

Fair Share Housing Center

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In the Matter of the
Application of the Township of
Cinnaminson, County of
Burlington.

SUPERIOR COURT OF NEW JERSEY
Law Division, Burlington
County
Docket No. BUR-L-238-25

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 John C. Gillespie, Esq. (of Parker McCay P.A.), 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 Township of Cinnaminson (the "Township" or "Cinnaminson") 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 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 Township having filed its Housing Element and Fair Share Plan ("HEFSP") on June 10, 2025 and implementing ordinances and resolutions on March 16, 2026; and

WHEREAS, Fair Share Housing Center ("FSHC") having reviewed the Township's filing in accordance with the parties' consent order and confirmed that the Township 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 Township'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 Township's Fourth Round HEFSP, attachments, and applicable implementing ordinances and resolutions,

collectively referenced at SCHEDULE-1 hereto as Exhibit P-1 through Exhibit P-8 (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 Cinnaminson'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 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 HEFSP and earlier court orders, the Township's Present Need or Rehabilitation Obligation is 32, the Township's Prior Round Obligation (1987-1999) is 331, the Township's Third Round Obligation (1999-2025) is 315, and the Township's Fourth Round Prospective Need (2025-2035) is 89 units.
5. The Township will address its Present Need via participation in the Burlington County Rehabilitation Program.
6. The Township's Prior Round Obligation is 331 and has been met with the following mechanisms:

Sources of Units/Credits	Units	Bonus	Total
K-Land (Cresmont) Family Rentals	136	83	219
Supportive and Special Needs			
Cinnaminson Group Home (Kelsch Associates) 3 S. Forklanding Road, Block 2001, Lot 6.01	4		4
Quality Management Associates 60 Sussex Drive, Block 2404, Lot 28	4		4
The Arc of Burlington County 2421 Chestnut Hill Drive, Block 2811, Lot 8	4		4
Ally Group Home, 1414 Riverton Road, Block 1004, Lot 44.02	4		4
Regional Contribution Agreement with Pemberton Township	72		72
SC Holdings Family (Block 702, Lot 2)	20		20
Habitat for Humanity	4		4
Total	248	83	331

7. The Township's Third Round Obligation of 315 was previously adjusted via a Vacant Land Adjustment ("VLA", resulting in a Realistic Development Potential ("RDP") of 0 and an Unmet Need of 208
8. The Township's RDP of 0 is met with the following mechanisms:

Sources of Units/Credits	Units
Habitat for Humanity (Existing For-Sale ³)	6
Supportive and Special Needs Housing	41
MEND Age-Restricted at 1410 Riverton Road	54
Habitat for Humanity (Proposed For-Sale)	6
Market to Affordable (For-Sale/Rental)	NA
TOTAL	107

9. The Township's Unmet Need of 208 is addressed with the following mechanisms:
- IR-3 Overlay Zone at 20 du/ac with a 20% set aside to yield at least 170 affordable units on the following parcels:

- i. Block 421, Lot 1
- ii. Block 426, Lots 1.01, 1.02 and 1.03
- iii. Block 504, Lot 1
- iv. Block 505, Lots 2 and 3
- v. Block 506, Lots 2, 3, 4.01, 4.02, 5, 6.01 and 6.02
- vi. Block 507, Lots 1, 5.01 and 5.02
- vii. Block 508, Lots 1.01, 1.02, 3, 4, 6, 7 and 8
- IR-2 Overlay Zone at 15 du/ac with a 20% set aside to yield 66 affordable units on Block 2001, Lots 1, 2 and 3.
- Town-wide Mandatory Set Aside Ordinance

10. The Township's Fourth Round Obligation of 89 is adjusted via a VLA, resulting in a RDP of 3 and an Unmet Need of 86.

11. The Township's RDP of 3 is addressed with the following mechanisms:

- Habitat for Humanity for an unidentified number of units
- Cinnaminson Harbor for age-restricted units of an unidentified number due to the senior cap of 30% of actual units provided

12. The Township's Unmet Need of 86 is addressed with the following mechanisms:

- IR-3 Overlay Zone amended for increased density permitted
 - IR-2 Overlay Zone amended for increased density permitted
13. The Township and FSHC agree that the following long term condition remains to be met as a condition of the compliance certification:
- Long Term Condition: Habitat for Humanity - The Township will identify sites and provide the developer agreement(s) when available.
14. The Township's Compliance Certification shall be subject to required ongoing monitoring as follows:
- 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.

- The Township 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.

15. 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.

16. 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 Township of
Cinnaminson:

s/John C. Gillespie

John C. Gillespie, Esq.

On behalf of Fair Share
Housing Center:

Laura S. Smith-Denker, Esq.

Laura S. Smith-Denker, Esq.

Schedule-1

Document Type	Document Name	Adoption Date	Filed Date
Housing Element and Fair Share Plan	Cinnaminson Township, Burlington County, New Jersey Round Four Housing Element and Fair Share Plan dated May 30, 2025	6/9/2025	6/10/2025
Spending Plan	Cinnaminson Township Affordable Housing Trust Fund Spending Plan March 2026	3/16/2026	3/16/2026
Ordinance – Affordable Housing	Township of Cinnaminson: Ordinance 2026-3 An Ordinance of the Township of Cinnaminson to Repeal the Existing Chapter 145 and Replace it to include Updated Standards and Requirements Related to the Provision of Low and Moderate Income Housing	3/16/2026	3/16/2026
Resolution – Adopting Spending Plan	Township of Cinnaminson: Resolution 2026-49 Adopting the Spending Plan Pursuant to Fourth Round Affordable Housing Compliance	3/16/2026	3/16/2026
Resolution – Affirmative Marketing Plan	Township of Cinnaminson: Resolution 2026-50 Adopting Affirmative Marketing Plan	3/16/2026	3/16/2026
Resolution – Affordability Assistance	Township of Cinnaminson: Resolution 2026-51 Authorizing the Implementation and Expenditures for an Affordability Assistance Program	3/16/2026	3/16/2026
Resolution – Rehabilitation Program Manual	Township of Cinnaminson: Resolution 2026-52 Adopting the Rehabilitation Program Manual Pursuant to Fourth Round Affordable Housing Compliance	3/16/2026	3/16/2026
Resolution – Appoint Affordable Housing Liaison	Township of Cinnaminson Resolution 2026-29	1/5/2026	4/14/2026