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

SUPERIOR COURT OF NEW JERSEY
Law Division, Bergen County
Docket No. BER-L-549-25

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 William Joseph Bailey, 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 Closter (the "Borough" or "Closter") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 23, 2025; and

WHEREAS, the above-named parties having previously presented a consent order to the Court which was entered on January 27, 2026, and which consent order is incorporated herein by reference; and

WHEREAS, the Borough having filed its Housing Element and Fair Share Plan

("HEFSP") on June 30, 2025 and implementing ordinances and resolutions on June 30, 2025 and March 12, 2026; and

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

WHEREAS, no other interested-party filed a challenge or any other communication; and

WHEREAS, the Court having reviewed the Borough's HEFSP, attachments, and implementing ordinances and resolutions, incorporating therein any changes from the 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 1st day of May, 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-2 through Exhibit P-14 (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 Closter's Fourth Round Fair Share Plan (Exhibit P-2) 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 and earlier court orders, the Borough's Present Need or Rehabilitation Obligation is 14, the Borough's Prior Round Obligation (1987-1999) is 110, the Borough's Third Round Obligation (1999-2025) is 347, and the Borough's Fourth Round Prospective Need (2025-2035) is 241 units,
5. The Borough will address its Present Need of 14 units via a municipal rehabilitation program including owner-occupied and rental units through its Inter-Local Agreement with the Borough of Paramus. The Rehabilitation Manual and Application is found at Exhibit P15.

6. The Borough's Prior Round obligation is 110, with a Realistic Development Potential (RDP) of 62. This obligation has been met with the Spectrum for Living Group Home, Vantage Health Alternative Living Arrangement, RCA with Fairview Boro, and Zone Districts #3, 4 and 5.
7. The Borough shall satisfy its Third Round Prospective Need of 347, with an RDP of 45 units, as follows:
 - Vantage Health, Railroad Ave; Village School (in progress); Accessory Apartment Ordinance; and the following unmet need mechanisms: Overlay Zoning on 515 Piermont Road, Overlay zoning for District #3A, #4 and #5, Mandatory set-aside ordinance.
8. The Borough shall satisfy its Fourth Round Prospective Need of 241 units, with an RDP of 0 units, as follows:

| MECHANISM | TYPE | UNITS | TENURES | STATUS |
|------------------------------|------|-------|---------|---------------------------------|
| Overlay zoning (District 4B) | | | | Ordinance No. 2026:1383 adopted |
| Total | | | | |

The Borough has also updated its Development Fee Ordinance and Affordable Housing Ordinance.

9. The Borough and FSHC agree that following conditions remain to be met as conditions of compliance certification:
 - The affirmative marketing plan will be adopted within 60 days of the date of this order.

- The Ordinance amending Ordinance No. 2026-1385 to remove Section 200-54.11A, Paragraph 6, entitled "Interpretation" will be adopted within 60 days of the date of this order.

10. 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, shall provide the Department of Community Affairs with an up-to-date municipal status report based on its collection and publication of information concerning the number affordable of housing units actually constructed, construction starts, certificates of occupancy granted, the start and expiration dates of deed restrictions, and residential and non-residential development fees collected and expended, including purposes and amounts of such expenditures, along with the current balance in the municipality's affordable housing trust funds. 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 municipality 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 in the housing element and fair share plan 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.

11. 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.
12. A copy of this Order shall be entered on eCourts and shall be effective as of the date of filing.



Hon. [Mount Laurel judge]

LINA P. CORRISTON, J.S.C.

On behalf of the Borough of Closter:



William Joseph Bailey, Esq.

On behalf of Fair Share Housing Center:

Ariela Rutbeck-Goldman

Ariela Rutbeck-Goldman, Esq.

4/30/2026

TABLE OF EXHIBITS

SCHEDULE-1

Exhibit P- 2 through Exhibit P-14 (inclusive) are the documents previously filed with the Court on June 30, 2025, **Transaction ID LCV 20251873548** and March 12, 2026, **Transaction ID LCV 2026652554**

Exhibit P15 - Closter Rehabilitation Manual and Application are attached hereto and being filed herewith.