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In the Matter of the  
Application of Borough of  
Allendale, County of Bergen.

SUPERIOR COURT OF NEW JERSEY  
Law Division, Bergen County  
Docket No. BER-L-594-25

**CIVIL ACTION**  
**(Mount Laurel)**

**Consent Order Final Compliance**  
**Certification (N.J.S.A.**  
**52:27D-304 (q))**

**THIS MATTER** having come before the Court via the joint request of the Borough via counsel Jeffrey Surenian, Esq., as well as Fair Share Housing Center, via counsel Ariela Rutbeck-Goldman, Esq. (on behalf of Fair Share Housing Center), seeking a certification of compliance with the Fair Housing Act ("FHA") and

**WHEREAS**, the Borough of Allendale (the "Borough" or "Allendale") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on in January 2025; and

**WHEREAS**, the above-named parties having previously presented a settlement agreement (a.k.a. mediation agreement) to

the Court which was filed on eCourts on January 20, 2026, and which settlement agreement is incorporated herein by reference; and

**WHEREAS**, the Court having entered an Order on March 4, 2026 accepting and adopting the Program Member's Report and Recommendations for approval of the Settlement and the Amended Housing Element and Fair Share Plan ("HEFSP") of the Borough;

**WHEREAS**, the Borough having filed its Amendment to its HEFSP on February 20, 2026 and implementing ordinances and resolutions on February 20, 2026 and

**WHEREAS**, Fair Share Housing Center ("FSHC") having reviewed the Borough's filing in accordance with the parties' settlement agreement and confirmed that the Borough has complied with all terms outlined in the settlement agreement; and

**WHEREAS**, AvalonBay having withdrawn its objection to Allendale's HEFSP pursuant to a separate term sheet, which terms were incorporated by reference in the FSHC-Allendale mediation agreement, and

**WHEREAS**, the Court having reviewed the Borough's Amendment to its HEFSP, attachments, and implementing ordinances and resolutions, incorporating therein any changes from the Program and Court's prior order(s) and determined that they meet the "objective standard" and are in compliance with the Fair Housing Act and the Mount Laurel doctrine so long as the conditions set

forth in this order are met; and

**WHEREAS**, the Court incorporates the Court's prior orders and for good cause shown:

**IT IS** on this 24<sup>th</sup> day of April, 2026, **ORDERED** as follows:

1. The Borough's Fourth Round HEFSP, attachments, and applicable implementing ordinances and resolutions, collectively referenced at SCHEDULE-1 hereto as Exhibit P-1 through Exhibit P-16 (inclusive) and herein as the "Implementing Ordinances & Resolutions", are hereby admitted into evidence and entered into the record.
2. Subject to the satisfaction of the Conditions of this Order and the deadlines established therein, the Borough of Allendale's Amended Fourth Round Fair Share Plan (Exhibit P-1 and P-4) is hereby approved and deemed to meet the "objective standard" pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) of complying with the Fair Housing Act and the Mount Laurel doctrine and the Borough is granted a Compliance Certification as to its Rehabilitation Obligation ("Present Need"), its Prior Round Obligation (1987-1999), its Third Round Obligation (consisting of both its Gap Obligation for 1999-2015 and its Prospective Need Obligation for 2015-2025), and its Fourth Round obligation pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et.

seq.) ("FHA"), the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1, et seq.) ("UHAC"), applicable Council on Affordable Housing (hereinafter "COAH") substantive rules, and Mount Laurel case law, including the New Jersey Supreme Court's Mount Laurel IV decision.

3. The Borough's Compliance Certification shall remain in effect for ten (10) years beginning on July 1, 2025 and ending on June 30, 2035, and during this ten (10) year period the Borough shall have repose from exclusionary zoning litigation, including, but not limited to, Builder's Remedy lawsuits, as provided for in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et. seq. The Borough's Compliance Certification shall remain subject, however, to revocation or other Order of the Court that does or may hereafter issue, on notice of motion to the Borough and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle.

4. As per the Borough's HEFSP as amended and earlier court orders, the Borough's Present Need or Rehabilitation Obligation is reduced to 10 through a structural conditions survey, the Borough's Prior Round Obligation (1987-1999) is 137, the Borough's Third Round Obligation (1999-2025) is 308, having been adjusted through a vacant land adjustment to a realistic development potential of 54, and the

Borough's Fourth Round Prospective Need (2025-2035) is 200, having been adjusted through a VLA to an RDP of 4 units.

5. The Borough will address its Present Need of 10 units via participation in the Bergen County Home Improvement Program.
6. The Borough Prior Round Obligation is 137 having been met through the compliance mechanisms shown in the chart in paragraph 3 of the Mediation Agreement between the Borough and FSHC, dated January 2026
7. The Borough's Third Round Obligation is 308 having been adjusted to 54, which has been addressed through the following mechanisms:

MECHANISM	TYPE	UNITS	BONUS	TOTAL CREDITS	TENURES	STATUS
Allendale Brook Estates-Carriage Court and Trotters Lane	Family	5		5	For Sale	Completed
Garden Homes/Whitney	Family	12	12	24	Rental	Completed
Former Farm	Family	2	1	3	Rental	Completed
Crescent Commons	Family, Supportive Housing	7		7	For Sale, Rental	Completed
220 West Crescent Avenue/The Vale	Family	5		5	Rental	Completed
Easter Christian Group Home	Supportive Housing	5		5	Rental	Completed

Easter Christian Group Home 2	Supportive Housing	5		5	Rental	Completed
Total		41	13	54		

8. The Borough's Third Round Unmet Need is 254 and shall be addressed with the following mechanisms:

- The Borough has one applicable surplus credit from the completion of the project at 220 West Crescent Avenue.
- The Borough has four applicable credits from the completion of the senior housing project on Cebak Court.
- The Borough will have one applicable credit from the Park and Ivy inclusionary project, currently under construction.
- The Borough adopted the Ramsey Golf and County Club Overlay Zone (Block 301, Lot 37 and Block 406, Lot 21.01) with a density of 10 dwelling units per acres ("du/ac") and a 20 percent affordable set-aside.
- The Borough adopted the Allendale Corporate Center Overlay Zone (Block 702, Lot 14) with a density of 12 dwelling units per acres ("du/ac") and a 20 percent affordable set-aside.

- The Borough adopted the Church of the Guardian Angel Overlay Zone (Block 1803, Lot 1) with a density of 12 dwelling units per acres ("du/ac") and a 20 percent affordable set-aside.
- The Borough adopted a Borough-wide mandatory set-aside ordinance requiring that any site developed with five or more new dwelling units shall provide an affordable housing set-aside at a rate of 20 percent for ownership units and 15 percent for rental units.

9. The Borough's Fourth Round Prospective Need Obligation is 200, having been adjusted through a VLA to an RDP of 4, which shall be addressed with the following mechanisms:

MECHANISM	TYPE	UNITS	BONUS	TENURES	STATUS
98 Elm Street Conversion & Extension of Controls	Supportive Housing	2	1	Rental	Completed
Extension of Controls- Allendale Brook Estates	Family	2		For Sale	Proposed
<b>Total</b>		<b>4</b>	<b>1</b>		

10. The Borough's Fourth Round Unmet Need is 196 and shall be addressed with the following mechanism:

- The Borough will expand the Allendale Corporate Center Overlay Zone to include Block 702, Lots 14 and 15, and the Borough will increase the permitted density within the zone to 26 du/ac.
11. As per the Mediation Agreement, Allendale agreed to enter into a sewer service agreement with Saddle River that provided for, among other things, Allendale's acceptance of transmission of the sewer effluent from the Avalon and Michael's projects on Route 17 in Saddle River. The resolution authorizing a sewer connection was adopted January 15, 2026, and the resolution and agreement are marked P-12. Allendale also agreed to dismiss its previous appeal under Appellate Docket A-34-25 against Avalon. This dismissal request is marked P-11.
12. The Borough and FSHC recognize that substantial changes in circumstances affecting the Borough's RDP are possible pursuant to the holding in Fair Share Housing Center v. Cherry Hill, 173 N.J. 393, (2002) and related law. In the event such a substantial changed circumstance occurs, the Borough shall have one hundred twenty (120) days to present to the trial court and FSHC an explanation as to why the Borough does not believe that the changed circumstance warrants an increase in the RDP or, if the Borough agrees that the RDP should be increased, a plan to

address such change in circumstances on notice and opportunity to be heard from FSHC. The Borough agrees that any additional RDP generated due to changed circumstances must be addressed in a manner that is consistent with controlling law.

13. The Borough's Compliance Certification shall be subject to required ongoing monitoring as follows:

- The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1st to December 31st.
- The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy

granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.

- For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the Borough or other interested party may file an action through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site as set forth in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.


14. The Court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of

Compliance and Repose and the Borough's adopted Fourth Round HEFSP.

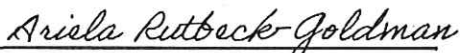
15. A copy of this Order shall be entered on eCourts and shall be effective as of the date of filing.

  
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Hon. Lina P. Corrison J.S.C.

On behalf of the Borough of Allendale:

  
\_\_\_\_\_  
Jeffrey Surenian, Esq.

On behalf of Fair Share Housing Center:

  
\_\_\_\_\_  
Ariela Rutbeck-Goldman, Esq.  
4/23/2026

**SCHEDULE 1**<sup>1</sup>

**P-1:** Fourth Round Housing Element and Fair Share Plan adopted by the Allendale Land Use Board on June 16, 2025, and endorsed by the Borough Council of June 26, 2025.

**P-2:** Resolution of the Land Use Board of the Borough of Allendale Adopting a Housing Element and Fair Share Plan for Round 4, adopted June 16, 2025.

**P-3:** Resolution #25-174 Resolution of the May & Council of the Borough of Allendale Endorsing the Housing Element and Fair Share Plan Adopted by the Land Use Board, adopted on June 26, 2025.

**P-4:** Amended Housing Element and Fair Share Plan.

**P-5:** Resolution #26-103 Resolution of the Borough Council of the Borough of Allendale Endorsing an Amendment to the Housing Element and Fair Share Plan Adopted by the Land Use Board On February 11, 2026, adopted February 19, 2026.

**P-6:** Ordinance 26-05 An Ordinance Implementing the Borough's Fourth Round Housing Plan Element and Fair Share Plan Consistent with the Terms of the Mediation Agreement Reached Between the Borough of Allendale and the Fair Share Housing Center in Accordance with the New Jersey Fair Share Housing Act and Relevant Regulation and Policies and to Amend, Support and

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<sup>1</sup>P-1 through P-16 are already in the record and are incorporated by reference.

Revise the Code of the Borough of Allendale, Chapter 81 "Affordable Housing" to Amend the Following Particulars of the Chapter, adopted February 5, 2026. This is the extensive ordinance the Borough adopted to establish standards for all affordable projects. The New Jersey Housing and Mortgage Finance Agency (HMFA) adopted the regulations that are the basis for this ordinance on November 6, 2025 and those regulations only became available to the public on December 15, 2025, Thereafter, a prototype was made available and after that another prototype was made available by the State. The Borough has not had time to review the latest prototype. After it has an opportunity to review and analyze the prototype, it may make additional changes to this ordinance.

**P-7:** An Ordinance Implementing the Borough's Fourth Round Housing Plan Element and Fair Share Plan Consistent with the Terms of the Mediation Agreement Reached Between the Brough of Allendale and the Fair Share Housing Center in Accordance with the New Jersey Fair Housing Act and Relevant Regulation and Polices to Amend, Supplement and Revise the Code of the Borough of Allendale, Chapter 275 "Zoning" to Amend the Following Particulars of the Allendale Corporate Center Overlay Zone ("MFRO-3), adopted on February 5, 2026. This is the ordinance that makes the specific changes to which the parties agreed with respect to how it addresses the unmet need.

**P-8:** Resolution 26-05 Resolution Appointment of Borough Professionals, adopted February 5, 2026 appointing Leckington Advisors, LLC as Affordable Housing Administrative Agent.

**P-9:** Resolution 26-38 Resolution Appointment of Affordable Housing Representative adopted February 5, 2026 appointing Mayor Amy Wilczynski. Said another way, the Borough appointed Mayor Amy Wilczynski to serve as the Municipal Housing Liaison.

**P-10:** Resolution 26-87 Resolution Approving the Settlement Term Sheet Between the Borough of Allendale and AvalonBay Communities Inc, adopted on January 15, 2026.

**P-11:** Correspondence from the Borough's counsel, Raymond R. Wiss, Esq, dated January 19, 2026, requesting dismissal of the Borough's appeal of a ruling in the case entitled AvalonBay Communities, Inc. v Borough of Allendale, Docket No. A-000034-25.

**P-12:** Resolution 26-86 Resolution Authorizing a Sewer Connection Agreement Between the Borough of Allendale and the Borough of Saddle River, adopted January 15, 2026 includes the agreement as well.

**P-13:** Resolution 26-101 Resolution of the Borough Council of the Borough Of Allendale, County of Bergen, State of New Jersey, Adopting the Affordable Housing Trust Funds Owner-Occupied And

Rental Rehabilitation Manual Prepared By Leckington Advisors, adopted February 19, 2026.

**P-14:** Resolution 26-102 Resolution of the Mayor and Council of the Borough of Allendale of the County of Bergen, State of New Jersey, Stating its Intent to Bond or Take Such Other Steps as May Be Necessary to Fully Fund its Housing Element and Fair Share Plan, adopted February 19, 2026.

**P-15:** Resolution 26-103 Resolution of the Borough Council of the Borough of Allendale Endorsing an Amendment to the Housing Element and Fair Share Plan Adopted ny the Land Use Board On February 11, 2026, adopted February 19, 2026.

**P-16:** Resolution 26-104 Resolution of the Borough Council of the Borough of Allendale, County of Bergen, State of New Jersey, Adopting the Affirmative Marketing Plan Prepared by Leckington Advisors, LLC, adopted February 19, 2026.