The third round obligation is the need for new affordable housing construction from 1999 through 2018. However, the effective period for the third round is compressed and consists of the years 2004 through 2018. The third round affordable housing obligation is based on the "growth share" generated by household and job projections for the compressed period. Each municipality is required to provide one affordable housing unit for every four unsubsidized or "market" households projected and one affordable housing unit for every 16 jobs projected. The affordable housing obligation which the municipality must plan to satisfy in this Housing Element is based on the household and job ratios as applied to the COAH projections.

COAH's rules, which became effective on October 20, 2008, finally established Moorestown projected growth in the 2004-2018 time period after some fluctuation with different growth allocation models. The number of housing units projected is 902 including any affordable housing units that are produced. For employment, the number of additional jobs is 3,698. COAH's projections then create the following affordable housing obligation for the growth share portion of the third round obligation. These are determined as follows:

- Household Projection: 902 dwellings
Growth Share Obligation from Household Projection: 180.4 units (902 / 5)
- Employment Projection: 3,698 jobs
Growth Share Obligation from Job Projection: 231.125 units (3,698 / 16)

⁴ - The Lost Employment Decade, James W. Hughes, PhD. and Joseph J. Seneca, PhD., *Sitar-Rutgers Regional Report*, November 2008, Volume 11, Number 4.

These sums total to 411.525, or 412 affordable housing units, rounded.

The 2002 Master Plan indicated an anticipated build out of the single family residential districts of about 760 housing units. Since that time, there have been several zoning changes and recommendations for zoning changes that will make more land available for potential residential use. These include the adoption of the Lenola Town Center ordinance that permits small scale residential development and dwellings above business uses. This area had primarily been zoned for only commercial development. A recommendation has been made in the 2008 Reexamination Report to convert a non-residential district and lower density residential development on Marter Avenue (the SRC-1 and R-2) to senior housing at 3 units to the acre which would allow approximately 70 units on the tract. This would be a net increase of about 50 housing units. This plan also contemplates the development of the Township's remaining two affordable housing sites that were purchased in the first round and held for future obligation. This would add at least another 170 units of capacity. All told, the zoning capacity for growth in Moorestown is approximately 1,000 dwelling units and covers the projected housing units published by COAH for the third round.

Whether Moorestown will actually reach the residential level projected is another matter entirely. For example, Table 23 indicates the level of residential development since the beginning of the third round.

Table 23. Certificates of Occupancy and Demolition Permits for Residential Development, 2004-Sept. 2008.

Year	Residential CO's	Demolitions	Net Growth
2004	31	12	19
2005	38	6	32
2006	52	18	34
2007	40	6	34
2008*	12	6	6
Total	173	48	125
Average/ Year	36.4	10.1	26.3

* - Through September.

On present trends, the number of housing units would be substantially fewer than projected by COAH.



When measuring job creation, employment is based on the square footage of non-residential development that has occurred; jobs are not counted directly. Square footage is categorized into different “use groups” that define how buildings are used in the Uniform Construction Code use group. COAH has established the required number of affordable housing units per square foot (as well as jobs per 1,000 sf.) in Appendix D of their substantive rules. These multipliers relate non-residential floor area to the number of jobs created. Table 24 indicates these multipliers.

Table 24. COAH Non-residential Growth Share Calculation (Appendix D, N.J.A.C. 5:97)

Use Group	Description	SF per Affordable Unit	Jobs Per 1,000 SF
B	Office buildings	5,714	2.8
M	Mercantile uses	9,412	1.7
F	Factories where people make, process, or assemble products	13,333	1.2
S	Storage uses, excluding parking garages	16,000	1.0
H	High hazard manufacturing, processing, generation and storage uses	10,000	1.6
A1	Assembly uses, including concert halls and TV studios	10,000	1.6
A2	Assembly uses, including casinos, night clubs, restaurants and taverns	5,000	3.2
A3	Assembly uses, including libraries, lecture halls, arcades, galleries, bowling alleys, funeral parlors, gymnasiums and museums but excluding houses of worship	10,000	1.6
A4	Assembly uses, including arenas, skating rinks and pools	4,706	3.4
A5	Assembly uses, including bleachers, grandstands, amusement park structures and stadiums	6,154	2.6
E	Schools K – 12	Exclude	Exclude
I	Institutional uses such as hospitals, nursing homes, assisted living facilities and jails. I group includes I1, I2, I3 and I4.	6,154	2.6
R1	Hotels and motels; continuing care facilities classified as R2	9,412	1.7
U	Miscellaneous uses, including fences tanks, barns, agricultural buildings, sheds, greenhouses, etc.	Exclude	Exclude

COAH’s projection of 3,698 additional jobs can be converted to an acreage figure for non-residential development. Moorestown is located in Planning Area 2 (Suburban

Planning Area) and Planning Area 3 (Fringe Planning Area⁵) as indicated in the current State Development and Redevelopment Plan. COAH's rule at *N.J.A.C. 5:97-5.6(c)* sets a policy for presumed jobs per acre by different Planning Areas where municipalities are requesting an adjustment in their household and employment projections. While Moorestown is not requesting such an adjustment, the presumed densities are useful for planning purposes. In Moorestown, non-residential development is only slated for Planning Area 2 where there is available sewer. COAH's presumed job density is 60 jobs per acre which means that the employment projected could be placed on 61.63 acres ($3,698 \div 60 = 61.63$). Sites suitable and zoned for additional non-residential development include:

- Sbar Boulevard – Block 100; Lots 1.01-1.01 and 1.05-1.07 (13.72 acres);
- N. Lenola Road – Block 400; Lots 7, 11 and 12 (23.7 acres);
- New Albany Road and N. Church Street – Block 800, Lot 4 (10.8 acres);
- Whittendale Drive – Block 3901, Lot 2 (5.58 acres);
- N. Church Street – Block 3900, Lots 22 and 23 (6.96 acres);
- Marne Highway and Young Avenue – Block 6800, Lots 1, 2 and 8 (20.16); and
- Marne Hwy, Bortons Landing Rd. and Westfield Rd. – Block 6700, Lot 10 (about 30 acres on Lockheed Martin's main site).

Though not an exhaustive list, the 111 acres of non-residentially zoned land list above would be sufficient to meet the employment projection. All of these sites are zoned Specially Restricted Industrial, except for a portion of the New Albany site and all of the Marne Highway and Young Avenue site, which are zoned Specially Restricted Commercial 1. The first district is a light industrial and office district and the second is a retail and office district.

In this Housing Element and Fair Share Plan, Moorestown will accept COAH's projections and has designed its housing plan to meet them. COAH requires that if a municipality's actual growth exceeds these projections, the higher number will need to be addressed through additional affordable units. This will be monitored through a biannual review required pursuant to *N.J.A.C. 5:97-10*.

EXISTING BUILDINGS AND LANDS APPROPRIATE FOR USE AS AFFORDABLE HOUSING

In the history of affordable housing in Moorestown, the non-profit affordable housing corporation, Moorestown Ecumenical Neighborhood Development, Inc. (MEND) or its subsidiaries have converted many non-residential buildings to affordable housing, including an old municipal building, a firehouse, and an

⁵ - Planning Area 3, which constitutes the municipality's non-sewered areas, is proposed to be revised to Planning Area 2 under the preliminary State Plan for Development and Redevelopment under consideration by the State Planning Commission despite Moorestown's opposition. Planning Area 2 is not consistent with regions outside of sanitary sewer service areas.

elementary school. The stock of buildings suitable for conversion thus has been largely converted to affordable housing already. However, Moorestown does have several 12 to 35 unit apartment buildings that are rented at market rates. The buildings are located within the two areas of concentrated population, the downtown area and Lenola (the west end of Moorestown). These are well located with regard to local services and bus routes. These buildings would be suitable for their conversion to low and moderate income units should the need arise.

Within the regulatory zoning plan for Moorestown, the Senior Citizen 1 (SC-1) district and the L-M R Low and Moderate Income Residence district are 100% affordable housing districts. This later district is the zoning for the two unbuilt affordable housing sites owned by the municipality. These two sites were considered to be suitable for affordable housing by COAH in the municipality's prior certified housing plans.

Moorestown has been approached by the owners or contract owners of two other sites for affordable housing purposes. These sites may or may not be suitable for low and moderate income housing; however, the Township's housing plan executes long standing contingency plans for the construction of affordable housing in the municipality. The municipality's two tracts are zoned sites specifically for such uses. Accordingly these sites are the most suitable for this use in comparison to other sites that are not zoned appropriately.

These sites and districts represent the most suitable locations for low and moderate income housing. Additional discussion indicating the suitability of the sites is indicated in a later section.

The Fair Share Plan that constitutes the second half of this document, details how Moorestown will address its affordable housing obligation.

FAIR SHARE PLAN

SUMMARY OF MOORESTOWN'S PRIOR HOUSING ACTIVITY

Moorestown was granted substantive certification on August 15, 1988 for its First Round Plan. The municipality petitioned for Second Round substantive certification on March 6, 1995 and was granted certification on July 9, 1997. The cumulative housing obligation included 606 units of new construction and 85 units of rehabilitation. The housing plan was subsequently amended in 1997 to change the plan components from the construction of affordable housing in Moorestown due to escalating costs to regional contribution agreements (RCA's). The housing plan was amended and approved twice by COAH after the 1997 initial certification on October 6, 1999 and October 3, 2001. The first amendment included undertaking the RCA's with Beverly City and Mt. Holly Township. In Beverly, COAH approved the transfer of 75 units transferred at \$20,000 each for a total of \$1,500,000 on August 4, 1999. With Mt. Holly, COAH approved the transfer of 204 units on October 6, 1999. Each of these units transferred equaled \$20,000 for a total of \$4.08 million. The second amendment modified the RCA agreement with Mt. Holly to reduce the total number transferred to 199 units, diminishing the total cost to \$3.98 million.

The Moorestown Planning Board adopted the original Third Round Plan on September 22, 2005 and it was endorsed by Township Council on November 15, 2005. The date of the petition for substantive certification to COAH was November 28, 2005.

This plan revision has been necessitated by many rule changes that stemmed from an appellate court decision issued on January 27, 2007 and COAH's subsequent efforts to address it. Many of the assumptions of the September 22, 2005 housing plan were based on rules that were overturned. Consequently, this housing plan is constructed using the amended, revised and supplemented rules in operation as of October 20, 2008.

Every Third Round Plan consists of three components, a rehabilitation share, the prior round⁶ cumulative new construction figure and the growth share obligation. These are explained for Moorestown as follows:

REHABILITATION SHARE

The rehabilitation share is the number of deficient houses existing in the municipality that are occupied by low and moderate income households since the last U.S. Census, April 1, 2000. Municipal rehabilitation efforts after this date, provided they meet the minimum cost and rehabilitation of major house systems required, will be eligible for credit. The 1987-1999 rehabilitation component was 85 units. Of that number, 78 units were rehabilitated. Since the rehabilitation component is

⁶ - The sum of the first and second rounds.

dependent on the cross-tabulation of U.S. Census data, the 2000 count changed the calculations used by COAH to determine the need for rehabilitation. COAH has assigned Moorestown a rehabilitation share of 18 units. The following table indicates the units for which credit is requested.

Table 25. Units Rehabilitated in Moorestown since April 2000.

No.	Block	Lot	Address	Date Completed	Amount Spent	Term (Years)
1	1005	4	132 Winstead Ave.	9/12/02	\$23,250	6
2	1301	27	213 E. Camden Ave.	10/4/00	\$12,290	6
3	2103	8	415 Kenilworth Ave.	12/7/00	\$14,915	6
4	1801	6	521 Regenhard Ave.	2/20/01	\$21,630	6
5	2000	10	505 Kings Highway	3/27/01	\$20,195	10
6	1000	44	609 Lenola Road	6/14/01	\$17,000	6
7	2100	11	302 Evergreen Dr.	7/16/01	\$17,190	6
8	2301	33	435 N. Church St.	9/4/01	\$20,000	20
9	5910	5.01	341 E. Third St.	11/1/01	\$8,420	6
10	4701	2	403 S. Washington Ave.	12/17/01	\$12,670	20
11	1005	5	212 Grand Ave.	12/18/01	\$16,345	6
12	2100	11	302 Evergreen Dr.	1/23/02	\$7,404	20
13	4307	15	48 Beech St.	12/17/02	\$18,950	20
14	502	27	107 Center St.	4/16/03	\$22,603	6
15	2106	21	318 Locust St.	6/25/03	\$11,520	15
16	4401	17	82 East Third St.	7/9/03	\$13,050	15
17	4401	10	66 E. Third St.	7/10/03	\$10,945	15
18	3906	12	182 Lorraine Ave.	10/29/03	\$18,395	15
19	4401	16	78 E. Third St.	12/15/03	\$8,985	15
20	4401	5	48 E. Third St.	12/22/03	\$19,975	15
21	4101	34	144 Holmes Terrace	12/30/03	\$18,755	6
22	700	3	16 Center St.	1/16/04	\$14,325	6
23	4400	7	18 E. Third St.	3/1/04	\$13,835	15
24	4307	39	31 E. Third St.	5/21/04	\$19,170	15
25	3905	11	183 Lorraine Ave.	7/12/04	\$19,430	15
26	602	17	28 Pine St.	8/26/04	\$19,685	15
27	2701	11	3 Lincoln Terrace	9/10/04	\$19,350	6
28	1200	30	114 Winthrop Ave.	3/24/05	\$19,815	15
Totals			Aggregate: \$460,097		Per Unit: \$16,432	

Source: Moorestown Dept. of Community Development

Credits for rehabilitation work are required to meet the requirements of N.J.A.C. 5:97-4.5 for all of the units in Table 25, with the exception of no. 28 which was



completed after the December 20, 2004 end date. N.J.A.C. 5:97-6.2 applies to this last unit completed. The criteria to be met and the response are noted as follows:

1. *Rehabbed to code and capital cost at least \$8,000.* All of the units were brought up to the applicable code standard. MEND, Inc. operated the program for Moorestown and was paid a flat rate of \$2,000 per unit for administration. Consequently the average hard cost was \$14,432.
2. *Occupied by eligible households at time of rehabilitation.* All of the units were occupied by income eligible households at the time the units were rehabilitated and continue to be so occupied except those units that repaid their loans (line nos. 1, 2, 6, 10, 13, 14, 22 and 24).
3. *Appropriate affordability controls were enacted.* As can be seen from Table 25, all of the units had at least 6 year controls. All of the units rehabilitated were owner-occupied.
4. *Administration was by an administrator certified under N.J.A.C. 5:97-9.* The program was administered Moorestown Ecumenical Neighborhood, Inc., an experienced housing administrator.
5. *Rental units must be included in the program.* Unlike most rehabilitation programs in the state, Moorestown's program was open and advertised for both rental and owner-occupied units. The Township contracted with MEND and established a program for both rental and owner-occupied dwellings in order that it would be available to both types of tenure, since Burlington County was only open to owner-occupied units.
6. *Submission of a rehabilitation manual.* A rehabilitation manual conforming to N.J.A.C. 5:97-6.2 was produced and used to operate the rehabilitation program. A copy of this document is submitted with the re-petition for substantive certification.

Documentation of the rehabilitation credits has already been submitted to COAH through the CTM electronic system.

PRIOR ROUND OBLIGATION

COAH requires that each municipality document its previously constructed, transferred or zoned affordable housing. In its municipal level figure chart on page 12 of Appendix C, COAH identifies Moorestown's 1987-1999 obligation as 621 affordable units. However, Moorestown received an employment adjustment during that time period which reduces its prior round obligation to 606 affordable units⁷. This number is used in this document to calculate the prior round formulas that apply to Moorestown.

⁷ - The last sentence of Appendix C states, "Municipalities that were previously granted an employment adjustment may utilize the resulting adjusted 1987-1999 obligation".

Minimum Rental = 148 units

.25 (prior round obligation – prior cycle credits – 20% cap – 1000 unit cap) =
 .25 (606 – 16 – 0 – 0) = .25 (590) = 147.5 or 148 units, rounded

Maximum Rental Bonus = 148 units

No more than the minimum rental obligation = 148 units, rounded

Maximum Age-Restricted or Senior Units = 79 Units

.25 [(prior round obligation + rehabilitation share) – prior cycle credits –
 rehabilitation credits - 20% cap – 1,000 unit cap – RCA's] = age-restricted
 units =
 .25 [(606 + 18) – 16 – 18 – 0 – 274] = .25(316) = 79 units

Maximum RCA = 295 units

.50 [(prior round obligation + rehabilitation share) – prior cycle credits –
 rehabilitation credits – 20% cap – 1000 unit cap] =
 .50 [(606 + 18) – 16 – 18 – 0 – 0] = .50 (590) = 295 units

Using these formulas, Moorestown's prior housing activity can be summarized as indicated in Table 26:

Table 26. Satisfaction of Moorestown's Prior Round Obligation.

Credit Type	Project (Year Completed)	Units	Bonuses
Prior Cycle	Court House (1984)	8	
	Fire House (1985)	8	
Family For-Sale	Cedar Ct. (1992)	8	
Family Rental	Albany Acres (1987)	9	
	411 S. Lenola Rd. (1994)	1	
	528 Bethel Ave. (1993)	1	
	66-68 E. Second St. (1992)	4	
	240 Pine St. (2001)	1	16
Family Rental Gut Rehabilitation	Creed (2000)	12	
	Chestertowne Village (2000)	45	
	Colonial Arms (2004-2005)	21	
	203-205 W. Second St. (2002)	2	80
Senior Rental	Stokes Med. (1991)	16	
	Linden Place (1989)	26	(1/3 bonus on 52 units)
	Teabury Run (1987)	24	
	Lenola School (1988)	33	17
RCA	Beverly City (2000-02)	75	
	Mt. Holly Township (2000-02)	199	



Credit Type	Project (Year Completed)	Units	Bonuses
Subtotal		493	113
Total		606	

Two points of information concerning Table 26. The number of senior rental units equals 99 units, or 20 more than permitted under the prior round COAH formula. However, pursuant to *N.J.A.C. 5:97-4.1(c)*, credits that were included in a second round plan that received substantive certification will be honored by COAH. All 99 units of senior rental housing were included in the second round housing plan that received initial and amended substantive certification. Accordingly, the municipality is permitted to take the additional 20 units that it would otherwise be required to carry to the third round.

The second point of information relates to bonuses. Bonuses are only granted on the actual units; Moorestown is limited to 148 (*see* Maximum Rental Bonus formula, preceding page). The prior round includes 96 family rental units which may be granted 96 rental bonuses pursuant to *N.J.A.C. 5:97-3.5(a)*. Thus, the senior units against which a bonus credit may be taken is 52 ($148 - 96 = 52$). Senior rental units are eligible for a one-third bonus for each unit or 17 ($52 \div 3 = 17 \frac{1}{3}$, rounded to 17).

Documentation for the units in the prior round was submitted with the initial third round plan. With these units and bonuses, Moorestown has fulfilled its prior round obligation.

THIRD ROUND OBLIGATION

Third Round Formulas

The following formulas apply to the third round obligation for Moorestown:

Household Obligation = 180.4 units

Projected households – excluded households / 5 = $(902 - 0) / 5 = 180.4$ units

Employment Obligation = 231.125 units

Projected jobs / 16 = $3,698 / 16 = 231.125$ units

Total obligation = 412 units

Household obligation + Job obligation = $180.4 + 231.125 = 411.525$ or 412 units.

In addition to the 412 unit total obligation, the housing plan must also adhere to the following requirements:

Third Round Minimum Rental Obligation = 103 units

$.25(\text{third round obligation}) = .25(412) = 103$ units

Third Round Minimum Family Rental = 52 units

$.50(\text{third round rental obligation}) = .50(103) = 51.5$, rounded up to 52 units

Third Round Maximum Age Restricted = 103 units

$.25(\text{third round obligation}) = .25(412) = 103$ units

Third Round Minimum Family – half of actual units in the plan = 155 units

$.50(412-103) = .50(309) = 154.5$, rounded up to 155 units

Maximum Bonus Credits = 103 units

$.25(\text{third round obligation}) = .25(412) = 103$ units

Minimum Very Low Income = 41 units

$.13 (\text{housing units}) = .13 \times 309 = 40.17$ or 41 units, rounded

MEANS TO ADDRESS THE THIRD ROUND GROWTH SHARE

Table 27 summarizes the means of satisfying the third round growth share. Following this table will be an explanation of its components. The table also breaks down the anticipated split between rental and for sale housing units and whether they are age-restricted.

Table 27. Summary of the Third Round Growth Share.

Third Round Growth Share	412	Bonuses	Rental	Senior	Special Needs
Special Needs Housing					
A.D.E.P.T. Programs Group Home	5		5		5
Family Service Shared Living (5 bldg.)	13		13		13
Kings Hwy, Inc., Shared Living	3		3		3
Foundation for the Challenged Gr. Home	4		4		4
Market-to-Affordable					
Musser Court	16		16		
Clover Apartments	5		5		
Beech Street	18		18		
Lenola School	33		33	33	
Teaberry Run	24		24	24	
100% Affordable Housing					
Creed II	8	8*	8		
Maybury Tract/or Nagle Tract	180	95**	180	46	
Subtotals	309	103	309	103	25
Total Units and Credits	412				

* - Compliance bonuses.

** - Rental bonuses.

Moorestown proposes to meet its Third Round obligation of 412 units through credits for eight group homes and supportive shared living housing, extensions of affordability controls, a market-to-affordable program, the construction of 100% affordable housing sites, compliance bonuses and rental bonuses.

The plan meets the affordable housing formulas in the following manner:

- The minimum rental obligation of 103 units is surpassed by the 309 units proposed.
- The minimum family rental is achieved by the use of Musser Court, Clover Apartments (Camden Avenue), Beech Street, Creed II, the Maybury Tract and 84 units on the Nagle tract for a total of 181 family units where 52 are required.
- The maximum age-restricted units are 103 units and the plan maximizes this number with Lenola School, Teaberry Run and 46 units on the Nagle tract.



- The minimum family units equal the same number as the minimum family rental units (181) and thus meet the threshold level of 155 units.
- The plan maximizes rental bonuses of 103 through bonuses taken for compliance and family rental units from Creed II, Maybury and Nagle tracts.
- The plan will meet the very low income requirements from Ch. 46 of P.L. 2008 with 24 units from Teaberry Run, 18 units from Beech Street and 25 units from the alternative living arrangement units for a total of 67 very low units. COAH has issued guidance but no rule making suggesting that 50% of the required very low units be for family units. Only the Beech Street units are very low family rental. Should this become rule, Moorestown requests a waiver from meeting this strict requirement since it will have 163% of the very low income threshold.

Special Needs Housing

Special needs housing is eligible for credits when it meets the criteria in *N.J.A.C. 5:97-6.10*. Moorestown seeks credit for 25 bedrooms, 21 of which are presently in existence and 4 that are proposed. All of the group homes and supportive shared services housing provide supportive services and living arrangements for developmentally disabled persons and are regulated by the NJ Department of Human Services, Division of Developmental Disabilities. None of the units are reserved or dedicated as age-restricted for seniors or youth under 18 years of age. All of the sites, with the exception of the two proposed two-bedroom dwellings by Family Service, are already owned by the respective organizations.

A.D.E.P.T. Programs, Inc. – This organization owns a property at 298 W. Main Street consisting of five bedrooms (Block 2500, Lot 70). *A.D.E.P.T. Programs, Inc.* purchased the property on May 13, 2002 from Resources for Human Development Inc. that provides similar types of supportive services, including those with developmental disabilities and mental illness. The property was first used for these supportive services beginning in February 1997.

COAH's Third Round rules at *N.J.A.C. 5:97-6.10* "Supportive and Special Needs Housing" and *N.J.A.C. 5:97-6.7* "Municipally Sponsored and 100 Percent Affordable Developments" are addressed as follows:

- Site Control – *A.D.E.P.T. Programs, Inc.* owns the site.
- Site Suitability – The group home received all required building permits and a certificate of occupancy. No planning or zoning board approval was required per *N.J.S.A. 40:55D-66.1*. The site is located near to downtown shopping and convenience retail and is located on a major bus route. The site meets COAH's site suitability requirements at *N.J.A.C. 5:97-3.13* "Suitable Site".

- Administrative Entity – A.D.E.P.T. Programs, Inc., an experienced supportive and special needs housing provider, administers the group homes in accordance with COAH regulations at *N.J.A.C. 5:97-6.10* and the Uniform Housing Affordability Controls (“UHAC”) per *N.J.A.C. 5:80*, et seq.
- Low/Moderate Income Split – The 5 bedrooms in the group home are affordable to individuals with very low incomes.
- Affirmative Marketing – The units were affirmatively marketed to individuals with special needs in accordance with *N.J.A.C. 5:97-6.10(d)1*.
- Controls on Affordability – The units have the appropriate affordability control in accordance with *N.J.A.C. 5:97-6.10(d)3*.
- Funding – A.D.E.P.T. Programs, Inc. purchased the property for a nominal sum and receives Department of Human Services funding for its operation of the group home.

Family Service of Burlington County – Family Service of Burlington County programs also have the purpose of assisting with the reintegration of the mentally ill into the community as well as those with developmental disabilities. Family Service began in Moorestown in 2001 and has since acquired four properties that are used as supportive shared living housing. It is in the process of acquiring two more two-bedroom properties. These properties are expected to be acquired by the end of 2009. One of the homes is owned by Kings Highway, Inc., which is an affiliated company of Family Service. The three homes operated under the Family Service name include 202 Crider Avenue (Block 701, Lot 30), 45 Eraser Road and 61 Eraser Road (both Block 1301, Lot 11). Each of these is two bedroom domiciles. 202 Crider Avenue was acquired on July 16, 2007 and the 45 and 61 Eraser Road properties on September 26, 2007 and September 19, 2007, respectively. The Kings Highway, Inc. building is located at 505 Kings Highway and consists of 3 bedrooms. This property was acquired on June 14, 2001.

- Site Control – Either Family Service of Burlington County or Kings Highway, Inc. owns all of the sites or will enter into a contract to purchase within the next year to purchase two new sites.
- Site Suitability – The supportive shared living houses received all required building permits and certificates of occupancy. No planning or zoning board approval was required per *N.J.S.A. 40:55D-66.1*. The Crider Avenue site is located near the Lenola section of the municipality which offers convenience retail for residents and is situated within a stable neighborhood. The Eraser Road sites are condominiums within Schoolhouse Mews that are associated with the Lenola School affordable senior housing discussed in this document. They are also close to the center of Lenola and across the street from Jeff Young Park, an active

recreation facility. The Kings Highway property is located two blocks from the western edge of downtown and is close to two churches and is on a major bus route. Each existing site meets COAH's site suitability requirements at *N.J.A.C. 5:97-3.13* "Suitable Site".

Family Service conducts their own site suitability process to ensure that the homes they purchase are not isolated from the community and have available public transportation. The two new sites that they are close to selecting are also in established neighborhoods.

- Administrative Entity – Family Service of Burlington County is an experienced supportive and special needs housing provider and administers the supportive shared living houses in accordance with COAH regulations at *N.J.A.C. 5:97-6.10* and UHAC per *N.J.A.C. 5:80*, et seq.
- Low/Moderate Income Split – The 13 bedrooms in the 6 homes (once the additional two properties are acquired) are affordable to individuals with very low incomes.
- Affirmative Marketing – The units were and will be affirmatively marketed to individuals with special needs in accordance with *N.J.A.C. 5:97-6.10(d)1*.
- Controls on Affordability – The units have the appropriate affordability control in accordance with *N.J.A.C. 5:97-6.10(d)3*.
- Funding – Family Service of Burlington County has received capital funding from the Special Needs Housing Trust Fund to create permanent supportive housing and community residences for individuals with special needs, with priority given to individuals with mental illness. The purpose of the fund is to develop special needs housing and residential opportunities as alternatives to institutionalization or homelessness and to ensure the long-term viability of such housing.⁸ Family Service has also received assistance from the municipal Affordable Housing Trust fund and is expected to receive additional assistance for the purchase of the two new properties.

Foundation for the Challenged, Inc. - Foundation for the Challenged, Inc. is a Dublin, Ohio non-profit company that seeks, "to help people with mental retardation and developmental disabilities experience more satisfying and productive lives in their communities by providing them with charitable support grants and community-based housing."⁹ This property is located at 617 Devon Road (Block 1601, Lot 11) and was acquired on May 18, 2006. The Foundation teams up with Scioto, a property

⁸ - *Special Needs Housing Trust Fund: Guidelines & Financing Policy*, NJ Housing and Mortgage Finance Agency, <http://www.nj.gov/dca/hmfa/biz/devel/specneed/guidlines.pdf>, accessed November 16, 2008.

⁹ - <http://ffcoho.org>, accessed November 23, 2008.

management and acquisition specialist that will also purchase and lease back property to free up capital for expansions and other purposes, though this property is held by the foundation. The site has four bedrooms for developmentally disabled adults.

- Site Control – Foundation for the Challenged owns the site.
- Site Suitability – The group home received all required building permits and certificate of occupancy. No planning or zoning board approval was required per *N.J.S.A. 40:55D-66.1*. The Devon Road site is located in an established residential neighborhood about six blocks from the downtown. The property meets COAH's site suitability requirements at *N.J.A.C. 5:97-3.13* "Suitable Site".
- Administrative Entity – Foundation for the Challenged is an experienced supportive and special needs housing provider and administers the group home in accordance with COAH regulations at *N.J.A.C. 5:97-6.10* and UHAC per *N.J.A.C. 5:80, et seq.*
- Low/Moderate Income Split – The four bedrooms in the group home are affordable to individuals with very low incomes.
- Affirmative Marketing – The units were and will be affirmatively marketed to individuals with special needs in accordance with *N.J.A.C. 5:97-6.10(d)1*.
- Controls on Affordability – The units have the appropriate affordability control in accordance with *N.J.A.C. 5:97-6.10(d)3*.
- Funding – Foundation for the Challenged uses internal funding and funding from the NJ Dept. of Human Services for developmentally disabled adults.

Documentation concerning the group homes is included as part of the documentation submitted to COAH with the petition for substantive certification.

Market-to-Affordable Program

COAH acknowledges through its rules that the preservation of affordable housing is as important as the creation of new affordable units, a viewpoint that was specifically upheld by the Appellate Court *In the Matter of the Adoption of N.J.A.C. 5:94 and 5:95*¹⁰ concerning credit for the extension of controls. COAH readopted this concept in *N.J.A.C. 5:97-6.14*. The concept is to maintain units that would otherwise be lost to the regular housing market with the reimposition of controls on affordability for a period of 30 years. By definition, units that no longer have deed restrictions or other means of restricting the sale or rent of units to households making less than 80% of

¹⁰ - 390 *N.J. Super. 1, 56 (App. Div. 2007), certif. denied 192 N.J. 72 (2007)*

the median income for their housing region are in the regular housing market regardless of their rent or pricing level. Consequently, if these units are in the unrestricted housing market, they are eligible for a market-to-affordable program. COAH defines "market-to-affordable program" as, "A program to pay down the cost of market-rate units and offer them in sound condition, for sale or rent, at affordable prices to low and moderate income households to address all or a portion of the fair share obligation." "Market-rate units" are also defined by COAH as, "housing not restricted to low and moderate income households that may sell or rent at any price." (*N.J.A.C. 5:97-1.4*).

As noted earlier, Moorestown Ecumenical Neighborhood Development, Inc., a non-profit, has developed various residential projects in Moorestown for affordable housing. MEND has been constructing, renting and managing dwellings for low and moderate income persons since 1969 and in that time period has acquired, renovated and developed 251 units in Moorestown. However, many of the projects that MEND has developed over the years are small projects. The largest concentration of units under MEND ownership is 45 units at Chestertowne Village, but most are less than one-third of that size. This creates an operational inefficiency in maintaining units and MEND estimates that its cost of operation exceeds its revenues for many of the smaller projects. MEND has already signaled to the Township that it is likely to sell 66-68 E. Second St. when its deed restriction expires - recognizing that servicing these two units is a drain on resources. As units with deed restrictions expire, nothing prevents MEND from renting units or selling projects for market prices. While its mission is to serve the affordable housing market, it also needs to be fiscally responsible and that may lead to the loss of units to the regular housing market.

Accordingly, Moorestown seeks credit for Musser Court, Clover Apartments, Beech Street, Lenola School, and Teaberry Run for a total of 96 market-to-affordable units. The municipality is eligible for a market-to-affordable program of 41 units ($412 \times .10 = 41.2$) in accordance with *N.J.A.C. 5:97-6.9(b)4*. As a result, a waiver for the size of the program is necessary.

Waiver Request for Market-to-Affordable Program

The waiver is appropriate because it does not affect the market for affordable housing units whether they are deed restricted by income or not. From Table 10, it is estimated that 688 rental units are affordable to low and moderate income tenants and of this number, 251 units are owned and operated by MEND. The loss of controls would result in higher monthly rents. MEND's smaller projects often are more costly to maintain than they receive in rent which requires them to cross-subsidize these units. While MEND units without controls could be expected to have higher rents, they would still remain within the 80% of median household income. They would be affordable to households with incomes perhaps 20% higher than the rent structure that the formerly deed-restricted units would have, but still in the affordable range. Thus the funding that the municipality would supply towards the

market-to-affordable program would provide most of its assistance to low income households that need it the most.

The other effect of the waiver would be to shore up MEND's capital reserve accounts to enable the long term retention of affordable units through unit upgrades and maintenance for 30 years from the date of the imposition of affordability controls. Limiting the number to 41 units would merely hasten the day when the unaided units could be completely released to the general housing market. For these reasons, Moorestown requests a waiver on the size of the market-to-affordable program to permit it to increase from 41 to 96 units.

Descriptions of Market-to-Affordable Units

Musser Court, Clover Apartments and Beech Street, consisting of 16, 5, and 18 units, respectively, were rehabilitated as part of the municipality's second round certification pursuant to *N.J.A.C. 5:93-5.2*. Each of the projects were placed under 10 year deed restrictions in accordance with *N.J.A.C. 5:93-9.2(d)*. Deed restrictions for Musser Court and Clover Apartments were imposed in 1994 and 1995, respectively and have thus expired in the third round. Beech Street, which was rehabilitated in 2000, will lose its affordability controls in 2010. Musser Court consists of 8 one-bedroom and 8 two-bedroom units. Clover contains four units with two-bedrooms and one unit with three bedrooms. Beech Street contains 14 two-bedroom and 4 three-bedroom apartments for a total of 18 units. None of the units are age-restricted.

The Lenola School is a 33-unit senior rental building located at 100 New Albany Road. The project was a conversion of a former elementary school and consists of two efficiencies and 31 one-bedroom apartments. The project was undertaken by MEND and was occupied in February 1988. The Lenola School has 20 year deed restrictions for affordable housing and thus there are no affordability controls on the units. Fourteen of the units were earmarked for low income and 17 for moderate income.

Teaberry Run is a 24 unit age-restricted apartment buildings with 7 efficiencies and 17 one-bedroom units. The site was completed using HUD funding, private resources and Community Development Block Grant monies and occupied in June 1987 with 20 year affordability controls that are no longer attached to the units. The units had been deed-restricted to very low income households.

All of the units except Beech Street presently do not have affordability controls attached to them and by the end of 2010, in two years, none of the proposed units will have affordability controls.

Market-to-Affordable Criteria

The following criteria are required to be met for the market-to-affordable program (N.J.A.C. 5:97-6.9(b)-(e)):

- I. All of the units will be for rent and all are pre-owned. Some may be vacant and pre-owned.
2. Prior to the imposition of affordability controls for a period of 30 years, each unit will be certified to be in a sound condition by the municipality's construction code official.
3. The municipality will subsidize each unit with a payment of \$30,000 at the time of the imposition of affordability controls in accordance with an agreement with the owner.
4. Moorestown seeks a waiver from the cap of 41 units to 96 units in the program.
5. The bedroom distribution will be as outlined in the descriptions of the five different buildings and complexes.
6. The program shall be open to both low and moderate income households.
7. The maximum rent for a moderate income unit shall be no more than 60 percent of the median and for a low income unit no more than 44 percent of the median household income.
8. The effect of the loss of affordability controls has been to increase the supply of lower value units in Moorestown in the unrestricted housing market by the number of units in the proposed program. The units are lower value because of their relatively small size compared to other units in the marketplace and typically higher densities than other apartment buildings in the Township. Consequently, the purchase of affordability controls by the Township will not have a material effect on the overall housing market and will be the same as the time period in which the units had at one time affordability controls.
9. The estimate of subsidy is \$30,000 per unit.
10. The source of funding will be the Township's affordable housing trust fund and if a shortfall develops and other grants, low cost loans, governmental transfers and other sources of funding are not adequate, Moorestown will bond for the difference in cost.
11. An operating manual was supplied to COAH conforming to UHAC standards as part of the 2005 third round plan petition.
12. An affirmative marketing plan will be supplied to COAH in accordance with UHAC standards.

13. The program operation will be administered by MEND, Inc., an experienced affordable housing administrator in accordance with the qualifications of N.J.A.C. 5:96-18.

In order to implement the market-to-affordable program, the Township will enter into an agreement with MEND to add affordability controls on 96 affordable units as owned and administered by MEND. As part of the agreement, the Township will provide funding to MEND in the amount \$30,000 per unit and bonus in return for the imposition of affordability controls and unit upgrading to meet building code standards, if required.

Municipally Sponsored and 100% Affordable Housing Sites

The three sites identified for municipally sponsored and 100% affordable housing sites include Creed II, an 8 unit project that opened in 2007 and two sites that were in Moorestown's first and second round plans, the Maybury tract and the Nagle tract. The Maybury tract was purchased on December 21, 1987 for \$420,000 and the Nagle tract on February 24, 1988 for \$576,385. During the second round after the Township had received substantive certification, the municipality decided that the costs for addressing its affordable housing obligation in the second round were best met through the use of two regional contribution agreements and these two sites were mothballed for potential future affordable housing use. The municipality's 2002 master plan earmarked the sites for dual use, passive open space and affordable housing. Since the municipality purchased the sites in the late 1980's, they have been used for passive open space (Maybury) and farmed (Nagle). Moorestown's initial third round plan, which had a much lower growth share, did not require the construction of housing on these two sites; however, with the revision to the third round rules and the increase in the growth share obligation from 123 to 412 units, construction on the two sites will be required.

All of the sites are located within Moorestown's sanitary sewer and public water franchise areas. Approximately one-quarter of Moorestown is outside the sanitary sewer service area, though all areas are within the water service area though not necessarily serviced by public water. Moorestown water is supplied by a local municipal system supplemented by water from the New Jersey American Water system. Creed II is already serviced with public water and sewer. It is located in close proximity to the downtown. Public water and sewer service was brought to the Maybury tract by the development of Wexford Farms in 1998-2000, a residential development adjacent to the site. The sanitary sewer pumping station for Wexford Farms was sized to account for the Maybury tract's flow and both water and sewer are stubbed for the development. Further, the storm water management basin is partially located on the Maybury tract and Wexford Farms but was designed to handle the storm water flows from the affordable housing site.

The Nagle tract is within a sanitary sewer service area operated by the Mt. Holly Municipal Utilities Authorities, in contrast to the Moorestown-operated system that serves Creed II and Maybury. The Nagle tract is next to Laurel Creek, a large mixed use development of townhouses, single family detached houses, a golf course and offices. Sanitary sewer and public water are located in Hartford Road at Medinah Drive, about 1,500 feet from the Nagle tract. The Moorestown Department of Public Works is examining the feasibility of looping the water system from Medinah Drive southeast down Hartford Road and northeast to Country Club Drive to provide better water pressure to the Laurel Creek neighborhood and better fire suppression capabilities. If that were the case, water supply would be directly in front of the tract. For sanitary sewer, a line would need to be run northeast along Centerton Road to Country Club Drive, a distance of about three thousand feet. Some of the cost of this line may be mitigated should the approved Toll Brothers senior housing development located along that stretch of road is constructed in advance of the Nagle tract. Sewer and water are available to the Nagle tract and there are several potential solutions that would aid in bringing infrastructure to the site. Notwithstanding these other actions, however, construction of the Nagle tract would have sufficient value to make it feasible to carry these costs by itself.

All three sites are located in Planning Area 2 of the State Development and Redevelopment Plan. Planning Area 2 is the Suburban Planning Area and is intended to be locations for growth within New Jersey. Planning Area 2 is also characterized by its available or extendable public infrastructure. Thus the development of the three sites with higher intensity affordable housing uses is consistent with the goals and objectives of the State Plan.

The three sites are described individually below.

Creed II. Creed II, 315 Chester Avenue (Block 4308, Lot 14), is a new construction project consisting of eight units completed at the rear of the site of Creed Apartments. Frog Holler Farms, Inc., a subsidiary of MEND, Inc. is the owner of the land and MEND is the project sponsor. The project consists of two two-story buildings with four units each. The Creed II site has limited site area and its construction required the demolition of existing garages. The four ground floor apartments in the two buildings are designed for the physically disabled. All of the units are one-bedroom units, however, and do not meet UHAC standards for bedroom distribution.

Moorestown requests a waiver from N.J.A.C. 5:80-26.3(b)1 that limits the number of efficiencies and one-bedrooms to no more than 20% of the total. In support of this waiver, MEND has found in its collective experience that the overwhelming majority of need for the physically disabled low and moderate income population is for one-bedroom apartments. The small size of the site, only .35 acres, was a major consideration in the configuration of the buildings and apartment sizes. The design of the ground floor units dictates what can be constructed on the second floor. Since

the need is for one-bedroom on the first floor and the second floors follow the floor plans of the first floor, the design by necessity limits the second floor to one-bedroom apartments. The buildings were constructed and granted a certificate of occupancy on January 31, 2007. In addition to the construction of these units, MEND has contracted with Resources for Independent Living to provide training and support to the disabled population occupying the project. These eight units will be eligible for eight bonus compliance credits.

COAH's Third Round rules at *N.J.A.C. 5:97-6.7* "Municipally Sponsored and 100 Percent Affordable Developments" are addressed as follows:

- Site Control – Frog Holler Farms, Inc., a subsidiary of MEND, Inc. is the owner of the land and MEND is the building owner, manager and project administrator.
- Site Suitability – The project received use variance and site plan approvals from the zoning board and building permits to construct the development. The buildings received a certificate of occupancy on January 1, 2007. Accordingly, the site meets COAH's site suitability requirements at *N.J.A.C. 5:97-3.13* "Suitable Site".
- Administrative Entity – MEND, Inc. is an experienced affordable housing provider that has experience administering affordable housing units. MEND currently administers this development in accordance with COAH's regulations. Additionally, MEND is committed to affirmatively marketing these units, income qualifying applicants, and providing long-term administration of the units in accordance with COAH's rules at *N.J.A.C. 5:97 et seq.* and UHAC per *N.J.A.C. 5:80-26*.
- Low/Moderate Income Split – The site currently meets and will continue to meet the low/moderate split requirements at *N.J.A.C. 5:97-3.3* and the UHAC at *N.J.A.C. 5:80-26*.
- Affirmative Marketing – MEND, Inc. affirmatively marketed the units in accordance with COAH's rules at *N.J.A.C. 5:97 et seq.* and the UHAC per *N.J.A.C. 5:80-26*.
- Controls on Affordability – The units are restricted to low and moderate income households for a period of 30 years from January 2007.
- Bedroom Distribution – The units do not meet the bedroom distribution requirement pursuant to UHAC requirements at *N.J.A.C. 5:80-26* and the Township requests a waiver as outlined above.

- **Funding** – Creed II was funded by a combination of Burlington County HOME Funds, NJDCA HOME Funds, internal MEND financing and \$140,000 mortgage from NJHMFA.

Maybury Tract. The Maybury tract was purchased by the municipality in 1987 for the construction of a 100% affordable housing project. This site was included in the municipality's certified first and original second round plans. The project is being resuscitated to help meet Moorestown's obligation in the third round. In 1997, a site plan for 50 family rental units was prepared for the project and this basic layout, while serviceable, will likely be modified to include fewer building and more units per building for greater efficiency in construction. The ultimate number of affordable housing units in the site may be greater or lesser than the 1997 site plan depending on the circumstances at the time that the site moves through the approval process. Regardless, this site combined with the Nagle tract will provide sufficient units to equal the 180 units noted in Table 27. Further, this site may be used for age-restricted housing in lieu of age-restricted development on the Nagle Tract. In no event, however, will the age-restricted limitation be exceeded.

The Maybury Tract is located on Westfield Road at its intersection with Sheffield Drive and is also known as Block 5800, Lot 47 and with rights to discharge storm water to Block 5803, Lot 12. Block 5800, Lot 47 is 10.5 acres with all of the anticipated development located to the south except for the storm water management facilities to the north. The site's frontage along Westfield Road is improved with a bicycle path and bridge over Swede's Run, which borders the site on the north. Single family detached housing abuts the tract to the west and south and across Westfield Road to the east. To the north on the other side of Swede's Run is Swede's Run Fields, a large open space parcel owned by the municipality. The site is zoned L-M R, Low-Moderate Income Residence Districts and the proposed project is consistent with the zoning regulations.

The site is affected by freshwater wetlands along Swede's Run as well as in the southeast corner of the main development site, Lot 47. The developable area of the site is 6.5 acres¹¹ on Lot 47 and is sufficient at reasonable multi-family densities for the development of townhouses and flats. Based on the 1997 site plan, the net density is 7.7 units per acre and gross density is 4.76 units per acre. There is sufficient developable land on the north side to accommodate an enlarged basin should that be required to address storm water management rules enacted since the site plan was developed.

The municipality's preference is to have MEND be the lead sponsor to obtain low income housing tax credits to fund the project. The municipality would enter into an agreement with MEND to lease its land or in the event that the funding sponsor

¹¹ - Site Plan, Moorestown Affordable Housing, "Mayberry (sic) Tract", prepared by William H. Nicholson, PE, dated October 18, 1997.

requires ownership, sell the land to MEND for a nominal fee. Legal opinion is divided on whether municipal land can be sold directly to a private non-profit entity for affordable housing purposes for less than fair market value. In the event that land cannot be sold in a direct manner, the municipality will develop a request for proposal and open it to interested affordable housing providers. The selected affordable housing developer would be required to apply for low income housing tax credits. The municipality expects that the cost of the project can be borne by tax credits, Balanced Housing funds from NJDCA and State money from the 2.5% non-residential development impact fee.

COAH's Third Round rules at *N.J.A.C. 5:97-6.7* "Municipally Sponsored and 100 Percent Affordable Developments" are addressed as follows:

- Site Control – Moorestown Township is owner of the site.
- Site Suitability – The site was determined to be a suitable site by COAH in Moorestown's second round certified plan. As noted above, the site is surrounded by compatible land uses, has access to a residential access street, has adequate water and sewer available and can be developed consistent with the Residential Site Improvements Standards. Accordingly, the site meets COAH's site suitability requirements at *N.J.A.C. 5:97-3.13* "Suitable Site".
- Administrative Entity – MEND, Inc., or an equally experienced affordable housing provider, would be the selected entity to develop, operate and administer the site. Moorestown would require, as part of its development agreement that the units would be affirmatively marketed, applicants for units would be appropriately screened for income and other assets and that the long-term administration of the units will be in accordance with COAH's rules at *N.J.A.C. 5:97 et seq.* and UHAC per *N.J.A.C. 5:80-26*.
- Low/Moderate Income and Bedroom Distribution – The development agreement will require that the unit mix meet the low and moderate income and bedroom mix requirements at *N.J.A.C. 5:97-3.3* and the UHAC at *N.J.A.C. 5:80-26*.
- Controls on Affordability – The units will be restricted to low and moderate income households for a period of at least 30 years.
- Funding – The project is expected to be funded with low income housing tax credits, NJDCA Balanced Housing Funds, and funding from the NJDCA's collection of the 2.5% non-residential fee from municipalities that do not file for substantive certification.

Nagle Tract - The Nagle tract was purchased by the municipality in 1988 for the construction of a 100% affordable housing project. This site was included in the municipality's certified first and original second round plans. The project is being

resuscitated to help meet Moorestown's obligation in the third round. The Nagle tract in conjunction with the Maybury tract will provide sufficient units to equal the 180 units noted in Table 27. Further, this site may be used for age-restricted housing in lieu of age-restricted development on the Maybury tract. In no event, however, will the age-restricted limitation be exceeded.

The Nagle Tract is located on at the intersection of Hartford and Centerton Roads and is also known as Block 7401, Lot 3. The total tract acreage is 12.5 acres. The tract is surrounded by farmland on the north and west, though this land is part of the Lockheed Martin complex and is used for radar field testing. On the south side across Centerton Road is the AEGIS facility owned by the federal government that is used for the development of ship radar systems by Lockheed Martin. Cater-corner to the site is the Burlington County Community Agricultural Center. Across Hartford Road is the Laurel Creek mixed use development. The land uses in Laurel Creek closest to the site are multi-family housing. The site is zoned L-M R, Low-Moderate Income Residence Districts and the proposed project is consistent with the zoning regulations permitting 12 units to the acre. Hypothetically, a development of 130 units on this site would create a density of 10.4 units per acre. The site has no environmental constraints.

In 1995, a site plan was approved by the planning board for 120 family rental units. This plan will need to be substantially modified to address new storm water management regulations, any increase in the number of proposed units and the likely need to develop it as two separate projects because of the potential funding sources. A minor subdivision will be required with cross-access, storm water and utility easements benefiting both portions of the project. The types of requirements are commonplace in commercial development and are typical review procedures for planning boards.

For the family rental section, the same somewhat inefficient building layout that was proposed for the Maybury tract was also employed here and would need to be modified. A new design would need to be undertaken for any senior rental portion in the project because units are typically smaller in such projects. It is anticipated that the net densities of the senior portion would be higher than the family rental section should both types of units be built in this location.

The municipality's preference is to have MEND be the lead sponsor to obtain low income housing tax credits to fund the project. The municipality would enter into an agreement with MEND to lease its land or in the event that the funding sponsor requires ownership, sell the land to MEND for a nominal fee. Legal opinion is divided on whether municipal land can be sold directly to a private non-profit entity for affordable housing purposes for less than fair market value. In the event that land cannot be sold in a direct manner, the municipality will develop a request for proposal and open it to interested affordable housing providers. The selected affordable housing developer would be required to apply for low income housing tax

credits. The municipality expects that the cost of the project can be borne by tax credits, Balanced Housing funds from NJDCA and State money from the 2.5% non-residential development impact fee.

COAH's Third Round rules at *N.J.A.C. 5:97-6.7* "Municipally Sponsored and 100 Percent Affordable Developments" are addressed as follows:

- Site Control – Moorestown Township is owner of the site.
- Site Suitability – The site was determined to be a suitable site by COAH in Moorestown's second round certified plan. As noted above, the site is surrounded by compatible land uses, has access to a minor arterial street, has adequate water and sewer available within a reasonable distance and can be developed consistent with the Residential Site Improvements Standards. Accordingly, the site meets COAH's site suitability requirements at *N.J.A.C. 5:97-3.13* "Suitable Site".
- Administrative Entity – MEND, Inc., or an equally experienced affordable housing provider, would be the selected entity to develop, operate and administer the site. Moorestown would require, as part of its development agreement that the units would be affirmatively marketed, applicants for units would be appropriately screened for income and other assets and that the long-term administration of the units will be in accordance with COAH's rules at *N.J.A.C. 5:97 et seq.* and UHAC per *N.J.A.C. 5:80-26*.
- Low/Moderate Income and Bedroom Distribution – The development agreement will require that the unit mix meet the low and moderate income and bedroom mix requirements at *N.J.A.C. 5:97-3.3* and the UHAC at *N.J.A.C. 5:80-26*.
- Controls on Affordability – The units will be restricted to low and moderate income households for a period of at least 30 years.
- Funding – The project is expected to be funded with low income housing tax credits, NJDCA Balanced Housing Funds, and funding from the NJDCA's collection of the 2.5% non-residential fee from municipalities that do not file for substantive certification.

Implementation Schedule

The implementation schedule should be reviewed against the backdrop of the 121 units that exist in the plan under the special needs housing and market-to-affordable program. Moorestown growth share to date is between 60 and 70 affordable units, depending on the dates when residential demolitions were followed by residential

certificates of occupancy for the same property within one year¹². At that trend, no additional activity would be required until the second biennial review in (presumably) 2013. Table 28, Implementation Schedule, provides additional detail.

Table 28. Implementation Schedule by Year.

Activity	Existing Units	Maybury and/ or Nagle
Execute agreement with MEND	2009	
Execute agreement with Family Service	2009	
Issue Request for Proposal		2013
Select developer		2013
Redesign site plan and buildings		2013-2014
Submit and receive development approvals		2014
Submit application and receive tax credits		2014
Complete architectural drawings & specs.		2014
Select contractor and begin construction		2015
Complete construction and occupy site		2015

COST GENERATION

Moorestown’s Zoning Ordinance has been reviewed to eliminate unnecessary cost generating standards. The two projects proposed, the Maybury and Nagle tracts, will be municipally sponsored projects and will enjoy expedited review accordingly. The Creed II project received such expedited review. Moorestown shall comply with COAH’s requirements for unnecessary cost generating requirements, *N.J.A.C. 5:97-10.2*, procedures for development applications containing affordable housing, *N.J.A.C. 5:97-10.3*, and requirements for special studies and escrow accounts where an application contains affordable housing, *N.J.A.C. 5:97-10.4*.

MONITORING

In accordance with *N.J.A.C. 5:96-11*, Moorestown shall complete the annual monitoring reports of the Affordable Housing Trust Fund and of the affordable housing units and programs. Furthermore, the Township will assist COAH with the biennial plan evaluation, pursuant to *N.J.A.C. 5:96-10*, where the actual growth of housing units and jobs is compared to the provision of affordable housing beginning two years from substantive certification. If upon any biennial review the difference

¹² - COAH has proposed an exclusion from growth share when this occurs (*see* New Jersey Register at 40 N.J.R. 6265(a)). Moorestown has had a significant number of demolitions in relation to constructed units. *See* Table 23.



between the number of affordable units constructed or provided in the Township and the number of units required pursuant to N.J.A.C. 5:97-2.4 results in a pro-rated production shortage of 10 percent or greater, Moorestown is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Township may be required by COAH to amend its plan in conformance with N.J.A.C. 5:96-14 to address the affordable housing obligation set forth in N.J.A.C. 5:97-2.5.

FAIR SHARE ORDINANCES AND AFFIRMATIVE MARKETING

Moorestown has instituted an affordable housing ordinance establishing affirmative marketing procedures, affordability controls, development impact fees – referencing the standards of the Uniform Housing Affordability Controls (hereinafter “UHAC”) at N.J.A.C. 5:80-26 for its initial Third Round plan. This ordinance has been amended as necessary to meet COAH’s rule at N.J.A.C. 5:97-9. The municipality’s affordable housing ordinance will govern the establishment of affordable units in the Township as well as regulating the occupancy of such units in accordance with these requirements. A copy of the draft ordinance is included with the petition for substantive certification.

To conduct affirmative marketing and monitoring of affordable units, the Township will contract with the MEND, Inc. to undertake this work or an equally qualified experienced affordable housing administrator if it becomes necessary. MEND currently handles administering its units that make up the bulk of this plan. Administration for the group homes and supportive shared living housing is handled through those respective agencies under the requirements of the state Department of Human Services.

The affirmative marketing plan is 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 the affordable units located in the Township. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in Housing Region #5, consisting of Burlington, Camden, and Gloucester Counties.

The affirmative marketing plan includes regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance to N.J.A.C. 5:80-26. All newly created affordable units will comply with the thirty-year affordability control required by N.J.A.C. 5:80-26-5 and 5:80-26-11. This plan must be adhered to by all private, non-profit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. The costs of implementing the affirmative marketing plan (i.e., the costs of advertising the affordable units, etc.) will be the responsibilities of the developers of the affordable

units. This requirement is included in the affordable housing ordinance and shall be a condition of any municipal development approval.

AFFORDABLE HOUSING TRUST FUND AND USE OF FUNDS

The passage of amendments to the Fair Housing Act (P.L. 2008, c.46) on July 17, 2008 increased the non-residential development impact fee designated for affordable housing to 2.5% of any development's equalized assessed value (unless exempted). The Act also prohibits the imposition of payments in lieu of construction for non-residential development that a number of municipalities, but not Moorestown, had enacted. In order to comply with the amendments to the Fair Housing Act, the Township is requesting approval of an amended development fee ordinance that will increase the non-residential development fee to 2.5%. Additionally, the revised development fee ordinance will increase the residential development fee to 1.5% pursuant to *N.J.A.C. 5:97-8.3*. The revised development impact fee ordinance is included with the petition for substantive certification.

The Township's Spending Plan, which discusses anticipated, collection of revenues, and the use of revenues, was prepared in accordance to *N.J.A.C. 5:97-8.10*. All collected revenues will be placed in the Township's affordable housing trust fund and will be dispensed for the use of affordable housing activities. Pursuant to the Township's plan, Township of Moorestown may use the funds in the trust fund for any of the below listed items, pursuant to *N.J.A.C. 5:97-8.7(a)*:

- Rehabilitation program;
- New construction of affordable housing units and related development costs;
- Extensions or improvements of roads and infrastructure directly serving affordable housing development sites;
- Acquisition and/or improvement of land to be used for affordable housing;
- Purchase of existing market rate or affordable housing for the purpose of maintaining or implementing affordability controls as is specifically sought here;
- Green building strategies designed to be cost-saving for low- and moderate income households, either for new construction that is not funded by other sources, or as part of necessary maintenance or repair of existing units;
- Maintenance and repair of affordable housing units;
- Repayment of municipal bonds issued to finance low- and moderate-income housing activity; and
- Any other activity as specified in the approved spending plan.
- Affordability assistance.

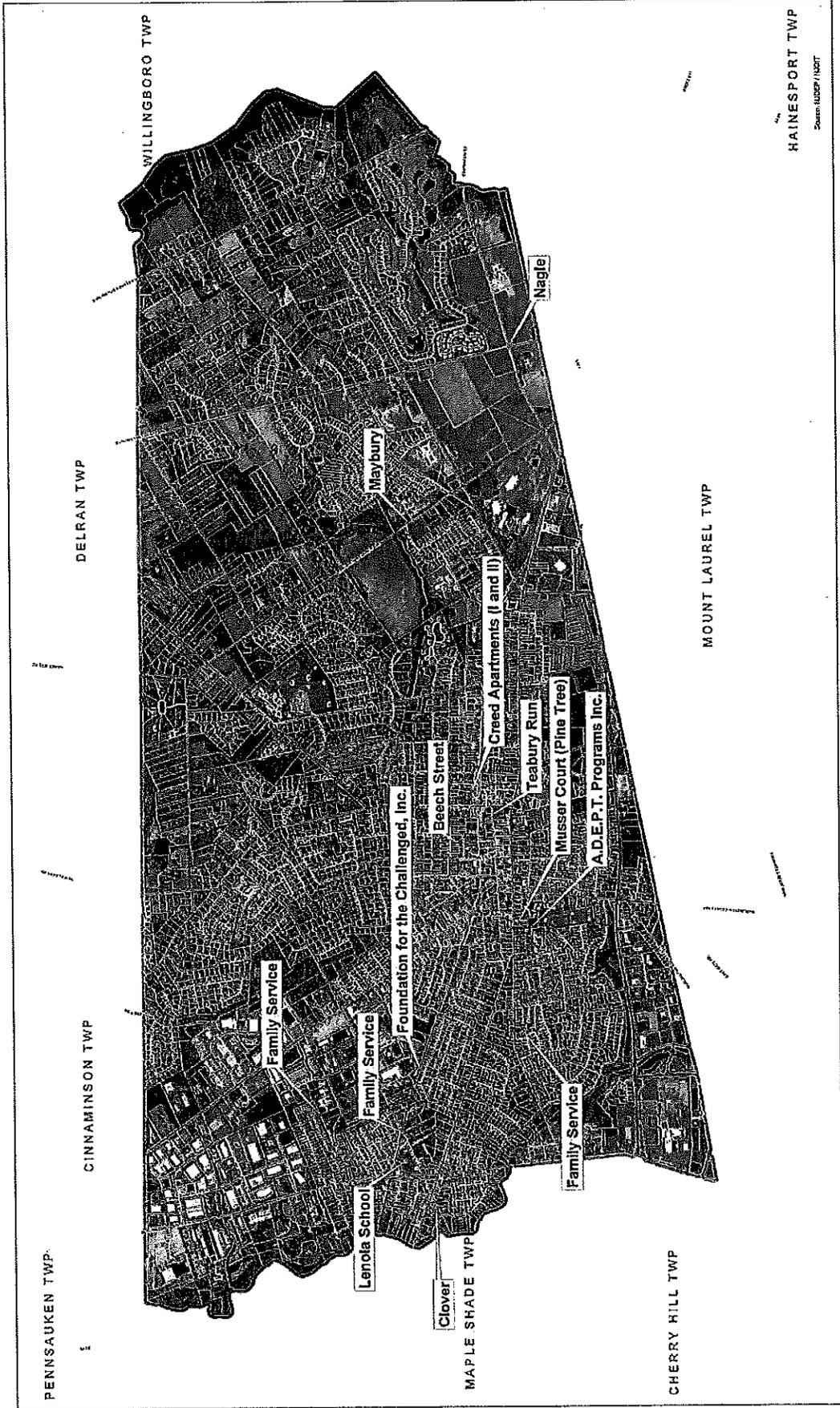
At least 30% of collected development fees, excluding expenditures made from the inception of the fund to June 2, 2008 on all new construction and rehabilitation

activities, shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the Fair Share Plan, as required by rule. Additionally, no more than 20% of the revenues collected from development fees each year shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a rehabilitation program, a new construction program, a housing element and fair share plan, and/or an affirmative marketing program.

Township of Moorestown intends to spend development fee revenues pursuant to N.J.A.C. 5:97-8.7 and in conjunction with the housing programs outlined in this document. See Spending Plan for specific information.

SUMMARY

The Moorestown Housing Element and Fair Share Plan addresses the municipality's Third Round that consists of an 18 unit rehabilitation component, a prior round component of 606 units and a growth share of 412 units. Through a combination of group homes, supportive shared living housing, market-to-affordable program, new construction, compliance bonuses and rental bonuses, the Third Round Plan will provide for a cumulative total of 1,036 units and credits.



Affordable Housing Sites

Moorestown Township, Burlington County, NJ | December 2008



Clarke Caton Hintz
 Architecture
 Planning
 Landscape Architecture

Moorestown Township Spending Plan

INTRODUCTION

The Township of Moorestown has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with *N.J.S.A. 40:55D-28b(3)*, the Fair Housing Act (*N.J.S.A. 52:27D-301*) and the regulations of the NJ Council on Affordable Housing found in *N.J.A.C. 5:96-1 et seq.* and *N.J.A.C. 5:97-1 et seq.* A development fee ordinance creating a dedicated revenue source for affordable housing was most recently adopted by the municipality on February 14, 2005 and approved by COAH on May 17, 2006. The ordinance established the Township of Moorestown's affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, Township of Moorestown has collected \$8,035,882, expended \$7,065,739, resulting in a balance of \$970,143. Accumulated interest income to date is \$507,729 and is included in the gross figure, above. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are and have been deposited in a separate interest-bearing affordable housing trust fund in TD Bank (Commerce Bank, N.A.), for the purposes of affordable housing. These funds shall be spent in accordance with *N.J.A.C. 5:97-8.7* through *-8.9* as described in the sections that follow.

REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, the Township of Moorestown considered residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals, all projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and future development that is likely to occur based on historical rates of development.

The Township's revenues have been generated from residential and non-residential development impact fees. While certain payments in lieu of construction were imposed, Chapter 46 of P.L. 2008 has eliminated the ability of municipalities to collect such fees from projects that have not yet received a certificate of occupancy. Since that applies to every potential payment in lieu of construction fee, the Township does not anticipate any actual or future payments in lieu of construction for affordable housing.

The table on the following page indicates anticipated revenue to be generated from development impact fees.

Table SP-1. Projected Revenues-Housing Trust Fund - 2008 through 2018

Source of Funds	7/18/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
	12/31/08											
Development fees												
Approved Development	\$0	\$210,000	\$210,000	\$210,000	\$210,000	\$0	\$0	\$0	\$0	\$0	\$0	\$840,000
Development Pending Approval	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Projected Development	\$0	\$0	\$0	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000	\$640,000
Interest	\$5,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$155,000
Total	\$25,000	\$402,200	\$402,200	\$770,000	\$430,000	\$430,000	\$430,000	\$430,000	\$430,000	\$430,000	\$430,000	\$1,635,000

Township of Moorestown projects a total of \$1,635,000 to be collected between July 18, 2008 and December 31, 2018, including interest, to be used for affordable housing purposes. The total including the amount in the account is \$2,605,143.

ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Township of Moorestown.

Collection of Development Fee Revenues

As stipulated in Article VI, Mandatory Development Fees of the Land Subdivision Ordinance (Chapter 158-40 to 158-47 of the codified ordinances of the municipality) all collection of development fee revenues will be consistent with local regulations for both residential and non-residential developments and in accordance with *N.J.A.C. 5:96 et seq.*, *N.J.A.C. 5:97 et seq.* and P.L.2008, c.46, sections 8 (*N.J.S. 52:27D-329.2*) and 32-38 (*N.J.S. 40:55D-8.1 through -8.7*).

Distribution of Development Fee Revenues

Requests for distribution of funds will first be made to the Department of Community Development for eligible activities. The Director of Community Development will evaluate the request and provide a synopsis and recommendation to the Township Manager. The request for funds will detail the amount requested, the beneficiary of the distribution, the use of funds and the time line for distribution. In this request for funds and determination of eligible activities the municipal staff may be assisted by the Township Attorney. Upon examination and approval, the Township Manager will transmit the requested amount to the Chief Financial Officer (CFO) of the municipality. If sufficient funds are available, the requested amount will be brought before the Township Council for approval and the amount encumbered in the affordable housing trust fund by the CFO. Township Council approval may take one of any number of forms, including resolution authorizing the expenditure of funds, inclusion of the amount on a bill list for approval, or any other mechanism allowed by statute or rule for the dispersal of funds. Once approved, the payment will be made by the CFO to the designated individual or organization and the proper notation made in the affordable housing trust fund.

DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

Moorestown Township may use the funds in the trust fund for any of the below listed items, pursuant to *N.J.A.C. 5:97-8.7(a)*:

- New construction of affordable housing units and related development costs; in the case of inclusionary developments, eligible costs shall be pro-rated based on the proportion of affordable housing units included in the development;
- Extensions or improvements of roads and infrastructure directly serving affordable housing development sites; in the case of inclusionary developments, costs shall be pro-rated based on the proportion of affordable housing units included in the development;
- Acquisition and/or improvement of land to be used for affordable housing;

- Purchase of existing market rate or affordable housing for the purpose of maintaining or implementing affordability controls;
- Accessory apartment or market to affordable programs;
- Green building strategies designed to be cost-saving for low- and moderate income households, either for new construction that is not funded by other sources, or as part of necessary maintenance or repair of existing units;
- Maintenance and repair of affordable housing units;
- Repayment of municipal bonds issued to finance low and moderate income housing activity; and
- Affordability assistance to very low, low and moderate income buyers and renters of affordable housing units to lower the cost of homeownership, subsidize closing costs, or to reduce the capitalized basis of the rent payments; and
- Any other activity as specified herein.

At least 30% of collected development fees, excluding expenditures made from the inception of the fund to June 2, 2008 on all new construction, previously funded rehabilitation activities, shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the Fair Share Plan. Additionally, no more than 20% of the revenues collected from development fees each year shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a housing element and fair share plan, and/or an affirmative marketing program.

If funding should fall short of the amount necessary, Moorestown will seek grants, low cost loans or use general revenues and its bonding capacity to meet such shortfall.

Specific Projects

Moorestown specifically proposes to expend funds on the following projects listed in the Fair Share Plan. These include:

1. Market to Affordable Program (MEND): 96 units at \$30,000 - \$150,000 already paid = \$2,730,000
2. Family Service Supportive Shared Living Housing : 10 bedrooms at \$30,000 - \$20,000 loan forgiveness = \$280,000
3. Creed II (Mend): 8 units (16 credits) at \$30,000/credit = \$480,000
4. Maybury (50 family rental units): \$100,000 for soft costs
5. Nagel (46 senior rental units and 84 family rental units): \$100,000 for soft costs

SHORTFALL OF FUNDS

If the municipality is unable to secure grants, loans, or other revenue sources for affordable housing, the municipality shall support the implementation of the housing plan with its bonding capacity. The municipality has previously used bonding for the purchase of affordable housing sites and to fund its second round regional contribution agreements.

AFFORDABILITY ASSISTANCE (N.J.A.C. 5:97-8.8)

The following table indicates the amount anticipated being available for affordability assistance to low and moderate income households, including very low income households.

Table SP-2. Projected Minimum Affordability Assistance Requirement.

Actual development fees through July 17, 2008		\$7,347,650
Actual interest earned through July 17, 2008	+	\$505,089
Development fees projected, July 18, 2008-2018	+	\$1,480,000
Interest projected, July 18, 2008-2018	+	\$155,000
Less housing activity expenditures	-	\$7,065,739
Total	=	\$2,422,000
30 percent requirement	x 0.30 =	\$726,600
Less affordability assistance expenditures through 12/31/2004	-	\$1,270,000
Projected minimum affordability assistance requirement	=	(\$0)
Projected minimum very low-income affordability assistance requirement	÷ 3 =	(\$0)

ADMINISTRATIVE EXPENSES (N.J.A.C. 5:97-8.9)

Table SP-3. Projected Allowed Administrative Expense.

Actual development fees through 7/17/2008		\$7,347,650
Actual interest earned through 7/17/2008	+	\$505,089
Development fees projected* 2008-2018	+	\$1,480,000
Interest projected* 2008-2018	+	\$155,000
Less housing activity expenditures	-	\$7,065,739
Total	=	\$2,422,000
20 percent maximum permitted administrative expenses	x 0.20 =	\$484,400
Less administrative expenditures through 12/31/2004	-	\$5,500
Projected allowed administrative expenditures	=	\$478,900

* - Note: The 2008 portion of this projection reflects 2008 after July 17 as the first portion of 2008 is included in the actual figure reported above.

Moorestown will not expend for administrative purposes in excess of the formula in Table SP-3.

EXPENDITURE SCHEDULE

The expenditures from the fund as noted in the list on page SP-4 would be paid out over a number of years as Moorestown needed to match its affordable housing obligation from year to year through the market-to-affordable and special needs group homes, and the 100% affordable housing projects as based on the implementation schedule.

Table SP-4 - Projected Expenditure Schedule 2009 Through 2018

Program	Number of Units Projected	Funds Expended and/or Dedicated												Total			
		2005 through 7/18/08	7/18/08 through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018				
Creed II	8 (16 credits)	\$0	\$0	\$240k	\$0	\$240k	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$480,000
Maybury Tract	50	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100k	\$0	\$0	\$0	\$100,000
Nagel Tract	130	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100k	\$100,000
Family Service	10	\$0	\$0	\$100k	\$60k	\$60k	\$60k	\$0	\$0	\$0	\$60k	\$0	\$0	\$0	\$0	\$0	\$280,000
Market to Affordable	96	\$0	\$0	\$390k	\$0	\$0	\$0	\$2,730,000									
Total Programs	294	\$0	\$0	\$730k	\$450k	\$690k	\$450k	\$390k	\$390k	\$490k	\$450k	\$390k	\$390k	\$0	\$0	\$100k	\$3,690,000
Affordability Assistance		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Administration		\$67k	\$50k	\$30k	\$30k	\$20k	\$20k	\$20k	\$50k	\$397,000							
Total Built Units	294	\$67k	\$50k	\$760k	\$480k	\$710k	\$470k	\$410k	\$410k	\$540k	\$20k	\$20k	\$20k	\$20k	\$150k	\$150k	\$4,087,000

Exhibit K

**RESOLUTION APPROVING SPENDING PLAN
MOORESTOWN TOWNSHIP / BURLINGTON COUNTY**

WHEREAS, the Township of Moorestown, Burlington County (“Moorestown” or “the Township”) received second round substantive certification on July 9, 1997, and extended substantive certification on March 9, 2005; and

WHEREAS, the Council on Affordable Housing (COAH) approved Moorestown’s development fee ordinance on May 3, 1995, and the latest amendment to the ordinance on March 26, 2009; and

WHEREAS, pursuant to N.J.S.A. 52:27D-329.2(a) and N.J.A.C. 5:97-8.1(d), Moorestown may not expend or commit to expend any affordable development fees, including statewide non-residential fees collected and deposited into the municipal affordable housing trust fund, without first obtaining COAH’s approval of the expenditure; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires that Moorestown obtain COAH’s approval of a spending plan prior to the expenditure of affordable housing trust funds; and

~~WHEREAS, COAH approved a spending plan for Moorestown on July 9, 1997; and~~

WHEREAS, certification third round spending plan was submitted by the Township as part of its third round petition on December 31, 2008; and

WHEREAS, on July 6, 2012, the Township submitted an amended spending plan with a resolution adopted May 14, 2012, requesting COAH’s review and approval (attached as Exhibit A); and

WHEREAS, on October 8, 2010, the Appellate Division issued its decision in the appeals of COAH’s revised third round rules at N.J.A.C. 5:96 and 5:97; and

WHEREAS, in its decision, the Appellate Division reversed and remanded portions of COAH’s third round rules, including N.J.A.C. 5:97-3.2(a)(4)(iv) which authorizes substantive certification of compliance plans that rely upon municipality-sponsored affordable housing projects without location sites or source of funding; and

WHEREAS, Moorestown has not included such a project in its spending plan; and

WHEREAS, pursuant to N.J.A.C. 5:97-8.10, N.J.S.A. 52:27D-329.2(d) and N.J.S.A. 52:27D-329.3(b), Moorestown’s spending plan includes the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds;

5. A schedule for the expenditure of all affordable housing trust funds;
6. A schedule in accordance with N.J.S.A. 52:27D-329.2(d) and N.J.S.A. 52:27D-329.3(b), effective July 17, 2008, which requires that all development fees and any payments in lieu of construction be committed for expenditure within four years from the date of collection;
7. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan; and
8. A description of the anticipated use of excess affordable housing trust funds in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and

WHEREAS, as of December 31, 2011, the Township had collected \$8,159,408.80 and expended \$7,125,627.94, resulting in a balance of \$1,033,780.86 in its affordable housing trust fund account; and

WHEREAS, according to the Township's spending plan, Moorestown projects revenues of \$217,000 in revenues and interest between January 1, 2012, and 2018; and

WHEREAS, Moorestown's projected revenues, combined with the December 31, 2011 trust fund balance, result in a total of \$1,250,780.86 to fund the proposed expenditures in the Township's spending plan; and

WHEREAS, Moorestown proposes to expend \$1,250,780.86 on debt/bond repayment and \$100,000 on administration; and

WHEREAS, Moorestown does not have an affordability assistance requirement; and

WHEREAS, no more than 20 percent of affordable housing trust fund revenues may be used for related administrative costs; and

WHEREAS, the Township's administrative expenses are limited to 20 percent of what is actually collected; and

WHEREAS, Moorestown has an existing separate interest bearing housing trust fund and an executed three-party escrow agreement for the purpose of depositing development fees collected in accordance with the Township's development fee ordinance and other sources of funding, which shall at all times be identifiable by source and amount; and

WHEREAS, COAH has reviewed Moorestown's spending plan and has determined that the manner in which the Township wishes to expend affordable housing trust funds is consistent with the October 8, 2010 Appellate Division decision and is in conformance with N.J.A.C. 5:97-8.1(d), N.J.S.A. 52:27D-329.2(a), and the Township's Housing Element and Fair Share Plan, as outlined in COAH's report dated July 9, 2012 (attached as Exhibit B).

NOW THEREFORE BE IT RESOLVED that COAH hereby approves Moorestown's spending plan;
and

BE IT FURTHER RESOLVED that the approval of this spending plan permits Moorestown to begin expending affordable housing trust funds in accordance with the approved spending plan; and

BE IT FURTHER RESOLVED that the expenditure of funds must be consistent with the approved spending plan, and in case of non-conformance with COAH's rules, COAH may direct the manner in which the housing trust fund shall be expended; and

BE IT FURTHER RESOLVED that all interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH; and

BE IT FURTHER RESOLVED that Moorestown shall submit monitoring pursuant to N.J.A.C. 5:96-11 relating to the affordable units created using affordable housing trust funds; and

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 52:27D-329.2(d) and N.J.S.A. 52:27D-329.3(b), all development fees and payments-in-lieu collected within a calendar year shall be committed for expenditure within four years from the date of collection and, if Moorestown fails to do so, the Township shall be required to transfer the remaining unspent balance at the end of the four-year period to the "New Jersey Affordable Housing Trust Fund;" and

BE IT FURTHER RESOLVED that this spending plan approval shall not be deemed a commitment to expend within four years from the date of collection as required under N.J.S.A. 52:27D-329.2(d) and N.J.S.A. 52:27D-329.3(b); and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-8.14, Moorestown's ability to impose, collect and/or expend fees and maintain an affordable housing trust fund shall expire with the expiration of its substantive certification or judgment of compliance unless the Township has petitioned COAH for substantive certification and has received COAH's approval of its development fee ordinance.

Date:

7/10/12



Sean Thompson, Acting Executive Director
Council on Affordable Housing