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In the Matter of the Application of  
Borough of Ho-Ho-Kus, County of Bergen.

SUPERIOR COURT OF NEW JERSEY  
Law Division, Bergen County  
Docket No. BER-L-694-25

**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, Tim Wiss, 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 Ho-Ho-Kus (the "Borough" or "Ho-Ho-Kus") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a Fourth Round declaratory judgment action on January 29, 2025; and

**WHEREAS**, the above-named parties having previously presented a Fourth Round settlement agreement (a.k.a. mediation agreement) to the Court, which was subsequently executed and filed on eCourts on March 6, 2026, and which settlement agreement is incorporated herein by reference; and

**WHEREAS**, the Court having entered an Order on March 2, 2026 accepting and

adopting the Program Member's Report and Recommendations for approval of the Settlement and the 2025 Fourth Round Housing Element and Fair Share Plan ("HEFSP") and the 2026 Fourth Round HEFSP Amendment ("HEFSP Amendment") of the Borough;

**WHEREAS**, the Borough having filed on eCourts its adopted HEFSP Amendment on February 21, 2026 and implementing ordinances and resolutions on February 25, 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**, Tasko Enterprise Developers, LLC having filed a challenge regarding the Borough's HEFSP; and

**WHEREAS**, the Court having reviewed the Borough's 2025 HEFSP and 2026 HEFSP Amendment, 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 20<sup>th</sup> day of April, 2026, **ORDERED** as follows:

1. The Borough's Fourth Round 2025 HEFSP and 2026 HEFSP Amendment, attachments, and applicable implementing ordinances and resolutions, collectively referenced at SCHEDULE-1 hereto (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 Ho-Ho-Kus's Fourth Round 2025 HEFSP and 2026 HEFSP Amendment 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 Fourth Round Compliance Certification as to its Fourth Round 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 Prospective Need 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 possible 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 2025 HEFSP and 2026 HEFSP Amendment and earlier court orders, the Borough's Fourth Round Present Need or Rehabilitation Obligation is 0, the

Borough’s Prior Round Obligation (1987-1999) is 83, the Borough’s Third Round Obligation (1999-2025) is 195, the Borough’s Fourth Round Prospective Need (2025-2035) is 218.

5. The Borough’s Fourth Round Present Need is 0; therefore, there is no rehabilitation obligation.
6. The Borough’s Prior Round Obligation is 84 and the Borough’s Third Round Obligation is 195, which were combined and adjusted to a cumulative Prior Round/Third Round realistic development potential (“RDP”) of 30 and a cumulative Prior Round/Third Round Unmet Need of 248 through a COAH/Court-approved vacant land adjustment (“VLA”).
7. The Borough’s cumulative Prior Round/Third Round RDP of 30 has been met with the compliance mechanisms outlined in the Borough’s Prior Round Substantive Certification and Third Round Judgment of Repose which is described in Table 27 on Page 36 of the May 8, 2025 HEFSP and shown as follows:

<b>Ho-Ho-Kus Prior Round/Third Round Compliance RDP = 30</b>	<b>Credits</b>	<b>Bonuses</b>	<b>Total</b>
Brookside - 100% affordable family/sp. needs rentals (13 of 14) - completed	13	8, cap	21
The Crossings - inclusionary family affordable rentals (8 of 10)	8	-	8
614 N. Maple Ave – family affordable rental per litigation	1	-	1
Total	22	8	30

8. The Borough’s cumulative Prior Round/Third Round Unmet Need of 248 shall be addressed with the following previously adopted mechanisms: Downtown Inclusionary Overlay Zoning, Borough-wide Mandatory Setaside Ordinance and Development Fee Ordinance.

9. The Borough's Fourth Round Prospective Need of 218 units was adjusted to an RDP of 14 and a Fourth Round Unmet Need of 204. The Borough shall satisfy its RDP of 14 as described in amended Table 31 on Page 7 of the 2026 HEFSP Amendment and shown as follows:

<b>Ho-Ho-Kus Fourth Round Compliance Mechanisms RDP = 14</b>	<b>Credits</b>	<b>Bonuses</b>	<b>Total</b>
Brookside - 100% aff. fam. rental (1 of 14 bal.), complete	1	1	2
The Crossings – inclusionary family affordable rentals (2 of 10, bal.), complete	2	-	2
111 First St. – inclusionary family afford. rental, complete	1	-	1
Life Opportunities Group Home – aff. bedrooms, complete	4	2, cap	6
Tasko Site – inclusionary family affordable rentals, zoned	4	-	4
Total	12	3	15
Surplus	-	-	1

10. The Borough's Fourth Round Unmet Need of 204 shall be addressed with a continuation of the following mechanisms including the Borough-wide Mandatory Setaside Ordinance (now required to have a 20% affordable housing setaside for both for-sale and rental affordable units) and Development Fee Ordinance, as well as increased densities and revised zoning standards in the Downtown Inclusionary Overlay Zoning.

11. The Borough and FSHC agree that the following condition remains to be met as a condition after the grant of compliance certification:

- The Borough shall work to prepare and submit updated general for-sale and rental administrative manuals within ten (10) months.

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 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 2025 HEFSP and 2026 HEFSP Amendment.

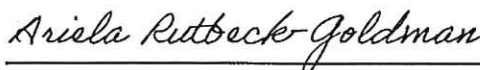
15. A copy of this Order shall be entered on eCourts and shall be effective as of the date of filing.

  
 Hon. \_\_\_\_\_, J.S.C.  
**LINA P. CORRISTON, J.S.C.**

On behalf of the Borough of Ho-Ho-Kus:

  
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 Timothy Wiss, Esq.

On behalf of Fair Share Housing Center:

  
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 Ariela Rutbeck-Goldman, Esq.

4/16/2026


**SCHEDULE – 1**

Date Filed	LCV #
5/9/25	LCV20251359058
6/26/25	LCV20251860544
6/26/25	LCV20251860583
2/23/26	LCV2026420099
2/25/26	LCV2026455773
3/4/26	LCV2026643160
3/6/26	LCV2026546045
3/13/26	LCV2026660565

**SUPREME COURT OF NEW JERSEY**

Pursuant to Rule 1:13-2(a), it is ORDERED that the payment of filing fees, other fees, and charges of public officers for service of process in connection with actions filed by the Fair Share Housing Center shall be waived; this Order is effective immediately and until further order of the Court.

For the Court:



Chief Justice

Dated: January 16, 2007