

**RESOLUTION GRANTING MEDFORD TOWNSHIP, BURLINGTON COUNTY  
WAIVERS FROM N.J.A.C. 5:97-8.1(c) and N.J.A.C. 5:97-8.1(d)**

COAH Dockets 09-2126 and 09-2132

**WHEREAS**, Medford Township, Burlington County ("Medford" or "Township"), received conditional substantive certification on April 23, 1997, and second round substantive certification on February 3, 1999; and

**WHEREAS**, on July 8, 1997, COAH approved a mandatory development fee ordinance for Medford Township and on February 3, 1999, COAH approved both an amendment to the development fee ordinance and Medford's second round spending plan; and

**WHEREAS**, Medford is the subject of a stay order issued February 28, 2008 by the Superior Court establishing judicial jurisdiction as to Medford's Affordable Housing obligation; and

**WHEREAS**, the Township submitted a certification of completion of the trust fund monitoring to COAH through January 23, 2009; and

**WHEREAS**, Medford entered into an Affordability Housing Agreement with Habitat for Humanity (Habitat) dated April 28, 2009, to rehabilitate two existing homes owned by the Township, at 133 and 135 Old Marlton Pike, which properties will be deed-restricted for low- and moderate-income households and for which the Township will pay \$35,000.00 per each unit for a total expenditure of \$70,000.00; and

**WHEREAS**, Medford also entered into an Affordable Housing Agreement with Moorestown Ecumenical Neighborhood Development (MEND) dated June 15, 2007, to construct a 36-unit 100% affordable development on Township owned property located at 8 Jones Road, which development will serve age-restricted and special needs households. Five of the units will be accessible and adaptable barrier free units pursuant to N.J.A.C.5:97-3.14. The project has received Low Income Housing Credits from HMFA. Medford has shown that the funding gap for the MEND project is \$180,000.00; and

**WHEREAS**, on May 27, 2009, Medford filed a motion to withdraw \$70,000.00 from its Affordable Housing Trust Fund (AHTF) to fulfill the Habitat agreement; and

**WHEREAS**, on June 8, 2009, Medford filed a second motion to withdraw \$180,000.00 from its AHTF for the MEND project; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-329.2, a municipality may not spend or commit funds from an AHTF without first obtaining the Council's approval of the expenditure; and

**WHEREAS**, the Court's stay order does not negate COAH's statutory jurisdiction under the Fair Housing Act and COAH continues to monitor the AHTF,

even though Medford's Third Round Housing Element and Fair Share Plan will continue before the Superior Court; and

**WHEREAS**, COAH may grant such motions if the projects meet the criteria set forth in N.J.A.C. 5:96-15.2, specifically that the projects foster the production of affordable housing, that the projects contribute to a plan which will provide a mix of housing options and that the projects meet the intent if not the letter of the Council's rules; and

**WHEREAS**, COAH received no replies in opposition to Medford's two waiver requests; and

**WHEREAS**, a Task Force from the Council discussed the waiver motions on July 1, 2009 and recommend that the Council grant the waivers from N.J.A.C. 5:97-8.1(c) and N.J.A.C. 5:97-8.1(d).

**NOW THEREFORE BE IT RESOLVED** that COAH finds that the waiver is necessary for Medford to take advantage of housing opportunities in the municipality, thus fostering the production of affordable housing in the Township and fostering the intent of COAH's rules and thereby grants the waivers allowing the disbursements from the Medford affordable housing trust fund of \$70,000.00 for the Habitat project and \$180,000.00 for the MEND project.

**BE IT FURTHER RESOLVED** that COAH grants the waivers with the following conditions:

1. Medford Township must include the Habitat and MEND projects in Medford's Third Round Fair Share Plan.
2. Medford must submit its Third Round Fair Share Plan either to COAH or to the Court in accordance with the schedule determined by the Court.

I hereby certify that this Resolution was  
duly adopted by the Council on Affordable  
Housing at its meeting on *July 8, 2009.*

  
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Renee Reiss, Council Secretary