

Fair Share Housing Center

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**In the Matter of the
Application of the Township of
Delanco, County of Burlington.**

SUPERIOR COURT OF NEW JERSEY
Law Division, Burlington
County
Docket No. BUR-L-219-25

**CIVIL ACTION
(Mount Laurel)**

**Consent Order Final Compliance
Certification (N.J.S.A.
52:27D-304q.)**

THIS MATTER having come before the Court via the joint request of the Township via counsel Douglas L. Heinold, Esq. (of Raymond Coleman Heinold LLP), 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 Delanco (the "Township" or "Delanco") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a Fourth Round declaratory judgment action on January 28, 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 4, 2025 and implementing ordinances and resolutions on March 4, 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 by the August 31, 2025 statutory deadline or any other communication in the matter; 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-6 (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 Delanco's Fourth Round 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 Township 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 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 possible 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 Fourth Round Present Need or Rehabilitation Obligation is 20, the Township's Prior Round Obligation (1987-1999) is 61, the Township's Third Round Obligation (1999-2025) is 131, and the Township's Fourth Round Prospective Need (2025-2035) is 30.
5. The Township will address its Fourth Round Present Need/ Rehabilitation Obligation via continued participation in the Burlington County Home Improvement Loan Program and

implementation of a Township-operated rental rehabilitation program.

6. The Township's Prior Round Obligation is 61 and has been met with the following mechanisms:

Delanco Township's Prior Round Compliance Mechanisms: 61 Prior Round	Credits	Bonuses	Total
<i>Inclusionary Developments (Completed)</i>			
Russ Farm – family affordable for-sale, off-site, 404 Illinois Ave.	1	0	1
Russ Farm/MEND/S&L –family afford rental, off-site	15	15	30
Russ Farm – funded RCA with Palmyra	14	0	14
River's Edge – family affordable for-sale, on-site (3 of 15)	3	0	3
River's Edge/Zurbrugg -senior afford. rental (11 of 27)	11 (max)	0	11
Creekside –family affordable rental (1 of 3)	1	1	2
Total	45	16	61

7. The Township's Third Round Obligation is 131 and shall be met with the following mechanisms:

Delanco Township Third Round Compliance Mechanisms (131 Obligation)	Credits	Bonuses	Total
<i>Inclusionary Developments (Completed)</i>			
River's Edge: family afford for-sale, on-site (12 of 15, bal.)	12	0	12
Creekside: family affordable rentals (2 of 3, bal.)	2	2	4
Zurbrugg: senior affordable rentals, (16 of 27, bal.)	16	0	16
High Point: in-lieu payment (paid)	-	-	-
<i>100% Affordable Sites (Completed)</i>			
Abundant Life/Living Springs: 94+ senior afford rentals	16, cap	0	16
Abundant Life/Living Springs Manor: sp. needs rentals (20)	20	5, cap	25
Oaks Integrated - Shad/Teal/Turtle: perm. supportive housing (3 units, 2 bedrooms ea., credit by the bedroom)	6	cap	6
Cornerstone at Delanco: family affordable rentals (26 of 63)	26	26	52
Total	98	33	131

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

Delanco Township Fourth Round Compliance Mechanisms (30 Obligation)	Credits	Bonuses	Total
<i>100% Affordable Sites (Completed)</i>			
Abundant Life/Living Springs –senior affordable rentals (78 of 94, bal., senior cap at 6)	6, cap	0	6
Cornerstone at Delanco –family afford rentals (17 of 63)	17	7, cap	24
Total	23	7	30
<i>Surplus Cornerstone family affordable rentals for future round: 20 [63 (Total) – 26 (Third Round) – 17 (Fourth Round) = 20 (Balance)]</i>			
<i>Excess Living Springs senior affordable rentals: 72 [94 (Total) – 16 (Third Round) – 6 (Fourth Round) = 72 (Balance)]</i>			

9. The Township and FSHC agree that the following long term conditions remain after the Court’s grant of Fourth Round Compliance Certification:

- The Township will continue to work with Oaks Integrated Care to explore options for the extension of affordability controls set to expire during the Fourth Round.
- The Township shall provide updated general for-sale and rental administrative manuals within one (1) year.

10. 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.

11. 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.
12. 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 Delanco:



Douglas L. Heinold, Esq.

On behalf of Fair Share Housing Center:

/s/ Laura S. Smith-Denker, Esq.

Laura S. Smith-Denker, Esq.