

Surenian, Edwards, Buzak & Nolan LLC
311 Broadway, Suite A
Point Pleasant Beach, NJ 08742
(732) 612-3100
Attorneys for Declaratory Plaintiff, Borough of Ramsey
By: Erik C. Nolan (Attorney ID:014032006)

**In the Matter of the Application
of the Borough of Ramsey, County
of Bergen.**

SUPERIOR COURT OF NEW JERSEY
Law Division, Bergen County
Docket No. BER-L-603-25

**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 of Ramsey (the "Borough" or "Ramsey") via counsel Erik C. Nolan, Esq. on behalf of the Borough, as well as Fair Share Housing Center ("FSHC"), via counsel Esme M. Devenney, Esq. on behalf of FSHC, seeking a certification of compliance with the Fair Housing Act ("FHA"); and

WHEREAS, the Borough having filed on January 24, 2025 a Fourth Round Declaratory Judgment Complaint with the Affordable Housing Dispute Resolution Program (the "Program") and the Court, along with a resolution that challenged the Fourth Round Present and Prospective Need Obligations issued by the Department of Community

Affairs ("DCA"); and

WHEREAS, the Court having entered an order on May 5, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 51 and a Prospective Need of 450; and

WHEREAS, the Borough having filed an adopted and endorsed Fourth Round Housing Element and Fair Share Plan ("2025 Plan") by the required June 30, 2025 FHA deadline; and

WHEREAS, FSHC and 40 N Franklin LLC having filed challenges to the 2025 Plan by the required August 31, 2025 FHA deadline; and

WHEREAS, the Borough and FSHC having negotiated a settlement and entered into a Mediation Agreement on December 12, 2025; and

WHEREAS, the Borough and 40 N Franklin LLC having negotiated a settlement and entered into a Mediation Agreement on December 12, 2025; and

WHEREAS, the Program having issued on January 26, 2026 a Report and Recommendation for approval of the Mediation Agreements and preliminary approval of the Borough's Fourth Round Housing Element and Fair Share Plan to be amended; and

WHEREAS, the Court having entered an Order on March 2, 2026 accepting and adopting the Program Member's Report and Recommendation for approval of the Mediation Agreements and preliminary approval of the Borough's Fourth Round Housing Element and Fair Share Plan to be amended; and

WHEREAS, the Borough's Planning Board having adopted on March

3, 2026 an Amended Housing Element and Fair Share Plan ("Amended HEFSP"), and the Borough having thereafter endorsed the Amended HEFSP and adopted its implementing resolutions and ordinances on March 11, 2026, and having submitted same to FSHC and the Court on March 13, 2026; and

WHEREAS, FSHC having reviewed the Borough's filing in accordance with the parties' Mediation Agreement and confirmed that the Borough has complied with the terms outlined in the Mediation Agreement; and

WHEREAS, the Court having reviewed the Borough's Amended 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; 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 Amended HEFSP, attachments, and applicable implementing ordinances and resolutions, collectively referenced at SCHEDULE-1 hereto as Exhibit P-1 through Exhibit P-7 (inclusive) and herein as the

"Implementing Ordinances & Resolutions", are hereby admitted into evidence and entered into the record.

2. The Borough of Ramsey's Fourth Round Amended HEFSP (Exhibit P-1) 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 all 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 by FSHC to the Borough and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle, in accordance with Fair Housing Act requirements.

4. As per the Borough's Fourth Round Amended HEFSP and earlier Court Order, the Borough's Present Need or Rehabilitation Obligation is 51, the Borough's Prior Round Obligation (1987-1999) is 189, the Borough's Third Round Obligation (1999-2025) is 736, and the Borough's Fourth Round Prospective Need (2025-2035) is 450.

5. The Borough will address its Present Need obligation through continued participation in the Bergen County Home Improvement Program and will utilize funds from the Borough's Affordable Housing Trust Fund to help fund this program.

6. The Borough has satisfied its Prior Round Obligation of 189 as follows:

MECHANISM	LOCATION	TYPE	UNITS	BONUS	TENURES	STATUS
RCA with Jersey City		RCA	94			Completed
Timber Valley	Block 3701, Lot 5	Inclusionary	21		Sale	Completed

Section 202 – age-restricted	Block 2802, Lot 10.01	100% affordable	24	7	Rental	Completed
Section 202 – handicapped	Block 2802, Lot 10.01	100% affordable	10	10	Rental	Completed
DeSimone Court	Block 3701, Lot 3	100% affordable	1	1	Rental	Completed
The Homestead	Block 2307, Lot 12	Group home	5		Rental	Completed
Airmount Woods	Block 4401, Lot 13.01	Group home	8	8	Rental	Completed
Total			163	26		

7. The Borough's Third Round Obligation of 736 was adjusted through a Third Round Vacant Land Adjustment, resulting in a Third Round Realistic Development Potential ("RDP") of 54, which was satisfied as follows:

MECHANISM	LOCATION	TYPE	UNITS	BONUS	TENURES	STATUS
Timber Valley	Block 3701, Lot 5	Inclusionary	13		Sale	Completed
DeSimone Court	Block 3701, Lot 4	100% affordable	3		Sale	Completed
DeSimone Court	Block 3701, Lot 3	100% affordable	11	11	Rental	Completed
Section 202 – age-restricted	Block 2802, Lot 10.01	100% affordable	13	3	Rental	Completed
Total			40	14		

8. The Borough will continue to address its Third Round Unmet Need of 682, through the following mechanisms:

MECHANISM	LOCATION	TYPE	UNITS	TENURES	STATUS
RCA with Jersey City		RCA	56		Completed
Timber Valley	Block 3701, Lot 5	Inclusionary	10	Sale	Completed
DeSimone Court	Block 3701, Lot 4	100% affordable	33	Sale	Completed
Section 202 – age-restricted	Block 2802, Lot 10.01	100% affordable	52	Rental	Completed
R-5A Garden Apartment Zone (20 du / acre 20% AH set-aside)	Block 3701, Lot 1	Inclusionary Zoning	19	TBD	Zoning Adopted
R-5B Island Road Overlay Zone (20 du / acre 15% AH set-aside rentals 20% AH set-aside for sale)	Block 3801, Lots 1 & 8 & Block 3803, Lot 1	Overlay Zoning	22 rentals or 29 for sale	TBD	Zoning Adopted
Mandatory Set-Aside Ordinance (MSO)	Borough- wide	MSO			Ordinance Adopted

9. As to its Fourth Round Prospective Need Obligation of 450, the Borough indicated in its 2025 Plan that through a Vacant Land Adjustment (hereinafter "VLA"), the Borough's Fourth Round RDP is 24. Since the Borough settled with objector developer 40 N Franklin LLC on a site that was originally excluded from the Borough's VLA analysis, this changed circumstance raised the Borough's Fourth Round RDP to 26,

leaving the Borough with a remaining Fourth Round Unmet Need of 424.

10. The Borough will address its Fourth Round RDP of 26 as follows:

MECHANISM	LOCATION	TYPE	UNITS	BONUS (25% CAP)	TENURES	STATUS
Ramsey Housing	Block 2308, Lot 1	Supportive and Special Needs	4	4*	Rental	Completed
1 Constantine Drive	Block 3603, Lot 1	Inclusionary (Family)	9	2**	Rental	Zoning Adopted
425 Island Road	Block 4201, Lots 5 & 6	Inclusionary (Age-Restricted)	5		Rental	Zoning Adopted/ Site Plan Approved
40 N. Franklin Turnpike	Block 4703, Lot 17	Inclusionary (Family)	2		TBD	Zoning Adopted
*Based on 1.0 bonus credit for each special needs/supportive housing unit.						
**0.5 bonus credit for each unit created within ½ mile of NJ Transit station.						
Total			20	6		

11. The Borough shall address its Fourth Round Unmet Need of 424 as follows:

MECHANISM	LOCATION	TYPE	UNITS	TENURES	STATUS
Ramsey Housing	Block 2308, Lot 1	Supportive and Special Needs	2	Rental	Completed
425 Island Road – age-restricted	Block 4201, Lots 5 & 6	Inclusionary	6	Rental	Zoning Adopted/ Site Plan Approved

R-5E Island Road Overlay Zone (19 du / acre 20% AH set-aside)	Block 3801 Lots 2-7, Block 3803 Lots 2-9, Block 3804 Lots 1 & 6-14, Block 4201 Lots 1-4 & 5 (partial), Block 4202 Lot 2	Overlay Zoning (Family)	70	Rental or For-Sale	Adopted Zoning
R-5F North Franklin Tpke Overlay Zone (13 du / acre 20% AH set-aside)	Block 4601 Lots 34, 35 & 41-43, Block 4603 Lots 1, 2, 3, 5, 6, 8, 9, 9.01, 10, 73 & 74, Block 4703 Lots 1.01, 1.02 & 15-18, Block 4808 Lots 2-7	Overlay Zoning (Family)	37	Rental or For-Sale	Adopted Zoning
Amended Mandatory Set-Aside Ordinance (MSO)	Borough-wide	MSO			Adopted Amendments to Ordinance*

* MSO has been amended to apply to all multi-family and single-family attached development of 5 or more new units with a minimum affordable housing set-aside of 20%, regardless of tenure.

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 to 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:

a. 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 Affordable Housing Trust Fund that have been collected by the Borough, including residential and non-residential development fees, along with the current balance in the Borough'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.

b. 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 affordable of housing units actually constructed, construction starts, certificates of occupancy granted, 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.

- c. For the midpoint realistic opportunity review as of July 1, 2030, as required 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 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 limited purpose of allowing FSHC and the Borough the opportunity to enforce the terms 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.




Hon. Lina P. Corriston, J.S.C.

On behalf of the Borough of Ramsey:



Erik C. Nolan, Esq.

On behalf of Fair Share Housing Center:



Esme M. Devenney, Esq.

Dated: April 28, 2026

SCHEDULE-1

P-1: Amended Housing Element and Fair Share Plan: The Borough's Amended Fourth Round Housing Element and Fair Share Plan was adopted by the Borough's Planning Board on March 3, 2026, and was endorsed by the Borough Council on March 11, 2026.

P-2: Agreement With 40 N Franklin, LLC: The Borough and challenger/developer 40 N Franklin, LLC entered into a required formal agreement on December 12, 2025.

P-3: Overlay Zone Ordinances: The Borough Council adopted the following two overlay zone ordinances on March 11, 2026: The R-5E Island Road Overlay Zone Ordinance and the R-5F North Franklin Turnpike Overlay Zone Ordinance.

P-4: Affordable Housing Ordinance, Mandatory Set-Aside Ordinance, and Development Fee Ordinance: The Borough adopted the following three additional ordinances on March 11, 2026: The Affordable Housing Ordinance, Mandatory Set-Aside Ordinance, and Development Fee Ordinance.

P-5: Administrative Agent Sales and Rental Operating Manuals: The Township adopted updated Administrative Agent Sales and Rental Operating Manuals on March 11, 2026.

P-6: Affirmative Marketing Plan: The Borough's Fourth Round Affirmative Marketing Plan was adopted by the Borough Council on March 11, 2026.

P-7: Spending Plan: The Borough Council adopted a Fourth Round Spending Plan.