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**In the Matter of the Application of  
Township of Wyckoff, County of Bergen.**

SUPERIOR COURT OF NEW JERSEY  
Law Division, Bergen County  
Docket No. BER-L-756-25

**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 Township via counsel Eric David Becker, Esq., as well as Fair Share Housing Center, via counsel Esmé Devenney, Esq. (on behalf of Fair Share Housing Center), seeking a certification of compliance with the Fair Housing Act (“FHA”) with conditions as specified in paragraph nine; and

**WHEREAS**, the Township of Wyckoff (the “Township” or “Wyckoff”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action on January 30, 2025; and

**WHEREAS**, the Township adopted a Round 4 Housing Element and Fair Share Plan (the “2025 HEFSP”) on June 25, 2025 and filed the 2025 HEFSP and supporting documents on June 26, 2025 with the Program; 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 29, 2026, and then an amendment to the mediation agreement which was filed on eCourts on April 6, 2026, and which the amended 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 Township;

**WHEREAS**, the Township having adopted its Amended HEFSP on March 11, 2026 and filed (via eCourts) with the Program the Amended HEFSP and implementing ordinances and resolutions on March 13, 2026; and

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

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

**WHEREAS**, the Court having reviewed the Township'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 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 1<sup>st</sup> day of June, 2026, ORDERED as

follows:

1. The Township's Fourth Round HEFSP, attachments, and applicable implementing ordinances and resolutions, collectively referenced at Schedule-1 hereto as Exhibits P-1 through P-25 (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 Township of Wyckoff's Fourth Round Fair Share Plan (P-1 through P-4 & P-25) 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 Township 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 Township'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 Township 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 Township'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 Township and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle.
4. As per the Township's Amended HEFSP and earlier court orders, the Township's Present Need or Rehabilitation Obligation is 40, the Township's Prior Round Obligation (1987-1999) is 221, the Township's Third Round Obligation (1999-2025) is 640, and the Township's Fourth Round Prospective Need (2025-2035) is 334 units.
5. The Township will address its Present Need of 40 units via continuation of Interlocal Services Agreement with Bergen County Department of Community Development (BCCD)s.
6. The Township Prior Round Obligation is 221 and has been met with the compliance mechanisms outlined in the Township's Prior Round Substantive Certification and Third Round final judgment of compliance and repose which is described in the June 25, 2025 HEFSP in the crediting tables on pages 14 and 15.

7. The Township's Third Round Obligation is 640, which was adjusted to an RDP of 46 and unmet need of 594, shall be addressed with the following mechanisms:

Satisfaction of the 46-unit RDP					
Development	Housing Type	Affordable Units	Bonus Credits	Total Credits	Status
Block 259, Lots 1, 2	Family Rental	3	0	3	Zoned
Turtle Creek Condos	Extensions: Family Sale	2	0	2	Completed
Block 216, Lots 17.01, 18, 19	Family Rental	1	0	1	Zoned
Block 216, Lots 13.08, 13.09, 13.10	Family Rental	2	0	2	Zoned <i>Increased set-aside to 20% for all tenure</i>
RCCR Group Home	Special Needs	5	5	10	Constructed
United Way/Madeline	Special Needs	6	6	12	Constructed
Maple Lake (Sarna), Block 320, Lots 10.02, 11	Family Rental	9	1	10	Zoned
CHCC Evergreen Court	Senior Rental	6 (of 24)	0	6	Constructed
<i>Total</i>		<i>34</i>	<i>12</i>	<i>46</i>	

Third Round Unmet Need Strategies		
Development	Housing Type	Density
West Main Street	Family, multi-family Sale or rental	12 du/ac
Bergen Brick and Tile	Family, multi-family, mixed use Sale or rental	15 du/ac
Chevrolet Dealership and Adjacent	Family, multi-family, mixed use Sale or rental	16 du/ac
Wyckoff Shopping Center	Family, multi-family, mixed use Sale or rental	10 du/ac
Abma Farm Excess Credits	Family Sale or rental	n/a

Third Round Unmet Need Strategies		
Development	Housing Type	Density
CHCC Evergreen Court excess units	Senior Rental	n/a
Mandatory Set-aside Ordinance	Various	Various

8. The Township’s Fourth Round obligation of 334, which is adjusted to an RDP of 0 and unmet need of 334, including the requirement that the municipality identify sites likely to redevelop to address at least 25 percent of the unmet need, shall be addressed with the mechanisms in the table below. The table identifies density and set-aside changes from the June 2025 HEFSP that were set forth in the Mediation Agreement with FSHC, the 2026 Amendment to the 2025 Fourth Round Housing Plan, and the Amendment to the Mediation Agreement (P-25) dated and filed on April 6, 2026.


<b>DEVELOPMENT</b>	<b>HOUSING TYPE</b>	<b>DENSITY &amp; SET-ASIDE</b>
Squaw Brook Church	Family, townhouse, and single-family. Sale or rental.	3 du/ac 15% / 20%
168 & 174 Franklin Avenue	Family, townhouse, and single-family. Sale or rental.	4.5 du/ac Approved – 20%
B-1 District along Godwin Ave. and Franklin Ave.	Family, mixed-use, townhouse, and multi-family. Sale or rental.	10 du/ac 20%
B-2 District along Godwin Ave. and Crescent Ave.	Family, mixed-use, townhouse, and multi-family. Sale or rental.	10 du/ac 20%
825 Wyndham Court	Family, multi-family, and townhouses. Sale or rental.	10 du/ac 20%
139 Franklin Avenue	Family, townhouse, and single-family. Sale or rental.	8 du/ac 20%
Goffle Road Expanded Area	Family, mixed-use, multi-family, and townhouses. Sale or rental.	16 du/ac <i>Increased from 10 du/ac</i> 20%
500 West Main Street	Family, multi-family, and townhouses. Sale or rental.	14 du/ac <i>Increased from 10 du/ac</i> 20%
475 Lafayette Avenue	Family, townhouse, and single-family. Sale or rental.	6 du/ac <i>Increased set-aside to 20%</i>

9. The Township and FSHC agree that following conditions remain to be met as conditions of compliance certification:
  - a. The Township shall provide FSHC with an adopted zoning ordinance for the Fourth Round mechanism at 168 and 174 Franklin Avenue by June 15, 2026.
  - b. The Township shall provide FSHC with an adopted updated Affordability Assistance Program Manual that is in accordance with the regulations at N.J.A.C. 5:80-26.1, et seq. and N.J.A.C. 5:99 by June 15, 2026.
  - c. The Township shall provide FSHC with an adopted updated Affirmative Marketing Plan by June 15, 2026.
10. The Township and FSHC recognize that substantial changes in circumstances affecting the Township'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 the Trial Court finds that such a substantial changed circumstance occurs, the Township 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 Township agrees that any additional RDP generated due to changed circumstances must be addressed in a manner that is consistent with controlling law.
11. The Township's Compliance Certification shall be subject to required ongoing monitoring as follows:
  - a. The Township 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.
  - b. The Township 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.

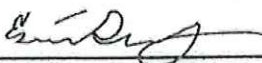
- c. For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the Township or other interested party may file an action through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review 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.
12. The Court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of Compliance and Repose and the Township's adopted Fourth Round HEFSP.
13. 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 Township of Wyckoff:

  
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Eric David Becker Esq.

On behalf of Fair Share Housing Center:

  
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Esmé M. Devenney, Esq.

## SCHEDULE-1

- P-1** 2025 Fourth Round Housing Plan (Housing Element & Fair Share Plan) – filed via eCourts on June 26, 2025.
- P-2** Resolution of the Planning Board of the Township of Wyckoff adopting a Fourth Round Housing Element and Fair Share Plan – filed via eCourts on June 26, 2025.
- P-3** 2026 Amendment to the 2025 Fourth Round Housing Plan (Housing Element & Fair Share Plan) – filed via eCourts on March 13, 2026.
- P-4** 2026 Amendment to the Land Use Plan Element of the Master Plan – filed via eCourts on March 13, 2026.
- P-5** Resolution of the Planning Board of the Township of Wyckoff adopting the 2026 Amendment to the 2025 Fourth Round Housing Plan and the 2026 Amendment to the Land Use Element – filed via eCourts on March 13, 2026.
- P-6** Planning Board Resolution recommending the adoption of Ordinances #2066, #2067, #2068, #2069, #2070, #2071, #2072, #2073, and #2074 – filed via eCourts on March 13, 2026.
- P-7** Resolution #26-84 Adopting an “Affirmative Marketing Plan” – filed via eCourts on March 13, 2026.
- P-8** Resolution #26-85 Resolution of Intent to Fund Spending Plan Shortfall for Affordable Housing Programs – filed via eCourts on March 13, 2026.
- P-9** Resolution #26-86 Resolution Approving the Fourth Round Affordable Housing Trust Fund Spending Plan – filed via eCourts on March 13, 2026.
- P-10** 2026 Fourth Round Spending Plan (Housing Element & Fair Share Plan) – filed via eCourts on March 13, 2026.
- P-11** Ordinance #2064 Repealing existing Chapter 77 and replacing it with a new Chapter 77, providing comprehensive regulations for the administration of Affordable Housing – filed via eCourts on March 13, 2026.
- P-12** Ordinance #2065 Repealing existing Article II, Development Fees of Chapter 113, replacing it with a new Article II, Development Fees – filed via eCourts on March 13, 2026.
- P-13** Resolution #26-87 Resolution endorsing the Amendment to the Housing Element and Fair Share Plan adopted by the Wyckoff Planning Board – filed via eCourts on March 13, 2026.
- P-14** Ordinance #2066 Amending the Land Use Ordinance to increase the affordable housing set-aside to 20% - filed via eCourts on March 13, 2026.
- P-15** Ordinance #2067 Revising zoning requirements for the B-1 District along Godwin Avenue and Franklin Avenue, effectuating the Township’s adopted 2025 Fourth Round HE&FSP – filed via eCourts on March 13, 2026.
- P-16** Ordinance #2068 Revising zoning requirements for the B-2 District along Godwin Avenue and Crescent Avenue, effectuating the Township’s adopted 2025 Fourth Round HE&FSP – filed via eCourts on March 13, 2026.
- P-17** Ordinance #2069 Expanding the AHO-2 overlay zone along Goffle Road, to be consistent with and designed to effectuate the Township’s adopted 2025 Round 4 HE&FSP and 2025 Mediation Agreement with Fair Share Housing Center – filed via eCourts on March 13, 2026.

- P-18** Ordinance #2070 Adding one new inclusionary overlay to a portion of Windham Court North to be consistent with and designed to effectuate the Township's adopted 2025 Round 4 HE&FSP and 2025 Mediation Agreement with Fair Share housing Center – filed via eCourts on March 13, 2026.
- P-19** Ordinance #2071 Adding one new inclusionary overlay zone (AHO-7) to be consistent with and designed to effectuate the Township's adopted 2025 Round 4 HE&FSP and 2025 Mediation Agreement with Fair Share Housing Center – filed via eCourt on March 13, 2026.
- P-20** Ordinance #2072 Adding one new inclusionary overlay zone (AHO-8) to be consistent with and designed to effectuate the Township's adopted 2025 Round 4 HE&FSP and 2025 Mediation Agreement with Fair Share Housing Center – filed via eCourts on March 13, 2026.
- P-21** Ordinance #2073 Adding one new inclusionary overlay zone (AHO-9) to be consistent with and designed to effectuate the Township's adopted 2025 Round 4 HE&FSP and 2025 Mediation Agreement with Fair Share Housing Center – filed via eCourts on March 13, 2026.
- P-22** Ordinance #2074 Amending the MF/AH9 Zone to be consistent with and designed to effectuate the Township's adopted 2025 Round 4 HE&FSP and 2025 Mediation Agreement with Fair Share Housing Center – filed via eCourts on March 13, 2026.
- P-23** Resolution #26-04 2026 appointment of the Municipal Housing Liaison for the Township of Wyckoff – filed via eCourts on March 13, 2026.
- P-24** Resolution #26-05J Award Contract – Affordable Housing Administration – filed via eCourts on March 13, 2026.
- P-25** Amendment to the Mediation Agreement before the Affordable Housing Dispute Resolution Program, effecting 475 Lafayette Avenue – filed via eCourts on April 6, 2026.