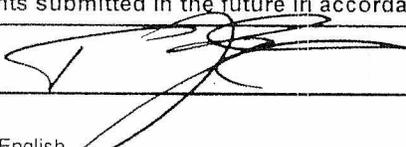


Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
			PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	
			CHG/CK NO.	
			AMOUNT:	
			OVERPAYMENT:	
				BATCH NUMBER:
ATTORNEY / PRO SE NAME Thomas J. Coleman, III		TELEPHONE NUMBER (856) 222-0100	COUNTY OF VENUE Burlington	
FIRM NAME (if applicable) Raymond Coleman Heinold & Norman, LLP		DOCKET NUMBER (when available)		
OFFICE ADDRESS 325 New Albany Road Moorestown, New Jersey 08057		DOCUMENT TYPE Complaint		JURY DEMAND <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
NAME OF PARTY (e.g., John Doe, Plaintiff) Borough of Riverton, Plaintiff		CAPTION IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF RIVERTON, a municipal corporation of the State of New Jersey		
CASE TYPE NUMBER (See reverse side for listing) 303	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input checked="" type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: 				

Thomas J. Coleman, III, Esq.
Raymond, Coleman, Heinold & Norman, LLP
Attorney ID # 007301990
325 New Albany Road
Moorestown, NJ 08057
(856)222-0100
Attorney for Declaratory Plaintiff, Borough of Riverton

IN THE MATTER OF THE	:	SUPERIOR COURT OF NEW JERSEY
APPLICATION OF THE BOROUGH	:	BURLINGTON COUNTY
OF RIVERTON, a municipal corporation	:	LAW DIVISION
of the State of New Jersey,	:	
Petitioner	:	
	:	DOCKET NO.: BUR-L-
	:	
	:	Civil Action
	:	
	:	COMPLAINT FOR DECLARATORY RELIEF
	:	PURSUANT TO THE <i>MOUNT LAUREL</i>
	:	DOCTRINE

Declaratory Plaintiff, Borough of Riverton, a municipal corporation of the State of New Jersey with offices located at 505A Howard Street, Riverton, New Jersey 08077, hereby complains as follows:

1. Borough of Riverton (“Borough”) is a municipal corporation in Burlington County, New Jersey.
2. The Borough of Riverton Council (“Borough Council”) and the Borough of Riverton Planning Board (“Planning Board”) are the duly appointed governmental entities of the Borough with the responsibility to pursue municipal compliance with the *Mount Laurel* Doctrine.
3. The Borough files this Complaint for Declaratory Relief, pursuant to the directives of the New Jersey Supreme Court in *In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing*, 221 N.J. 1 (2015) in order to: a) procure temporary immunity from builder’s remedy lawsuits; b) to submit within five (5) months a Housing Element and Fair

Share Plan (“Fair Share Plan”) for review and approval by the Court; c) to reaffirm the vacant land adjustment previously granted to Borough of Riverton for the Second Round cycle regulations by the Council on Affordable Housing; and d) obtain a judgment of repose from builder’s remedy litigation prospectively through the Third-Round through calendar year 2024.

History Of Borough Compliance With COAH And The *Mount Laurel Doctrine*

4. The Borough is a smaller-sized municipality in Burlington County, comprised of 0.70 square miles (approximately 448 acres).

5. The Borough is a fully built-out suburban bedroom municipality. Sixty-one percent (61%) of its housing stock (1,135 units) was constructed prior to 1940; only 169 housing units have been constructed since 1960; and only 13 residential units have been constructed since 2000.

6. The Borough has been a longstanding municipal participant in the COAH process and has maintained continuous and ongoing compliance with COAH’s regulations and never been the subject of a *Mount Laurel* builder’s remedy lawsuit.

7. In the Second Round cycle, COAH granted the Borough substantive certification with a vacant land adjustment, due to its fully built-out character, reducing its fair share obligation from fifteen (15) to (2) affordable units.

8. In its COAH certified second-round Fair Share Plan, the Borough designated a portion of Riverton County Club golf course (10.76 acres) as an overlay zoning district allowing for inclusionary development (potential for 64 residential units, including 13 affordable units), in the event that this large open-space property ever becomes available for future residential development.

9. In December 2005, the Borough submitted a Fair Share Plan to COAH to satisfy the first iteration of Third-Round cycle regulations, based on the growth share methodology.

10. In 2008, the Borough re-petitioned to COAH for substantive certification of an Amended Fair Share Plan after the initial Third-Round COAH regulations were successfully challenged on appeal in late 2007.

11. In December 2009, the Borough, again, revised its Fair Share Plan to conform to legislative amendments to the New Jersey Fair Housing Act.

12. In May 2010, the Fair Share Housing Center filed an objection to the Borough's December 2009 Plan. However, the Borough was met by inertia from COAH itself, which through agency inactivity, failed to refer the matter for COAH mediation, in accordance with its agency regulations.

13. In June 2012, the Borough submitted an Amended Fair Share Plan with a revised COAH spending plan with a request for expedited COAH review. COAH refused to act upon the Borough's submitted June 2012 Fair Share Plan.

14. The Borough intends to file with the Court a new Fair Share Plan that is substantially consistent with the June 2012 Fair Share Plan in terms of implementation, and which includes a request to renew the previously granted vacant land adjustment.

15. A copy of the draft 2015 Fair Share Plan for the Borough is attached to the Certification of Thomas J. Coleman, III, Exhibit "A" and is incorporated herein by reference.

The Draft 2015 Fair Share Plan

16. The draft 2015 Fair Share Plan proposes to generate one (1) new affordable housing unit through Habitat for Humanity developing a market to affordability home and four (4) additional affordability credits through the development of a four-bedroom group home.

17. The draft 2015 Fair Share Plan further notes that, “The census indicates that there are no units in need of rehabilitation in the Borough” and “The Borough’s unmet need of thirteen (13) units, created when Riverton’s prior round vacant land adjustment was approved, will continue to be satisfied by the affordable housing overlay zone on the portion of the Riverton Country Club Golf Course property that is located in Riverton.”

18. In addition, the draft 2015 Fair Share Plan will continue to maintain inclusionary housing on Martha’s Lane to allow for the production of two (2) affordable housing units.

19. The draft 2015 Fair Share Plan is anticipated by the Borough to satisfy the requirements of the New Jersey Supreme Court’s Opinion in *In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing*, 221 N.J. 1 (2015).

COUNT ONE

Immunity From Mount Laurel lawsuits And Approval Of The Borough’s Fair Share Plan

20. Based upon the facts set forth above, the Borough exemplifies a municipality committed to comply voluntarily, rendering any exclusionary lawsuits unnecessary.

WHEREFORE, the Borough of Riverton, as a Declaratory Plaintiff, hereby demands judgment granting the following relief:

1. The entry of an Order providing the Borough five (5) months to file a Housing Element and Fair Share Plan with the Court, commencing on the date the Court determines the criteria and guidelines with which the Borough must comply;

2. The entry of an Order reaffirming the right of the Borough and its Planning Board to temporary immunity from Mount Laurel lawsuits for a period of five months from the date the Court determines the criteria and guidelines with which the Borough must comply; or, alternatively, five (5) months from the date the Court deems appropriate.

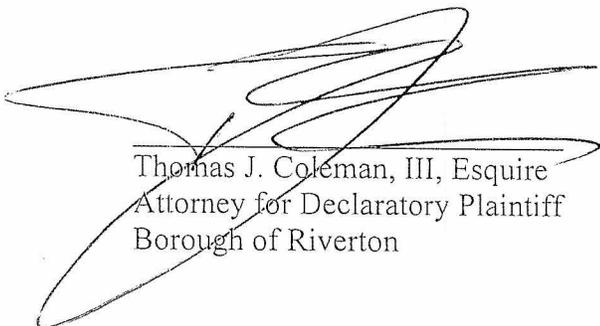
3. The entry of an Order extending temporary immunity provided that the Borough files a Round Three Housing Element and Fair Share Plan prior to the initial five-month period.

4. The review and approval of the Borough's Housing Element and Fair Share Plan, as may be supplemented and amended during the aforementioned five-month period and thereafter.

5. The entry of subsequent orders periodically extending immunity until such time as the Court enters a Judgment of Compliance and Repose formally approving the Borough's Fair Share Housing Plan; and

6. The entry of an order to grant such other relief as the Court deems just and equitable.

Dated: 7/8/15



Thomas J. Coleman, III, Esquire
Attorney for Declaratory Plaintiff
Borough of Riverton

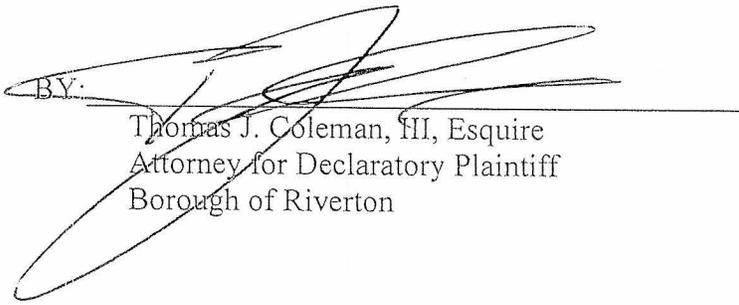
DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Thomas J. Coleman, III, Esquire is hereby designated trial counsel in this matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

The matter in controversy is not the subject of any other known action pending in any Court, or of known, pending, or contemplated arbitration proceeding. There are no other parties known who should be joined in this action.

Dated: 7/8/15

BY: 

Thomas J. Coleman, III, Esquire
Attorney for Declaratory Plaintiff
Borough of Riverton

Thomas J. Coleman, III, Esquire
Raymond, Coleman, Heinold & Norman, LLP
Attorney ID # 007301990
325 New Albany Road
Moorestown, NJ 08057
(856)222-0100
Attorney for Declaratory Plaintiff, Borough of Riverton

IN THE MATTER OF THE	:	SUPERIOR COURT OF NEW JERSEY
APPLICATION OF THE BOROUGH	:	BURLINGTON COUNTY
OF RIVERTON, a municipal corporation	:	LAW DIVISION
of the State of New Jersey,	:	
Petitioner	:	
	:	DOCKET NO.: BUR-L-
	:	
	:	Civil Action
	:	
	:	NOTICE OF MOTION REAFFIRMING
	:	TEMPORARY IMMUNITY FROM
	:	<i>MOUNT LAUREL</i> LITIGATION
	:	

To: ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on August 7, 2015, or as soon thereafter as counsel may be heard, the undersigned attorney for Petitioner Borough of Riverton will move before the Honorable, Ronald E. Bookbinder, A.J.S.C., Burlington County Courts Facility, 7th Floor, 49 Rancocas Road, Mount Holly, New Jersey 08060, for an Order granting the following relief:

- a) Entering an Order conferring upon the Borough of Riverton and its municipal Planning Board temporary immunity from any *Mount Laurel* related litigation.
- b) Granting the Borough of Riverton five (5) months to submit a Housing Element and Fair Share Plan to the Court from the date the Court determines the criteria and guidelines with which the Borough must comply.
- c) In the alternative, conferring upon the Borough of Riverton temporary immunity for a period of five (5) months from the date of the filing of this motion.

d) In the alternative, providing that, if Borough of Riverton files a Housing Element and Fair Share Plan within five (5) months of the filing of this motion, the immunity from *Mount Laurel* related litigation shall remain in effect pending further Order by the Court.

e) Such other relief as the Court may deem equitable and fair.

In support thereof, the Planning Board will rely upon the attached brief and supporting Certifications of Thomas J. Coleman, III, Esq. A proposed form of Order is also attached.



Thomas J. Coleman, III, Esquire
Raymond, Coleman, Heindol &
Norman, LLP
Attorney for Petitioner, Borough of Riverton

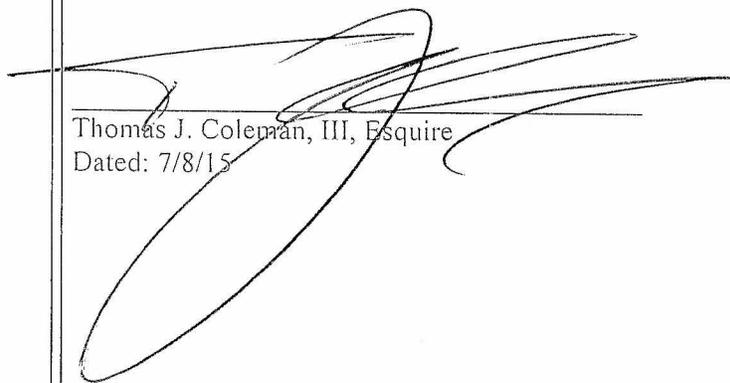
Dated: 7/8/15

PROOF OF MAILING

Thomas J. Coleman, III, of full age does hereby certify as follows:

1. I am the attorney for the Petitioner, Borough of Riverton, in the above captioned matter.
2. On July 8, 2015, I hand-delivered the within moving papers on the within Motion to the Filing Intake, Civil Division, Superior Court of New Jersey, Burlington County Courts Facility at 49 Rancocas Road, Mount Holly, New Jersey 08060 and to the chambers of the Honorable Ronald E. Bookbinder, A.J.S.C.
3. On July 8, 2015, copies of the within moving papers in this motion were forwarded to the Service List in the matter of *In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing*, 221 N.J. 1 (2015) and to any other persons who provided a mailing address to the Borough of Riverton Clerk and requested to be added to the service list for purposes of participation in this motion.

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

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and horizontal strokes, positioned over the printed name and date.

Thomas J. Coleman, III, Esquire
Dated: 7/8/15

BOROUGH OF RIVERTON SERVICE LIST

Kif Kitchen and Associates
75756 Haddon Avenue
Collingswood, NJ 08108

Moorestown Ecumenical
Neighborhood Development Inc.
99 East Second Street
PO Box 828
Moorestown, NJ 08057

Parkside Business &
Community Partnership
1487 Kenwood Avenue
Camden, NJ 08103

R.B. Coe Consulting, LLC
36 Greenbrier Drive
Westampton, NJ 08060

Saint Joseph's Carpenter Society
20 Church Street
Camden, NJ 08105

SisterHood, Inc.
Housing Department
132-36 East Broad St.
Burlington, NJ 08106

TD Bank
1701 Rt. 70 East
Cherry Hill, NJ 08034

The Heart of Camden
1840 Broadway
Camden, NJ 08104

Volunteers of America
235 White Horse Pike
Collingswood, NJ 08107

Fair Share Housing Center
510 Park Blvd.
Cherry Hill, NJ 08002

REGION 5 HOUSING ADVOCATES

Bisgaier Hoff, LLC
25 Chestnut St., St. 3
Haddonfield, NJ 08033

Camden Community Development
800 Galindez Court
Camden, NJ 08102

Camden County
645 Clinton Street
PO Box 3311
Camden, NJ 08101

Camden Lutheran Housing
800 Calindez Court
Camden, NJ 08102

Coopers Ferry Development
One Port Center
2 Riverside Dr., St. 501
Camden, NJ 08102

Cramer Hill
Community Development
1892 River Ave, St. 102
Camden, NJ 08105

Diocese of Camden
1845 Haddon Avenue
Camden, NJ 08103

Gloucester Habitat for Humanity
425 South Broadway
Pittman, NJ 08071

Gloucester Township Housing Authority
405 Woodbury-Turnersville Road
Blackwood, NJ 8012

Thomas J. Coleman, III, Esquire
Raymond, Coleman, Heinold & Norman, LLP
Attorney ID # 007301990
325 New Albany Road
Moorestown, NJ 08057
(856)222-0100
Attorney for Declaratory Plaintiff, Borough of Riverton

IN THE MATTER OF THE : SUPERIOR COURT OF NEW JERSEY
APPLICATION OF THE BOROUGH : BURLINGTON COUNTY
OF RIVERTON, a municipal corporation : LAW DIVISION
of the State of New Jersey, :
Petitioner :
 : DOCKET NO.: BUR-L-
 :
 : Civil Action
 :
 : **AFFIDAVIT OF PUBLIC NOTICE**
 :

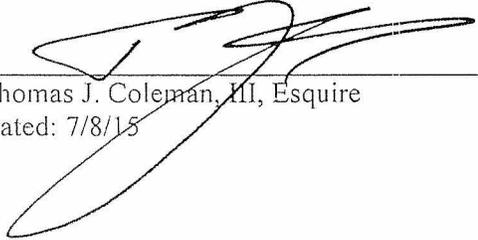
Thomas J. Coleman, III, of full age, does hereby certify as follows:

1. I am the Special COAH Legal Counsel for the Borough of Riverton and I fully familiar with the statements contained herein.
2. On July 8, 2015, this office arranged for publication of a Legal Notice notifying the public that the Borough of Riverton has filed the within Motion as sanctioned in the *Mount Laurel* doctrine and further setting forth the details of the time and place that the Court will consider the Borough of Riverton's pending Motion Reaffirming Temporary Immunity. Exhibit "A".
3. The Legal Notice will be published in the *Burlington County Times*, the Borough of Riverton's legal newspaper, simultaneously with the filing of this Motion. A copy of the Affidavit of Publication from the *Burlington County Times* will be forwarded to the Court after it is received by this office.

4. On July 8, 2015, this office forwarded a copy of the within Motion to Reaffirm Temporary Immunity, and all other documents filed in this matter, to the Borough of Riverton Clerk by hand-delivery and instructed the Borough to have these motion papers available for public inspection. I also included a copy of the Legal Notice, and instructed the Borough Clerk to post same on the Borough website.

5. In addition, this office sent via regular mail the form letter annexed hereto as Exhibit "B" to all members of the Master Service List attached hereto as Exhibit "C".

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



Thomas J. Coleman, III, Esquire
Dated: 7/8/15

EXHIBIT "A"

LEGAL NOTICE

BOROUGH OF RIVERTON

NOTICE of Motion before the Superior Court of New Jersey to
Maintain the Township's Immunity from Mount Laurel Lawsuits

NOTICE is hereby given that, on July 8, 2015, the Borough of Riverton filed a Declaratory Action in the Burlington County Superior Court, Law Division, in response to the Supreme Court's recent decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (HEREINAFTER "In re COAH"). Through its Declaratory Action, the Borough is asking the Court (a) to review and reapprove its Housing Element and Fair Share Plan ("Fair Share Plan") as may be amended in conjunction with a determination of the Borough's "fair share" and the standards with which the Borough must comply; and (b) to enter an Order reaffirming the Borough's and its Planning Board's "immunity" from all Mount Laurel lawsuits which shall remain in effect for five (5) months from the date the Borough receives an Order establishing its presumptive constitutional housing obligations and identifying the permissible means which its proposed Affordable House Plan, Housing Element, and implementing ordinances can satisfy those obligations, and such additional time as the Court deems just and reasonable. A "Mount Laurel lawsuit" is brought pursuant to Supreme Court opinions commonly referred to as "Mount Laurel I" and "Mount Laurel II" claiming that a municipality has used its zoning powers to exclude low and moderate income households in violation of the requirements of these landmark decisions, the New Jersey Fair Housing Act (N.J.S.A. 52:27d-301 et. seq.) and other applicable laws. Any interested party seeking to participate in this action should consider consulting legal counsel and should be guided by the New Jersey Rules of Court.

NOTICE is further given that, on July 8, 2015, the Borough filed a Motion to Reaffirm Temporary Immunity from Mount Laurel Lawsuits, and it shall move before the Honorable Ronald E. Bookbinder, A.J.S.C. on August 7, 2015, at 9:00 a.m. or such other date and/or time to be determined by the Court for an Order reaffirming the Borough's and its Planning Boards temporary immunity from the filing of any Mount Laurel lawsuits as described above. Please be advised that, due to the anticipated number of similar actions to be filed in the wake of In re COAH, it is possible, if not likely, that the date and/or time of the hearing on the Borough's Motion will change. Scheduling information can be obtained from the Burlington County Court Clerk or through any of the attorneys referenced below.

All formal responses to the Borough's Motion to Reaffirm Temporary Immunity must be filed in accordance with the Court Rules. Any public comments in lieu of formal action opposing the Borough's Motion for Temporary Immunity must be submitted in writing no later than July 31, 2015, at 5:00 p.m. EST. Such written comments shall set forth any reason(s) why the Court should not enter an Order

granting the Borough and its Planning Board immunity from Mount Laurel lawsuits. Be advised that, in the absence of formal action to secure party status, the Court may decide not to consider any written public comments and, if they are considered, shall use its discretion on the probative weight to be given. Public comments shall be served upon:

Honorable Ronald E. Bookbinder, A.J.S.C.
Burlington County Court
49 Rancocas Road, 7th Floor
PO Box 6555
Mt. Holly, NJ 08060

Mary Longbottom
Borough of Riverton Clerk,
505A Howard Street
Riverton, NJ 08077

Thomas J. Coleman, III, Esquire
Raymond Coleman Heinold & Norman
325 New Albany Road
Moorestown, NJ 08057

A copy of the Borough's Motion for Temporary Immunity and all supporting documentation are available for public inspection at the office of the Borough Clerk, 505A Howard Street, Riverton, New Jersey 08077. The filing is also available for inspection on the Borough of Riverton's website.

EXHIBIT “B”

Raymond|Coleman
Heinold|Norman^{LLP}
attorneys at law

325 New Albany Road
Moorestown, NJ 08057

Tel. 856.222.0100
Fax 856.222.0411

Stephen G. Raymond
Thomas J. Coleman, III*
Douglas L. Heinold
Christopher J. Norman

Stephen E. Raymond*
Kathleen Covert-Mininno

William H. Menges^Δ
Edward A. Kondracki^Δ
William C. Levine^Δ
Martin S. Ettin^Δ

*Also admitted to practice in the
Commonwealth of Pennsylvania

^ΔOf Counsel

tomcoleman@rclawnj.com

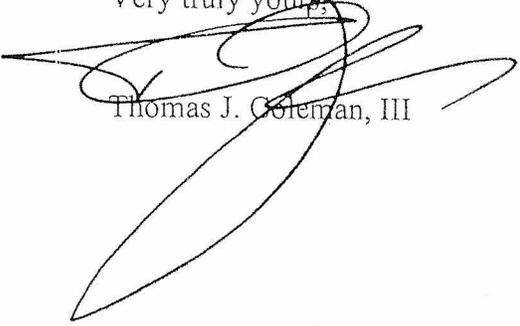
July 8, 2015

Re: Mount Laurel Notice of Motion for Temporary Immunity
From Exclusionary Zoning Lawsuits

Dear Sir or Madam:

Attached please find a form of public notice that the Borough of Riverton is publishing in the *Burlington County Times*. The notice is self-explanatory. Copies of the relevant papers are on file and available for inspection with the Borough Clerk and with the New Jersey Superior Court, Law Division and have been posted on the Borough of Riverton's website. In addition, if you, or your organization, are considering taking action in response to the attached notice, we would be happy, as a courtesy, to deliver these documents to you by way of email. To facilitate this process, please furnish us with an active email address with sufficient capabilities to accept large documentary attachments.

Very truly yours,


Thomas J. Coleman, III

Enclosure

EXHIBIT “C”

BOROUGH OF RIVERTON SERVICE LIST

Kif Kitchen and Associates
75756 Haddon Avenue
Collingswood, NJ 08108

Moorestown Ecumenical
Neighborhood Development Inc.
99 East Second Street
PO Box 828
Moorestown, NJ 08057

Parkside Business &
Community Partnership
1487 Kenwood Avenue
Camden, NJ 08103

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Westampton, NJ 08060

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Housing Department
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Community Development
1892 River Ave, St. 102
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Diocese of Camden
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Camden, NJ 08103

Gloucester Habitat for Humanity
425 South Broadway
Pittman, NJ 08071

Gloucester Township Housing Authority
405 Woodbury-Turnersville Road
Blackwood, NJ 8012

Thomas J. Coleman, III, Esq.
Raymond, Coleman, Heinold & Norman, LLP
Attorney ID # 007301990
325 New Albany Road
Moorestown, NJ 08057
(856)222-0100
Attorney for Declaratory Plaintiff, Borough of Riverton

IN THE MATTER OF THE	:	SUPERIOR COURT OF NEW JERSEY
APPLICATION OF THE BOROUGH	:	BURLINGTON COUNTY
OF RIVERTON, a municipal corporation	:	LAW DIVISION
of the State of New Jersey,	:	
Petitioner	:	
	:	DOCKET NO.: BUR-L-
	:	
	:	Civil Action
	:	
	:	CERTIFICATION OF THOMAS J.
	:	COLEMAN, III, ESQ. IN SUPPORT
	:	OF MOTION FOR TEMPORARY IMMUNITY
	:	FROM MOUNT LAUREL LITIGATION

Thomas J. Coleman, III, of full age, does hereby certify as follows:

1. I am the Planning Board Attorney and Special COAH Legal Counsel for Borough of Riverton (“Borough”) and I fully familiar with the statements contained herein.
2. The Borough has filed a Complaint for Declaratory Relief, pursuant to the directives of the New Jersey Supreme Court in *In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing*, 221 N.J. 1 (2015) in order to: a) procure temporary immunity from builder’s remedy lawsuits; b) to submit within five (5) months a Housing Element and Fair Share Plan (“Fair Share Plan”) for review and approval by the Court; c) to reaffirm the vacant land adjustment previously granted to Borough of Riverton for the Second Round cycle regulations by the Council on Affordable Housing; and d) obtain a judgment of repose from builder’s remedy litigation prospectively through the Third-Round through calendar year 2024.

3. I submit this certification in support of that application before the Court and the Borough's within motion for temporary immunity from builder's remedy lawsuits.

4. The Borough is a smaller-sized municipality in Burlington County, comprised of 0.70 square miles (approximately 448 acres).

5. The Borough is a fully built-out suburban bedroom municipality. Sixty-one percent (61%) of its housing stock (1,135 units) was constructed prior to 1940; only 169 housing units have been constructed since 1960; and only 13 residential units have been constructed since 2000.

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14. The Borough intends to file with the Court a new Fair Share Plan that is substantially consistent with the June 2012 Fair Share Plan in terms of implementation, and which includes a request to renew the previously granted vacant land adjustment.

15. A copy of the draft 2015 Fair Share Plan for the Borough is attached hereto, Exhibit "A".

16. The draft 2015 Fair Share Plan proposes to generate one (1) new affordable housing unit through Habitat for Humanity developing a market to affordability home and four (4) additional affordability credits through the development of a four-bedroom group home.

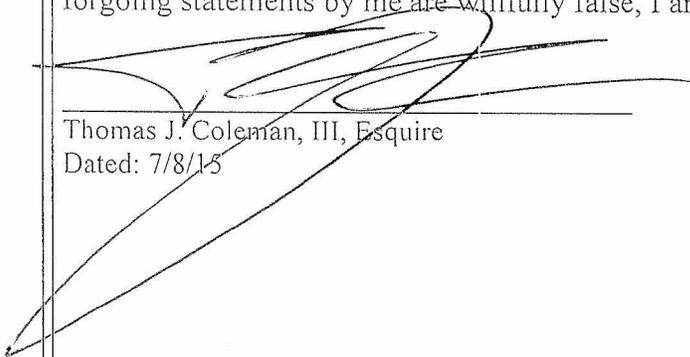
17. The draft 2015 Fair Share Plan further notes that, "The census indicates that there are no units in need of rehabilitation in the Borough" and "The Borough's unmet need of thirteen (13) units, created when Riverton's prior round vacant land adjustment was approved, will

continue to be satisfied by the affordable housing overlay zone on the portion of the Riverton Country Club Golf Course property that is located in Riverton.”

18. In addition, the draft 2015 Fair Share Plan will continue to maintain inclusionary housing on Martha’s Lane to allow for the production of two (2) affordable housing units.

19. The draft 2015 Fair Share Plan is anticipated by the Borough to satisfy the requirements of the New Jersey Supreme Court’s Opinion in *In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing*, 221 N.J. 1 (2015).

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



Thomas J. Coleman, III, Esquire
Dated: 7/8/15

EXHIBIT “A”

**HOUSING ELEMENT and FAIR SHARE PLAN
With Spending Plan**

For the

**BOROUGH OF RIVERTON
BURLINGTON COUNTY, NEW JERSEY**

Prepared for
The Riverton Planning Board

Written: *June 22, 2015 draft*
Adopted: *draft*

Forward

According to the New Jersey Municipal Land Use Law, 40:55D-28b(3), a municipal Master Plan must contain a Housing Element. Pursuant to the Fair Housing Act, a municipal housing element shall be designed to achieve the goal of providing a reasonable opportunity for affordable housing to meet present and prospective housing needs with particular attention to low and moderate income housing. This report addresses the Borough's Third Round housing obligation (1999 to 2024) pursuant to direction issued by the New Jersey Supreme Court in its March 10, 2015 decision. Prior Round obligations have been addressed.

The Borough of Riverton initially submitted a Round III Housing Element and Fair Share Plan in December 2005 in accordance with the November 2004 COAH adopted Third Round Rules (Chapter 5:94). The Borough of Riverton then revised its plan and re-petitioned COAH in 2008 because portions of the COAH rules had been overturned in 2007. Though the 2008 plan initially complied with the revised COAH rules which became effective June 2, 2008, subsequent legislative changes to rules affecting non-residential development rendered Riverton's 2008 unworkable. The Borough then submitted another revised Housing and Fair Share Plan in December of 2009 based on the newest regulations at that time. An objection was filed against that Plan in May of 2010 and subsequent mediation efforts were never initiated by COAH. Finally, in June of 2012 Riverton submitted its last Housing Plan as part of a revised Spending Plan. Though the Borough requested an expedited review of the submission, COAH took no action. The Housing Plan contained herein reflects the objectives of the last Housing Plan updated as necessary in a continuing effort on the part of the Borough of Riverton to comply with the State's affordable housing regulations.

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Introduction

In 1975 the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate-income housing. In its 1983 Mt. Laurel II decision the Court expanded the Mt. Laurel doctrine and stated that all municipalities share in the obligation. In July 1985 the Fair Housing Act (FHA) was enacted as the legislative response to the Supreme Court rulings. The Act created the Council on Affordable Housing as the administrative alternative to the courts.

The FHA directed the New Jersey Council on Affordable Housing (COAH) to provide regulations that allow municipalities to prepare comprehensive responses which would provide a realistic opportunity for the provision of affordable housing through municipal land use regulation. COAH's primary responsibilities were to:

- Establish Housing Regions for the State;
- Estimate regional housing need; and
- Provide guidelines for municipalities to use in addressing their fair share obligations.

Municipal responsibilities under the Fair Housing Act consist of adopting and filing with COAH a Housing Element. Once prepared in accordance with COAH's criteria and guidelines, the New Jersey Supreme Court's March 10th, 2015 decision effectively removed COAH from the process and returned the responsibility for criteria and guidelines to the trial courts. According to the New Jersey Municipal Land Use Law, C.52:27D-310, the Housing Element shall contain at least:

1. The 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 six years subsequent to the adoption of the Housing Element, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
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 for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing;
6. A consideration of the lands that are 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.

This Housing Element, along with the Fair Share Plan, meets all of above requirements as specified in the latest edition of the Municipal Land Use Law. Based on the recent Court decision, the Third Round Rules (Chapter 5:97) for substantive certification that had been adopted by COAH are no longer considered valid. Nonetheless, this Plan is intended to provide a Housing and Fair Share Plan to meet the Borough's total affordable housing obligation. Typically that obligation includes 1) a remaining obligation outstanding from prior rounds, 2) a reasonable obligation that may pertain to Round Three which extends through 2024 and 3) the Municipality's rehabilitation share. Riverton has satisfied its prior round obligations for new units through inclusionary and overlay zoning.

This Housing Element includes the minimum requirements described above. It's worth noting that the Borough is completely developed, evidenced by a Vacant Land Adjustment that was approved by COAH under Round Two. Since then, little has changed in this small, 0.7 square mile town and there are no significant areas available for redevelopment. The local industrial zone, otherwise known as the National Casein site, is occupied by a thriving industrial business that has a long history of being a respected member of the Borough's economic community. There is no viable reason to consider redevelopment plans for the National Casein site at this time. Moreover, the Town implemented 1) an Affordable Housing inclusionary zoning district on Martha's Lane and 2) an Affordable Housing overlay district over the local golf course property as part of affordable housing compliance efforts under Round Two. These existing ordinances demonstrate that the Borough has already implemented important measures to create a reasonable opportunity for the development of affordable housing as required by the Fair Housing Act. Riverton does not utilize zoning to exclude low and moderate income households from the community.

I. Background Information

The Borough of Riverton consists of a land area of 0.70 square miles or approximately 448 acres and is located in southern New Jersey, in Burlington County. The Borough is bound by the Delaware River to the north, the Township of Cinnaminson to the south and east and the Borough of Palmyra to the west.

The Borough is historically a suburban, bedroom community for commuters working in the cities of Camden, Trenton and Philadelphia. With the exception of a small number of infill lots, the Borough is fully built out. The Borough also faces significant issues to redevelop its existing business and transportation corridors and other infrastructure.

HOUSING CHARACTERISTICS

Age of Housing

Riverton has only 1,135 housing units and a fairly old, historic housing stock. In fact, more than half of Riverton's units (61.2%) were built prior to 1940 making the median year for structure construction 1939. The Borough has not kept pace with construction of new units. Only 169 new units were added to its housing stock since 1960. Housing construction has been declining since 1980 and there's been no new housing construction since 2010, further demonstrating a lack of capacity within the Borough for new housing.

Years Built	No. of Units	% Units
2010 or later	0	0.0
2000 to 2009	13	1.1
1990 to 1999	23	2.0
1980 to 1989	38	3.3
1970 to 1979	34	3.0
1960 to 1969	61	5.4
1950 to 1959	196	17.3
1940 to 1949	75	6.6
1939 or earlier	695	61.2
Total	1,135	100.0

Source: 2009-2013 American Community Survey (ACS)

HOUSING ELEMENT & FAIR SHARE PLAN

Condition of Housing

Current census data shows that the occupied housing stock is well maintained with no units lacking plumbing or kitchen facilities and there is no over-crowding. A few units, 1.7%, lack phone service, though this may reflect more of a popular trend among homeowners to depend on mobile phone service in lieu of landlines. The vast majority (75.3%) of occupied housing units have heating systems that are fueled by public utility gas service. Fuel oil, kerosene and other liquid fuel is the second most popular type of heating system, servicing 17.5% of the occupied units.

TABLE 2a – Housing Conditions for Occupied Units

Item	No (Not Lacking)	Yes (Lacking)	% (Lacking)	Total Units
Lacking Complete Plumbing Facilities	1,072	0	0.0%	1,072
Lacking Complete Kitchen Facilities	1,072	0	0.0%	1,072
No Telephone Service	18	1,054	1.7%	1,072

Source: 2009-2013 American Community Survey (ACS)

TABLE 2b – Housing Conditions Related to Crowding

Item	Riverton Actual No.	Riverton %	Burlington Co. Actual No.	Burlington Co. %
1.00 or less Occupants/Room	1,072	100.0	163,040	98.8
1.01 to 1.50 Occupants/Room	0	0.0	1,433	0.9
1.51 or more Occupants/Room	0	0.0	506	0.3

Source: 2009-2013 American Community Survey (ACS)

TABLE 3 – Types of Heating Systems

Type of Heating Fuel Used	Number of Units	% of Total Units
Utility gas	807	75.3
Bottled, Tank, or LP gas	4	0.4
Electricity	58	5.4
Fuel oil, kerosene, etc.	188	17.5
Coal or coke	0	0.0
Wood	15	1.4
Solar	0	0.0
Other fuel	0	0.0
No fuel used	0	0.0
Total	1,072	100.0

Source: 2009-2013 American Community Survey (ACS)

Purchase and Rental Value of Housing

The median value of homes in Riverton is \$292,000 while the median value of housing units in the County is somewhat lower, \$252,500. Therefore, the median value of owner-occupied housing in Riverton is about 15% higher than in the County in general. Nonetheless, 16.6% of owner-occupied housing in Riverton is valued below \$200,000. More than 60% of the Borough's rental units rent for between \$750 and \$1,500. It's noteworthy that the median rent in Riverton is about 20% less than the median rent in the County overall; \$960 in the Borough versus \$1,186 in the County. This suggests that rental opportunities in the Borough are more accessible to households of lesser economic means than elsewhere in the County.

Value	Number of Units	% of Total Units
< \$50,000	25	2.9
\$50,000 to \$99,999	0	0.0
\$100,000 to \$149,999	27	3.1
\$150,000 to \$199,999	91	10.6
\$200,000 to \$299,999	314	36.5
\$300,000 to \$499,999	324	37.1
\$500,000 to \$999,999	79	9.2
\$1,000,000 or more	0	0.0
Total (owner-occupied units)	860	100.0

Source: 2009-2013 American Community Survey (ACS)

Rent	Number of Units	% of Total Units
< \$200	0	0.0
\$200 to \$299	9	4.3
\$300 to \$499	12	5.8
\$500 to \$749	21	10.1
\$750 to \$999	77	37.2
\$1,000 to \$1,499	54	26.1
\$1,500 or more	34	16.4
No Rent Paid	(5)	--
Total Units Paying Rent	207	100.0

Source: 2009-2013 American Community Survey (ACS)

Occupancy Characteristics

The percentage of vacant units in Riverton is 5.6% , which was slightly lower than Burlington County as a whole, where 6.4% of the total housing units are vacant. In addition, more than 80% of occupied housing in Riverton is owner-occupied. Rental units make up 20% of the housing stock.

Occupancy	No. of Units	% of Total Units (vacant and occupied)	% of Occupied Units
Owner-Occupied Units	860	75.7	80.2
Renter-Occupied Units	212	18.7	19.8
Total Occupied Units	1,072	(94.4)	100.0
Vacant Units	63	5.6	--
Vacant Units in County	(11,201)	(6.4)	--
Total Units	1,135	100.0	--

Source: 2009-2013 American Community Survey (ACS)

Housing Units

More than 70% of housing units in Riverton are single-family detached units; still there are a significant number of multi-family and attached units in town. Several of the large, historic homes within the existing housing stock have been divided up into multiple apartments, preserving the historic appearance of the Borough, while providing economical housing for the community.

Type	No. of Units	% Units
1 unit, detached	806	71.0
1 unit, attached	149	13.1
2 units	64	5.6
3 or 4	41	3.6
5 to 9	53	4.7
10 to 19	22	1.9
20 or more units	0	0.0
Mobile home or trailer	0	0.0
Boat, RV, Van, etc.	0	0.0
Total	1,135	100.0

Source: 2009-2013 American Community Survey (ACS)

Affordable to Low-and-Moderate Income Household Qualifications

The COAH regulations define low-income households (those earning up to 50% of the median household income) and moderate-income households (those earning from more than 50% to 80% of the median household income). The figures are adjusted for household size and the municipality's housing region. Riverton is part of Region Five, which includes Burlington, Camden and Gloucester Counties. The following is a breakdown of the maximum 2014 income figures by household size that the New Jersey Council on Affordable Housing uses to determine affordability and regional income limits for Region Five.

TABLE 8 – COAH 2014 Regional Income Limits
Region 5 – Burlington, Camden and Gloucester Counties

Family Size	1	1.5	2	3	4	4.5	5	6	7	8
Median Income	\$57,050	\$61,125	\$65,200	\$73,350	\$81,500	\$84,760	\$88,020	\$94,540	\$101,060	\$107,580
Moderate Income	\$45,640	\$48,900	\$52,10	\$58,680	\$65,200	\$67,808	\$70,416	\$75,632	\$80,848	\$86,064
Low Income	\$28,525	\$30,563	\$32,600	\$36,675	\$40,750	\$42,380	\$44,010	\$47,270	\$50,530	\$53,790
Very Low Income	\$17,115	\$18,338	\$19,560	\$22,005	\$24,450	\$25,428	\$26,406	\$28,362	\$30,318	\$32,274

Source: New Jersey Council on Affordable Housing, 2014

DEMOGRAPHIC CHARACTERISTICS

Population Trends

The population of Riverton declined from 1980 to 2000 and it has only exhibited a very slight increase, less than 1%, since then. The Delaware Valley Regional Planning Commission continues to anticipate less than 1% growth through 2040; more evidence of the limited capacity of Riverton to manage additional or new growth. In contrast, the Burlington County has seen an increase in population growth, between 6% and 9% during the last few decades, and more growth is anticipated through 2040.

TABLE 9 – Riverton vs Burlington County
Population Growth: 1980 - 2040

Year	Riverton Borough	Absolute Increase	Percent Change	Burlington County	Percent Change
1980	3,068	--	--	362,542	--
1990	2,775	-293	- 9.5%	395,066	9.0%
2000	2,760	-15	- <1.0%	423,397	7.2%
2010	2,779	19	<1.0%	448,734	6.0%
2020	2,781 (est.)	2	<1.0%	457,126	1.9%
2030	2,789 (est.)	7	<1.0%	486,343	6.4%
2040	2,791 (est.)	2	<1.0%	494,732	1.7%

Source: 1980, 1990, 2000 US Census and Delaware Regional Planning Commission 2040 Municipal Population Forecast

Household Size and Type

The average household size in Riverton is 2.59 persons and this has not changed since 2000. The population and number of households has increased less than one percent. In contrast, the population of Burlington County and the number of households within the County has grown by almost 7%. More than 70% of the households in Riverton are family households, reinforcing that Riverton is a family-oriented community as noted in the Master Plan. Of that, more than 80% of family households are married couple families. Riverton is comparable to the County in terms of the percentage of households that are considered 'non-family' units, those with people living alone or with members not related to the principle householder.

**TABLE 10 – Household Characteristics
2000 and 2013**

	Riverton 2000	Riverton 2013	Riverton's % Change	Burlington County 2000	Burlington County 2013	Burlington County % Change
Total Population	2,759	2,774	0.5%	423,394	449,964	6.3%
Total Households	1,066	1,072	0.5%	154,371	164,979	6.9%
Persons per Household	2.59	2.59	No change	2.65	2.73	3.0%

Source: 2009-2013 American Community Survey (ACS) and 2000 US Census

TABLE 11 – 2013 Family Comparison to Burlington County

	Riverton 2013	Riverton % of Total	Burlington County	Burlington County % of Total
Total Households	1,072	100%	164,979	100%
Family Households	768	71.6%	115,577	70.1%
Married Households	645	60.2%	88,808	53.6%
Female-headed Households	71	6.6%	19,335	11.7%
Male-headed Households	52	4.9%	7,434	4.5%
Non-family households *	304	28.4%	49,402	29.9%

* Non-family households include people living alone and households which do not have any members related to the householder

Source: 2009-2013 American Community Survey (ACS)

Age Characteristics

The population in Riverton by age group remained fairly stable between 2000 and 2010. The largest age cohort is between 45 and 64 years, whereas in 2000 it was between 21 and 44 years. It's reasonable to assume that the younger cohort in 2000 essentially remained in place and aged with time. This might also explain the slight increase in the number of school aged children, as young families grow and their children enter school. There was only a slight decrease in senior citizens, again, a probable reflection of seniors staying within the community and aging in place.

TABLE 12 – Age Groups – 2000 vs 2010
Median Age : 41.8 years (in 2000) / 44.2 years (in 2010)

Age Group	2000	% of 2000	2010	% of 2010	Change in % 2000 to 2010
Pre-School (< 5 years)	165	6.0%	175	6.3%	0.3%
School (5-20 years)	480	17.4%	606	21.8%	4.4%
Employment (21-44 years)	897	32.5%	639	23.0%	- 9.5%
Employment (45-64 years)	685	24.8%	861	31.0%	6.2%
Retirement (65 years & more)	532	19.2%	498	17.9%	- 1.3%
Total	2,759	100.0%	2,779	100.0%	0.7%

Source: 2010 Census Summary File 1 and 2000 US Census

Income Level

The median household income in Riverton is \$93,462, which is almost 20% higher than in the County overall; the County median household income is \$78,446. The median family income in Riverton is also about 20% higher than the median family income in Burlington County, \$114,643 and \$94,324 respectively. In both the Borough and the County, the largest income sector is between \$100,000 and \$149,999. Riverton has a noticeably higher percentage of both households and families making more than \$200,000 and the County has a slightly higher percentage of households and families in the lower income brackets.

TABLE 13 – Household and Family Income

Income	Riverton		Burlington County	
	% / Households	% / Families	Households	Families
Total	100.0	100.0	100.0	100.0
Less than \$10,000	1.3	0.0	3.1	1.8
\$10,000-\$14,999	1.0	0.0	2.4	1.0
\$15,000-\$24,999	6.3	2.5	6.3	3.4
\$25,000-\$34,999	7.6	1.4	7.0	4.9
\$35,000-\$49,999	9.6	8.3	11.0	9.2
\$50,000-\$74,999	14.9	16.1	18.0	16.8
\$75,000-\$99,999	14.7	14.2	15.2	16.4
\$100,000-\$149,999	21.7	26.4	19.4	23.5
\$150,000-\$199,999	9.9	13.8	9.4	12.3
\$200,000 or more	12.9	17.2	8.1	10.6
Median Income (in dollars)	\$93,462	\$114,643	\$78,446	\$94,324

Source: 2009-2013 American Community Survey (ACS)

EMPLOYMENT CHARACTERISTICS

According to the 2013 ACS, there were 1,352 people employed in Riverton in 2013. The management and business sector is the largest totaling 56.4% of the working population. While a reclassification of occupation groups makes it somewhat cumbersome to make a direct comparison, management and service occupations have increased slightly since 2000 while production and construction jobs have decreased.

National Casein is one of the largest employers in Riverton. National Casein manufactures molded plastic products, tape, adhesives and sealants. Other large employers in Riverton are Barclay Group which is an insurance company, Moccia Enterprise, the Riverview Estates Nursing Home, and CVS Pharmacy.

TABLE 14 – Industry & Occupation
Riverton Residents 2000 and 2013

Occupations for Persons 16 Years and over	2000	% of Total	Occupations for Persons 16 Years and over	2013	% of Total
Managerial and Professional Specialty	642	47.5%	Management, Business, Science, & Arts	799	56.4%
Sales and Office	381	28.2	Sales and Office	330	23.3%
Service	84	6.2%	Service	169	11.9%
Farming, Forestry and Fishing	0	0.0%	Natural Resource, Construction, & Maintenance	71	5.0%
Construction, Extraction and Maintenance	110	8.1%	Production, Transportation, & Material Moving	47	3.3%
Production, Transportation and Material Moving	135	10.0%			
Total	1,352	100.00	Total	1,416	100.00

Source: 2009-2013 American Community Survey (ACS) and 2000 US Census

+

Employment Outlook & Trends

Riverton is primarily a residential community. The number of jobs in the Borough has remained fairly steady, increasing by almost 5% since 2000. No substantial growth in jobs is expected since there are few opportunities for economic development in the Borough. Any new growth is expected in the downtown commercial area and would likely be made-up of small restaurants, shops, and offices.

While National Casein has no plans to relocate their operations, many similar light manufacturing companies have moved from the region due to factors in the global economy. However, National Casein has been in the Borough for over 50 years and has weathered many changing economic times.

II. ANALYSIS OF IMPACT OF EXISTING CONDITIONS ON AFFORDABLE HOUSING OPPORTUNITIES

Field Code Changed

AVAILABILITY OF EXISTING AND PLANNED INFRASTRUCTURE

Riverton is fully served by public water and sewer. There is adequate capacity in the Borough for in-fill type development in the Borough. There are no large areas available for new development.

ANTICIPATED DEMAND OF TYPES OF USES PERMITTED BY ZONING

The Borough of Riverton is a fully built-out suburban municipality that permits a couple forms of housing development in its various zoning districts. Demand for any one form of development is extremely low due to the lack of vacant land. There were two smaller scale areas that met the criteria for redevelopment – the Nu-Way tract and the Sitzler property. No formal redevelopment plans were developed or adopted for either property, however, both properties have been redeveloped with retail uses by a private developer. In addition, an affordable housing development fee was paid to the Borough. Another property, often spoken of in terms of redevelopment is the National Casein property, although as already noted, the existing business establishment on that site is a valued contributing member of the community with no foreseeable plans to relocate.

ANTICIPATED LAND USE PATTERNS

As stated previously, the Borough of Riverton is a fully built-out suburban municipality that contains most land uses including a small industrial facility. With the exception of any unforeseen future redevelopment, land use patterns are stable and are not anticipated to change.

MUNICIPAL ECONOMIC DEVELOPMENT POLICIES

As with many older suburban communities, the Borough of Riverton struggles to maintain the vibrancy of its downtown. To address these issues, the Borough received a grant from the Delaware Valley Regional Planning Commission to develop a Downtown Revitalization Plan. This effort was completed in early 2009.

In addition, the Borough has an Economic Development Committee and a Business Alliance which actively promote local businesses. The Burlington County Office of Economic Development also takes an active role on business promotion. Nearly all of the Association's efforts strive to keep existing business space operating. There is virtually no room for expanding commercial uses.

CONSTRAINTS ON DEVELOPMENT

As a fully built-out suburban municipality, the Borough of Riverton has only two possible options for development, in-fill and redevelopment. Infill potential is becoming exceeding

HOUSING ELEMENT & FAIR SHARE PLAN

scarce with each passing year. The lack of land for growth is the ultimate constraint in the Borough. Being completely built out, the Borough of Riverton has no available measures to address its largest constraint, the lack of land. Those properties that could be redeveloped, have been and there are no foreseeable possibilities for new redevelopment on the horizon.

**CONSIDERATION OF LAND MOST APPROPRIATE FOR
CONSTRUCTION OF LOW AND MODERATE INCOME HOUSING**

Opportunities for new construction of any type, including affordable housing, exist on one small tract of underutilized land along Martha's Lane. A second potentially under-utilized parcel is presently part of the Riverton Country Club, a private, member-owner club. Both sites would be appropriate since they are within walking distance of downtown and multiple modes of transportation, including the RiverLine light rail system. The Martha's Lane property is zoned for affordable housing and the golf course parcel is zoned with an affordable housing overlay, which would require affordable housing be developed if the golf course club ever ceased to exist and club members subsequently sold the land.

PLAN ENDROSEMENT

Riverton is included in Burlington County's RiverRoute Planning Region, an endorsed plan that includes twelve communities along the RiverLine. Accordingly, the Borough's Master Plan, and this Housing Element amendment have been developed to comply with the Endorsed Plan. The Endorsed Plan was originally adopted in 1999 and the County is currently updating it in concert with statewide cross-acceptance of the State Plan.

III. FAIR SHARE COMPLIANCE PLAN

AFFORDABLE HOUSING OBLIGATION

In terms of affordable housing, the prospective need that was calculated for Round Three for the last submission was the projection of affordable housing needs based on development and growth likely to occur in a municipality or a region. That model was based on growth share. That methodology has since been invalidated by the courts. The New Jersey Supreme Court has determined that the Third Round affordable housing obligations should now reflect more closely the methodology used during the First and Second rounds. To date, COAH has failed to adopt a set of regulations that will fulfill the Supreme Court's directive hence the responsibility has been transferred to the trial courts.

While municipalities advance through the process outlined by the Supreme Court on March 10th, Riverton has developed this updated Fair Share Plan which the Borough believes meets the constitutional obligation embodied in the Fair Housing Act. This Plan also advances the goals and objectives of the local Master Plan. Any plan that meets one without the other is unsustainable. The Borough will submit this initial draft of the Plan to the Court for review in accordance with current timeline outlined by the New Jersey Supreme Court. When Riverton's filing has been accepted by the Court, the Borough will utilize up to five months to prepare a final draft of the Plan and conduct the requisite public hearing and adopt resolutions. Ultimately, the Borough believes it has crafted a Fair Share Plan that contains the essential ingredients of comprehensive planning and implementation outlined in New Jersey's Fair Housing Act.

A Summary of Riverton's Efforts to satisfy its Housing Obligation

This section seeks to outline in more detail the Borough's efforts to meet its housing obligation. When Riverton was certified under Round II COAH regulations, the Borough sought and received a vacant land adjustment which reduced the Borough's new unit obligation from fifteen (15) new units to two (2). The Borough of Riverton received Round II certification from COAH on November 1, 2000. As noted earlier, to satisfy its prior round obligations, the Borough adopted inclusionary zoning on Martha's Lane to accommodate the two units, and instituted an overlay zone on the Riverton portion of the Riverton Country Club golf course to account for the thirteen (13) units of unmet need.

On April 13, 2005 COAH approved the Borough's Development Fee Ordinance. On December 15th of that same year the Borough submitted a Housing Element and Fair Share Plan with its petition for re-certification under Round Three.

On December 30, 2008 the Borough submitted a revised Housing Element and Fair Share Plan in accordance with the growth share regulations applicable at that time. In 2009 there was a change to COAH rules which did not allow a mix of commercial and residential uses. Riverton was

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forced to remove that proposal from its plan, as well as two other proposed housing projects – the Baptist Home and 204 Main Street – as those property owners expressed their disinterest in participating in an affordable housing program. On December 22, 2009 the Borough submitted a revised Housing Element and Fair Share Plan to accommodate these changes.

On May 14, 2010 an objection was filed, presumably suggesting that the National Casein site should be redeveloped with affordable housing. However, such a proposal would remove a valuable commercial use and employer from the community and since there has been no indication from National Casein that they intend to relocate, the Borough is not inclined to create a redevelopment plan for the property. In addition, the local tax base and the abundance of residential and tax exempt properties requires the Borough to preserve as much viable commercial property as possible for the benefit of all residents regardless of income. Riverton welcomed mediation as a means to explain these planning issues, however, COAH never initiated the process.

On July 16, 2012 Riverton submitted a revised Spending Plan with fully executed agreements from Quality Management Associates and Habitat of Humanity for two affordable housing projects – a group home and a market-to-affordability single family home. The Borough requested an expedited review, but again, COAH took no action.

This long list of municipal efforts demonstrates that the Borough of Riverton diligently accepted and integrated affordable housing into the community and has pursued re-certification under Round Three since 2005. The Borough has spent a considerable amount of its limited resources on this endeavor. Clearly, the Borough has made a sincere effort to accommodate, maintain and produce affordable housing within the Borough. This is not an exclusionary community.

REHABILITATION

The Borough's rehabilitation obligation was zero, according to the last set of substantive rules proposed by COAH in 2014; those rules were promulgated to fulfill the Supreme Court's directive to develop rules consistent with prior round methodologies although the Council failed to adopt the rules. Previous to that, the Borough's rehabilitation number was seventeen (17), up from fifteen (15) units during the prior rounds. Considering the Borough has no substandard housing, according to the 2013 ACS, a rehabilitation program seems unnecessary.

VACANT LAND ADJUSTMENT AND MECHANISM FOR ADDRESSING PRIOR ROUND

Riverton received a vacant land adjustment under Round II. Since that time, conditions have not changed. The adjustment remains valid. The obligation from prior rounds was two (2) units.

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The only available developable land in town is still some vacant land on Martha's Lane. With Round II certification, the Borough adopted inclusionary zoning on that portion of Martha's Lane to accommodate some market rate and affordable units. Though the lots have not been developed, the Borough has, nonetheless provide a reasonable opportunity for their development by enacting Affordable Housing zoning. Accordingly the Borough met its obligation to provide a reasonable opportunity for affordable housing under Round II.

MECHANISM FOR ADDRESSING THE THIRD ROUND OBLIGATION

A fair share obligation includes three components: 1) the rehabilitation share, 2) the new unit obligation from the prior rounds and 3) the new unit obligation, in this case for Round Three through 2024. For the Third Round, the prospective need is yet to be determined. Presumably, the last set of substantive rules proposed by COAH fulfilled the Supreme Court's directive to develop a methodology for Round Three that was consistent with prior round methodologies. Even though these last rules failed to be formally enacted by COAH, it's notable that the obligations calculated in concert with those rules might be valid since they were designed to fulfill the Supreme Court's directive at the time. Based on COAH's last set of rules, Riverton's adjusted project need through 2024 is -7. It turns out to be a negative number because of the valid vacant land adjustment.

Herein, the Borough of Riverton takes note of the State's calculated obligation numbers while it awaits further direction from the courts. The Fair Share Plan outlined here is designed to be the most reasonable plan that the Borough can accommodate given the lack of available developable land.

1. The Rehabilitation Share

Riverton's prior round rehabilitation obligation was fifteen (15) units. Under Round Three, the State re-calculated the Borough's rehab obligation to be four (4) units for a brief time, before re-calculating it again to seventeen (17) units and then finally zero. To date, no units have been rehabilitated for Riverton's Round Two obligation, so the Borough cannot take credit for completed rehabilitation projects.

Under its Round Two certification, Riverton proposed to meet its rehabilitation obligation with a combination of accessory apartments and a passive rehabilitation program. The accessory apartment program was confined to the downtown in an attempt to re-introduce residential uses into the downtown through apartments on the second floor, above commercial space. This did not materialize. As a result, the Borough ultimately proposed to expand the program to make it Borough-wide.

However, census data indicates that Riverton has no substandard housing or over-crowded units, therefore there's no apparent need for the rehabilitation of units in the Borough which helps to

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explain why there's been no rehabilitation interest or activity. Nonetheless, the Borough continues to propose a passive rehabilitation program. Unlike the earlier program, the current rehabilitation program will be accessible to all qualifying homes anywhere in the Borough should a need be identified or qualified units become apparent. Riverton will continue its Memorandum of Understanding with the Burlington County Housing Improvement Program, which will administer and fund the Borough's rehabilitation program. The Borough will encourage the County to expand its program to include rental units. The Borough will rely on the County's housing rehabilitation manual and the County will be responsible for income verification procedures required by COAH. The Borough will advertise the program in accordance with the municipality's affirmative marketing plan.

At the writing of this plan it is not known exactly where potential rehabilitation units might be located, but the program will be advertised and efforts will be made to encourage low and moderate income households that qualify for the housing assistance to enter the housing rehabilitation program if their construction project qualify.

COAH's substantive rules require that at least \$10,000 be allocated for each rehabilitated unit and 10-year affordability controls. Taking everything into consideration, it seems reasonable for the Borough to commit to an initial program of ten (10) rehabilitation units, or \$100,000 through the County's program to fund a rehabilitation program. As long as qualified units can be identified in the community, this proposed program should meet the Borough's obligation. Half of the funds must be allocated by year five of the Round Three cycle, so the proposed funding schedule is as follows:

FUNDING SCHEDULE		
for Riverton's Housing Rehabilitation Program		
DEADLINE	FUNDING	UNITS COMPLETED
3 years after certification	\$30,000	3
5 years after certification	\$20,000	2
8 years after certification	\$30,000	3
10 years after certification	\$20,000	2
	\$100,000 total	10 total

2. Prior Round and Round III New Unit Obligation

As noted previously, the Fair Housing Act requires the Borough to create a realistic opportunity for the construction of affordable housing and it precludes municipalities from utilizing their zoning to exclude low and moderate income households. The Borough does not utilize its zoning to exclude lower income households. In fact, in the late 90's, Riverton rezoned the entire town. In doing so, the Borough eliminated the RA, RB and RC Residential zones which required 8,000 sf, 10,000 sf and 30,000 sf minimum lot sizes respectively and replaced them with the R-4, R-8 and R-15 Residential zones. These new zones, which are still applicable today, have minimum lot sizes of 4,000 sf, 8,000 sf and 15,000 sf respectively. Making the permitted lots substantially smaller also made them more affordable.

In addition, Riverton Borough has met its prior round obligation by enacting inclusionary zoning and an overlay zone to address its new unit obligation and the unmet need generated by the approved Vacant Land Adjustment. The Borough has attempted to put four different affordable housing plans in place since 2005. This is Riverton's fifth Affordable Housing Plan submission. Though municipal obligation numbers have not been officially developed as of the writing of this initial draft plan, Riverton remains committed to the housing plan it submitted in 2012 which proposed to create a total of five (5) new unit credits in a group home, one (1) single family owner-occupied unit, while maintaining the AH zone on Martha's Lane and the overlay zone on the golf course.

Prior Round Obligations - Martha's Lane

An Affordable Housing (AH) zone was established along the south side of Martha's Lane. Originally it was designed to include two (2) affordable units with five (5) market rate units. Subsequently, during a development application, an error was discovered in the Borough tax maps which incorrectly identified a portion of the land in the AH zone. A portion of the zone was actually part of a lot in the General Business zone. Therefore as part of this petition, the Borough will revise the AH zoning district, reduce the permitted lot size from 7,000 sf to 5,000 sf and increase the permitted density so the zone will yield two (2) affordable units and seven (7) market rate units. This will accommodate the prior round, two (2) unit obligation. There was an informal request by COAH staff to revise the density of this zone to create affordable housing 20% set-aside. This would have increased the total number of lots from nine (9) to ten (10). However, the Planning Board feels that permitting an additional lot and smaller lot sizes in the AH zone will adversely impact existing adjoining residential lots in the adjoining R-8 and R-15 zones. Therefore, the Borough will only change the AH zoning district as originally proposed.

Prior Round Obligations - Unmet Need

Because of the Vacant Land Adjustment approved during Round Two, the Borough continues to be responsible for demonstrating that the unmet need can be met in at least two ways. The Borough will maintain the previously approved and enacted overlay zone over the Borough's local golf course site. This zone requires a density of six units to the acre (6/du/ac) with a 20% set-aside. In the event that the members of the golf course decide to sell the site, the overlay zone will have the potential to generate sixty-four (64) units on the 10.76 acre site. Thirteen (13) of those units, or 20%, would be restricted to low and moderate income residents.

As a second means of meeting the unmet need, the Borough has instituted a development fee ordinance. Originally drafted for just the golf course site, the development fee ordinance was expanded to include the entire Borough. Moreover, if the golf course is not developed with affordable housing, then the developer will contribute a fee toward the Borough's housing fund. The payment in lieu of construction must be equal to the cost of the 20% set aside. The overlay zone and the revised development fee ordinance were both previously approved and adopted.

Round Three Obligation - Habitat for Humanity

In July of 2012 the Borough signed an agreement with Habitat for Humanity to establish one (1) market-to-affordable unit in Riverton. This will create a new affordable housing unit in Riverton. The agreement was executed in part to protect local housing funds from being diverted to the State's general fund when that was under consideration. To date, Habitat is yet to identify a suitable house within the community for this purpose.

Round Three Obligation - Quality Management Associates Group Home

The Borough of Riverton collaborated with Quality Management Associates on a new group home for four (4) disabled adults. The organization already had one group home on Homewood Drive and purchased a second one on Beechwood Road with the assistance of a municipal subsidy. The group home is deed restricted as affordable housing. This created four (4) affordable housing units, plus 0.25 bonus credits for each unit, totaling five (5) units for the group home.

National Casein Site

Previous attempts to permit broad scale residential development on the National Casein site created serious community unrest. Sitting Borough Council members were voted out of office. The entire Planning Board resigned in demonstration and there was a nearly complete turn-over of professional staff. Circumstances have not changed and sizeable residential development on

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the National Casein site is still undesirable. In addition, the Borough has a long-standing need to establish a more well-balanced tax base. The community cannot afford to lose such a large commercial ratable. Destabilizing the local economy will not be beneficial to any Riverton resident, regardless of their household income. The Borough is justified in continuing to welcome National Casein as a commercial neighbor and local employer and maintaining the site's zoning for commercial purposes. The Borough has proposed and utilized other affordable housing mechanisms in town to fulfill its commitment to affordable housing. In this latest affordable housing plan, Riverton proposes to use a group home and a market to affordability program, in addition to the Borough's existing AH zone and overlay zone on the golf course.

Affordable Housing Administrative Entity

The Borough will contract with the New Jersey Housing and Mortgage Finance Agency (NJHMFA) to administer the Borough's new unit housing program through its Housing Affordability Service.

IV. CONCLUSION

Riverton's Fair Share Plan is a combination of inclusionary zoning initiatives and coordinated affordable housing development projects. This plan for Round Three will generate one (1) new unit with Habitat for Humanity developing a market to affordability home and five (5) affordability credits through the development of a four-bedroom group home. Riverton continues to maintain inclusionary zoning on Martha's Lane and an overlay zone on the golf course. The Borough still lacks of vacant land and the Borough's potential for new development or redevelopment is limited. In its last set of proposed rules, which theoretically reflected prior round methodologies as required by the Supreme Court, the State determined that Riverton has no real affordable housing obligation and yet, the Borough has nonetheless crafted a plan that creates some new affordable units. This illustrates the Borough's willingness and good faith commitment to integrating affordable housing into the community where ever possible. Riverton is not an exclusionary community.

The census indicates that there are no units in need of rehabilitation in the Borough and the State identified Riverton's rehabilitation obligation for Round Three as zero under its last, albeit unapproved rules. Anecdotally it could be argued that some local units might be rehabilitated, though it is less obvious whether or not those same units are also income qualified. Therefore the best effort the Borough can make is to coordinate with Burlington County's Housing Development Office, continue to maintain a Memorandum of Agreement with the County and operate a local affordable rehabilitation program, should the need arise.

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The Borough's unmet need of thirteen (13) units, created when Riverton's prior round vacant land adjustment was approved, will continue to be satisfied by the affordable housing overlay zone on the portion of the Riverton Country Club Golf Course property that is located in Riverton.

V. SPENDING PLAN

INTRODUCTION

The Borough of Riverton has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301). A development fee ordinance creating a dedicated revenue source for affordable housing was adopted by the municipality on April 6, 2005 and approved by COAH on April 13, 2005. The ordinance establishes the Riverton affordable housing trust fund for which this spending plan is prepared. A revised development fee ordinance is proposed to update the existing ordinance.

As of February 27, 2015 Riverton has a balance of \$60,580.15 in its Affordable Housing trust fund accounts. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Beneficial Bank for the purposes of affordable housing. These funds will be spent in accordance with the affordable housing plan outlined herein.

I. REVENUES FOR CERTIFICATION PERIOD

Little or no development is anticipated in Riverton. The Borough is not projecting any revenue based on future development activity. The Borough has developed a housing plan that can be supported by its current affordable housing fund. Future revenue, if any, from prospective development fees will be put toward developing or subsidizing affordable housing. There are no quantifiable projects currently anticipated that would employ payments in lieu or development fees.

To calculate a projection of revenue anticipated during the period of third round substantive certification, Riverton considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as

follows: No developments are pending.

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units and the State Affordable Housing Trust Fund.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

Riverton Borough is not projecting any revenue to be collected between June, 2015 and December 31, 2024 relating to development fees or payments in lieu of construction. It is extremely unlikely that there will be any more development in Riverton, unless it is replacement construction of existing uses. All interest earned on the current account will accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

If any incidental, unforeseen infill development does occur, the following procedural sequence for the collection and distribution of development fee revenues shall be followed by Riverton Borough:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Riverton's development fee ordinance for the purposes of meeting the Borough's unmet need.

(b) Distribution of development fee revenues:

The affordable housing trust funds will be distributed on a case-by-case basis in accordance with directives from the courts, and as is appropriate and in the best interest of each municipal affordable housing initiative, following successful negotiations between the Borough and affordable housing project sponsors, with the review and approval by the Court.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

Riverton Borough will take appropriate action, consistent with the law, to provide approximately \$150,000 to rehabilitation, new construction and affordable housing programs (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: \$ 100,000 through an Agreement with the Burlington County Office of Housing Development for ten (10) possible rehabilitation units.

New construction project(s): \$50,000 for a market to affordability unit per an Agreement with Habitat for Humanity. (\$80,000 has already been paid to help Quality Management Associates develop the Beechwood Road group home.)

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Considering the small size of the Borough's affordable housing program, the Borough does not feel that additional affordability assistance is required.

(c) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

Because of the number of submissions that Riverton has been required to make and COAH's continued inaction, coupled with the Borough's lack of developable land and potential to assess development fees, the Borough has spent 20% of its affordable housing funds for administrative purposes. Moving forward, administrative costs will be incurred for pursuing Third Round certification, administration of an agreement with the group home and the accessory apartment program. Absent approved regulations from the State or directions to the contrary from the Court, these costs will be paid from the Borough affordable housing funds not otherwise committed. The rehabilitation project will be managed through the Burlington County Office of Housing Development.

4. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of Riverton will adopt a resolution agreeing to take appropriate actions, consistent with the law, to fund any shortfall and it may consider the issuance of debt obligations if no other financial resources become available, including, but not limited to, the State's Affordable Housing Fund.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to expand the rehabilitation program.

5. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with Riverton's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

Riverton intends to spend affordable housing trust fund revenues consistent with the housing programs outlined in this Housing Element and Fair Share Plan.

Riverton has a balance of \$60,580.15 as of February 27, 2015. The municipality will dedicate \$50,000 towards Habitat for Humanity and the balance to administrative costs. Any shortfall of funds will be offset by other financial resources, including, but not limited to, the State's Affordable Housing Fund. The Municipality will dedicate any excess funds toward expanding the rehabilitation program.