

Fair Share Housing Center

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**In the Matter of the
Application of the City of
Burlington, County of
Burlington.**

SUPERIOR COURT OF NEW JERSEY
Law Division, Burlington
County
Docket No. BUR-L-168-25

**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 City via Justin M. Strausser, Esq. (of The Platt Law Group P.C.), as well as Fair Share Housing Center, via counsel Laura S. Smith-Denker, Esq. (on behalf of Fair Share Housing Center), seeking a certification of compliance with the Fair Housing Act ("FHA"); and

WHEREAS, the City of Burlington (the "City" or "Burlington") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 22, 2025; and

WHEREAS, the above-named parties having previously presented a consent order to the Court which was entered on

February 13, 2026, and which consent order is incorporated herein by reference; and

WHEREAS, the City having filed its Housing Element and Fair Share Plan ("HEFSP") on June 30, 2025 and implementing ordinances and resolutions on March 6, 2026, March 13, 2026 and March 24, 2026; and

WHEREAS, Fair Share Housing Center ("FSHC") having reviewed the City's filing in accordance with the parties' consent order and confirmed that the City 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 City'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 29th day of April,
2026, **ORDERED** as follows:

1. The City's Fourth Round HEFSP, attachments, and applicable implementing ordinances and resolutions, collectively referenced at SCHEDULE-1 hereto as Exhibit P-1 through Exhibit P-11 (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 City of Burlington's Fourth Round Fair Share Plan (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 City 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 City'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 City 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 City'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 City and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle.
4. As per the City's HEFSP and earlier court orders, the City's Present Need or Rehabilitation Obligation is 63, the City's Prior Round Obligation (1987-1999) is 89, the City's Third Round Obligation (1999-2025) is 129, and the City's Fourth Round Prospective Need (2025-2035) is 30 units.
5. The City will address its Present Need via participation in the Burlington County Rehabilitation Program, utilization of the City's Housing Rehabilitation revolving loan account, and implementation of the City's DCA-funded housing rehabilitation program.
6. The City's Prior Round Obligation is 89 and has been met with the following mechanisms:

- Burlington Manor for 22 age-restricted rental units (prior cycle credits)
- Ingerman/The Willows at Burlington Mill for 17 family rental units and 17 bonus credits
- Catholic Charities group homes for 11 alternative living arrangement rental units and 6 bonus credits
- Salt & Light group homes for 7 alternative living arrangement rental units
- Oaks Integrated Services group homes for 8 alternative living arrangement rental units
- Habitat for Humanity for 2 family for-sale units

7. The City's Third Round Obligation is 129 and shall be met with the following mechanisms:

- Burlington Manor for 32 age-restricted rental units (prior cycle credits)
- Ingerman/The Willows at Burlington Mill for 48 family rental units and 33 bonus credits
- Triad/Neighborhood Stabilization Program for 8 family for-sale units (market-to-affordable)
- Historic/New Yorkshire Homes for 7 family for-sale units (market-to-affordable)

8. The City's Fourth Round Obligation is 30 and shall be met with the following mechanisms:

MECHANISM	TYPE	UNITS	BONUSES	TOTAL
Commerce Square redevelopment	Family rentals	20	10	30
Burlington Manor – proposed extension of controls	Senior rentals	9	0	9
TOTAL		29	10	39
<i>Surplus credits</i>		9		

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

- The City 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 City by February 15, 2026, and annually, shall provide the Department of Community Affairs with an up-to-date municipal status report based on its

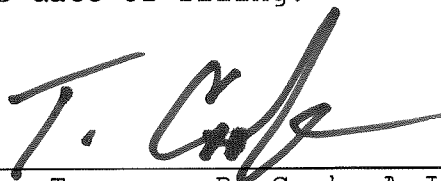
collection and publication of information concerning the number affordable of housing units actually constructed, construction starts, certificates of occupancy granted, the start and expiration dates of deed restrictions, and residential and non-residential development fees collected and expended, including 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.

10. The Court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of Compliance and Repose and the City's adopted Fourth Round HEFSP.

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



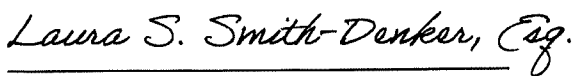
Hon. Terrence R. Cook, A.J.S.C.

On behalf of the City of Burlington:



Justin M. Strausser, Esq.

On behalf of Fair Share Housing Center:



Laura S. Smith-Denker, Esq.

CITY OF BURLINGTON
DOCKET NO. BUR-L-168-25

SCHEDULE 1

<u>DOCUMENT NAME (EXHIBIT P-#)</u>	<u>DATE ULOADED ON eCOURTS</u>
Housing Element and Fair Share Plan (P-1)	June 9, 2025
City Land Use Board Resolution 21-2025 Endorsing Housing Element and Fair Share Plan (P-2)	June 9, 2025
City Resolution 167-2025 Endorsing Housing Element and Fair Share Plan (P-3)	June 26, 2025
Affordability Assistance Program Manual and City Resolution 88-2026 Implementing Program Manual (P-4)	March 6, 2026
City Resolution 87-2026 Adopting the Spending Plan and Spending Plan (P-5)	March 6, 2026
Affirmative Marketing Manual and City Resolution 90-2026 Implementing Affirmative Marketing Plan (P-6)	March 6, 2026
City Ordinance No. 02-2026 Implementing Affordable Housing Obligations (P-7)	March 6, 2026
City Ordinance No. 03-2026 Implementing Affordable Housing Development Fees (P-8)	March 6, 2026
Affordability Assistance Policies and Procedures Manual (P-9)	March 6, 2026
Rehabilitation Manual and Polices and Policies and Procedures Manual (P-10)	March 13, 2026
City Resolution 92-2026 Adopting Polices and Procedures Manual for Administrative Agent (P-10)	March 24, 2026
City Resolution No. 96-2026 Adopting Rehabilitation Program Manual (P-11)	March 24, 2026