

Fourth Round Housing Element and Fair Share Plan

Township of Moorestown
Burlington County, New Jersey

Affordable Housing in Moorestown



Lenola School Apartments



Residences at Harper



Linden Place

June 5, 2025
Revised March 5, 2026

Clarke Caton Hintz

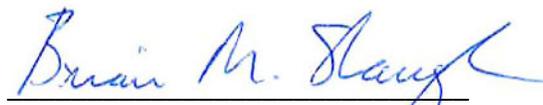


Fourth Round Housing Element and Fair Share Plan

Planning Board
Township of Moorestown
Burlington County, New Jersey

June 5, 2025
Revised March 5, 2026

Prepared By:



Brian M. Slauch, PP, AICP
New Jersey Professional Planner License 3743

With the Assistance of

Elaine Clisham, PP, AICP
New Jersey Professional Planner License 6507

CLARKE CATON HINTZ, PC
100 Barrack Street
Trenton, New Jersey 08608
(609) 883-8383

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



Moorestown Township Council

Quinton Law, Mayor
Christopher Keating, Deputy Mayor
Thomas Bader
James Barry
Sue Mammarella

Kevin Aberant, Esq., Township Manager
Patricia L. Hunt, RMC, Township Clerk
Douglas Heinold, Esq., Township Attorney
Michael J. Edwards, Esq., Special Counsel

Moorestown Township Planning Board

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William Wesolowski, Vice-Chair, Class IV
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Edgar "Rudy" Thomas, Class II
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Naoji Moriuchi, Class IV
Lisa Petriello, Class IV
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Alfred Driscoll, Alternate II

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Laura Moore, Recording Secretary
Danielle Gsell, Alternate Recording Secretary
Matthew Wieliczko, Esq., Board Attorney
Christopher Noll, PE, CME, Board Engineer
Michael Davis, PP, AICP, Board Planner

Low and Moderate Income Housing Oversight Committee

Victoria Britton
Brooks Garrison
Philip Garwood
Eugene Kim
John Milligan
Christopher Keating, Council Liaison

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Housing Element and Fair Share Plan

INTRODUCTION

The Housing Element and Fair Share Plan for the Township of Moorestown addresses its constitutional obligation to provide for affordable housing under the mandate of the *Mount Laurel Doctrine* established by the New Jersey Supreme Court beginning in 1975 and codified by the state legislature in the New Jersey Fair Housing Act of 1985. Together, the Housing Element and Fair Share Plan (HEFSP) constitute the affordable housing plan for the municipality. The Housing Element is a component of the Township’s Master Plan for development and redevelopment, and the Fair Share Plan constitutes the means and documents designed to implement the Housing Plan Element. The HEFSP will also be known in this document as the “housing plan.”

The *Mount Laurel Doctrine* has a long and complicated history since it was first articulated by the New Jersey Supreme Court in 1975, as outlined beginning on page 2 under the heading, Affordable Housing History in New Jersey: Judicial and Legislative Background.

This housing plan primarily addresses what is called the Fourth Round of affordable housing obligation. This time period, set by an amendment to the Fair Housing Act in March 2024, runs from July 1, 2025 for ten years to June 30, 2035. Since municipal affordable housing obligations for one of the two main components are cumulative, the means to address the prior rounds of obligation are also included in this document and close observers will note substantial portions carry forward from the Township’s Third Round Housing Element and Fair Share Plan that was first adopted by the Planning Board December 5, 2019, amended on December 2, 2020, and last amended on July 1, 2021.

The 2024 amendments to the Fair Housing Act set in motion a concentrated process that has involved both the Township Council and the Planning Board, due to a strict schedule of actions. These actions are required for any municipality that wishes to comply with the *Mount Laurel Doctrine*, which mandates providing a fair share of affordable housing opportunities for both current and future residents of New Jersey.

In accordance with this process, the Township Council and the Planning Board have prepared this Housing Element and Fair Share Plan and the accompanying Spending Plan.

BRIEF HISTORY AND REGIONAL LOCATION

Moorestown Township is located in western Burlington County, New Jersey, about 12 miles from the center of Philadelphia and 80 miles from New York City. The municipality covers 14.73 square miles of land and had an estimated population of 21,796 people as of July 1, 2024 (slightly more than the 21,355 persons from the 2020 U.S. Census). Moorestown has the sixth largest population in Burlington County, smaller than Burlington Township and larger than Maple Shade.

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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 a historic center containing 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 1960s 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. In 1969, a group of nine churches formed the nonprofit, non-sectarian Moorestown Ecumenical Neighborhood Development, Inc. (MEND). MEND has featured prominently in the Township's affordable housing efforts. Since that time, the Township has become actively involved in additional affordable housing initiatives to address its obligation to provide opportunities for very low-, low-, and moderate-income households to live in Moorestown.

NJ AFFORDABLE HOUSING JUDICIAL AND LEGISLATIVE BACKGROUND

In the 1975 *Mount Laurel* decision, the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide diversity and choice in the housing types permitted in the municipality, including housing for low- and moderate-income households. In its 1983 Mount Laurel II decision, the New Jersey Supreme Court extended to all municipalities with any "growth area" as designated in the State Development Guide Plan (now superseded by the State Development and Redevelopment Plan, or SDRP) the obligation to provide their "fair share" of a calculated regional need for affordable units. Mount Laurel II also introduced a "builder's remedy" if a municipality was not providing of its fair share of affordable housing. A builder's remedy may permit a developer that is successful in litigation the right to develop what is typically a higher density multi-family project on land not zoned to permit such use, so long as a "substantial" percentage of the proposed units would be reserved for low- and moderate-income households.

In 1985, in response to Mount Laurel II, the New Jersey Legislature enacted the Fair Housing Act ("FHA"). The FHA created the Council on Affordable Housing ("COAH") as an administrative body responsible for oversight of municipalities' affordable housing efforts, rather than having oversight go through the courts. The Legislature charged COAH with promulgating regulations (i) to establish housing regions; (ii) to estimate low- and moderate-income housing needs; (iii) to set criteria and guidelines for municipalities to use in determining and addressing their fair share obligations, and (iv) to create a process for the review and approval of municipal housing elements and fair share plans.



COAH's First and Second Rounds (1987-1999)

COAH created the criteria and regulations for municipalities to address their affordable housing obligations. COAH originally established a methodology for determining municipal affordable housing obligations for the six-year period between 1987 and 1993, which period became known as the First Round. This methodology established an existing need to address substandard housing that was being occupied by low- and moderate-income households (variously known as “present need” or “rehabilitation share”), and calculated future demand, to be satisfied typically, but not exclusively, with new construction (“prospective need” or “fair share”).

The First Round methodology was superseded in 1994 by COAH's Second Round regulations. The 1994 regulations recalculated a portion of the 1987-1993 affordable housing obligations for each municipality and computed the additional municipal affordable housing need from 1993 to 1999 using 1990 census data. These regulations identified a municipality's cumulative obligations for the First and Second Rounds. Under regulations adopted for the Third Round, a municipality's obligation to provide affordable housing for the First and Second Rounds is referred to cumulatively as the Prior Round obligation.

COAH's Third Round and Related Judicial and Legislative Activity, (1999-2025)

The FHA had originally required housing rounds to be for a six-year period for the First and Second Rounds. In 2001, the time period increased to a 10-year period consistent with the Municipal Land Use Law (“MLUL”). In order to utilize 2000 census data, which hadn't yet been released, COAH delayed the start of the Third Round from 1999 to 2004, with the Third Round time period initially ending in 2014. In December 2004, COAH's first version of the Third Round rules became effective, and the 15-year Third Round time period (1999 – 2014) was condensed into an affordable housing delivery period from January 1, 2004, through January 1, 2014.

The 2004 Third Round rules marked a significant departure from the methods utilized in COAH's Prior Round. Previously, COAH assigned an affordable housing obligation as an absolute number to each municipality. These Third Round rules implemented a “growth share” approach that linked the production of affordable housing to residential and non-residential development in a municipality.

On January 25, 2007, a New Jersey Appellate Court decision invalidated key elements of the first version of the Third Round rules, including the growth share approach, and the Court ordered COAH to propose and adopt amendments to its rules. COAH issued revised rules effective on June 2, 2008 (as well as a further rule revision effective on October 20, 2008), which largely retained the growth share approach.

Just as various parties had challenged COAH's initial Third Round regulations, parties challenged COAH's 2008 revised Third Round rules. On October 8, 2010, the Appellate Division issued its decision on the challenges. The Appellate Division upheld the COAH Prior Round regulations that assigned rehabilitation and Prior Round numbers to each municipality but invalidated the regulations by which the agency assigned housing obligations in the Third Round, again ruling that COAH could not allocate obligations through a growth share formula. Instead, the Appellate Division directed COAH to use methods similar to those used in the First and Second Rounds.

Third Round Judicial Activity

After various challenges were filed, on September 26, 2013, the New Jersey Supreme Court upheld the Appellate Court decision and ordered COAH to prepare the necessary rules. COAH failed to adopt new rules, and more challenges ensued.

On March 10, 2015, the New Jersey Supreme Court issued a ruling on Fair Share Housing Center's ("FSHC's") Motion in Aid of Litigant's Rights, which became known as Mount Laurel IV. In this decision, the Court transferred responsibility for reviewing and approving housing elements and fair share plans from COAH to designated Mount Laurel trial judges, declaring COAH "moribund." Municipalities were now to apply to the Courts, instead of COAH, if they wished to be protected from exclusionary zoning lawsuits. The Mount Laurel trial judges, with the assistance of a Court-appointed Special Adjudicator, were tasked with reviewing municipal plans much in the same manner as COAH had done previously. Those towns whose plans were approved by the Court received a Judgment of Compliance and Repose, the court equivalent of COAH's substantive certification.

While the New Jersey Supreme Court's decision set a process in motion for towns to address their Third Round obligation, the decision did not assign those obligations. Instead, that was to be done by the trial courts, although ultimately most towns entered into settlement agreements to set their fair share obligations. The Court stated that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and those components of COAH's 2008 regulations that were specifically upheld, as well as the FHA, in their preparation of Third Round housing elements and fair share plans.

On January 17, 2017, the New Jersey Supreme Court rendered a decision that found that the period between 1999 and 2015, now known as the "gap period," when no valid affordable housing regulations were in force, generated an affordable housing obligation. This obligation required an expanded definition of the municipal Present Need obligation to include the unaddressed housing needs of low- and moderate-income households that had formed during the gap period. This meant that the municipal affordable housing obligation would now comprise four components: Present Need (rehabilitation), Prior Round (1987-1999, new construction), Gap Need (1999-2015, new construction), and Prospective Need (Third Round, 2015 to 2025, new construction).

Third Round Legislative Activity

During the Third Round, the New Jersey Legislature amended the FHA in several ways. On July 17, 2008, P.L. 2008, c. 46, (referred to as the “Roberts Bill” or “A500”) was enacted, amending the FHA in these key directions:

- It established a statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing;
- It eliminated new regional contribution agreements (“RCAs”) as a compliance technique available to municipalities; previously a municipality could fund the transfer up to 50% of its fair share to so called “receiving” municipalities;
- It added a requirement that 13% of all affordable housing units be restricted to very low-income households, which it defined as households earning 30% or less of median income; and
- It added a requirement that municipalities had to commit to spend development fees within four years of the date of collection. This was later addressed in a Superior Court decision which found the four-year period begins at the time the Court approves the municipal spending plan.

In July 2020, the State amended the FHA again to require, beginning in November 2020, that all affordable units that are subject to affirmative marketing requirements also be listed on the state’s Affordable Housing Resource Center website. All affordable housing affirmative marketing plans are now required to include listing on the State Affordable Housing Resource Center website.

The Fourth Round (2025-2035)

The amendments to the FHA passed on March 20, 2024 (P.L. 2024 c.2) set forth the requirements in the law under which municipalities must address their Fourth Round affordable housing obligations and in many ways represents a significant change from the means by which housing plans were previously devised. Highlights of the changes are as follows:

- Formally abolishes COAH;
- As noted in the introduction, required DCA to promulgate municipal obligations using an adjusted methodology. These obligations are advisory, not binding;
- Established a timeline within which municipalities need to adopt and submit binding resolutions stipulating to their Fourth Round fair share obligations, in order for them to retain their immunity from exclusionary-zoning lawsuits;

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- Required the New Jersey Housing and Mortgage Finance Agency (“HMFA”) and DCA to update rules and standards governing affordable housing production, trust funds, and affordable housing administration;
- Established a Court-based Affordable Housing Dispute Resolution Program (“Program”) that will be responsible for challenges to municipalities’ affordable housing obligation determinations and compliance efforts;
- Established a longer control period – 40 years, rather than 30 years – for new affordable rental units;
- Changed the criteria for affordable housing bonuses, making various additional categories of affordable housing eligible for bonuses;
- Established a timeline within which municipalities need to take various steps toward adoption of a Housing Element and Fair Share Plan, in order for them to retain their immunity from exclusionary-zoning lawsuits;
- Established new reporting and monitoring procedures and deadlines for both affordable units and affordable housing trust funds, and assigns oversight for reporting and monitoring to DCA.

In addition, with the establishment of this new body with the court system, on December 18, 2024, the Administrative Office of the Courts issued Administrative Directive #14-24, which established procedures for implementation of the Program and for municipalities to file their Fourth Round Declaratory Judgment (“DJ”) filings. As detailed under the section of this document covering the requirements of an HEFSP, the Administrative Directive also set requirements for what must be included in a compliant Fourth Round HEFSP, though it created some conflicts with the law.

MOORESTOWN’S AFFORDABLE HOUSING HISTORY

Moorestown has demonstrated a long-standing commitment of voluntary compliance with its affordable housing obligations. The Township has 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. For a description of those efforts, please refer to the adopted 2020 Housing Element and Fair Share Plan, carrying an original date of April 7, 2019, last revised on December 3, 2020.

2015 Declaratory Judgment and Third Round Plan

In response to the Mt. Laurel IV New Jersey Supreme Court decision, the Township filed for a Declaratory Judgment that its affordable housing efforts met its constitutional obligations. The Declaratory Judgment action was filed on July 8, 2015, along with a motion for temporary immunity from builder’s-remedy lawsuits. Hon. Ronald Bookbinder, J.S.C., issued an order



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on October 8, 2015, granting the Township's motion for temporary immunity and giving two intervenors standing in the matter. Furthermore, while Fair Share Housing Center did not file for intervenor status *per se*, the New Jersey Supreme Court made them an interested party as lead plaintiff in all such matters throughout the state. During this time frame, municipalities formed a consortium to determine their municipal affordable housing obligations and Moorestown joined this group, numbering at its peak about 330 local governments. Fair Share Housing Center and the New Jersey Builders Association also delved into modeling of municipal affordable housing obligations with their own group of experts. In the meantime, both entities, but to a much lesser extent the Builders Association, sought settlement agreements with municipalities to agree to a set of affordable housing numbers that municipalities would address in the Third Round since no official or adjudicated obligations had been determined, some 16 years after the round was to have begun. In point of fact, the Third Round housing obligations were not settled except for Mercer County until the recent amendment to the NJ Fair Housing Act in March 2024 took legislative notice of it for the entire state.

Consequently, although the Township adopted a Third Round Housing Element and Fair Share Plan on November 6, 2015 utilizing two different scenarios, one high and one low, the Township reached a Settlement Agreement with Fair Share Housing Center on March 18, 2018 that established its Rehabilitation Share (now reverted to being called Present Need) of 19 units, a Prior Round Obligation (the recalculated First and Second Rounds) of 621 units¹ and a Third Round Realistic Development Potential (RDP) of 606 units. This settlement was approved in an Order issued by Judge Bookbinder on August 28, 2018.

Realistic Development Potential acknowledges that the municipality lacks the developable land resources to address its full obligation which the Settlement Agreement set at 1,167 units. The difference between the RDP and the full obligation is known as the unmet need, which was originally set out 561 units. The Moorestown Planning Board adopted a Housing Element and Fair Share Plan that addressed these obligations on December 5, 2019. This required extensive rezoning in the municipality with seven new specific affordable housing districts, an overlay district, an accessory apartment ordinance, a mandatory setback ordinance, extension of controls ordinance, and new procedures and controls ordinance, all of which remain in place. Leading to the 2019 HEFSP was a revision to the Settlement Agreement, executed on May 17, 2019, that recognized that one of the original 100% municipally sponsored sites, on Rt. 38, had run into a deed-restriction issue that in the end, did require a different site. It also acknowledged that a new site, heretofore lacking utility infrastructure could overcome that limitation and was added to the plan on Centerton Road. These and some other adjustments raised the RDP to 633 units and lowered the unmet need to 534 units. Judge Bookbinder approved the amendments to the Settlement Agreement in an Order dated July 19, 2019.

¹ - This number actually failed to account for Moorestown's recognized employment adjustment granted by COAH that reduced the Prior Round obligation by 15 units to a coincidental 606 units, the same as the original Third Round RDP.



During the following year or so, as the Township carried out the implementation of its Plan, the site for the Pennrose 100% municipally sponsored project settled on a site located at the intersection of Harper and East Gate Drives, where it is nearly complete. Options for the Nagle tract were also explored as laid out in the revised HEFSP that was adopted on December 3, 2020. The RDP remained at 633 units. This HEFSP and the second amendment to the Settlement Agreement were conditionally approved on April 14, 2020, by the Hon. Paula Dow, P.J. Ch.

Objections by one of the inclusionary developers, MRD, and one of the unmet need site landowners, the Lenola Shopping Center, were raised over the municipal housing plan towards the end of 2020. After several days of hearings in early 2021, the municipality prevailed in maintaining its Plan as amended.

Subsequently, in 2021, an additional Plan amendment was adopted due to the uncertainty with the Township's Nagle site due to national security concerns which is discussed in the Fair Share Plan under Third Round Obligation, which required that the proposed development be moved to another site. Secondly, the Centerton Road site, where the Township had identified Community Investment Strategies as the 100% developer, had been unsuccessful in the 2020 funding round and had decided on several other possible options that were spelled out in the amendment. The Planning Board adopted this amendment on July 1, 2021.

2024 Amended Fair Housing Act and Fourth Round Plan

With the amendment to the Fair Housing Act in March 2024, it started the schedule for determining municipal responses for the Fourth Round which has culminated in the development and adoption of this document as the means for Moorestown to meet its constitutional obligations for affordable housing in the next time period.

AFFORDABILITY REQUIREMENTS

Affordable housing is defined under the amended FHA as a dwelling, either for sale or rent, that is within the financial means of households of very low, low, or moderate income as income is measured within each housing region. Moorestown is in Region 5, which includes the counties of Burlington, Camden, and Gloucester. Moderate-income households are those earning more than 50% but less than 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. Very low-income households are those with annual incomes of 30% or less of the regional median income.

Through the Uniform Housing Affordability Controls (UHAC) found at N.J.A.C. 5:80-26.1 et seq., the maximum rent for a qualified unit must be affordable to households that earn no more than 60% of the median income for the region. The average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable to households that earn no more than 70% of the median

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income. The average sale price must be affordable to a household that earns no more than 55% of the median income.

The regional median income is now defined in the amended FHA and continues to utilize HUD income limits on a regional basis. In the spring of each year HUD releases updated income limits, which COAH would reallocate to its regions. Pursuant to P.L. 2024 c.2, the New Jersey Housing and Mortgage Finance Agency (HMFA) was assigned responsibility for calculating and publishing annual income limits. In May of 2025, HMFA enacted new income limits for 2025, which are shown for Housing Region 5 in Table 1, below.

Table 1. 2025 Income Limits for Region 5

Household Income Levels	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household
Moderate	\$66,880	\$76,480	\$86,000	\$95,520	\$103,200
Low	\$41,800	\$47,800	\$53,750	\$59,700	\$64,500
Very Low	\$25,080	\$28,680	\$32,250	\$35,820	\$38,700

Source: New Jersey Housing and Mortgage Finance Agency

Table 2. Illustrative 2024 Affordable Gross Rent Prices for Region 5

Household Income Levels (% of Median Income)	1 Bedroom Unit Rent	2 Bedroom Unit Rent	3 Bedroom Unit Rent
Moderate ()	\$1,290	\$1,548	\$1,789
Low (50%)	\$1,075	\$1,290	\$1,491
Very Low (30%)	\$645	\$774	\$895

Source: Affordable Housing Professionals of NJ / Affordable Housing Regional Income Limits and Rental Calculator

Table 3. Illustrative 2024 Affordable Sales Prices for Region 5

Household Income Levels (% of Median Income)	1 Bedroom Unit Price	2 Bedroom Unit Price	3 Bedroom Unit Price
Moderate (70% of Median)	\$146,383	\$177,903	\$207,322
Low (50% of Median)	\$101,355	\$123,869	\$144,883
Very Low (30% of Median)	\$56,326	\$69,835	\$82,433

Source: Affordable Housing Professionals of NJ / Affordable Housing Regional Income Limits and Sales Calculator

HOUSING ELEMENT AND FAIR SHARE PLAN REQUIREMENTS

In accordance with the Municipal Land Use Law (MLUL; N.J.S.A. 40:55D-1, et seq.), a municipal Master Plan must include a housing element as the foundation for the municipal zoning ordinance. Pursuant to the FHA, a municipality’s housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with



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particular attention to low- and moderate-income housing. The housing element must contain at least the following, as per the FHA at *N.J.S.A. 52:27D-310*:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
2. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends;
3. An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
6. A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.
7. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to *N.J.S.A. 52:27D-329.20*; and
8. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

In addition to Fair Housing Act requirements, this Fourth Round HEFSP has been prepared in compliance with the following requirements set forth by Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024:

1. One of the requirements for a final HEFSP is the inclusion of detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.



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2. The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis. When the detailed analyses are completed, the municipality can see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced. If it becomes apparent that one (or more) of the sites in the plan does not have the capacity to accommodate all of the development proposed for it, the burden will be on the municipality either to adjust its zoning regulations (height, setbacks, etc.) so that the site will be able to yield the number of units and affordable units anticipated by the settlement agreement or to find other mechanisms or other sites as needed to address the likelihood of a shortfall.
3. The final HEFSP is required to document the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrate that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.
4. The HEFSP is required to include an analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement. Once the HEFSP has been prepared, it must be reviewed by Fair Share Housing Center and the Program's Special Adjudicator for compliance with the terms of the executed settlement agreement, the Fair Housing Act (FHA) and Uniform Housing Affordability Controls (UHAC) regulations. The HEFSP must be adopted by the Planning Board and the implementation components of the HEFSP must be adopted by the governing body.

The Court Directive also indicated that the HEFSP must also include (in an Appendix) all adopted ordinances and resolutions needed to implement the housing plan, except that this is contraindicated in the Fair Housing Act. In this instance, this document follows the law. The Directive indicates that the following is required to be submitted:

1. All zoning amendments (or redevelopment plans, if applicable).
2. An Affordable Housing Ordinance that includes, among other required regulations, its applicability to 100 percent affordable and tax credit projects, the monitoring and any reporting requirements set forth in the settlement agreement, requirements regarding very low income housing and very low income affordability consistent with the FHA and the settlement agreement, provisions for calculating annual increases in



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- income levels and sales prices and rent levels, and a clarification regarding the minimum length of the affordability controls (at least 30 years for for-sale units, 40 years for rental units, until the municipality takes action to release the controls).
3. The adoption of the mandatory set aside ordinance, if any, and the repeal of the existing growth share provisions of the code.
 4. An executed and updated Development Fee Ordinance that reflects the court's jurisdiction.
 5. An Affirmative Marketing Plan adopted by resolution that contains specific directive to be followed by the Administrative Agent in affirmatively marketing affordable housing units, with an updated COAH form appended to the Affirmative Marketing Plan, and with both documents specifically reflecting the direct notification requirements set forth in the settlement agreement.
 6. An updated and adopted Spending Plan indicating how the municipality intends to allocate development fees and other funds, and detailing (in mini manuals) how the municipality proposes to expend funds for affordability assistance, especially those funds earmarked for very low-income affordability assistance.
 7. A resolution of intent to fund any shortfall in the costs of the municipality's municipally sponsored affordable housing developments as well as its rehabilitation program, including by bonding if necessary.
 8. Copies of the resolution(s) and/or contract(s) appointing one or more Administrative Agent(s) and of the adopted ordinance creating the position of, and resolution appointing, the Municipal Affordable Housing Liaison.
 9. A resolution from the Planning Board adopting the HEFSP, and, if a final Judgment is sought before all of the implementing ordinances and resolutions can be adopted, a resolution of the governing body endorsing the HEFSP.

Consistent with *N.J.A.C. 5:93-5.5*, any municipally sponsored 100 percent affordable housing development will be required to be shovel-ready within two years of the deadlines set forth in the settlement agreement, though this is inconsistent with the FHA that permits phasing of housing plans. As such, this document follows the FHA.

1. The municipality will be required to submit the identity of the project sponsor, a detailed pro forma of project costs, and documentation of available funding to the municipality and/or project sponsor, including any pending applications for funding, and a commitment to provide a stable alternative source, in the form of a resolution of intent to fund shortfall, including by bonding, if necessary, in the event that a pending application for outside funding has not yet been not approved.
2. Additionally, a construction schedule or timetable must be submitted setting forth each step in the development process, including preparation and approval of a site plan, applications for state and federal permits, selection of a contractor, and start of



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construction, such that construction can begin within two years of the deadline set forth in the settlement agreement.

This part of the Court Directive also presupposes a settlement agreement in the Fourth Round, which is not the case for Moorestown. Unlike the Third Round, Moorestown does not propose a 100% municipally sponsored project for the Fourth Round.

HOUSING, POPULATION AND EMPLOYMENT ANALYSIS

Housing Characteristics

Moorestown’s housing stock consists predominantly of single-family detached units (75.3%, this is higher than the number of single-family detached units for the State (52.7%) and Burlington County (64.4%). Other consolidated categories include 13% of the housing stock that consists of townhouse or duplexes and 11.7% that are apartments. The Township’s rental units comprise approximately 15.6% of all units, a lower percentage than the State (33.4%) or county (23%).

Table 4. Housing Units by Number of Units in Structure and Tenure, 2023

Number of Units in Structure	Owner-Occupied		Renter-Occupied		Vacant		Total	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent
1, Detached	5,928	70.4%	211	2.5%	199	2.4%	6,338	75.3%
1, Attached	552	6.6%	276	3.3%	174	2.0%	1,002	11.9%
2	11	0.1%	0	0.0%	79	0.9%	90	1.1%
3 or 4	15	0.2%	218	2.6%	58	0.7%	291	3.5%
5 to 9	19	0.2%	60	0.7%	0	0.0%	79	0.9%
10 or more	0	0.0%	545	6.5%	73	0.9%	618	7.3%
Other	0	0.0%	0	0.0%	0	0.0%	0	0%
Total	6,598	78.4%	1,310	15.6%	510	6%	8,418	100%

Source: Table B25032 and Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

Approximately 39.9% of Moorestown’s current housing stock was constructed prior to 1960, which can be an indicator of substandard housing, but is not in this instance. Moorestown saw the most new dwelling units built between 1960 and 1979 (2,073) and between 1990 and 2009 (2,165).

Table 5. Housing Units by Year Built, 2023

Year Built	Units	Percent	Owner	Renter	Vacant
2020 or later	56	0.7%	56	0	0
2010 to 2019	289	3.4%	254	11	24
2000 to 2009	1,136	13.5%	936	134	66
1990 to 1999	1,029	12.2%	867	135	27
1980 to 1989	575	6.8%	355	121	99
1970 to 1979	946	11.2%	565	381	0
1960 to 1969	1,028	12.2%	903	94	48
1950 to 1959	1,045	12.4%	1,004	35	6
1940 to 1949	308	3.7%	215	70	23
1939 or earlier	2,006	23.8%	1,443	329	234
Total	8,418	100.0%	6,598	1,310	510
Median Year Built	1969		1967	1973	

Sources: Tables B25036, B25037. DP04, 2019-2023 American Community Survey Five-Year Estimate

As shown in Table 6, over three-fourths of all housing units in Moorestown contain three bedrooms or more. Over half of units in Moorestown (54.5%) have four or more bedrooms compared to 33.3% and 25.6% for Burlington County and New Jersey, respectively. In comparison to the County and State, Moorestown has a much lower percentage of one- and two-bedroom units.

Table 6. Number of Bedrooms per Housing Unit, 2023

Bedrooms per Unit	Units	Percent
Efficiency (Studio)	100	1.2%
1 Bedroom	334	4.0%
2 Bedrooms	1,336	15.9%
3 Bedrooms	2,061	24.5%
4 Bedrooms	3,141	37.3%
5+ Bedrooms	1,446	17.2%
Total	8,418	100%

Source: Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

Table 7 shows the value of owner-occupied housing units in 2013 and 2023. The median home value in the Township increased from \$477,000 to \$645,300. In what may be evidence of the pandemic-induced increase in demand for residential real estate outside of major metropolitan areas, in 2013 only 46.5% of all owner-occupied homes in the Township were valued at \$500,000 or more; by 2023, that had grown to 65.4%. In 2013, 490 homes had a value of \$1,000,000+; by 2023 that number had more than doubled, to 1,050 units.

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Table 7. Value of Owner-Occupied Housing Units, 2013 and 2023

Housing Unit Value	2013		2023	
	Units	Percent	Units	Percent
Less than \$50,000	52	0.9%	59	0.9%
\$50,000 to \$99,999	22	0.4%	18	0.3%
\$100,000 to \$149,999	120	2.0%	142	2.2%
\$150,000 to \$199,999	326	5.3%	115	1.7%
\$200,000 to \$299,999	808	13.3%	483	7.3%
\$300,000 to \$499,999	1,932	31.7%	1,468	22.2%
\$500,000 to \$999,999	2,348	38.5%	3,263	49.5%
\$1,000,000 or more	490	8.0%	1,050	15.9%
Total	6,098	100%	6,598	100%
Median Value	\$477,800		\$645,300	

Source: Table Dp04, 2009-2013 and 2019-2023 American Community Survey Five-Year Estimates.

Based on Table 7 and on Table 16, below, approximately 2,112 units (32.0%) may be affordable to moderate income households. Of those units, approximately 778 (11.8%) may also be affordable to low-income households, and approximately 172 (2.6%) may be affordable to very low-income households.

Table 8 shows gross rent estimates in Moorestown Township and Burlington County for 2023. The median rent in Moorestown (\$1,485) was less than the median rent of Burlington County (\$1,669). Approximately 29.2% of renter-occupied units in the Township have rents between \$500 and \$999.

Table 8. Gross Rent by Housing Unit, 2023

Gross Rent	Moorestown Township		Burlington County	
	Units	Percent	Units	Percent
Less than \$500	53	4.1%	1,210	2.9%
\$500 to \$999	325	25.1%	3,431	8.3%
\$1,000 to \$1,499	278	21.5%	11,958	28.9%
\$1,500 to \$1,999	268	20.7%	12,181	29.4%
\$2,000 to \$2,499	273	21.1%	7,886	19.0%
\$2,500 to \$2,999	42	3.2%	3,009	7.3%
\$3,000 or More	55	4.3%	1,766	4.3%
No rent paid	13		1,280	
Total	1,294	100%	41,441	100%
Median Rent	\$1,485		\$1,669	

Source: Table DPo4, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

Based on Table 8 and on Table 16, below, virtually all of Moorestown’s rental units are affordable to moderate-income households. Of those units, approximately 924 (71.4%) may also be affordable to low-income households, and approximately 593 (45.8%) may be affordable to very low-income households.

Housing is generally considered to be affordable if the costs of rents, mortgages, and other essential items consume 28% or less of an owner-occupied household’s income or 30% or less of a renter household’s income. The homeowner rate is lower to account for the additional home maintenance costs associated with ownership. In Moorestown, 31.5% of all households in occupied units are spending more than 30% of their incomes on housing. For the renter population, housing is less affordable; 49.4% of renting households are spending more than 30% of their incomes.

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Table 9. Housing Affordability, 2023

Monthly Housing Costs as Percent of Income	Owner-Occupied		Renter-Occupied		All Occupied	
	Units	Percent	Units	Percent	Units	Percent
Less than 20 Percent	1,857	43.7%	331	26.1%	2,188	39.7%
20 to 29 Percent	1,279	30.1%	310	24.5%	1,589	28.8%
30 Percent or More	1,113	26.2%	625	49.4%	1,738	31.5%
Not Computed	0	—	44	—	44	—
Total⁽¹⁾	4,249⁽²⁾	100.0%	1,266⁽³⁾	100.0%	5,515	100.0%

Source: Table DPo4, 2019-2023 American Community Survey Five-Year Estimate.

- (1) - Remainder of occupied units have zero or negative income and/or no cash rent.
- (2) - Includes only households with a mortgage.
- (3) - Excludes 44 households labeled as “Not Computed”

The 2023 American Community Survey found that there were 80 housing units in Moorestown that were overcrowded (more than 1 person per room) and 73 of them were in structures that were built before 1950. There were 54 units that had incomplete kitchen facilities and no units with incomplete plumbing facilities. Historically, the conditions mentioned in this paragraph have been indicators of housing deficiency, which are used to determine the number of units requiring rehabilitation.

Table 10: Indicators of Housing Deficiency, 2023

Indicator	Incomplete Plumbing	Incomplete Kitchen	Crowded or Overcrowded and Built pre-1950
Number of Units	0	54	73

Source: Tables B25050, DPo4, 2019-2023 American Community Survey Five-Year Estimate

*- The margin of error for this information exceeds the estimated counts, and thus the estimates may be unreliable

Population Characteristics

Table 11 shows a comparison of population changes by census year in Moorestown Township and Burlington County. The population in Moorestown has increased since 2000 (12.3%), going from 19,017 residents to 21,355. Burlington County population saw a slightly lower increase during the same period (9.1%), rising by 13,126 residents. Similarly to Burlington County but slightly slower than Moorestown, New Jersey’s population has risen by 9.4% since 2000.



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Table 11. Population Growth, 2000 to 2020

Location	2000	2010	'00-'10 Change	2020	'10-'20 Change	'00-20 Change
Moorestown	19,017	20,726	9.0%	21,355	3.0%	12.3%
Burlington County	423,394	448,734	6.0%	461,860	2.9%	9.1%
New Jersey	8,414,350	8,791,894	4.3%	9,288,994	5.4%	9.4%

Sources: U.S. Census 2000, 2010, 2020

Table 12 divides the Township’s population into age cohorts. Age cohorts are a means of tracking population peaks and troughs as the individuals in a group age together. Over the past 10 years, Moorestown saw a significant increase in residents aged 55 to 75, with the 55 to 59 cohort growing 51.9%, the 60 to 64 cohort growing 35.1%, and the 65 to 74 cohort growing 51.9%. This increase in the Township’s older population, along with a decline in the number of young children, has led to the Township’s median age growing from 44.5 years to 46.2 years. In comparison, Burlington County’s median age is 41.7 years and New Jersey’s median age is 40.1 years, much lower than Moorestown.

Table 12. Age Distribution, 2013 and 2023

Age in Years	2013		2023		Percent Change 2013-2023
	Population	Percent	Population	Percent	
Under 5	926	4.5%	761	3.6%	-17.8%
5 to 9	1,291	6.2%	1,756	8.2%	36%
10 to 14	1,974	9.5%	1,515	7.1%	-23.3%
15 to 19	1,668	8.1%	1,727	8.1%	3.5%
20 to 24	977	4.7%	864	4.0%	-11.6%
25 to 34	1,264	6.1%	1,386	6.5%	9.7%
35 to 44	2,471	11.9%	2,391	11.2%	-3.2%
45 to 54	3,960	19.1%	3,213	15.0%	-18.9%
55 to 59	1,304	6.3%	1,981	9.3%	51.9%
60 to 64	1,314	6.3%	1,775	8.3%	35.1%
65 to 74	1,585	7.7%	2,208	10.3%	51.9%
75 to 84	1,257	6.1%	1,159	5.4%	-7.8%
85+	718	3.5%	675	3.2%	-6.0%
Total	20,709	100%	21,411	100%	3.4%
Median Age	44.5 Years		46.2 Years		

Sources: Table DP05, 2009-2013 and 2019-2023 American Community Survey Five-Year Estimates

Household Characteristics

The U.S. Census Bureau defines a household 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. While the total number of households increased from 2013 to 2023 in Moorestown (7,359 to 7,908), the average household size slightly decreased from 2.77 to 2.65 persons per household.

Table 13. Household Size of Occupied Units, 2013-2023

Household Size (Persons per Household)	2013		2023	
	Households	Percent	Households	Percent
1 Person	1,567	21.3%	1,863	23.6%
2 Persons	2,370	32.2%	2,820	35.7%
3 Persons	1,251	17.0%	1,219	15.4%
4+ Persons	2,171	29.5%	2,006	25.4%
Total	7,359	100%	7,908	100%
Average Household Size	2.77		2.65	

Sources: Table S2501, 2009-2013 and 2019-2023 American Community Survey Five-Year Estimates

In 2023, there were an estimated 7,908 households in Moorestown with an average of 2.65 people per household. Of the total households, 75.2% were family households. Only 39.7% of the married-couple households in Moorestown lived with children under the age of 18. This, combined with the township’s high median age (46.2 years), could indicate that residents move into Moorestown after their children are grown. While 85.9% of all families were headed by married couples, 12.3% of family households were female-headed and just 1.9% of family households were male-headed. Additionally, 94.8% of the 1,965 non-family households consisted of people living alone.

Table 14. Household Composition, 2023

Household Type	Households	Percent
Family households	5,943	75.2%
Married-couple household	5,104	64.5%
With Children Under 18	2,025	25.6%
Male householder, no spouse present	110	1.4%
With Children Under 18	68	0.9%
Female householder, no spouse present	729	9.2%
With Children Under 18	432	5.5%
Nonfamily households	1,965	24.8%
Householder living alone	1,863	23.6%
Total Households	7,908	100.0%

Source: Table S1101, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimate

Household Size vs. Unit Size

When the number of bedrooms in a unit (from Table 6 above) is considered vs. the size of households in Moorestown, there appears to be a mismatch: There are many more smaller households (three people or fewer; 74.7% of all households) than there are smaller units (one or two bedrooms; 21.1% of all units). Approximately 78.9% of all units have three or more bedrooms. This comparative shortage of smaller homes may be forcing some empty nesters and young adults without children to consider other locations when seeking smaller-sized housing, or to occupy housing that is larger than their needs. Table 15 provides more detail.

Table 15. Unit Size vs. Household Size, 2023

Unit Size	Number of Units	Percent of Total Units	Household Size	Number of Households	Percent of Total Households
0 or 1 bedroom	434	5.2%	1 Person	1,863	23.6%
2 bedrooms	1,336	15.9%	2 Persons	2,820	35.7%
3 bedrooms	2,061	24.5%	3 Persons	1,219	15.4%
4 or more bedrooms	4,587	54.5%	4+ Persons	2,006	25.4%
Total	8,418	100.0%	Total	7,908	100.0%

Source: Tables DP04 and S1101, 2019-2023 American Community Survey Five-Year Estimate

Income Characteristics

In 2023, the median household income in Moorestown was \$154,368, approximately \$49,000 above the county median. In looking at the income distributions of the Township and county, 52.8% of Moorestown households earn \$150,000 or more while the comparable percentage countywide is 32.6%. On the opposite side of the income spectrum, only 17.0% of Moorestown households earn less than \$50,000, while the same is true for 20.9% of county residents. While the county has family and individual poverty rates of 4.5% and 6.8% respectively, Moorestown has poverty rates of 5.2% and 5.7%.

Table 16. Household Income by Income Bracket, 2023

Household Income	Households	Percent
Less than \$10,000	221	2.8%
\$10,000 to \$14,999	158	2.0%
\$15,000 to \$24,999	387	4.9%
\$25,000 to \$34,999	277	3.5%
\$35,000 to \$49,999	301	3.8%
\$50,000 to \$74,999	482	6.1%
\$75,000 to \$99,999	704	8.9%
\$100,000 to \$149,999	1,194	15.1%
\$150,000 to \$199,999	1,068	13.5%
\$200,000 or more	3,108	39.3%
Total	7,908	100.0%
Median Income	\$154,368	

Source: Table S1901, 2019-2023 American Community Survey Five-Year Estimates

Table 17. Poverty Rates among Individuals and Families, 2023

Government Level	Poverty Rate, Family	Poverty Rate, Individuals
Moorestown Township	5.2%	5.7%
Burlington County	4.5%	6.8%
New Jersey	7.0%	9.8%

Sources: Table DP03 and Table S1702, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

Employment Characteristics

For workers in the Township, more of them – 25.6% – work in the Manufacturing sector than in any other. The next largest sectors are Health Care and Social Assistance (13.4%), Professional, Scientific, and Technical Services (12.0%), and Wholesale Trade which also employed 7.1%. Table 18, Covered Employed by Sector, 2022, provides the numerical breakdown.



Table 18. Covered Employment by Sector, 2022

NAICS Industry	Employed Residents	Percent
Agriculture	1	0.0%
Mining and Quarrying	10	0.0%
Utilities	370	1.6%
Construction	1,160	5.1%
Manufacturing	5,837	25.6%
Wholesale Trade	1,616	7.1%
Retail Trade	1,310	5.7%
Transportation and Warehousing	233	1.0%
Information	332	1.5%
Finance and Insurance, and Real Estate	1,306	5.7%
Management of Companies	313	1.4%
Professional, Scientific, and Technical Services	2,733	12.0%
Administrative and Waste Management Services	1,357	5.9%
Educational Services	1,284	5.6%
Health Care And Social Assistance	3,072	13.4%
Arts, Entertainment, and Recreation	112	0.5%
Accommodation And Food Services	882	3.9%
Other Services, Except Public Administration	718	3.1%
Private Sector Total	22,646	99.1%
Public Administration	196	0.9%
Civilian employed population 16 years and over	22,842	100.0%

Source: OnTheMap, Center for Economic Studies, U.S. Census Bureau, 2022

Population and Housing Projections

The Delaware Valley Regional Planning Commission (DVRPC), the metropolitan planning organization (MPO) whose jurisdiction includes Moorestown Township as well as the remainder of Burlington County, published population and employment projections for the year 2050 (including all employed persons regardless of unemployment insurance). DVRPC projects that the Township’s population and employment will increase by 14.6% and 16.9%, respectively, from 2020 to 2050. As Table 19, Population and Employment Projections, 2020 to 2050, indicates that both employment and population growth in Moorestown will outpace that of the County as a whole.

Table 19. Population and Employment Projections, 2020-2050

Governmental Level	Population			Employment		
	Estimate 2020	Projected 2050	Percent Change	Estimate 2020	Projected 2050	Percent Change
Moorestown	21,355	24,482	14.6%	24,540	28,687	16.9%
Burlington County	461,860	481,500	4.3%	272,361	304,810	11.9%

Sources: DVRPC, Municipal and County-Level Population and Employment Forecasts, 2020-2050

The Fair Housing Act requires that housing plans include a 10-year projection of new housing units based on the number of building permits, approved development applications, and probable developments, as well as other indicators deemed appropriate (*N.J.S.A. 52:27D-310.b*). Moorestown has had a high rate of new building permits, averaging 56.5 a year since 2014. Combined with the number of demolitions, Moorestown averages 50.9 net new dwellings a year. The level of background growth of new single family dwellings in the Township is expected to decline because of a lack of building lots. It is expected that the redevelopment of existing single family residential lots will become the new approach to the construction of modern housing of this type. Consequently, the construction of affordable housing sites will constitute the large majority of residential development in the Fourth Round. New Table 20 shows both certificates of occupancy, building permits and demolitions and percentage of those for new development, along with an estimate of the construction from Third Round affordable housing sites.

Table 20. Housing Projections, 2025-2035

Year	Building Permits	Demolitions	Net New Dwellings
2014	55	6	49
2015	37	2	35
2016	16	6	10
2017	89	23	66
2018	40	0	40
2019	60	0	60
2020	29	5	24
2021	6	7	-1
2022	147	4	143
2023	86	3	83
Total	565	56	509
10-Year Average	56.5	5.6	50.9
10-Year Projection (2025-2035)			
Background Growth (50% of Last 10 Years)			255
Affordable Housing from Third Round			1,079

Sources: NJ DCA Construction Reporter, CCH Analysis

CONSIDERATION OF LAND FOR AFFORDABLE HOUSING

N.J.A.C. 5:93-5.1(b)6 requires the Housing Plan to include a discussion of the lands that the Township considered for creating affordable housing. Moorestown does not have enough land that is available, suitable, developable, and approvable for the creation of the 250 affordable housing units of the Fourth Round obligation as calculated by DCA. The Township performed a new analysis of its vacant and developable land, or a Vacant Land Analysis (VLA) based on the procedures set forth at N.J.A.C. 5:93-4.2 in order to determine its Fourth Round RDP (See Appendix A). For comparison, Appendix A also includes the 2017 VLA map that established the municipality’s Third Round original RDP of 606 units. Only one additional site, Block 5200, Lot 13, on Tom Brown Road, consisting of 5.94 acres met the criteria in addition to those sites already found to meet the criteria in the Third Round. Given this site’s context of lot patterning, other large lot development in the area, actual infrastructure instead of theoretical utilities and road capacity, the Township chose to consider other areas where potential redevelopment might occur over the next ten years if suitable overlay zoning were development. Consequently, the Township identified three sites currently occupied by commercial uses that could realistically be redeveloped with residential inclusionary projects to satisfy a portion of the Unmet Need. These three



sites are the Brandywine Living at Moorestown Estates (Block 3900, Lots 19 and 21), a former bank building that has been vacant for more than a decade accessed from the same driveway (Block 3900, Lot 20) and the Comcast Business Center office (Block 8801, Lot 4.01).

SEWER CAPACITY

Affordable housing sites must be located within the sanitary sewer service area. Both inclusionary development and 100% affordable development require sewage treatment. The Township has a single sewage treatment plant located on the southwestern end of the municipality adjacent to the North Branch of the Pennsauken Creek. The plant has been upgraded on an ongoing basis since the three-decade long moratorium was lifted in the early 1990s, to address both water quality and capacity. Approximately 25% of Moorestown's land area is located in an on-site disposal district which is not suitable for affordable housing. In the reanalysis of vacant and developable lands for the Fourth Round, no lands in the non-publicly sewered areas were included.

WATER CAPACITY

In September 2013, the New Jersey Department of Environmental Protection (NJDEP) issued Moorestown a letter prohibiting further water main extensions or connections because of a firm capacity deficit in the Township's water system created by the closure of two water wells several years previously. These two wells, both located at the North Church Street Water Treatment Plant, were closed amid concerns about very low levels of an unregulated chemical detected during routine testing. Other water treatment plants in the Township were also offline or affected. As a result, Moorestown was required by NJDEP to purchase substantially more water from the New Jersey American Water (NJAW), which had constructed a new water treatment plant in Delran to serve growing water needs in the tri-county area. Following meetings with NJDEP, the Township entered into a Memorandum of Agreement (MOA) with NJDEP in April 2015. Under the MOA, the Township agreed to a plan and schedule for improvements that include completion of upgrades to its water treatment facilities, ongoing system improvements, and re-adoption of an ordinance restricting outdoor water use, which can be implemented upon a declaration by Moorestown of a water emergency. These water treatment upgrades also include addressing the unregulated chemical.

In December 2015, to plan for the improvements - totaling in excess of \$33 million - the Township Engineer drafted a Water Supply Asset Management Plan for the Township's Public Works Department. Based on the Water Supply Asset Management Plan, Moorestown and the NJDEP agreed on July 1, 2016, to terminate the MOA with a superseding Administrative Consent Order (ACO). As part of the ACO, a second treatment plant was placed online in March 2017 following approval by NJDEP of

additional temporary treatment of the groundwater supply at the Kings Highway facility. The ACO was amended in September 2018 when Moorestown agreed to commence construction by January 1, 2019, of plant upgrades at its North Church Street and Hartford Road treatment plants. The Township is required by the ACO to complete the upgrades by January 1, 2020. These improvements, along with the now-upgraded Kings Highway plant (which came online in April 2018), has corrected the firm capacity deficit in the water supply identified by NJDEP and improved the quality and quantity of water provided in the municipality.

Consistency with the State Development and Redevelopment Plan

The 2024 amendment to the FHA added a requirement that a municipality's Housing Plan Element include an analysis of consistency with the State Development and Redevelopment Plan (SDRP), including water, wastewater, stormwater, and multi-modal transportation, based on guidance and technical assistance from the State Planning Commission. The Township's Fourth Round Plan is consistent with the SDRP, in that it recommends the Township focus its housing efforts on assisting those who commute into the Township to work, and on generating more smaller units to accommodate younger households without children and empty-nester households. The lack of available land in the Township for new construction means that all of the affordable units proposed toward Fourth Round compliance are contemplated as redevelopment initiatives in already-built areas with existing access to public water and sewer.

Consistency with Recommendations of Multigenerational Family Housing Continuity Commission

The FHA requires an HEFSP to provide an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, established pursuant to *N.J.S.A. 52:27D-329.20*. As of January 2026, no recommendations have been issued by the Commission.

FAIR SHARE PLAN

INTRODUCTION

This part of the Housing Element and Fair Share Plan describes how Moorestown intends to meet the affordable housing obligations that have been allocated to it in the Fourth Round. As noted previously, the obligations are two-fold: a Present Need obligation and a Prospective Need obligation. Present Need has also been called the “Rehabilitation Share” and Prospective Need has been called “Future Need” and in a portion of the Third Round even “Gap Present Need”. The Present Need obligation is reset with each round of affordable housing obligation based on census data. The number of deficient housing units is statistically determined based on certain parameters to estimate those that are occupied by low- and moderate-income households.

The Prospective Need obligation is cumulative in that it includes the obligations from all prior rounds (First, Second and Third) as well as the Fourth Round that this housing plan primarily addresses. The concept behind Prospective Need is that there is an anticipated growth in the population of New Jersey in 2025-2035 which will be composed of persons in households and each of those households will require housing. A certain percentage of those households have incomes that meet the definition of low or moderate incomes. Definitionally, it is 40% of households, though statistically it tends to be slightly higher and typically is found by demographers to be between 41% and 42% of all households. The amended Fair Housing Act set a formula as to the number of households for the Fourth Round. Various organizations have undertaken this calculation, including the NJ Department of Community Affairs (DCA) who have reached the consensus that it is 84,698 households of which Region 5’s share is 9,134. This regional share of Prospective Need has been allocated to all of the municipalities in Burlington, Camden and Gloucester Counties, including Moorestown, by several organizations.

The amended FHA directed the DCA to create a methodology for allocating the Present Need and Prospective Need obligations for the Fourth Round. Unlike COAH’s allocation of such numbers, the law made DCA’s acceptance of the obligations by a municipality voluntary. The Township Council decided to accept the DCA obligations of 20 Units of Present Need and 250 Units of Prospective Need and adopted Resolution 75-2025, making a binding declaration as to these numbers and authorizing its filing with the Affordable Housing Dispute Resolution Program via Superior Court per Court Directive #14-24. The resolution is attached as Appendix C, adopted on January 25, 2025. The Township has been assigned docket number BUR-L-217-25 for Fourth Round Declaratory Judgment actions under which this document will also be filed once adopted.

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Persons or entities aggrieved by this action of the Township’s had until February 28, 2025 to file specific objections as to why the Present and Prospective Need obligations did not meet the requirements of the amended FHA. Since no objections were filed, these numbers are official. On April 18, 2025, the Hon. Terrence R. Cook, A.J.S.C., the designated Mount Laurel Judge for the Burlington County Vicinage, issued an Order confirming these numbers and authorizing the municipality to proceed with this document. The Order is found in Appendix C.

AFFORDABLE HOUSING OBLIGATIONS

Moorestown’s affordable housing obligations are spelled out in Table 21, Moorestown’s Affordable Housing Obligations for the Fourth and Earlier Rounds.

Table 21. Moorestown Affordable Housing Obligations for the 4th & Earlier Rounds

Affordable Housing Component	Obligation
Present Need	20
Prospective Need	
Prior Round Obligation ⁽¹⁾	606 ⁽²⁾
Third Round Obligation ⁽³⁾	1,167
Realistic Development Potential	724
Unmet Need	443
Fourth Round Obligation	250
Realistic Development Potential	23
Unmet Need	227
Total Obligation	2,043

- ⁽¹⁾ – This means the combined First and Second Rounds because in the Second Round, the First Round numbers were recalculated..
- ⁽²⁾ – Adjusted downward because employment in another municipality was erroneously counted as located in Moorestown based on postal code.
- ⁽³⁾ - This includes both the Gap Present Need and Third Round Prospective Need.

An explanation of these components follows below:

Present Need Obligation

Present Need is defined as “the number of substandard existing deficient housing units currently occupied by low- and moderate-income households” and “deficient housing unit” as “housing that (1) is over fifty years old and overcrowded, (2) lacks complete plumbing, or (3) lacks complete kitchen facilities.” The Township’s Fourth Round rehabilitation obligation of 20 units was calculated by DCA according to the methodology described in the methodology report titled, “Affordable Housing

Obligations for 2025-2035 (Fourth Round) Methodology and Background” released in October 2024.

Prior Round Obligation

The Prior Round obligation is the cumulative 1987 through 1999 new construction affordable housing obligation. This time period corresponds to the First and Second Rounds of affordable housing. The Prior Round obligation as presently structured was affirmed by a decision of the NJ Supreme Court in 2013 decision. Moorestown’s Prior Round obligation is 606 units/credits as previously calculated by COAH.

Third Round Prospective Obligation

The Third Round obligation includes the “gap” portion of the Third Round (1999-2015) when no valid affordable housing regulations were in force and the Third Round Prospective Need (2015-2025) which included the 10 year period into the future starting in July 2015. In 2001, COAH adopted a new rule which extended the rounds from 6 to 10 years.

The Third Round Prospective Need and Gap Need numbers for the Township were determined through negotiation with an interested party, Fair Share Housing Center, and agreed to in a Settlement Agreement between the parties dated March 18, 2018. As established by the Township’s 2018 Settlement Agreement with FSHC, Moorestown’s Third Round obligation (1999-2025) is 1,167 units.

Fourth Round Prospective Obligation

Prospective Need is “a projection of housing needs based on development and growth which is reasonably likely to occur in a region or municipality.” The Township’s Fourth Round Prospective Need of 250 units was also calculated by DCA according to the methodology described in its October 2024 methodology paper.

MOORESTOWN’S AFFORDABLE HOUSING PLAN

Satisfaction of the Rehabilitation Obligation

To satisfy its 20-unit Fourth Round Rehabilitation obligation, Moorestown will continue to participate in a Rehabilitation Program with other municipalities in Burlington County administered by the Township’s Administrative Agent, CGP&H.

Satisfaction of the Prior Round Obligation

COAH permits new construction credits, reductions, and bonuses to address the Prior Round obligation. In accordance with *N.J.A.C. 5:93-5.6(e)*, the provision of affordable housing is required to be based on the issuance of permanent certificates of occupancy

for new residential units or the transfer of RCA payments to the receiving community. The Township has addressed the entirety of its 606-unit Prior Round obligation with a combination of RCAs, 100%-affordable developments, alternative living arrangements, inclusionary housing developments and rental bonus credits. In determining the obligation of the Prior Round, existing COAH rules require that the Township establish the maximum permitted number of age-restricted affordable units and the minimum required number of affordable rental units using the formulas in Table 22. All crediting documentation for Prior Round units has previously been provided, and has been approved by the Court. It is available for review upon request.

The formulas in Table 22 attributable to the Prior Round obligation reflect the Township's Settlement Agreement with FSHC, which requires age-restricted Prior Cycle credits to count towards the senior cap of 83 units. Prior Cycle credits are those from affordable housing activities that otherwise meet COAH eligibility criteria, but were occupied between April 1, 1980 and December 15, 1986 before the start of the First Round. Because of the Settlement Agreement, the Prior Cycle elements of the formulas attributable to Prior Round obligations, as established by COAH, are removed.

Table 22. Moorestown Prior Round Formulas for Minimum Rental and Senior Units

Minimum Rental = 152 units

$$\begin{aligned} &.25 (\text{Prior Round obligation} - 20\% \text{ cap} - 1000 \text{ unit cap}) = \\ &.25 (606 - 0 - 0) = .25 (606) = 151.5 \text{ rounded up to } 152 \text{ units.} \end{aligned}$$

Maximum Rental Bonus = 152 units

$$\text{No more than the minimum rental obligation} = 152 \text{ units}$$

Maximum RCA = 303 units

$$\begin{aligned} &.50 (\text{Prior Round obligation} - 20\% \text{ cap} - 1000\text{-unit cap}) = \\ &.50 (606 - 0 - 0) = .50 (606) = 303 \text{ units} \end{aligned}$$

Maximum Senior Units w/RCAs (N.J.A.C. 5:93-6.1(b)1) = 83 Units

$$\begin{aligned} &.25 (\text{Prior Round obligation} - \text{RCAs}) = \\ &.25 (606 - 274) = .25(332) = 83 \text{ units} \end{aligned}$$

With respect to rental bonuses, the housing plan adheres to the following limitations from the Second Round rules:

- A rental unit available to the general public receives one rental bonus, and no rental bonus is granted in excess of the Prior Round rental obligation;
- An age-restricted rental unit receives a 0.33 rental bonus, but no more than 50% of the rental obligation shall receive a bonus for age-restricted rental units.

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The Township addressed its Prior Round obligation with 479 existing affordable housing units, including 470 that were previously approved by COAH in granting substantive certification of the Township’s Second Round initial and amended housing plans. The approved units included 16 age-restricted credits for the Courthouse and Firehouse sites (eight units each – these were formerly prior-cycle credits) and 274 RCA credits for funds paid to Beverley City and Mount Holly Township. The remaining 170 units are through municipally sponsored units owned and administered by MEND. MEND also owns the Courthouse and Firehouse developments.

MEND is a non-profit organization with which the Township has historically worked closely to create new affordable units and to rehabilitate units occupied by low- and moderate-income households. The organization’s commitment to the goal of creating affordable units for low- and moderate-income households dates back to 1969, as previously noted.

A map at the end of the Summary in this document identifies all of the affordable housing sites discussed in this housing plan. In addition to this map, Table 23, Satisfaction of the Prior Round Obligation, provides a summary of the developments included to address the entirety of the Township’s Prior Round obligation.

Table 23. Satisfaction of the Prior Round Obligation

Prior Round – 606 Units/Credits	Units	Bonuses	Rental	Senior	Special Needs	Year Occupied
Special Needs Housing						
Oaks Care/Family Service	3	3	3		3	2000
Oaks Integrated Care (8 of 10)	8	8	8		8	varies
NJ Mentor/Foundation for the Challenged	4	4	4		4	2006
A.D.E.P.T. Programs Group Home	5	5	5		5	2002
Subtotal	20	20	20		20	
Municipally Sponsored 100% Affordable Housing						
Courthouse (formerly prior cycle)	8		8	8		1984
Firehouse (formerly prior cycle)	8		8	8		1985
66-68 E. Second St.	3	3	3			1992
124 E. Second Street	1	1	1			1991
203-205 W. Second Street	2	2	2			2002

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Prior Round – 606 Units/Credits	Units	Bonuses	Rental	Senior	Special Needs	Year Occupied
411 S. Lenola Road	1	1	1			1994
528 Bethel Ave.	1	1	1			1993
Albany Acres	9	9	9			1987
Baylor Arms (formerly Chestertowne Village)	45	45	45			2000
Cedar Court	8					1992
Creed I	12	12	12			2000
Colonial Arms	21	21	21			2005
Lenola School	33	11	33	33		1988
Stokes Place (10 of 16)	10	1; cap	10	10		1991
Teaberry Run	24		24	24		1987
Subtotal	186	107	178	83	20	
Regional Contribution Agreement						
Beverly City	75					2000-2002
Mount Holly Township	199					2000-2002
Subtotal	274					
Subtotals	480	127	198	83	20	
Total Units and Credits	607					
Surplus Credit Toward Third Round	1					

Of the 480 units addressing the Prior Round, only the 20 credits from the Special Needs facilities named above as Family Service (now Oaks Integrated Care)/Kings Highway, Twin Oaks (now Oaks Integrated Care), NJ Mentor/Foundation for the Challenged, and A.D.E.P.T. were not included in plans certified by COAH. Descriptions of those projects may be found below.

Special Needs

As part of its Settlement Agreement with FSHC, the Township has included 19 special needs bedrooms, counted as units, from five special needs facilities that had not been part of the approved Second Round plans, in lieu of 26 age-restricted units at Linden Place, which were moved to the Third Round to ensure that age-restricted units made up less than 25% of each round’s compliance plan.

Oaks Integrated Care/Family Service/Kings Highway, Inc.

Oaks Integrated Care (formerly Family Service of Burlington County). This three-bedroom group home has received all required building permits and a certificate of occupancy. It is located at Block 2000, Lot 10 and was acquired on June 14, 2001. The three bedrooms are all affordable to individuals with very low incomes. All of its occupants were referred from the New Jersey Division of Developmental Disabilities waiting list.

NJ Mentor/Foundation for the Challenged

NJ Mentor is a service provider for developmentally disabled adults that operates a group home, or community living residence, and has a local South Jersey office in Mount Laurel. The property is owned by the Foundation for the Challenged, Inc., a Dublin, Ohio, non-profit organization experienced in providing services and organizational support to developmentally disabled adults. This property is located at Block 1601, Lot 11 and was acquired on May 18, 2006. The site has four bedrooms for developmentally disabled adults. NJ Mentor is an experienced community living residence provider. The four bedrooms in the group home are affordable to individuals with very low incomes.

A.D.E.P.T. Programs, Inc.

This organization owns a property with 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., which provided similar types of supportive services, including for those with developmental disabilities and mental illness. The property was first used for these supportive services beginning in March 1997. A.D.E.P.T. Programs, Inc., an experienced supportive and special needs housing provider, administers the group home in accordance with the standards of the New Jersey Department of Human Services, Division of Developmental Disabilities. The five bedrooms in the group home are affordable to individuals with very low incomes.

Oaks Integrated Care

Family Service of Burlington County was the original service provider for several group homes in Moorestown. This organization merged with Steininger Behavioral Care Services to become Twin Oaks Community Services in 2012. In 2015, Twin Oaks merged with Greater Trenton Behavioral Health Care to become Oaks Integrated Care². Oaks Integrated Care serves the mentally ill in the community as well as those with developmental disabilities. Oaks Integrated Care began its operation in Moorestown in 2001 and has since acquired five properties (four under Family Service and one under a standalone entity, Kings Highway, Inc.) that are used as supportive shared-living housing. The four dwellings, exclusive of the Kings Highway site, include Block 701, Lot 30, two homes located on Block 1301, Lot 11 in Eraser Mews, and one

² - This history is recited so that continuity may be maintained with prior housing elements.

property on Block 1701, Lot 12, together containing a total of 10 bedrooms affordable to individuals with very low incomes. Eight units are being used to address the Prior Round obligation and the remaining two units are being placed in the Third Round. Oaks Integrated Care is an experienced supportive and special needs housing provider and administers the supportive shared living houses in accordance with UHAC per *N.J.A.C. 5:80, et seq.* Oaks Integrated Care 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 organization has also received assistance from the municipal Affordable Housing Trust fund.

Satisfaction of the Third Round Obligation

As previously indicated, the Township's court-approved Settlement Agreement with FSHC established a 1,167 unit Third Round Obligation. As a result of limited vacant and developable land in the municipality, the Court also approved an adjustment of this Third Round obligation, pursuant to *N.J.A.C. 5:93-4.2*, to a Third Round Realistic Development Potential, or RDP, of 606 units, later 633 and finally 724 and a Third Round Unmet Need of 534 and ultimately 433 units (*see* Adjustments to the Realistic Development Potential, below). Unmet Need is the difference between the RDP and the Third Round obligation.

Third Round Vacant Land Analysis and Realistic Development Potential

Moorestown lacked sufficient vacant developable land to address the entirety of its Third Round obligation and this lack extends into the Fourth Round. The Township conducted a vacant land analysis using the Second Round rules at *N.J.A.C. 5:93-4.2*, Lack of Land, to determine which sites to include or exclude from the RDP. Of the 236 sites considered in that vacant land analysis, 133 are in the sanitary sewer service area. Of the 74 sites contributing toward the RDP, 46 are in the sanitary sewer service area (adding the Diocese of Trenton and Harper Drive sites to the original list). The analysis was approved by the Court in the revised Settlement Agreement. A map of the original vacant land analysis may be found in Appendix B.

Adjustments to the Realistic Development Potential

The Township adjusted its RDP upwards twice since the original Third Round Settlement Agreement was executed.

In the first adjustment, two sites were added to the RDP: the Land Resource Solutions tract on Block 1101, Lots 12-16 and Block 1102, Lots 40-44, and the Diocese of Trenton site on Block 8801, Lot 3.01. The Land Resource Solutions tract consists of the corner lots at the intersection of Cottage Avenue and Camden Avenue. The Zoning Board of Adjustment approved a 26-unit multi-family housing development in January 2019

and imposed a four-unit affordable housing obligation on the application as a condition of approval. The two corner lots previously generated a total RDP of 1.03 units. The 26 units generate an RDP of 5.2, for a net increase of 4.17 units.

The Diocese of Trenton site is located next to the Burlington County Agricultural Center on Centerton Road. In 2019, the Diocese expressed interest in developing (or selling the property for development of) housing. This site is 17.8 acres, of which 1.85 acres are wetlands and 4.51 acres are unbuildable (a finger of land behind the CIS Heritage Village site against the Interstate's right-of-way). Under the negotiated agreement with the Diocese, the site was expected to produce 83 townhouses, of which 17 would have been affordable, thus increasing the RDP by 17 units. In the end, as explained further, the site will produce 64 townhouses of which 13 will be affordable. A zoning amendment was adopted to implement the agreement as a condition of the compliance hearing on the Third Round Plan. Added together, the two sites increased the RDP by 21 units.

In addition, through negotiation with FSHC, the Pennrose site continued to contribute towards RDP, though the municipality disagrees with their analysis. In the interest of settling the matter, the Township accepted the RDP of six units. Added to the initial 606-unit RDP, the total revised RDP was 633 units.

As Unmet Need sites are developed or units are captured with a mandatory set-aside ordinance, which Moorestown also adopted as an Unmet Need mechanism, the RDP increases and the Unmet Need decreases. Since the redevelopment of the Moorestown Mall was such a mechanism, when development plans moved ahead for Phase I involving 350 total residential units and 75 affordable apartments, the RDP increased accordingly. There was also a lower yield from the Sbar Boulevard site, also called the Domenica Foundation site, for a loss of six units, and at the D. R. Horton Enclave at Moorestown subdivision for a loss of four units, but an addition of one unit for the redevelopment of the former Answercom building on Chester Avenue. The calculation of these changes is 700 units/credits; however, because of the municipality's extra efforts in the Third Round, was able to realize an RDP of 723. By increasing the RDP to that level, one additional bonus credit can be taken for the Walters Group development on Borton Landing Road, for a grand RDP total for the Third Round of 724. The municipality should be able to account for the 24 unit difference between these changed circumstances and the mechanisms used to satisfy the Third Round as surplus units towards a future obligation. With the RDP at 724, the Unmet Need is reduced to 443 units.

Formulas Applicable to the Third Round

As with its satisfaction of the Prior Round obligation, the Township must also adhere to a minimum rental obligation, a maximum number of age-restricted units, and a

maximum number of bonuses in the Third Round (based on Second Round rules). Further, the Township must adhere to other requirements such as minimum number of family units and family rental units, pursuant to the terms of the Settlement Agreement.

These calculations are based on the adjusted Third Round RDP obligation of 724 units and the actual number of housing units that have been or will be constructed. As noted, the Third Round VLA Map from 2017 can be found in Appendix B. Table 24 contains the formulas used to determine the various components of Moorestown's Third Round affordable housing obligation, as indicated below.

Table 24. Formulas Applicable to the Third Round Obligation

Minimum Rental Obligation N.J.A.C. 5:93-5.15(a) = **181 units**

.25 (RDP) = units
 .25 (724) = 181 units

Maximum Rental Bonus = **181 units**

No more than the minimum rental obligation = 181 units

Minimum Family Rental Units = **91 units**

.50 (Third Round minimum rental obligation) =
 .50 (181) = 90.5 units, round up to 91 units

Maximum Senior Units N.J.A.C. 5:93-5.14(a)1 = **181 units**

.25 (RDP) = units
 .25 (724) = 181 units

Minimum Total Family Units = **272 units**

.50 (RDP – rental bonuses) =
 .50 (724-181) = .50(543) = 271.5 units, rounded up to 272 units

Additionally, with respect to rental bonuses, the housing plan abides by the following limitations from the Second Round rules:

- A rental unit available to the general public receives one rental bonus; and
- An age-restricted rental unit receives a 0.33 rental bonus, but no more than 50% of the rental obligation shall receive a bonus for age-restricted rental units.

Satisfaction of the Third Round RDP

The Township will fully address its 724-unit Third Round RDP with one surplus credit, 14 units of special needs and supportive housing, 103 extensions of controls, 35 units from existing affordable housing sites, 156 units from approved 100%-affordable housing sites, 234 units from inclusionary development, and 180 rental bonuses. Table 25 lists the various elements for meeting the Third Round RDP.

Table 25. Satisfaction of the Third Round RDP

Third Round RDP – 724 Units/Credits	Units	Bonuses	Rental	Senior	Special Needs
Prior Round Surplus	1				
Special Needs Housing					
Community Options Group Homes (12 of 20 contracted for; reduction of 8 units and 8 bonuses)	12	12	12		12
Oaks Integrated Care (2 of 10)	2	2	2		2
Subtotal	14	14	14		14
Extensions of Expiring Controls					
66-68 E. Second St.	3		3		
124 E. Second Street	1		1		
528 Bethel Avenue	1		1		
468 N. Church St. (Cedar Court)	1				
470 N. Church Street (new to the plan)	1				
Beech Street	18		18		
Clover Apartments	5		5		
Lenola School	33		33	33	
Moorestown Court	8		8	8	
Musser Court	16		16		
Stokes Place	16		16	16	
Subtotal	103		101	57	
Municipally Sponsored 100% Affordable Housing (Existing)					
428 Camden Avenue	1	1	1		
Creed II	8	8	8		4
Linden Place	26		26	26	
Subtotal	35	9	35	26	4
Municipally Sponsored 100% Affordable Housing (Proposed)					
Harper Drive	75	75	75		
Centerton Road (81 age-restricted units, increased from 75)	81		81	81	
Subtotal	156	75	156	81	
Inclusionary/Mixed-Income Development (Existing and Proposed)					

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Third Round RDP – 724 Units/Credits	Units	Bonuses	Rental	Senior	Special Needs
205-209 Chester (New to the plan; from mandatory set-aside)	1		1		
Sbar Boulevard (reduction of 6 units and 6 bonuses)	30				
MRD	35	13	35		
Diocese of Trenton (reduction of 4 units)	13				
Borton Landing Road (replaces Nagle Tract; 66 bonuses added)	76	66	76		
Land Resource Solutions	4	4	4		
Moorestown Mall Phase I (previously an unmet need site, converted to RDP)	75		75		
Subtotal	234	83	191		
Totals	543	181	497	164	18
Total Units and Credits	724				

Moorestown meets its required minimum rental unit obligation of 181 units with 527 rental units existing and proposed. Even not counting the extension of expiring rental control units, the Township has 424 units proposed. The Diocese of Trenton site was approved as a for-sale development. Additionally, 90 units are required to be family rental units, which will be satisfied with 345 family rental units from 66-68 E. Second Street, 124 E. Second Street, 428 Camden Avenue, 528 Bethel Avenue, Beech Street, Clover Apartments, Musser Court, half of Creed II, Harper Drive, MRD, Land Resource Solutions, Walters Group/Borton Landing, and the Bel Canto/Moorestown Mall units. For total family units both rental and for-sale, the housing plan meets the 270-unit requirement with 368 family rental units. The Township proposes no more than 164 senior units, less than the permissible limit, from Lenola School, Moorestown Court, Stokes Place, Linden Place, and the Centerton Road project(s).

Each of the components of the Third Round affordable housing obligation is described below. Except where noted, crediting documentation was provided as part of the Third Round’s Judgment of Compliance and Repose. Any crediting documentation is available for review upon request.

Supportive & Special Needs Housing

Oaks Integrated Care was described in the section discussing the Prior Round Obligation.



Community Options, Inc.

Community Options, Inc. is an experienced care provider for support services for people with severe disabilities. The organization's programs and services include community-based living, employment supports, high school transition programs, and specialized programs for respite and medically fragile people with disabilities. Persons will be selected from the New Jersey Department of Human Services' Division of Developmental Disabilities waiting list.

The Third Round housing plan expected that 20 bedrooms would be operational by the end of the housing period; however, 12 units have been completed. Due to the COVID-19 pandemic and rapidly rising suburban real estate prices, the Township and Community Options have agreed to end the acquisition of additional properties. Accordingly in the housing plan, credit is only being sought for 12 bedrooms and associated bonuses.

Third Round Extension of Expiring Controls

COAH acknowledged through its rules that the preservation of affordable housing is as important as the creation of new affordable units. This viewpoint was specifically upheld by the New Jersey Supreme Court In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing³ concerning credit for the extension of controls (i.e., recorded covenants) restricting the units to the affordable housing market. The concept is to maintain units that would otherwise be lost to the regular housing market by the re-imposition of controls on affordability for a period of at least 30 years.

On November 13, 2017, an agreement was executed between Moorestown and MEND for payments of \$3,030,000 to extend controls on 101 units at a cost of \$30,000 per unit. On the date of that agreement, MEND and the Township executed deed restrictions on the above-named sites that were subsequently filed with the Burlington County Clerk.

Extension of Expiring Controls Criteria

The following criteria were established by COAH for their extension of expiring controls program (*N.J.A.C. 5:97-6.14(a)-(c)*). Each rule appears in italics, followed by the response. These criteria remain in place and will be met with the extensions of expiring controls proposed for the Fourth Round:

1. *The unit meets the criteria for prior-cycle or post-1986 credits set forth in N.J.A.C. 5:97-4.2 or -4.3.*
2. *The affordability controls for the unit are scheduled to expire during the time period in which credit is sought.*

³ - 221 N.J. 1 (2015)

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3. *The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.*
4. *If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work. A municipality may utilize its affordable housing trust fund to purchase the unit and/or complete the necessary repair and/or rehabilitation work.*
5. *Information regarding the development and specific units, on forms provided by the Council. Though COAH no longer exists, information on each unit is maintained in the records of the municipality.*
6. *A written commitment from the owner to extend controls, or evidence that the controls have been extended, in accordance with UHAC. MEND and the Township of Moorestown either have or will execute an appropriate agreement for the extension of affordability controls for an additional 30 years (Third Round) or 40 years (Fourth Round) starting on the date that the previous affordability controls expired.*
7. *The proposed or filed deed restriction for the extended control period.*
8. *A pro forma for any proposed acquisition and/or rehabilitation costs. No rehabilitation to code for most of the units is anticipated based on the annual fire inspections conducted by the Township.*
9. *Documentation demonstrating the source(s) of funding. The Township will use funds from its affordable housing trust fund as indicated in its Spending Plan (see Appendix J).*
10. *A municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds.*
11. *A draft or adopted operating manual that includes a description of the program procedures and administration in accordance with UHAC. An extension of affordability controls manual, prepared by MEND, Inc., was approved as part of the Third Round and is appropriate for the Fourth Round.*
12. *An affirmative marketing plan in accordance with UHAC. Since the units were and continue to be occupied by low- and moderate-income households that were originally informed of units for occupancy in accordance with the Township's affirmative marketing regulations, no affirmative marketing plan for the extensions of controls is necessary.*
13. *Designation of an experienced administrative agent, including a statement of his or her qualifications, in accordance with N.J.A.C. 5:96-18. MEND, Inc., already*



employs administrative agent(s) that meet the qualifications of *N.J.A.C. 5:96-18* due to their involvement in the provision of affordable housing that has received and will receive credit as part of the Mt. Laurel process.

Municipally Sponsored 100% Affordable Housing

Creed II

Creed II, at 315 Chester Avenue (Block 4308, Lot 14), was a new construction project that was completed in 2007 and consists of eight units at the rear of the site of Creed Apartments (Creed I). 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 four ground-floor apartments in the two buildings are designed for the physically disabled. All of the units are one-bedroom units, however, and so do not meet UHAC standards for bedroom distribution. Moorestown received approval from the Court for 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 on any one site.

Linden Place

Linden Place is located at the intersection of Linden and Pearl streets (Block 5909, Lot 3). First occupied in 1989, it consists of 26 age-restricted efficiencies and one-bedroom apartments on the 1.5-acre lot. This site was in the First and Second Round plans certified by COAH.

Inclusionary Developments

An inclusionary development is a development containing low- and moderate-income units among dwellings that have no income restriction, commonly called “market rate” housing. Typically, as developed through case law, a minimum of 20% of dwellings are designated as affordable in for-sale developments and a minimum of 15% of dwellings as affordable in rental developments. Inclusionary development may also be part of a mixed-use development where commercial and residential development is contained in one building or structure.

Sbar Boulevard-Domenica Foundation Site

This site consisted of two parcels of land located on either side of Sbar Boulevard on Block 100; Lots 1.01, 1.02 and 1.03 (parcel 1, 6.22 acres) and 1.05, 1.06 and 1.07 (parcel 2, 7.5 acres). Now consolidated into one parcel, the site is under construction. The site was located in the SRI, Specially Restricted Industrial, district but has been rezoned to the AMF-3, Affordable Multi-Family Residence 3, to permit residential development at the number of dwellings originally proposed. Sbar Boulevard has been vacated and a new access driveway has been created along the southerly property boundary to serve the industrial use that is located to the rear of the housing development. According to their approved site plan, the tract will be developed with 150 family units and 30

affordable units, rather than the expected 36 units. The project received land use approvals in November 2023.

MRD Site

MRD, LLC is a subsidiary of Davis Enterprises, Inc. The site is an 11.78-acre property located at 118 W. Route 38 on Block 4801, Lots 18 and 20 that had previously received an approval for an office development, which established a feasible means of obtaining water and connection to the sanitary sewer system. The site was located in the R/PO, Residential/Professional Office, district but has been rezoned to the AMF-4, Affordable Multi-Family Residence 4, district that permits the proposed development as negotiated in the original and revised Third Round Settlement Agreements. The property is surrounded by single-family residential uses. The rear, or southeastern, property line also serves as the municipal boundary between Moorestown and Mount Laurel Townships.

The site will be developed with 173 family rental units, of which 35 will be family affordable rental units – slightly less than a 20% set-aside. The gross density is about 14.75 units per acre.

As required in *N.J.A.C. 5:93-5.3*, affordable housing sites shall be approvable, developable, and suitable, as defined in *N.J.A.C. 5:93-1.3*, for the production of low- and moderate-income housing. This site was found to meet site suitability criteria as part of the Township’s Third Round Judgment of Compliance and Repose.

Cornerstone at Moorestown – Walters Group (replaces Nagle Tract)

The Township purchased Block 7401, Lot 3, known as the Nagle tract, in 1988, originally for the construction of a 100% affordable housing project in the First Round. Moorestown subsequently did not require the site and it was land banked for future affordable housing purposes. It was later determined that the site would impinge on the property surrounding it that is used by Lockheed-Martin, a large defense contractor, in its testing of military systems. This land was swapped for comparable land on Borton Landing Road, some 2,500 feet distant. Though this land swap was challenged in court, the Township eventually prevailed and the site was established through a minor subdivision and conveyed to the Township by Lockheed-Martin. The minor subdivision approval resolution, separating the property, is found in Appendix M.

After the Settlement Agreement with Fair Share Housing Center was signed, the Township made the decision to approach affordable housing developers and negotiated a Memorandum of Understanding with the Walters Group, an experienced developer of affordable housing in New Jersey, to develop the site as a mixed-income community, with 50% of the 152 units, or 76 units, deed-restricted for low- and moderate-income households. The project received land use approvals in September 2023, and Walters received tax-credit financing for the project in March 2023. As part of the land swap,

financial assistance was also provided for utility infrastructure to service the Cornerstone development. Construction started on the project in late winter, 2025, and has rapidly progressed, with most buildings framed and roofed.

Land Resource Solutions

Land Resource Solutions is a tract of land bisected by Cottage Avenue on Block 1101, Lots 12-16 and Block 1102, Lots 40-44 in the Lenola neighborhood. It consists of a vacant site that has been remediated to a residential standard and a closed service station on the opposite side. The proposed development plan contains 26 rental apartments on the northeast side and parking and stormwater management on the southwest side. The landowner sought density and other variances from the Zoning Board of Adjustment. The Zoning Board granted the relief sought and conditioned the approval on the creation of four affordable units in the development, one very low-, one low- and two moderate-income family apartments subject to UHAC standards. The Board's action took place in January 2019 and while some time has passed, the grant of the variance runs with the land. The municipality is able to retain four credits for the four apartments.

Enclave at Moorestown/DR Horton (was Diocese of Trenton site)

The site originally known as the Diocese of Trenton site is located next to the Burlington County Agricultural Center on Centerton Road. This site is 17.8 acres of which 1.85 acres are wetlands and 4.51 acres are unbuildable (a finger of land behind the Heritage Village (former Toll Brothers) site against the interstate's right-of-way). The site has been rezoned to permit residential development with townhouses. Due to new storm water management rules, the expected yield of 17 affordable housing units has been reduced to 13 units and the total number of dwelling units to 64. The project received approvals in July 2024 and site work has commenced.

Bel Canto/Moorestown Mall

As previously noted, overlay zoning was applied to the Moorestown Mall site to facilitate its redevelopment from a single-use and single-story retail center to a mixed-use center that will serve as a destination for Township residents and visitors. In 2021, the Township adopted a redevelopment plan for the mall that calls for a three-phase redevelopment. Mall ownership had objected to the part of the housing plan that involved their property and the Township reached an agreement that led to the redevelopment study and redevelopment plan, and eventually to a redevelopment agreement and site plan approval. The settlement agreement and redevelopment plan may be found in Appendix D. Phase I calls for multi-family inclusionary development in the southeastern corner of the mall property, and later the development of a hotel at the southwest corner of the property. The multi-family development, called Pearl Apartments, will yield a maximum of 350 units, of which 20%, or 75 units, will be affordable family rental units. Though construction paused for an extended time following the construction of the parking garage, it restarted in August 2025 with

significant progress on the framing to the roof on three-quarters of the building as of this date.

305-309 Chester Avenue

The Township has approved one affordable family rental unit, at 305-309 Chester Avenue, Block 4403, lots 4 and 5 (former Answercom building), that has been approved as part of the redevelopment of an older mixed use building in the Township's downtown, that triggered the requirements of the Township's mandatory overlay district. The project received its approvals in June 2019, and the resolution of approval may be found in Appendix E. The affordable unit will be a low-income, one-bedroom unit.

Municipally Sponsored Construction of 100% Affordable Development

Municipally sponsored means a development in which all units are affordable to low- and moderate-income households (except for live-in employees) and where the municipality provides at least a commitment to fund any shortfall in the funding for the development.

Heritage Village – Community Investment Strategies

Accessed from Centerton Road and located behind the Parkers Bend retirement complex built by Cameron General Contractors is the approved 100% affordable housing development on Block 8801, Lot 4.03 being constructed by Community Investment Strategies (CIS). Following an RFQ/RFP process, Moorestown selected CIS as the experienced entity to proceed with the project. The Township provided the land for the project, and in December 2023 CIS received 4% tax credits and almost \$9 million from the State's Affordable Housing Production Fund to finance the development. The project includes 81 age-restricted affordable rental units – 75 one-bedroom units and six two-bedroom units as well as one superintendent's apartment. The project received its approvals in 2020. Site work has started now that the developed has closed on the financing. The Township placed all 81 units toward satisfaction of its Third Round RDP.

Residences at Harper/Pennrose

This site is a 3.58-acre property located at 307 Harper Drive on Block 3201, Lot 3 (including a 0.58 acre portion of Lot 4 that was consolidated with Lot 3). This site was selected following a discovery of a deed-restriction on their original site that prevented the type of development necessary to build multifamily housing, and which was unable to be legally removed. Pennrose, an experienced tax-credit developer, received a tax-credit award in 2021 to construct 75 affordable family rental units on the property. All construction and site work has been completed and a temporary certificate of occupancy (TCO) has been issued for the project (a few items of site work remain

open). See the TCO in Appendix M. Pennrose operates the building and it is fully occupied.

MECHANISMS TO ADDRESS UNMET NEED

In *N.J.A.C. 5:93-4.2(h)*, COAH set forth the types of zoning or other regulations that can be used to address Unmet Need, whether in the Third or Fourth Round:

1. Zoning amendments that permit apartments or accessory apartments;
2. Overlay zoning requiring inclusionary development or the imposition of a development fee consistent with *N.J.A.C. 5:93-8*. In approving an overlay zone, the governing body may allow the existing use to continue and expand as a conforming use, but provided that where the prior use on the site is changed, the site shall produce low- and moderate-income housing or a development fee; or
3. Zoning amendments that impose a development fee consistent with *N.J.A.C. 5:93-8*.

Aside from the three sites that were already discussed for the Third Round, in 2019 a mandatory overlay district was adopted as part of the housing plan - see Appendix G. Lastly, the Township first introduced a development fee ordinance in 1997 that was last amended in 2009 following approval by COAH as part of the Township's implementation of its 2008 HEFSP (see also Appendix G).

SATISFACTION OF THE FOURTH ROUND OBLIGATION

Updated Vacant Land Analysis and Realistic Development Potential

As part of the process of addressing its Fourth Round obligation of 250 units, the Township has again analyzed all vacant, developable land in the Township, including all land held by the municipality, using the Second Round rules at *N.J.A.C. 5:93-4.2*, Lack of Land, to determine whether any parcels in the Township have become vacant since the Third Round VLA was completed, and if so, whether any newly vacant parcels could be developed with inclusionary residential development sufficient to generate any affordable units. Of the land examined, one property (Block 5200, Lot 13) was identified as having become newly vacant and was large enough to support inclusionary development. To achieve settlement with FSHC even though this lot is part of an industrial park, the Township agreed to include a second parcel, Block 800, Lot 4, originally excluded from the 2017 VLA because of wetlands constraints, because an LOI was submitted by a developer that indicated no wetlands constraints.

The analysis shows the two parcels total 13.75 acres of developable vacant land. The Township and FSHC agreed that the total RDP for the two parcels would equal 28 units/credits that must be addressed in this HEFSP.

The Township will satisfy its Fourth Round RDP with 23 expiring controls on MEND rental units. Of these extensions of controls at least three will be very low-income units among a total of at least 13 low- and very low-income units. Because the MEND units are rental units, the Township is entitled to 0.5 bonuses per extension up to the maximum of 25% of the RDP, and so will apply bonuses to 11.5 extensions, rounded down to seven bonus credits. This provides a total of 30 credits, a two-credit surplus above the Township's Fourth Round RDP. As with the Third Round RDP, Moorestown seeks the ability to utilize these two surplus credits towards a future obligation. See Table 26, Formulas Applicable to the Fourth Round Obligation.

Table 26. Formulas Applicable to the Fourth Round Obligation

Minimum Rental Obligation N.J.A.C. 5:93-5.15(a) = 6 units

- .25 (Total Units) = rental units
- .25 (23) = 5.75 units, rounded up to 6 units

Maximum Bonus = 7 bonuses

- 0.5 bonus for each extension of control for rental units = $0.5 \times 23 = 11.5$ bonuses, rounded down to 11 bonuses, which are subject to the following limitation:
- .25(RDP) = Overall bonus limit
- .25(28) = 7 bonuses

Minimum Family Rental Units = 3 units

- .50 (minimum rental obligation) =
- .50 (6) = 3 units

Maximum Senior Units N.J.A.C. 5:93-5.14(a)1 = 6 units

- .30 (total units) = units
- .30 (23) = 6.9 units, rounded down to 6 units

Minimum Total Family Units = 11 units

- .50 (RDP – rental bonuses) =
- .50 (28-7) = .50(21) = 10.5, rounded up to 11 units

The Township meets these requirements with 23 family rental extensions of controls, thus satisfying the rental, family rental, and family formula requirements. The Township is claiming no senior units toward its Fourth Round RDP, and thus meets that requirement as well.

Extensions of Controls

The Township is in discussion with MEND to identify the 23 family rental units out of a potential 87 units whose controls are due to expire during the Fourth Round to ensure that they meet required income and bedroom distribution requirements in the recently amended Uniform Housing Affordability Controls. Pursuant to the amended FHA, the Township and MEND will execute an agreement for extensions of controls on these affordable units whose controls are due to expire, in return for at least \$30,000 (the cost of the extensions paid per unit in the Third Round) payment to MEND from the

Township's affordable housing trust fund. Because these are extensions of controls on rental units, the amended FHA permits the Township to claim 0.5 bonuses per unit up to a maximum of 25% of the Township's RDP, or five bonus credits. The agreement is anticipated to create a payment schedule based on the number of bedrooms and the income range of the restricted unit. While these figures are yet to be finalized, a draft agreement is included in Appendix L.

Redevelopment

The amended Fair Housing Act requires that "[a]ny municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so." While interpretations of this requirement differ, to achieve settlement with FSHC the Township has agreed to adopt or amend existing overlay zoning on sufficient parcels that it considers likely to redevelop to produce at least 57 affordable units, or 25% of the Township's Fourth Round Unmet Need of 227. To meet this requirement, the Township has identified three sites, discussed below, that it believes are likely to redevelop within the next 10 years.

Block 3900, Lots 19 and 21

Lots 19 and 21, now merged into Lot 19, are part of Brandywine Moorestown Estates, an assisted-living facility at 1205 N. Church Street. As noted previously, there is a second site adjacent to this one at the corner of N. Church Street and New Albany Road on Block 3900, Lot 20 that only has access through this tract. Formerly a bank, it has been vacant for more than a decade. It would make for a logical redevelopment of the site to incorporate this additional land into the overall redevelopment of this site. Since the site is already developed with a senior residential use, the application of the AMF-5 zoning district to this property as an overlay district, minus the tract size requirement, would allow additional development to occur on its underdeveloped property. The AMF-5 district permits 16 units per acre (see Appendix F). The services include assisted living, considered a residential use, and long term respite care, which is considered a medical use. Assisted living facilities are required to reserve a minimum of 10% of their beds for Medicaid-eligible residents, and these Medicaid units are creditworthy as senior units. The AMF-5 district would also allow other types of residential uses to expand their offerings to tenants. Presently, the site has 122 beds/units, and the AMF-5 overlay zoning would permit 40 additional affordable units on lots 19 and 21, and five additional affordable units on lot 20, for a total of 45 affordable units.

As established in *N.J.A.C. 5:93-5.3*, affordable housing sites shall be approvable, developable, and suitable, as defined in *N.J.A.C. 5:93-1.3*, for the production of low- and moderate-income housing. As demonstrated below, this site meets these criteria.

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- Site Control (availability). The lot is currently in private ownership. Neither the owner nor the Township is aware of any title defects or deed restrictions that preclude development of affordable housing.
- Suitability. The lot fronts onto North Church Street. Across North Church Street is open land, behind which are light manufacturing uses. Lot 19 is in the SRC-1 Specially Restricted Commercial district, and Lot 21 is in the BP-1 Business Park 1 district. The tract is in Planning Area 1, the Metropolitan Planning Area, of the State Development and Redevelopment Plan, a smart-growth planning area where infrastructure already exists and infill redevelopment, including affordable housing, is encouraged.
- Adequate Sewer and Water (developability). The site is located in a sewer service area and a public water franchise area. There are no known constraints to providing such services to the property. One of the Township's main water tanks is located less than 1,000 feet from the site.
- Approvability. Development of the site will be consistent with the Residential Site Improvement Standards, *N.J.A.C. 5:21-1 et seq.* The development is not within jurisdiction of a regional planning agency or CAFRA.
- The site will comply with all applicable environmental regulations. The site contains no wetlands, flood plains or steep slopes, and there is no known environmental contamination on the site.
- The development of the site will not affect any known historic or archaeological resources as indicated in the Historic Preservation Element of the Master Plan.

In addition to site suitability, the developer of the affordable housing project will be required to meet the applicable requirements of UHAC:

- Administrative Entity. The Township will require that the developer engage a qualified administrative agent who will administer and affirmatively market the units at the site, income qualify applicants, place minimum 30-year affordability controls on the units if they are for-sale and 40 years if they are for rent, and provide long term administration of the units in accordance with UHAC at *N.J.A.C. 5:80-26.1 et seq.*
- Very Low-, Low- and Moderate-Income Distribution. At least half of the affordable units developed will be affordable to low-income households, with at least 13% affordable to very low-income households.
- Affirmative Marketing. The affordable units will be affirmatively marketed in accordance with UHAC at *N.J.A.C. 5:80-26.1, et seq.*

Bedroom Distribution. The distribution of the number of bedrooms will follow UHAC regulations for senior units, as applicable.

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Block 3900, Lot 20

Lot 20, adjacent to Lot 19 and discussed above, is a 1.65-acre long-vacant bank property at the corner of North Church Street and New Albany Road. As noted, this site would also be included in the AMF-5 overlay zoning at 16 units per acre.

As established in *N.J.A.C. 5:93-5.3*, affordable housing sites shall be approvable, developable, and suitable, as defined in *N.J.A.C. 5:93-1.3*, for the production of low- and moderate-income housing. As demonstrated below, this site meets these criteria.

- Site Control (availability). The lot is currently in private ownership. Neither the owner nor the Township is aware of any title defects or deed restrictions that preclude development of affordable housing.
- Suitability. The lot is on the corner of North Church Street and New Albany Road. Across New Albany Road are single-family homes, and across North Church Street is open land, behind which are light manufacturing uses. Lot 20 is in the SRC-1 Specially Restricted Commercial district. Wrapped around the lot to the northeast and northwest is the Brandywine property. The lot is in Planning Area 1, the Metropolitan Planning Area, of the State Development and Redevelopment Plan, a smart-growth planning area where infrastructure already exists and infill redevelopment, including affordable housing, is encouraged.
- Adequate Sewer and Water (developability). The site is located in a sewer service area and a public water franchise area. There are no known constraints in the provision of public utilities to the site. Water and sanitary sewer are located in both street frontages.
- Approvability. Development of the site will be consistent with the Residential Site Improvement Standards, *N.J.A.C. 5:21-1 et seq.* The development is not within jurisdiction of a regional planning agency or CAFRA.
- The site will comply with all applicable environmental regulations. The site contains no wetlands, flood plains or steep slopes, and there is no known environmental contamination on the site.
- The development of the site will not affect any known historic or archaeological resources as indicated in the Historic Preservation Element of the Master Plan.

In addition to site suitability, the developer of the affordable housing project will be required to meet the applicable requirements of UHAC:

- Administrative Entity. The Township will require that the developer engage a qualified administrative agent who will administer and affirmatively market the units at the site, income qualify applicants, place minimum 30-year affordability controls on the units if they are for-sale and 40 years if they are for rent, and provide long term administration of the units in accordance with UHAC at *N.J.A.C. 5:80-26.1 et seq.*



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- Very Low-, Low- and Moderate-Income Distribution. At least half of the affordable units developed will be affordable to low-income households, with at least 13% affordable to very low-income households.
- Affirmative Marketing. The affordable units will be affirmatively marketed in accordance with In accordance with UHAC at *N.J.A.C. 5:80-26.1 et seq.*
- Bedroom Distribution. The distribution of the number of bedrooms will follow UHAC regulations for senior units, if applicable.

Block 8801, Lot 4.01/Comcast Business Center

This lot, at 650 Centerton Road, is the location of the Comcast Business Center, an office building of three stories. Lot 4.03, which sits behind this lot to the southeast, is the location of the CIS 100% affordable development discussed above, and adjacent to this lot to the southwest is the Parker's Bend retirement community. Across Centerton Road are a golf course and single-family homes. To the northeast is Parker's Creek. The Comcast building is the lone office property among residential and multi-family development. The lot is approximately 5.3 acres. Application of the provisions of the AMF-6 zoning district to this lot as an overlay zone could produce 13 affordable units.

As established in *N.J.A.C. 5:93-5.3*, affordable housing sites shall be approvable, developable, and suitable, as defined in *N.J.A.C. 5:93-1.3*, for the production of low- and moderate-income housing. As demonstrated below, this site meets these criteria.

- Site Control (availability). The lot is currently owned by Comcast. Neither the owners nor the Township is aware of any title defects or deed restrictions that preclude development of affordable housing.
- Suitability. As noted above, this lot is surrounded by age-restricted multi-family development single-family homes, a golf course, and wetlands/floodplain. It is in the SRC-2 Specially Restricted Commercial district. The lot is in Planning Area 2, the Suburban Planning Area, of the State Development and Redevelopment Plan, a smart-growth planning area where infrastructure already exists and infill redevelopment, including affordable housing, is encouraged. The Township intends to adopt inclusionary overlay zoning for the lot, utilizing the AMF-6 zoning district that would permit multi-family residential development at a density of 12 units per acre, for a potential affordable unit yield of 12 units at a 20% set-aside. See Appendix F for this zoning district.
- Adequate Sewer and Water (developability). The lot is located in a sewer service area, and the front portion of the lot is within a public water franchise area.
- Approvability. Development of the site will be consistent with the Residential Site Improvement Standards, *N.J.A.C. 5:21-1 et seq.* The development is not within jurisdiction of a regional planning agency or CAFRA.



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- The site will comply with all applicable environmental regulations. The site contains no wetlands, flood plains or steep slopes, and there is no known environmental contamination on the site.
- The development of the site will not affect any known historic or archaeological resources as indicated in the Historic Preservation Element of the Master Plan.

In addition to site suitability, the developer of the affordable housing project will be required to meet the applicable requirements of UHAC:

- Administrative Entity. The Township will require that the developer engage a qualified administrative agent who will administer and affirmatively market the units at the site, income qualify applicants, place minimum 30-year affordability controls on the units if they are for-sale and 40 years if they are for rent, and provide long term administration of the units in accordance with UHAC per *N.J.A.C. 5:80-26.1, et seq.*
- Very Low-, Low- and Moderate-Income Distribution. At least half of the affordable units developed will be affordable to low-income households, with at least 13% affordable to very low-income households.
- Affirmative Marketing. The affordable units will be affirmatively marketed in accordance with In accordance with UHAC at *N.J.A.C. 5:80-26.1, et seq.*
- Controls on Affordability. The affordable units will have minimum 30-year affordability controls if they are for sale, and minimum 40-year controls, if they are for rent.
- Bedroom Distribution. The distribution of the number of bedrooms will follow UHAC regulations.

UNMET NEED MECHANISMS

The Township is retaining the two inclusionary overlay ordinances it adopted as part of its Third Round housing plan, and will also leave in place its mandatory affordable housing set-aside ordinance. These measures generate a realistic opportunity for the production of 390 units on the former Kmart Plaza site, with 78 affordable units; 60 total units on the Lenola Shopping Center site with 12 affordable housing units. In addition, the potential for further development at the Moorestown Mall for a total of 1,065 total units in the current and future phases, also exists, which could generate an additional 138 affordable units. Taken together, these express a reasonable potential for unmet need redevelopment in the Fourth Round.

VERY LOW-INCOME UNITS

At least 13% of all units approved and constructed since 2008, regardless of the round to which they are credited, must be very low-income units, affordable to households

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earning 30% or less of regional median income. As set forth in Table 27, the Township must provide 51 very low-income units, of which 26 must be available to families.

Table 27. Very Low-Income Obligation

Minimum Very Low-Income Units (P.L. 2008, Ch. 46) = 51 units

.13 (affordable units constructed or to be constructed after mid-2008 except for the units created through the accessory apartment and market-to-affordable programs) = .13 (386) = 50.44 units; round up to 51 units

Minimum Very Low-Income Family Rental Units = 26 units

.50 (very low-income units) = .50 (51) = 26 units

Additionally, per P.L. 2024 c.2, half of all very low-income units claimed toward satisfaction of the Township’s Fourth Round RDP must be available to “families with children.” The Township meets this requirement with three very low-income family units created through extension of controls on three MEND rental units. At least two of the units will have more than one bedroom.

Table 28. Satisfaction of the Very Low-Income Obligation

Project	Affordable Units Since 2008	Very Low-Income to be Units Produced
Community Options, Oaks Integrated Care	14	14
Harper Drive	75	10
Sbar	30	4
MRD	35	4
Borton Landing	76	10
Centerton Road	81	11
Moorestown Mall	75	10
MEND extensions of controls – 4th Round	-	3
Total	386	66
Required very low-income units: 13% x 386	50.18, rounded up to 51	66
Required family very low-income units: 50% of all very low-income units	26	52
Required very low-income units available to “families with children:” 50% of all Fourth Round very low-income units	1	2

Moorestown thus meets its Fourth Round very low income requirement.

AFFORDABLE HOUSING ADMINISTRATION

Administration of Affordable Units

Affordable Housing and Development Fee Ordinances

Moorestown previously adopted an Affordable Housing Ordinance, Chapter 97, Affordable Housing, establishing procedures for the renting and sale of affordable units and the imposition of affordability controls that reference the standards of the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1. The municipality's Affordable Housing Ordinance governs the establishment of affordable units in the Township as well as regulating the occupancy of such units in accordance with these requirements.

The Affordable Housing Ordinance 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. 5:80-26.1. All newly created affordable units will comply with the thirty-year or forty-year affordability control required by N.J.A.C. 5:80-26.6 and 5:80-26.12. This plan is required to be adhered to by all private, non-profit or municipal developers of affordable housing units and is required to cover the period of deed restriction or affordability controls on each affordable unit, as necessary. The costs of implementing the affirmative marketing plan (i.e., the costs of advertising the affordable units) 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 or agreement with the developer of the municipality's two affordable housing sites. Appendix G contains the revised Chapter 97 that addresses the newly adopted administrative rules promulgated by the NJ Housing Mortgage and Finance Agency.

Similarly, the Township's Mandatory Development Fee Ordinance, first adopted in 1997 and revised in 2009 has been updated based on the promulgation of rules by the NJ Department of Community Affairs and published as N.J.A.C. 5:99. This amends Chapter 158, the Land Subdivision Ordinance, where this ordinance is codified. Funds collected through this ordinance are utilized to create and maintain affordable housing as provided for in the Spending Plan.

Mandatory Set-Aside Ordinance

Pursuant to the FSHC Agreement, by the end of 2018 the Township was required to introduce an ordinance establishing a Township-wide mandatory set-aside for low- and moderate-income households. The ordinance applies to any multi-family or single-family attached development of five or more additional units over and above what would be permitted as of right for densities equal to or greater than six units per acre. The method of increased density could occur through a rezoning to higher density, Zoning Board decision for a use or density variance, or through a redevelopment

and/or rehabilitation plan. The set-aside would be 20% if the affordable units will be for-sale and 15% if the affordable units will be for-rent. This ordinance requirement would not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Moorestown to grant such rezoning, variance or other relief. The ordinance will also prohibit developers from subdividing sites to avoid complying with the terms of the mandatory set-aside requirement. The Township-wide mandatory inclusionary set-aside has certain exemptions and does not supersede the requirements or provisions of any districts zoned inclusionary residential development. See Appendix G for the mandatory set-aside ordinance. The Township Council adopted the ordinance on December 10, 2018, as Ordinance 23-2018.

Affirmative Marketing

As part of Third Round compliance, the Township adopted an affirmative marketing plan that may be found in Appendix H.

Like the Affordable Housing Ordinance, the rules pertaining to affirmative marketing plans have recently been updated; however, there has been no published guidance from the state as to how these are to be implemented. The rules suggest significant changes to the means of marketing affordable units to the public. Thus the Township is unable to comply with the requirements of its mediation settlement on this one point. We note that the Township's Third Round 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. It is intended to target those potentially eligible households who are least likely to apply for affordable units and who reside in the Township's housing region, Region 5, consisting of Burlington, Camden, and Gloucester counties.

The Affirmative Marketing Plan will include print and digital media that must be employed to advertise the availability of affordable units, will lay out the random-selection and income qualification procedure of the administrative agent, consistent with *N.J.A.C. 5:80-26.1* as recently amended. All newly created affordable units will comply with the minimum 30-year or 40-year (for rentals) affordability control required by UHAC, *N.J.A.C. 5:80-26.1 et seq.* This plan must be adhered to by all private, nonprofit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. This marketing plan was approved by the Court in the Third Round and has proven to be effective in reaching a wide population, as reported by, for example, Pennrose, in the marketing of their units at The Harper, where they currently have waiting list after recently fully leasing their apartment building.

Township of Moorestown
Housing Element and Fair Share Plan

March 5, 2026

The Township proposes to continue with this plan until such time as guidance is issued by the state and then commits to revising and adopting a new affirmative marketing plan in accord with this guidance within 60 days of its publication.

Municipal Housing Liaison, Administrative Agent

The Township has established the position of the Municipal Housing Liaison and has appointed Damian Gil, Director of Community Development, as Municipal Housing Liaison (see Appendix I). The Township has also appointed an experienced affordable housing Administrative Agent, CGP&H, to conduct the administration and affirmative marketing of its affordable housing sites (see Appendix I).

Monitoring, Midpoint Review

In accordance with the requirements of *N.J.S.A. 52:27D-329.2* and *-329.4*, by February 15 of each year of the Fourth Round, the Township will provide a detailed accounting through DCA's new Affordable Housing Monitoring System (AHMS) of all affordable units constructed and construction starts during the prior calendar year, and of all residential and non-residential fees collected, interest earned, and other income collected and deposited into the Township's affordable housing trust fund during the prior calendar year. The Township will also provide a detailed accounting in AHMS of all expenditures of affordable housing trust funds during the prior calendar year, including purposes and amounts, and documentation of the balance remaining in the affordable housing trust fund as of December 31 of that year.

The Township or any other interested party may file an action through the Program seeking a realistic opportunity review at the midpoint of the Fourth Round, and must provide for notice to the public, including a realistic opportunity review of any inclusionary development site in this HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. If such an action is initiated by the Township, the Township may propose one or more alternative sites with an accompanying development plan or plans that provide a realistic opportunity for the same number of affordable units and are otherwise in compliance with the FHA and the *Mount Laurel* doctrine.

AFFORDABLE HOUSING TRUST FUND AND SPENDING PLAN

Affordable Housing Trust Fund

As of December 31, 2024, the Township of Moorestown collected \$16,988,037.30, expended \$13,117,588.79, and had a trust fund balance of \$3,870,448.51. Accumulated interest income as of December 31, 2024, was \$630,145.12 and is included in the gross revenue, 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 have been and continue to be deposited in a separate interest-



bearing affordable housing trust fund in Fulton Bank, for the purposes of affordable housing. The balance will be updated regularly to reflect deposits and will be reported to the appropriate state entity through the AHMS system and posted on the Township's website.

Spending Plan

The Township's Spending Plan, which discusses anticipated revenues, collection of revenues, and the use of revenues, was prepared in accordance with *N.J.A.C. 5:99-2, et seq.*, and has been amended to reflect the larger commitment to MEND for additional extensions of controls. The amended Spending Plan is included as Appendix J to this plan. Moorestown seeks approval from the Court for the Spending Plan. All collected revenues are placed in the Township's Affordable Housing Trust Fund and will be dispensed for the use of affordable housing activities as indicated in the Spending Plan. In general, the Township anticipates using the funds for extension of expiring controls efforts, municipal contributions to the Borton Landing Road 100% affordable project, and potentially, repayment of a bond the Township took out to finance its contribution to the Harper Drive project, as well as administrative expenses. The Township may, depending on revenues, seek to amend its Spending Plan and obtain the approval of a Court of competent jurisdiction to use the Affordable Housing Trust Fund for any of the following additional permitted affordable housing activities, subject to applicable limitations and minimum expenditures:

- New construction;
- Rehabilitation of structurally deficient housing units;
- Additional extensions of affordability controls on units for which affordability controls have expired or are scheduled to expire or may be applied to during the Fourth Round;
- Purchase of land for low- and moderate-income housing;
- Improvement of land to be used for low- and moderate-income housing;
- Extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites; and
- Assistance designed to render units to be more affordable.

At least 10% of development fees and interest collected shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan and for the creation of very low-income units. Additionally, no more than 20% of the revenues collected from development fees each year may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a rehabilitation program, a new construction program, a Housing Element and Fair

Township of Moorestown
Housing Element and Fair Share Plan

March 5, 2026

Share Plan, and/or an affirmative marketing program; however, it is anticipated to be substantially less than this percentage (see Table SP-5 in the Spending Plan).

COST GENERATION

Moorestown's zoning ordinance has been reviewed to eliminate unnecessary cost-generating standards. Moorestown shall comply with the requirements for removing unnecessary cost-generating requirements as expressed in *N.J.A.C. 5:93-10.2* and requirements for special studies and escrow accounts when an application contains affordable housing pursuant to *N.J.A.C. 5:93-10.3*, though technically, these requirements stemming from the Fair Housing Act were removed in P.L. 2024, c. 2.

SUMMARY

Moorestown Township has demonstrated a long history of compliance with the constitutional obligations of the Mount Laurel Doctrine and the Fair Housing Act. The municipality has never failed to apply for substantive certification of its Housing Element and Fair Share plans and has been granted such certifications when the New Jersey Council on Affordable Housing was a viable agency, except where the Courts invalidated the applicable regulations before COAH could certify the plans.

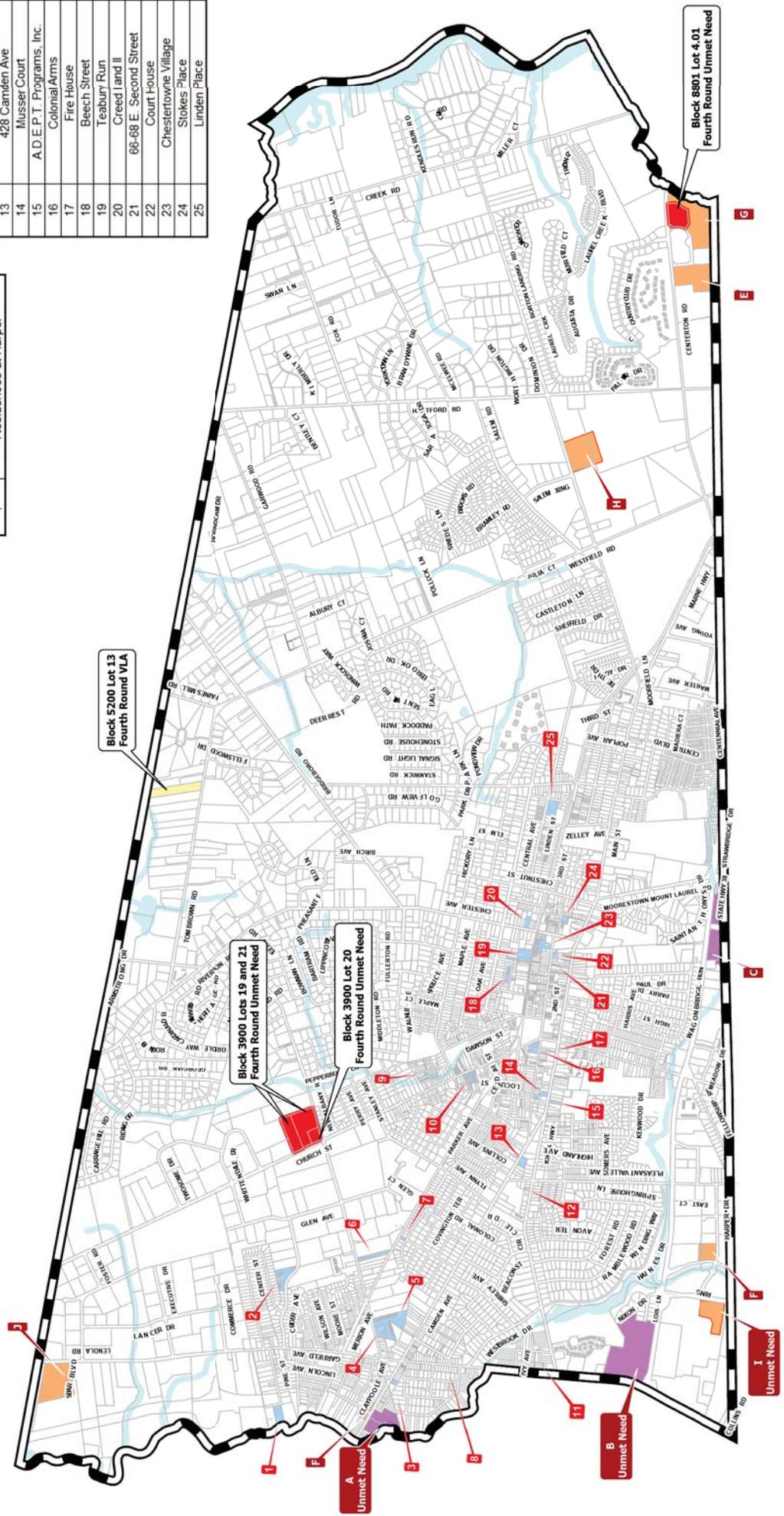
This document, the Township's amended Fourth Round Housing Element and Fair Share Plan of this date, sets forth the mechanisms by which the municipality will address its rehabilitation and new construction obligations and remain compliant with the *Mount Laurel Doctrine* and the New Jersey Constitution.



Site	Proposed Sites
A	Lenola Shopping Center
B	Kmart Shopping Center
C	MRD

Site	Under Construction / Approved
E	Enclave at Moorestown
F	Land Resource Solutions
G	Heritage Village
H	Cornerstone at Marlboro
I	The Pearl
J	Domenica Foundation Residences at Harper

Site #	Built Sites
1	240 Pine Street
2	Redleaf Woods (Twin Oaks)
3	Clover
4	Lenola School/Apartments
5	School-House Mews
6	Albany Acres
7	Foundation for the Challenged INC
8	Family Services (Twin Oaks)
9	528 Bethel Ave
10	Cedar Court
11	411 South Lenola Road
12	Kings Highway, Inc.
13	428 Camden Ave
14	Musser Court
15	A.D.E.P.T. Programs, Inc.
16	Colonial Arms
17	Fire House
18	Beech Street
19	Teabury Run
20	Creed I and II
21	66-68 E. Second Street
22	Court House
23	Chestertowne Village
24	Stokes Place
25	Linden Place



Housing Element and Fair Share Plan

Fourth Round Affordable Housing Sites

LOCATION: Moorestown Township, Burlington County, NJ
 DATE: May 2025

- Affordable Housing Sites (Built)
- Affordable Housing Sites (Proposed)
- Affordable Housing Sites (Under Construction or Approved)
- Affordable Housing Site (4th Round)
- Fourth Round VLA Site

0 3,000 6,000 12,000 Feet

■ **Clarke Caton Hintz**
 Architecture
 Planning
 Landscape Architecture



A. THIRD ROUND SETTLEMENT AGREEMENT, FAIRNESS ORDER, JUDGMENT OF REPOSE



Peter J. O'Connor, Esq.
 Kevin D. Walsh, Esq.
 Adam M. Gordon, Esq.
 Laura Smith-Denker, Esq.
 David T. Rammler, Esq.
 Joshua D. Bauers, Esq.

March 16, 2018

Kelly Grant, Esq.
 Capehart Scatchard
 142 West State Street
 Trenton, NJ 08608

Re: In the Matter of the Moorestown, County of Burlington
 Docket No. BUR-L-1604-15

Dear Mr. Walsh:

This letter memorializes the terms of an agreement reached between the Township of Moorestown (the Township or "Moorestown"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

Background

Moorestown filed the above-captioned matter on July 8, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, *supra*. Through the declaratory judgment process, the Township and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement terms

The Township and FSHC hereby agree to the following terms:

1. FSHC agrees that the Township, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and Moorestown hereby agree that Moorestown's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report ¹)	19
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	621
Third Round (1999-2025) realistic development potential (RDP)	606

4. For purposes of this Agreement, the Third Round Obligation shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), plus the Prospective Need, which is the obligation from 2015-2025.
5. The Township's efforts to meet its present need include the following: Participation in the Burlington County Home Improvement Loan Program and operation of a supplemental municipal rehabilitation program for renter-occupied units that shall meet the requirements of NJAC 5:97-6.2. This is sufficient to satisfy the Township's present need obligation of 19 units.
6. As noted above, the Township has a Prior Round prospective need of 621 units, which is met as shown in Exhibit B.
7. Pursuant to a vacant land adjustment, as documented in Exhibit C, the Township's Realistic Development Potential ("RDP") is 606 units. The RDP and unmet need shall be met as shown in Exhibit B.
8. The Township intends to provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the following sites:
 - Sbar Blvd.
 - MRD
 - Nagle

The Township will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning as demonstrated in Exhibit D. In accordance with N.J.A.C. 5:93-5.5, the Township recognizes that it must provide evidence that the municipality has adequate and stable funding for any non-inclusionary affordable housing developments. The municipality is required to provide a pro forma of both total development costs and sources of funds and documentation of the funding available to the municipality and/or project sponsor, and any applications still pending. In the case where an application for outside funding is still pending, the municipality shall provide a stable alternative source, such as municipal bonding, in the event that the funding request is not approved. The Township meets this obligation as follows: Adoption of a Resolution of Intent to Fund Shortfall prior to the compliance hearing on this matter.

¹ Pursuant to this Settlement Agreement, Moorestown has received a downward adjustment in the amount of 30% from 1,667 (calculated by David Kinsey, PhD) to a total obligation of 1,167 units. The Sources of the obligation is David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016.

In accordance with N.J.A.C. 5:93-5.5, for non-inclusionary developments, a construction or implementation schedule, or timetable, shall be submitted for each step in the development process: including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction. The schedule shall provide for construction to begin within two years of court approval of this settlement, except that the Township shall not be required to bond for the development of its municipally sponsored sites until 30 days after the awards are announced in the third Low Income Housing Tax Credit (LIHTC) application period established held by NJHMFA after the date of the execution of this Agreement, even if that period of time is greater than two (2) years, provided that in no circumstance shall the time for the beginning of construction exceed three years from the court's approval of this Agreement at a fairness hearing. The municipality shall indicate the entity responsible for undertaking and monitoring the construction and overall development activity. The Township shall show how these obligations will be met as part of the Housing and Fair Share Plan prepared pursuant to this Agreement.

9. With regard to the accessory apartment and market-to-affordable compliance mechanism addressed in Exhibit D to this Agreement, the following terms shall apply:
 - a. With regard to accessory apartments, the parties agree that the viability of this compliance mechanism should be reviewed during the midpoint realistic opportunity review pursuant to N.J.S.A. 52:27D-313.
 - b. With regard to the 30-unit market-to-affordable program, one-third (10) of the units shall be available for occupancy by lower-income households by July 1, 2020; another one-third (10) of the units shall be available for occupancy by lower-income households by July 1, 2022; and the final one-third (10) of the units shall be available for occupancy by lower-income households by July 1, 2024.
 - c. Units created through the market-to-affordable program shall have minimum 30-year affordability controls in accordance with UHAC regulations.
 - d. With regard to special needs housing required by this Agreement, the Township shall ensure that one-quarter of the 20 units required to be provided in this Agreement are available by July 1, 2020, with another one-quarter of the 20 units to be provided on July 1, 2021, July 1, 2022, and July 1, 2023.
10. With regard to the Pennrose 100% affordable development addressed in Exhibit D to this Agreement, the parties agree that the Township has an obligation to demonstrate before or during the compliance hearing in this matter that the site is available and that no valid deed restrictions limit the ability of the developer to develop the site in the manner contemplated by this Agreement. In the event that the municipality cannot demonstrate that the site is available for its proposed use, the municipality shall provide alternative compliance mechanisms that will provide the number of affordable family rental units with the same bedroom and affordability restrictions planned for the Pennrose site.
11. The parties agree that the entire agreed upon third round obligation is 1,167 units, which includes both the Gap Present Need (1999-2015) and the Prospective Need (2015-2025); this obligation consists of both the Third Round RDP of 606 and the Third Round Unmet Need of 561 (1,167 - 606 = 561). The parties further agree the Township's compliance mechanisms sufficiently address this obligation as shown in Exhibit B.

An affordable housing set-aside of 20%, if the affordable units will be for-sale, and 15%, if the affordable units will be for rent, shall be required for all new multi-family residential developments of five (5) or more additional units (over and above those already permitted

as of right) that are developed at a density of six (6) or more units per acre which developments become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted or a new or amended redevelopment plan or a new or amended rehabilitation plan. This does not give any developer the right to any such rezoning, variance, redevelopment designation or redevelopment plan approval or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance, redevelopment designation or redevelopment plan approval or other relief. This provision shall not apply to sites zoned for inclusionary residential development or for which an inclusionary residential redevelopment plan has been adopted consistent with the municipality's Court-approved Housing Element and Fair Share Plan, which sites shall comply with the applicable adopted zoning or redevelopment plan requirements for the provision of affordable housing. No site shall be permitted to be subdivided so as to avoid compliance with this requirement.

Further, the parties agree to request that the court enter a Judgment of Compliance and Repose in this declaratory judgment action that provides that the fact that the municipality has an unmet need: (a) shall not be deemed a legal reason to warrant the grant of any rezoning, variance or other relief; (b) shall not give any developer the right to any rezoning, variance or other relief; (c) shall not establish any obligation on the part of the municipality to grant any rezoning, variance or other relief; and (d) shall not be the basis of any rezoning, variance or other relief, including but not limited to any relief requested through litigation, including but not limited to a builder's remedy and/or an appeal of a planning board or zoning board of adjustment denial of an application.

12. The Township agrees to require 13% of all units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality agrees that all developers of new affordable units, including developers of 100% affordable projects and projects utilizing LIHTC financing, will reserve at least 50% of the units for low income households, including reservation of 13% of the units for very low income households. The market to affordable and accessory apartment programs shall not be required to create very low income units; the obligation to do so for units in these programs shall be addressed by the special needs units created in partnership with Community Options, or other special needs housing provider approved by the Township.
13. The Township shall meet its Third Round Obligation in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:
 - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
 - b. At least 50 percent of the units addressing the Third Round Obligation shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
 - c. At least twenty-five percent of the Third Round Obligation shall be met through rental units, including at least half in rental units available to families.
 - d. At least half of the units addressing the Third Round Obligation in total must be available to families.

- e. The Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
14. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), the following: FSHC, 510 Park Blvd, Cherry Hill, NJ; the Latino Action Network, PO Box 943, Freehold, NJ 07728; Willingboro NAACP, Ms. Kyra Price, PO Box 207, Roebling 09854, Southern Burlington County NAACP, PO Box 3211, Cinnaminson, NJ 08077; the Supportive Housing Association, 15 Alden St # 14, Cranford, NJ 07016; and the New Jersey Housing Resource Center. The Township shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
 15. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. In accordance with UHAC, the Township agrees not to release controls on affordability of 30 or more years until the minimum period of affordability has expired. The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:
 - a. Regional income limits shall be established for the region that the Township is located within (i.e. Region 5) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family

- of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- b. The income limits attached hereto as Exhibit A are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2017, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
 - c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
 - d. The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.
16. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
17. As an essential term of this Agreement, within 120 days the Township shall introduce ordinances amending the Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein as related to the compliance mechanisms that are relied up to address the RDP and the Lenola Shopping Center site, as shown in Exhibit B, and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement. Within 18 months of court approval of this Settlement Agreement at a fairness hearing, the Township shall introduce and adopt ordinances or Redevelopment Plan(s) addressing the Kmart and Moorestown Mall sites amending the Zoning Ordinance as related to satisfying the unmet need, as shown in Exhibit B.
18. The parties agree that if a decision of a court of competent jurisdiction in Burlington County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Township for the period 1999-2025 that would be lower by more than ten (10%) percent than the total prospective Third Round need obligation of 1167 units established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Township may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need, including on the Lenola Shopping Center, Kmart, and Moorestown Mall sites; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Township's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or

judgment pursuant to R. 4:50-1. If the Township prevails in reducing its prospective need for the Third Round, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

19. The Township shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this Agreement, which shall be established by the date on which it is executed by a representative of the Township, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
20. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
21. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in this Agreement. The Township agrees to comply with those provisions as follows:
 - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
 - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its

very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

22. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
23. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void. If this Agreement is approved by a court at a fairness hearing, FSHC agrees to request that the court dismiss FSHC's pending counterclaims with prejudice in the order approving the Agreement. In the alternative, if the order issued by the court approving the Agreement does not dismiss the counterclaims, FSHC will file a stipulation of dismissal within 5 days of the entry of a court order approving the Agreement.
24. Moorestown Township agrees to pay \$40,000 in attorney fees and costs to FSHC within 10 days after the approval of this agreement by the Court at a fairness hearing. The Township may delegate this payment obligation to one or more third parties, but if payment is not received by FSHC within 20 days after the approval of this agreement by the Court at a fairness hearing the Township shall make the payment to FSHC within 10 days of FSHC's written request.
25. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
26. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Burlington County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
27. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If

- any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
28. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
 29. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
 30. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
 31. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
 32. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
 33. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
 34. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
 35. No member, official or employee of the Township shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
 36. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
 37. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO FSHC:

Kevin D. Walsh, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: kevinwalsh@fairsharehousing.org

TO THE TOWNSHIP:

Township Manager
Town Hall
111 W 2nd Street
Moorestown, NJ 08057
Phone: (856) 235-0912 Telecopier: 856 914.3076
Email: phunt@moorestown.nj.us

**WITH A COPY TO THE
MUNICIPAL CLERK:**

Patricia L. Hunt, RMC
Township Clerk
Town Hall
111 W 2nd Street
Moorestown, NJ 08057
Phone: (856) 235-0912
Telecopier: 856 914.3076
Email: phunt@moorestown.nj.us

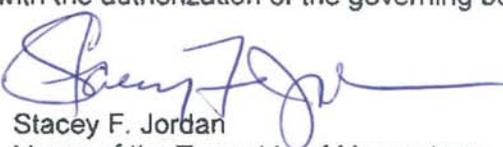
Please sign below if these terms are acceptable.

Sincerely,


Kevin D. Walsh, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

Dated: 3/16/2018

On behalf of the Township of Moorestown, with the authorization of the governing body:



Stacey F. Jordan
Mayor of the Township of Moorestown

Dated: 3/16/18

AGREEMENT TO RESOLVE ISSUES BETWEEN THE TOWNSHIP OF MOORESTOWN AND FAIR SHARE HOUSING CENTER CONCERNING THE TOWNSHIP’S MOUNT LAUREL FAIR SHARE OBLIGATIONS AND THE MEANS BY WHICH THE TOWNSHIP SHALL SATISFY SAME.

In the Matter of the Township of Moorestown, County of Burlington, Docket No. BUR-L-1604-15

AMENDMENT

This Amendment, dated May __, 2019 (“Amendment”), to the Settlement Agreement, dated March 16, 2018 (the “earlier Agreement” or the “Settlement Agreement”) is made by and between:

TOWNSHIP OF MOORESTOWN, a municipal corporation of the State of New Jersey, County of Burlington having an address at 111 W. Second Street, Moorestown, New Jersey 08057 (hereinafter the “Township” or “Moorestown”);

And

FAIR SHARE HOUSING CENTER, having an address at 510 Park Boulevard, Cherry Hill, New Jersey 08002, (hereinafter “FSHC”) (collectively, FSHC and the Township shall be referred to as the “Parties”);

WHEREAS, since its execution, there have been several changes in circumstances that require the amendment of the Settlement Agreement;

NOW, THEREFORE, in consideration of the promises, the mutual obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties, the parties hereto agree to amend the Settlement Agreement as follows:

A. Section 3 of the Settlement Agreement is hereby amended, replaced and restated in its entirety to read as follows:

Section 3. FSHC and Moorestown hereby agree that Moorestown’s affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey’s Report)	19
Prior Round Obligation	606
Third Round (1999-2025) realistic development potential (RDP)	633*

FOOTNOTE 1 - Pursuant to this amended Settlement Agreement, Moorestown has received a downward adjustment in the amount of 30% from 1,667 units/credits (calculated by David Kinsey, PhD) to a total Third Round Prospective Need of 1,167 units/credits.

The parties agree to establish the Prior Round obligation at 606 units to reflect the determination by the Council on Affordable Housing by Monitoring Report, dated April 16, 2004, that the 621-unit Prior Round obligation should be reduced to 606 units, as reflected in the July 9, 1997 substantive certification of Moorestown's Second Round fair share plan. Through this agreement, the parties agree to defer to that determination and to request that the Court do so as well. Moorestown shall provide testimony or other evidence addressing this request at a fairness hearing held for the purpose of evaluating this Agreement.

B. All references in the Settlement Agreement to the Prior Round obligation, RDP and unmet need are hereby revised to be consistent the amended to Paragraph 3 detailed in Paragraph A of this amendment.

C. Section 10 of the Settlement Agreement is hereby amended, replaced and restated in its entirety to read as follows:

Section 10. The parties to this agreement recognize that the Honorable Ronald C. Bookbinder, A.J.S.C. issued a decision, dated March 25, 2019, with regard to the issue of the availability of the Pennrose 100% affordable development located at Block 4801, Lot 12; a.k.a., 160 W. Route 38 for the purpose in which it was included in the earlier Agreement in this matter. Based on that decision, it does not appear that the Township can demonstrate, within the timeframes contemplated in the earlier Agreement in this matter, that the Pennrose site is available for development. The parties agree that the Township shall nevertheless have the opportunity on or before the currently scheduled June 19, 2019 Fairness Hearing to show that the Pennrose site is available and that no deed restriction, currently in effect, limits the ability of the developer to develop the site in the manner contemplated by the earlier Agreement. In the event that the municipality cannot conclusively demonstrate that the site is available before or at the time of the Fairness Hearing, the Township agrees that it will rely on and shall demonstrate the provision of a realistic opportunity on the "Miles Technology Site" instead of on the Pennrose site.

In the event the Miles Technology Site is needed for the purpose of providing 75-family rental units, the municipality agrees to identify a qualified developer of 100% affordable projects and to demonstrate a realistic opportunity at the Miles Technology site for the production of the 75 family rental units contemplated at the Pennrose Site (Block 4801, Lot 12; a.k.a., 160 W. Route 38). The Miles Technology site is Block 3201, Lot 7 (300 W. Route 38) and consists of 3.69 acres. The site is adjacent to appropriate roads and on bus routes, has adequate public water and sewer, is not located adjacent to or close to land uses deleterious to residential development, does not contain environmentally sensitive land and has no deed restrictions preventing the development of affordable housing. The Parties agree that:

- a. In the event that the Miles site is utilized, the RDP as contemplated herein has already been increased by 15 to account for the change in RDP on the Miles

Technology Site. In addition, for settlement purposes only, the Township agrees to attribute RDP, as described herein, to the Pennrose Site in the event that the Miles Site is utilized in its place. The Parties agree that a change in may be relied upon by the Township to seek a modification of the RDP.

- b. The Township reserves the right to increase the unit count over 75 units if the Miles Site is utilized. In the event the Miles Site generates more than 75 affordable units, the Parties agree that the Township may make a corresponding reduction in the number of Market-to-Affordable units proposed in this Amendment.**
- c. The Township shall demonstrate site control of the Miles Site through whatever means necessary in accordable with applicable law, including the powers provided by the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., within 100 days of the execution of this amended Agreement.**
- d. In accordance with N.J.A.C. 5:93-5.5, the Township recognizes that it must provide evidence that the municipality has adequate and stable funding for any non-inclusionary affordable housing developments. The municipality is required to provide a pro forma of both total development costs and sources of funds and documentation of the funding available to the municipality and/or project sponsor, and any applications still pending. In the case where an application for outside funding has not been approved, the municipality shall provide a stable alternative source, such as municipal bonding, in the event that the funding request is not approved. The Township meets this obligation as follows: Adoption of a Resolution of Intent to Fund Shortfall prior to the compliance hearing on this matter.**

In accordance with N.J.A.C. 5:93-5.5, for non-inclusionary developments, a construction or implementation schedule, or timetable, shall be submitted for each step in the development process: including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction. The schedule shall provide for construction to begin within two years of court approval of the earlier Agreement in this matter, except that the Township shall not be required to bond for the development of its municipally sponsored sites until 30 days after the awards are announced in the third Low Income Housing Tax Credit (LIHTC) application period established by NJHMFA after the date of the earlier Agreement in this matter, even if that period of time is greater than two (2) years, provided that in no circumstance shall the requirement to bond and to begin construction exceed 40 months from the court's August 28, 2018 approval of the earlier Agreement at a fairness hearing. The municipality shall indicate the entity responsible for undertaking and monitoring

the construction and overall development activity. The Township shall show how these obligations will be met as part of the Housing and Fair Share Plan prepared pursuant to the earlier Agreement in this matter and prior to the Compliance Hearing in this matter. In the event that the project is unable to secure 9% tax credits within the timeframes contemplated by this Agreement, the Township may utilize other available funds, including 4% tax Credits and bonding for the project.

D. Paragraph 8 of the Settlement Agreement is hereby amended to account for the following changes: **Centerton Road:** The Developer of that Site, CGC, will subdivide the Property in such a way that provides sufficient land for eighty-one (81) Senior Affordable Housing units on the subdivided lot. The subdivided lot will then be donated by CGC to the Township or an appropriate affordable housing developer, selected solely by the Township. However, in lieu of CGC providing senior affordable housing units as part of its 130 unit senior market rate development on the Property, the Township will accept the sum of \$2 million dollars, which represents roughly a \$87,000 per unit price for the 23 affordable units (15% of total units both market and would-be set aside = 153 total) that CGC would have been required to construct as part of their 130-unit senior market rate development project. In addition, CGC will provide and maintain a shared access drive to the Township's 81-unit senior affordable housing project lot as well as utility connections for the entire Property. Thus, CHC will be responsible for a Payment in Lieu ("PIL") for 23 of the affordable units representing the "Inclusionary Component" or the "PIL Component" of the Centerton Project. As to the remaining 58 affordable units (hereinafter the "100% component"), the Township intends to fund those 58 units with 9% tax credits and will adopt a resolution of intent to fund for any shortfall associated with the project. In the event that the project is unable to secure 9% tax credits within three funding cycles, the Township may utilize other available funds, including 4% tax Credits and bonding for the project or seek alternative compliance techniques for the production of the 81 affordable senior units. The Township acknowledges that the entirety of the 81-unit project is "municipally-sponsored" as defined by COAH's Prior Round Regulations (N.J.A.C. 5:93) and thus, a resolution of intent to bond for shortfall will be applicable to the entire 81-unit project. The Parties agree that in the event the Senior Cap precludes the Township from claiming credits for all 81 affordable senior units, the Township may reduce the number of affordable units for this project so long as the total number of affordable units is no less than a total 75 affordable units.

E. The Parties agree that the Township will include, as an inclusionary project, an 83-unit project at the Diocese of Trenton site, Block 8801, Lot 3.01. Of the 83 units, 20% will be affordable to low- and moderate income households, or up to 17 affordable units. Prior to the fairness hearing in this matter, the Township will provide a letter from the Diocese supporting this rezoning. Ordinances will be adopted for this parcel prior to the Compliance Hearing in this matter.

F. Except as specifically modified by this amended Agreement, the Township agrees that all ordinances required to be adopted by the earlier Agreement in this matter shall be introduced on or before June 19, 2019 and adopted within at most 30 days thereafter.

G. Exhibit C to the Settlement Agreement is hereby supplemented and modified as follows:

Adjustment to the Realistic Development Potential

Since the Settlement Agreement was executed, two sites now add to the RDP. These are the Land Resource Solutions tract on Block 1101, Lots 12-16 and Block 1102, Lots 40-44, and the Diocese of Trenton site on Block 8801, Lot 3.01. The Land Resource Solutions tract consists of the corner lots at the intersection of Cottage Avenue and Camden Avenue. The Zoning Board of Adjustment approved a 26-unit multi-family housing development in January 2019 and imposed a 4-unit affordable housing obligation on the application as a condition of approval. The two corner lots previously generated a total RDP of 1.03 units. The 26 units generate an RDP of 5.2, for a net increase of 4.17 units.

The Diocese of Trenton site is located next to the Burlington County Agricultural Center on Centerton Road. Recently, the Diocese has expressed interest in developing (or selling the property for development of) housing. This site is 17.8 acres of which 1.85 acres are wetlands and 4.51 acres are unbuildable (a finger of land behind the Toll Brothers site against the interstate’s right-of-way). The Township has agreed to include the site for a total of 83 units with a 20% set aside. This yields an RDP of 16.6 units. In addition, the Township has agreed to include the Pennrose Site in the RDP in the event that the Miles Site is ultimately utilized at a density of 6 units per acre. The Site is 5.2 developable acres and thus generates an RDP of 6.24.

Added together, the three sites increase the RDP by 27 units. Added to the initial 606-unit RDP, the revised RDP is 633 units.

H. The above changes result in the following revised compliance techniques for the Township’s Prior Round compliance and Exhibit B to the Settlement Agreement shall be supplemented and amended as follows:

<u>Name</u>	<u>Type</u>	<u>Units</u>	<u>Bonuses</u>	<u>Tenure</u>	<u>Status</u>
Family Service/Kings Hwy., Inc.	Special Needs	3	3	Rental	Existing
Oaks Integrated Care (7 of 11)	Special Needs	7	7	Rental	Existing
NJ Mentor/Foundation for the Challenged	Special Needs	4	4	Rental	Existing
A.D.E.P.T. Programs Group Home	Special Needs	5	5	Rental	Existing

Courthouse	Municipally-Sponsored Senior	8		Rental	Existing
Firehouse	Municipally-Sponsored Senior	8		Rental	Existing
66-68 E. Second St.	Municipally-Sponsored	3	3	Rental	Existing
124 E. Second Street	Municipally-Sponsored	1	1	Rental	Existing
203-205 W. Second Street	Municipally-Sponsored	2	2	Rental	Existing
411 S. Lenola Road	Municipally-Sponsored	1	1	Rental	Existing
528 Bethel Ave.	Municipally-Sponsored	1	1	Rental	Existing
Albany Acres	Municipally-Sponsored	9	9	Rental	Existing
Baylor Arms (formerly Chestertowne Village)	Municipally-Sponsored	45	45	Rental	Existing
Cedar Court	Municipally-Sponsored	8		Sale	Existing
Creed I	Municipally-Sponsored	12	12	Rental	Existing
Colonial Arms	Municipally-Sponsored	21	21	Rental	
Lenola School	Municipally-Sponsored	33	13	Rental	Existing
Stokes Place (10 of 16)	Municipally-Sponsored	10	-	Rental	Existing
Teaberry Run	Municipally-Sponsored	24	-	Rental	Existing
Beverly City	RCA	75	-	N/A	Complete
Mt. Holly Township	RCA	199		N/A	Complete
Totals		479	127		
Grand Total				606	

I. The above changes result in the following revised compliance techniques for the Township's Round 3 RDP compliance:

<u>Name</u>	<u>Type</u>	<u>Units</u>	<u>Bonuses</u>	<u>Tenure</u>	<u>Status</u>
Community Options Group Homes	Special Needs	20		Rental	
Oaks Integrated Care (4 of 11)	Special Needs	4		Rental	
66-68 E. Second Street	Extensions of Expiring Controls	3		Rental	
124 E. Second Street	Extensions of Expiring Controls	1		Rental	
528 Bethel Avenue	Extensions of Expiring Controls	1		Rental	
Beech Street	Extensions of Expiring Controls	18		Rental	

Clover Apartments	Extensions of Expiring Controls	5		Rental	
Lenola School	Extensions of Expiring Controls (Senior)	33		Rental	
Moorestown Court	Extensions of Expiring Controls (Senior)	8		Rental	
Musser Court	Extensions of Expiring Controls	16		Rental	
Stokes Place	Extensions of Expiring Controls (Senior)	16		Rental	
428 Camden Avenue	Municipally Sponsored 100%	1	1	Rental	Existing
Creed II	Municipally Sponsored 100%	8	8	Rental	Existing
Linden Place	Municipally Sponsored 100% (Senior)	26		Rental	Existing
Penrose or Miles Technology Site	100% Affordable Housing	75	75	Rental	Proposed
MEND (Municipally-Sponsored units)	100% Affordable Housing (Senior)	52* (of up to 58)		Rental	Proposed
Sbar	Inclusionary Development	36		Either	Proposed
MRD	Inclusionary Development	35	35	Rental	Proposed
Nagle Tract	Inclusionary Development	45	40	Rental	Proposed
Diocese	Inclusionary Development	17	-	Either	Proposed
Land Resource Solutions	Inclusionary Development	4		Rental	Proposed
Centerton Road (PIL units)	Municipally Sponsored/PIL (Senior)	23		Rental	Proposed
Accessory Apartments	Other Compliance Mechanisms	15		Rental	
Market-to-Affordable Program	Other Compliance Mechanisms	12		-	
TOTALS		474	159		
Grand Total				633	

J. **Market-to-Affordable:** The Township shall complete all 11 Market-to-Affordable units by July 1, 2024. The Township shall complete no less than 2 of the 11 MTA units by July 1, 2020 and no less than 8 total by July 1, 2022.

K. Finally, nothing in this Amendment shall impact the validity of all remaining provisions in the March 2018 FSHC Settlement Agreement.

Witness/Attest:



Dated: 5/17/2019

FAIR SHARE HOUSING CENTER:

By: 

Kevin D. Walsh, Esq.
On Behalf of Fair Share Housing Center

Witness/Attest:

Dated: _____

TOWNSHIP OF MOORESTOWN:

By: _____
Lisa Petriello, Mayor
On Behalf of the Township of Moorestown

AGREEMENT TO RESOLVE ISSUES BETWEEN THE TOWNSHIP OF MOORESTOWN AND FAIR SHARE HOUSING CENTER CONCERNING THE TOWNSHIP'S MOUNT LAUREL FAIR SHARE OBLIGATIONS AND THE MEANS BY WHICH THE TOWNSHIP SHALL SATISFY SAME.

In the Matter of the Township of Moorestown, County of Burlington, Docket No. BUR-L-1604-15

AMENDMENT

This Second Amendment, dated September 9, 2019 (the "Second Amendment"), to the Settlement Agreement, dated March 16, 2018 (the "Original Settlement Agreement") and to the First Amendment, dated June 10, 2019 (the "First Amendment") is made by and between:

TOWNSHIP OF MOORESTOWN, a municipal corporation of the State of New Jersey, County of Burlington having an address at 111 W. Second Street, Moorestown, New Jersey 08057 (hereinafter the "Township" or "Moorestown");

And

FAIR SHARE HOUSING CENTER, having an address at 510 Park Boulevard, Cherry Hill, New Jersey 08002, (hereinafter "FSHC") (collectively, FSHC and the Township shall be referred to as the "Parties");

WHEREAS, the Original Settlement Agreement contemplated a 100% affordable project consisting of 75 family affordable rental units at the Pennrose Site (Block 4801, Lot 12; a.k.a., 160 W. Route 38) or alternative site(s) in the event that the Pennrose Site was not "available" at the time of compliance;

WHEREAS, on June 10, 2019, FSHC and the Township entered into the First Amendment, which among other things, identified the "Miles Site" located at 300 W. Route 38 as the alternative to the Pennrose Site in the event that the Pennrose Site remained unavailable as of the time of the Fairness Hearing of June 24, 2019;

WHEREAS, on June 24, 2019 the Pennrose Site remained unavailable for the proposed project;

WHEREAS, as a result, the Township attempted to negotiate for the acquisition of the Miles Site;

WHEREAS, during negotiations, the Township discovered another parcel that is available for the 75-unit affordable rental housing project located at 307 Harper Drive, Moorestown, NJ (hereinafter the "Harper Site");

WHEREAS, the Township authorized the transmission of a Letter of Intent (“LOI”) for the acquisition of the Harper Site on September 3, 2019;

WHEREAS, on September 9, 2019, the Township adopted a Resolution authorizing the Township to enter into a contract for the acquisition of the Harper Site;

NOW, THEREFORE, in consideration of the promises, the mutual obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties, the parties hereto agree this Second Amendment to the Settlement Agreement and First Amendment as follows:

I. The Harper Site shall replace the Miles Technology Site for the purposes of the construction of the 100% affordable development contemplated in the Settlement Agreement and First Amendment, consisting of 75 affordable family rental units.

II. The Parties acknowledge that the Realistic Development Potential (“RDP”) shall remain 633 as contemplated in the First Amendment, except that the 15 units of RDP associated with the Miles Site shall now be associated and attributable instead to the Harper Site.

III. All other requirements of the First Amendment that had applied to the Miles Site now apply to the Harper Site except as follows:

- a. **Site Control:** The Township shall obtain the requisite site control of the Harper Site by no later than October 20, 2019;
- b. **Deadlines:** No other dates and timelines shall not be impacted by this Second Amendment including, but not limited to, the date of the final Compliance Hearing, tax credit deadlines and compliance requirements and deadlines for municipally-sponsored programs including the requirements of N.J.A.C. 5:93-5.5.

IV. The Parties acknowledge that this Second Amendment is subject to approval at a duly noticed Fairness Hearing and will seek that approval at the time of a final Compliance Hearing in this matter.

V. Nothing in this Amendment shall impact the validity of all remaining provisions in the March 2018 FSHC Settlement Agreement or the First Amendment thereto.

Witness/Attest:

FAIR SHARE HOUSING CENTER:

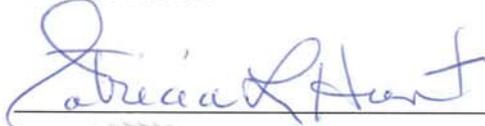
By: _____

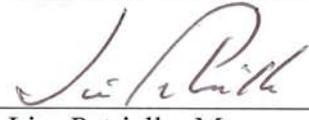
Kevin D. Walsh, Esq.
On Behalf of Fair Share Housing Center

Dated: _____

Witness/Attest:

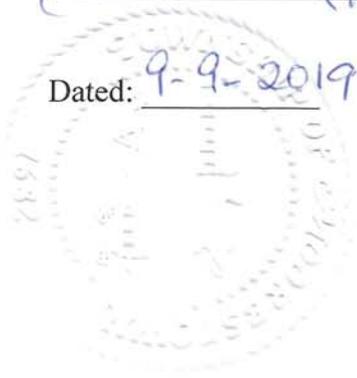
TOWNSHIP OF MOORESTOWN:



By: 

Lisa Petriello, Mayor
On Behalf of the Township of Moorestown

Dated: 9-9-2019



Filed with the Court

APR 14 2020

Paula T. Dow, P.J.Ch.

SURENIAN EDWARDS NOLAN LLC

Brielle Galleria

707 Union Avenue, Suite 301

Brielle, NJ 08730

(732) 612-3100

Attorneys for Declaratory Plaintiff, Township of Moorestown

By: Michael J. Edwards (Attorney ID: 032112012)

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BURLINGTON COUNTY**

Case No. BUR-1604-15

Civil Action
(Mount Laurel)

**ORDER OF PROTECTION
AGREEMENT SETTLEMENT
FROM REIT TO NEW JERSEY
Housing Center**

**IN THE MATTER OF THE
PROTECTION OF THE INTERESTS OF
MOUNT LAUREL COUNTY OF
NEW JERSEY**

THIS MATTER being brought before the Court by Michael J. Edwards, Esq., of the law firm of Surenian, Edwards & Nolan LLC, appearing on behalf of the Township of Moorestown (the "Township"), with the Court having previously held a Fairness Hearing on August 8, 2018 to entertain the approval of the Fair Share Housing Center Settlement Agreement (hereinafter "FSHC Settlement"); and an Order having been entered on August 17, 2018, declaring that the FSHC Settlement is fair, reasonable and adequately protects the interest of low- and moderate-income households; and thereafter, the Township having entered into an Amendment to the FSHC Settlement Agreement (hereinafter "FSHC Amendment"), and the Court having held a Fairness Hearing on June 24, 2019 to entertain the approval of FSHC Amendment; and an Order having been entered on July 19, 2019, declaring that the FSHC Amendment is fair, reasonable and adequately protects the interest of low- and moderate-income households; and thereafter, the Township having entered into a Second Amendment to the FSHC Settlement (hereinafter

“Second Amendment”), which was executed by FSHC on November 11, 2019 (Exhibit P-1); and the Court having entered a Case Management Order on December 16, 2019, scheduling a joint Fairness and Compliance Hearing for Final Judgment and Repose to be held on March 11, 2020; and the Township having provided proper and actual notice of the joint Fairness and Compliance Hearing; and CherylLynn Walters, Esq., of the law firm of Nehmad Perillo Davis □ Goldstein, on behalf of Intervenor, ILM Center Associates, LP (hereinafter “ILM”) filing a written objection to a grant of a Judgment of Compliance and a Motion to File a Builder’s Remedy Claim on February 20, 2020; and Craig M. Gianetti, Esq., of the law firm of Day Pitney, LLP, on behalf of Pennsylvania Real Estate Investment Trust (hereinafter “PREIT”) filing a written objection to a grant of a Judgment of Compliance on February 20, 2020; and a Master’s Report: Fairness Hearing/Compliance Hearing having been provided by the Court-appointed Special Master, John D. Maczuga, P.P., on February 28, 2020 (Exhibit P-3); and the Joint Fairness Hearing and Compliance Hearing having been subsequently converted into a Fairness Hearing on the limited scope of whether the Second Amendment is fair, reasonable and adequately protects the interest of low- and moderate-income households; and counsel for the Township having prepared an Affidavit of Public Notice of Michael Edwards, Esq., (Exhibit P-4) to document that proper notice of the Fairness Hearing had been given; and during the Fairness Hearing Exhibits P-1 to P-4 were marked into evidence; and the Court having considered the testimony of the Special Master and the comments of counsel; and the Court having reviewed all of the documents submitted into evidence during the Fairness Hearing; and the Court being satisfied that the parties are entitled to the relief sought; and good cause having been shown;

□T □□ on this 14th day of April, 2020 □R□ERE□:

1. The Court finds and determines pursuant to the judicial standards prescribed by the Appellate Division in Morris County Fair Housing Council v. Boonton Tp., 197 N.J. Super.

359 (Law Div. 1984), affd o.b., 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Bor. of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996), and through analysis of the Second Amendment (Exhibit P-1), and on the basis of the testimony taken during the Fairness Hearing conducted on March 11, 2020, that the Second Amendment to the Settlement Agreement between FSHC and the Township continues to be fair, reasonable and adequately protects the interest of low- and moderate-income households, and the Court hereby approves the Second Amendment.

2. The Court finds that the Township's proposed affordable housing strategy as set forth within the FSHC Settlement Agreement Second Amendment is facially constitutionally compliant and provides a fair and reasonable opportunity for the Township to meet its obligation under Mount Laurel IV.

3. The Court now finds that, pursuant to the terms of the Second Amendment, the Township may replace the Miles Technology Site with the Harper Site, located at 307 Harper Drive, for the purposes of developing a 100% affordable project consisting of 75 family affordable rental units. The fifteen (15) units of RDP associated with the Miles Technology Site shall now be associated and attributable instead to the Harper Site.

4. All other requirements of the FSHC Amendment that had applied to the Miles Technology Site shall apply to the Harper Site, unless specifically amended by the terms of the Second Amendment.

5. Pursuant to the July 19, 2019 Order, the immunity from all Mount Laurel lawsuits previously granted to the Township of Moorestown, the Governing Body of the Township of Moorestown, and the Planning Board of the Township of Moorestown shall remain in place until one calendar month after the date the final Compliance Hearing is held.

6. The Township, FSHC, PREIT and ILM will confer with one another on a case

management schedule and provide a summary of the case management proposal to the Court no later than Thursday, April 30, 2020 or alternatively shall advise that a consensus proposal could not be reached.

7. Counsel for the Township shall provide the Special Master with a copy of this Order within seven (7) days of receipt. All counsel of record shall receive a copy via eCourts.

/S/ Paula T. Dow

Paula T. Dow, P.J.Ch.

DOCUMENT REFERENCE

Exhibit P-1 Second Amendment to the FSHC Settlement Agreement, dated November 11, 2019

Exhibit P-2: Township Resolution authorizing execution of the second FSHC Settlement Agreement, dated September 9, 2019

Exhibit P-3: Court Master's Report dated, February 28, 2020

Exhibit P-4 Notice Certification of Michael Edwards, Esq., dated March 10, 2020

Filed with the Court

MAY 10 2022

Paula T. Dow, P.J.Ch.

SURENIAN, EDWARDS & NOLAN LLC

311 Broadway, Suite A

Point Pleasant Beach, NJ 08742

(732) 612-3100

Attorneys for Declaratory Plaintiff, Township of Moorestown

By: Michael J. Edwards (Attorney ID: 032112012)

**IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
MOORESTOWN, COUNTY OF
BURLINGTON**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BURLINGTON COUNTY**

DOCKET NO.: BUR-L-1604-15

*Civil Action
MOUNT LAUREL*

**FINAL JUDGMENT OF COMPLIANCE
AND REPOSE**

THIS MATTER having been opened to the Court by Surenian, Edwards & Nolan LLC, and Michael J. Edwards, Esq., appearing on behalf of declaratory plaintiff, Township of Moorestown (hereinafter “the Township” or “Moorestown”) via a Declaratory Judgment Complaint filed on July 8, 2015 to approve the Township’s Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), as may be amended, in response to In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel IV”); and the Court having granted the Township temporary immunity from all Mount Laurel lawsuits from the time of filing of the Township’s Declaratory Judgment action (hereinafter “DJ Action”) to the present; and the Court having appointed John Maczuga, P.P., A.I.C.P., as the Special Master (hereinafter the “Court Master”); and Fair Share Housing Center (“FSHC”) having been granted the status of Defendant-Intervenor in this matter; and George Matteo, Esq., having filed comments on behalf of intervenor MRD Moorestown, LLC (“MRD”); and CherylLynn Walters, Esq. and Chris D’Esposito, Esq., both of the law firm of Nehmad Davis & Goldstein, PC having filed an objection on behalf of intervenor

ILM Center Associates, LP (“ILM”); and Craig Gianetti, Esq., of the law firm of Day Pitney, having appeared on behalf of the Pennsylvania Real Estate Investment Trust (“PREIT”); and Meryl Gonchar, Esq., of the law firm of Sills Cummis & Gross, having participated on behalf of intervenor Pennrose LLC; and the Township and FSHC having entered into a Settlement Agreement on March 16, 2018 (the “FSHC Settlement Agreement”); and said FSHC Settlement Agreement having set agreed-upon fair share obligations and how the Township would satisfy same; and the FSHC Settlement Agreement having been approved during a duly-noticed Fairness Hearing held on August 8, 2018, which was memorialized by a Court Order entered on August 28, 2018; and the Township and FSHC having subsequently entered into an amended Settlement Agreement (“FSHC First Amendment”) on June 10, 2019, which was approved by the Court after a duly-noticed Fairness Hearing held on June 24, 2019; and the Court having entered an order on July 19, 2019, declaring that the FSHC First Amendment is fair, reasonable, and adequately protects the interest of low- and moderate-income households; and the Township and FSHC having subsequently entered into a Second Amendment to the Settlement Agreement (“FSHC Second Amendment”) dated September 9, 2019, which was approved by the Court after a duly-noticed Fairness Hearing held on March 11, 2020; and the Court having entered an Order on April 14, 2020, declaring that the FSHC Second Amendment is fair, reasonable, and adequately protects the interest of low- and moderate-income households; and the Court and PREIT having entered into a settlement agreement on December 10, 2020 (CJOR¹ Exhibit P-4), which was authorized by resolution dated November 30, 2020 (CJOR Exhibit P-5); and the Court having held a Joint Fairness and Compliance Hearing on December 22, 2020 to evaluate the Township’s settlement

¹ “CJOR Exhibit” refers to all exhibits marked into evidence at the December 2020 Compliance Hearing (which extended into January 2021), which resulted in the entry of a Conditional Judgment of Compliance and Repose for the Township.

agreement with PREIT and the Township's Fair Share Plan and compliance with its fair share obligation; and the Township having provided proper public and actual notice of the Joint Fairness and Compliance Hearing; and the Township's Notice having set December 11, 2020 as the deadline for all written objections to the approval of the Township's Fair Share Plan to be submitted to the Court, the Court Master and counsel of record; and counsel for the Township having prepared a Notice Certification of Michael J. Edwards, Esq. (CJOR Exhibit P-7), to document that proper notice of the Joint Fairness and Compliance hearing had been given; and written objections to the Township's request for a Judgment of Compliance and Repose having been received from ILM and with additional comments from MRD on December 11, 2020, and the Township having responded to the objections on December 18, 2020, and the Township's professionals having prepared an Amended Fair Share Plan (CJOR Exhibit P-1), and all supporting documentation in accordance with the FSHC Settlement Agreement and the First and Second Amendments thereto and the recommendations of the Court Master; and FSHC having submitted a December 17, 2020 letter brief commenting on the Township's compliance with its obligations and responding to the objections received; and the Court having issued an Order dated January 6, 2021 approving the PREIT Agreement and therefore resolving the Fairness Hearing component of the Joint Hearing; and the Amended Fair Share Plan having been adopted by the Township's Planning Board on December 3, 2020 (CJOR Exhibit P-2) and endorsed by the Township Council on December 14, 2020 (CJOR Exhibit P-3); and the Court Master having submitted to the Court a Report dated December 15, 2020, which recommends approval of the Amended HEFSP and the issuance of a Judgment of Repose, subject to various conditions (CJOR Exhibit P-6); and the Court having heard testimony during a four day hearing from the Township's Planner, Brian Slaugh, PP/AICP (CJOR Exhibit P-10), the Court's Special Master, and three witnesses on behalf of ILM,